

# 7-Eleven Full Service Convenience Store, Fuel Pumps, and Car Wash

## Development Master Plan and Special Exceptions



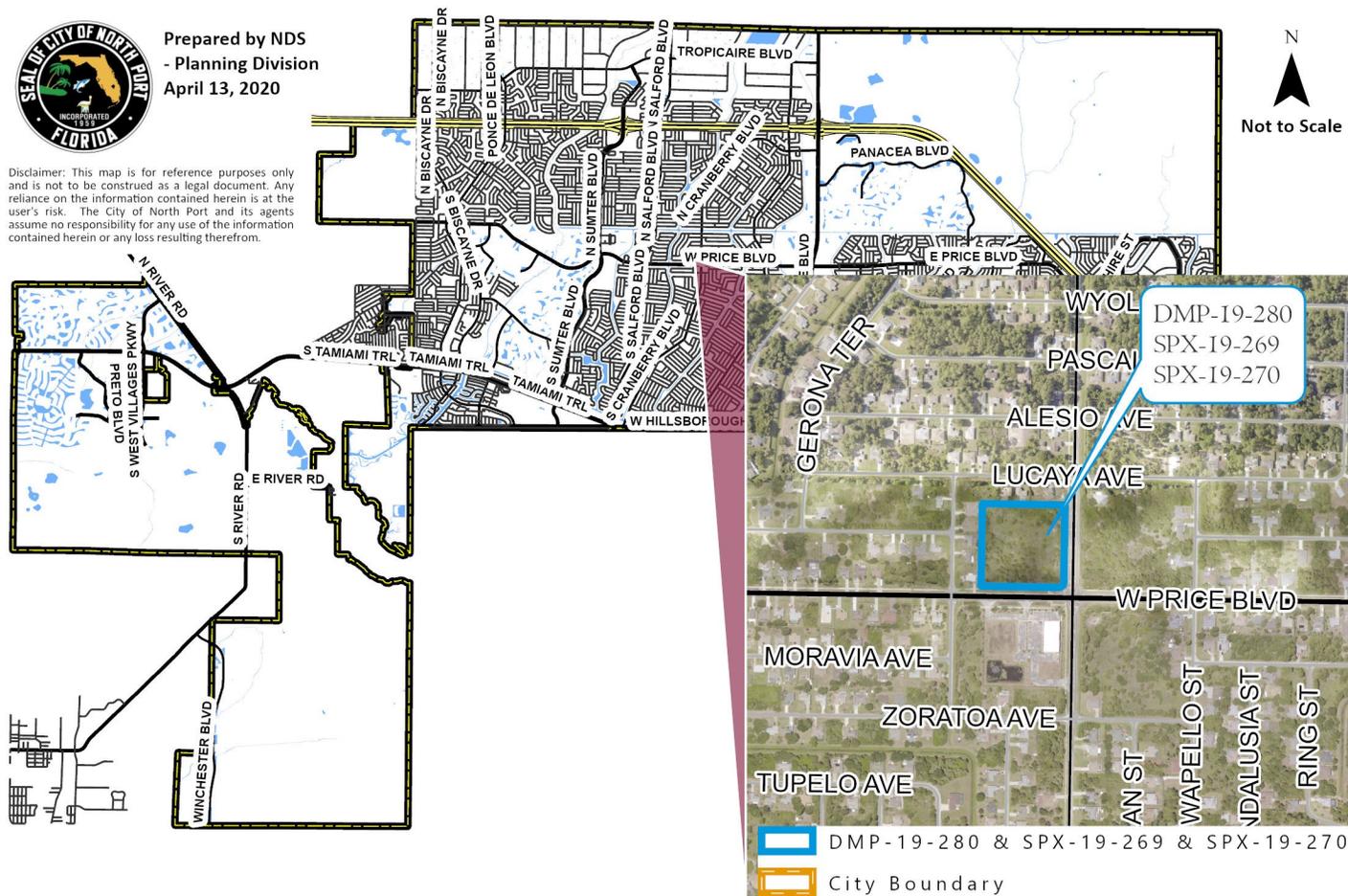
### STAFF REPORT

**From:** Alison Christie, AICP, Senior Planner  
**Thru:** Nicole Galehouse, AICP, Planning Division Manager  
**Thru:** Frank Miles, MPA, Director, Neighborhood Development Services  
**Date:** April 22, 2020



Prepared by NDS  
 - Planning Division  
 April 13, 2020

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**PROJECT:** 7-Eleven Full Service Convenience Store, Fuel Stations, and Car Wash DMP-19-280, SPX-19-269, & SPX-19-270

**REQUEST:** Approval of Development Master Plan Application to develop a convenience store and Special Exceptions for 16 fuel pumps and a car wash

**APPLICANT:** Jeffery A. Boone, Esq. on behalf of Weedon North Port LLC (**Exhibit A-1, Affidavit**)

**OWNERS:** Weedon North Port LLC (**Exhibit A-2, Warranty Deed**)

**LOCATION:** North of W. Price Blvd, South of Lucaya Ave, West of N. Cranberry Blvd, East of N. Waconia St.

## I. BACKGROUND

Jeffery A. Boone, Esq. on behalf of Weedon North Port LLC, has formally submitted to the City of North Port a Development Master Plan application to construct a full-service 7-Eleven which is to include a 3,454 SF convenience store, 16 fueling stations, and a 979 SF car wash (**Exhibit B**). The development is proposed on a ±4.15 acre parcel located north of W. Price Blvd and west of N. Cranberry Blvd. The parcel is zoned Neighborhood Commercial—High Intensity (NC-HI). NC-HI allows for convenience store usage, but requires the fuel station and car wash uses go through the special exception process.

The applicant is proposing a passive park with a 0.5 mile walking path on the northern and western part of the parcel. The applicant proposes that this park would be dedicated to the City of North Port for the reimbursement of park impact fees pursuant to a reimbursement agreement that would come before the City Commission as a separate application. This park would also serve as a buffer for the convenience store, fuel station, and car wash to the neighboring residential parcels immediately surrounding the site.

## II. REQUESTED WAIVERS

Pursuant to Unified Land Development Code (ULDC) Sec. 53-118—Modifications of regulations, the Commission may approve waivers to regulations during the Development Master Plan hearing process. The applicant is requesting four waivers from the ULDC. The requested modifications are outlined below:

### WAIVER #1

#### **ULDC Sec. 53-184.B(3)– Permitted Signs**

#### ***B. Prohibited signs in a Neighborhood Commercial District shall be as follows:***

#### ***(3) Freestanding monument signs.***

The applicant requests a waiver to allow for one (1) freestanding monument sign in order to advertise fuel prices as required by state law.

Staff Response: Florida Statute 526.111 (1) states that 'It is unlawful for any person, firm, or corporation to display, or allow to be displayed on his or her premises, any sign, placard, or other advertisement relating to the retail price of gasoline unless numerals thereon indicating fractions or portions of a whole number are at least half the size of the largest whole number on such sign.' According to ULDC Sec. 53-184.A, the permitted signs within the Neighborhood Commercial zoning districts include exempt signs, wall signs (with a 24-square foot maximum allowable area of sign face) and auxiliary signs. None of these allowable signs provide the ability to effectively advertise gasoline pricing, pursuant to the state code. Further Florida Statute 553.79 (22)(a)(2), restricts local governments from imposing 'any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway

abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.' Even though freestanding monument signs are prohibited within the Neighborhood Commercial zoning districts, in order to comply with the requirements of the state code, the requested freestanding monument sign cannot be restricted within this development if the fueling stations are permitted by special exception at this site.

**Staff supports this waiver if the special exception for the fuel pumps is granted.**

## WAIVER #2

### **ULDC Sec. 53-179.A – Permitted Principal Uses and Structures**

***The following shall be principal (P), special exceptions (SE), or not permitted (NP) uses and structures allowable in one (1) or both of the (NC) Neighborhood Commercial Districts. All commercial uses listed herein shall be conducted within completely enclosed buildings, unless exempted herein, and shall be visible and accessible to patrons walking or driving to the site and shall hold hours of operation (including deliveries) no earlier than 5:00 a.m. to no later than 10:00 p.m.***

The applicant requests a waiver to increase hours of operation to 24hours/7days.

Staff Response: Neighborhood Commercial districts are intended to provide for the commercial and retail activities in a manner convenient and yet not disruptive to adjacent residential areas. The requirements in the City Code, including those that specify the allowable hours of operation, are to ensure that the commercial and retail uses do not generate noise and traffic that may be hinder the quality of life for adjoining residences. In this case, the development proposes not only 24-hour use of the convenience store but also of the fuel stations and the car wash, which are both permissible only by special exception within the Neighborhood Commercial – High Intensity Districts. The fuel stations and car wash are more intense uses, which while they may be appropriate during the daytime, could produce excess noise and traffic that would be a nuisance to nearby residents. The regulation to limit hours of operation between 5am to 10pm will allow for these high intensity activities to be carried out in a manner that is less disruptive to the neighborhood character, maintain traffic on adjoining streets while also providing the services of the convenience store, fueling stations, and car wash to the residents as well as the City as whole.

**Staff does not support this waiver request.**

**WAIVER #3**

**ULDC Sec. 53-182 – Buffer Zone and Landscaping**

***A buffer zone is intended to provide noise abatement and an effective visual barrier between different land uses. A buffer zone shall consist of a landscaped strip and may include fences, walls or earthen berms which shall serve to provide a year-round visual screen at the time of installation. Visual screening comprised of a mixed planting of trees and shrubs in addition to walls, fences or berms shall serve to obstruct sightlines to and from adjacent properties, except in a required frontage buffer zone where the maximum height shall comply with Chapter 45 so as not to interfere with sight distance.***

***If the landscape buffer area is adjacent to a residential zoning district, the landscape buffer area shall be a minimum twenty (20) feet in width...***

The applicant requests a waiver from providing the buffer zone as described in ULDC Sec. 53-182. Instead the applicant proposes developing Lot 2 (as indicated in the attached site plan) into a passive park and dedicating it to the City as a buffer to the adjacent residential lots.

Staff Response: The intent of the buffer zone is to provide noise abatement and an effective visual barrier between different land uses. The site abuts Single Family Residential Zoning (RSF-2) to the north and west. The buffer zone and landscaping requirements for such conditions as per ULDC Sec. 53-182 are that the landscape buffer should be 20' in width, not overlapping with any required easements. Besides this, an eight-foot wall or a landscaped berm are required to provide an additional buffer to residential uses. The applicant proposes to divide the site into two lots, creating an L-shaped lot 'Lot 2' as a buffer between the convenience store and the adjoining residences.

The applicant proposes to construct a passive park on Lot 2, with an 8' walking path with lighting and seating, as detailed in the site plan provided, subject to a Park Impact Fee Reimbursement Agreement that is to be approved by City Commission separately. The park would be developed and constructed by the developer, pursuant to the agreement and then dedicated to the City. The passive park is to be developed prior to or concurrently with the 7-Eleven Convenience Store and a Certificate of Occupancy for the store will only be issued on completion of the park development.

Thus Lot 2, developed as a passive park with a 50' wide area where existing trees are retained would meet the intent of the buffer zone proposed in ULDC Sec. 53-182, providing adequate sound and visual screening to adjoining land uses.

**Staff supports this waiver with the passive park replacing the standard buffer.**

**WAIVER #4**

**ULDC Sec. 25-7.A – Dimensional Standards**

***Each parking space shall have a wheel stops pursuant to the design criteria shown in Sec. 21-8 and be a minimum of nine (9) feet wide by eighteen (18) feet in length.***

Staff Response: The ULDC requires provision of wheel stops on every parking space to prevent encroachment or intrusion of vehicles into pedestrian and landscaped areas. Bollards would be able to provide the same function. Further, bollards have been deemed nationally as an effective means to reduce storefront crashes. This would prevent damage and loss to life and property, while also serving the intent of the code.

**Staff supports this waiver.**

### III. NEIGHBORHOOD MEETING

Pursuant to ULDC Sec. 53-5.E, the applicant held a neighborhood meeting on December 18, 2019 at the Morgan Family Community Center in the City of North Port. The meeting was attended by several neighboring residents who spoke of their issues with the project. Some of the concerns expressed included potential traffic congestion, noise and light pollution, and destruction of wildlife habitat. The public notice, meeting agenda, and meeting minutes are attached as **Exhibit C**.

### IV. STAFF REVIEW

The three petitions were reviewed by the Staff Development Review (SDR) Team who provided the following comments about their review:

#### SOLID WASTE

*Frank Lama, Solid Waste Manager* - All commercial dumpsters/compactors must be placed inside of a corral. Each applicant is required to submit a plan showing solid waste and recycling collection points to ensure that they meet the City of North Port Solid Waste guidelines.

- 1) Enough corrals to maintain the amount of garbage and recycling that will be generated at this facility. Project corral is acceptable.
- 2) The corral must have a minimum of six feet high on three sides, made of opaque material, with a double gate in the front. Project corral minimum, double gate and material acceptable.
- 3) The size of the corral, making sure the minimum interior dimension must be met (20) feet wide by (10) feet deep. Corral sizing is correct at 20' wide by 10' deep acceptable.
- 4) Access, the truck must have space in front of the corral so it is sufficient to allow a safe ingress and egress (83 feet) for the collection truck. Project truck space of 83 feet ingress and egress not acceptable, re-submittal required.
- 5) Recycling is mandatory throughout the City. All generators of a recyclable material must separate their recyclables. Project allows for mandatory recycling and is acceptable.

#### STORMWATER/ ENVIRONMENTAL

*Elizabeth Wong, Stormwater Manager* - Stormwater review in the DMP phase included a general evaluation of the site location, topography, land cover and description of the proposed the type of stormwater treatment and attenuation system and proposed discharge location. The proposed wet detention stormwater pond footprint shown on the DMP plans is sufficient for the DMP phase submittal. As a detailed analysis of the stormwater system is

not required until the later major site and development (MAS) phase, the following are DMP conditions of approval that will be required to be addressed in the later MAS phase.

- The allowable flow from the site that can be discharged into Price Boulevard, cannot exceed the flow permitted in the drainage model that was approved by SWFMWD in Permit 43044411.000 issued February 13, 2020.
- The allowable flow from the site that can be discharged into Cranberry Boulevard, cannot exceed the existing condition flow into Cranberry Boulevard.

#### Wetland and Wildlife

The wetland survey indicated that property consists of uplands with no wetlands. The results of the protected species assessment did not indicate the subject property is inhabited or utilized by protected wildlife species.

## TRANSPORTATION

*Ben Newman, Project Engineer* - Items that I reviewed for development of this parcel are:

- traffic impacts to the City's roadway network of the proposed development – the projected additional trips to Cranberry Boulevard and Price Boulevard, for both the existing Price Boulevard two lane roadway and the widened five-lane roadway.
- The exact locations of proposed driveways onto Cranberry Boulevard and Price Boulevard and the type of access for these driveways (i.e. full median openings, right-in/right-out) and if dedicated turn lanes are warranted into either driveway – again for both the existing two lane roadway and the widened five lane roadway
- The paved radius of the proposed driveway connections to Cranberry Boulevard and to the current two lane roadway of Price Boulevard for tanker truck deliveries of fuel and compliance with the North Port Unified Land Development Code
- Internal configuration of the proposed development regarding traffic flow, drive aisle width and parking stall sizes.
- Site lighting for the proposed development
- Pavement markings and striping
- Regulatory (handicap parking) signage
- Pedestrian connectivity - sidewalks on-site and any sidewalks needed/ affected in City right-of-way abutting the parcel

## UTILITIES

*Darrell Smith, Construction Inspection Supervisor* – For the 7-11 project at Cranberry and Price Blvd. I reviewed the plans for Utility (water/sewer). Locations of lift station, water service, fire hydrant, and service connections to both existing water and force mains. The connection via a tapping sleeve and hot tap for water will be on the west side of Cranberry Blvd. where there is an existing 12" AC water main. The connection for sewer service will be on the south side of Price Blvd. either to the existing 8" or 12" force mains via a tapping sleeve and hot tap.

## POLICE

*Scott King, Operations Bureau Captain* - The following were a part of our staff review:

- Parking lot lighting locations covering of the area for patrons to pump gas and enter the main doors.

- Hours of the business (24/7 vs 6:00 AM – 11:00 PM) this will help to determine the amount of calls for service and additional patrol checks for when the business is closed.
- Surveillance cameras for investigative follow ups.
- Who has access to the surveillance cameras (manager or employee) and will it be on site or off site.
- How many access points to the building and their locations will assist us with how we respond to incidents.

## FIRE

*Peter Marietti, Fire Marshal* - During the review process for the subject named property, the Division of Fire Prevention provided a review of the specific elements of the Florida Fire Prevention Code, and the City of North Port Unified Land Development Code (ULDC), Chapters 37 & 60 . Included in the process was the Fire Department Access to the structure and property. In the original submittal, the project was difficult to access; however, in the second submittal there was significant changes made to accommodate fire apparatus to the structure and property. In addition, due to City of North Port specific requirements within the ULDC, we provided guidance and information relevant to the their project in order to help further the project along within the formal processes. Some of those items include elements of Water Supply for required Fire Suppression System, Hydrant and Fire Department Connection locations, and the requirements for Fire Alarm and Sprinkler Systems to name a few.

## PARKS

*Tricia Wisner, Assistant Director of Parks & Recreation* - For the 7-Eleven project at Cranberry and Price Blvd, I evaluated the potential to utilize a portion of the property as parkland. In discussions with representatives of the developer, they are willing to complete passive park improvements to approximately 2.24 acres of the parcel to provide a buffer between the commercial entity and neighboring residences. This greenspace will help meet a parkland need in this area and the improvements discussed would require a low level of maintenance and expense. Additionally, National Recreation and Park Association studies indicate that well maintained improved parkland helps deter unwanted behavior and improve home values.

## LEGAL

*City Attorney's Office*—Resolution 2020-R-11 and Resolution 2020-R-12 have been reviewed and approved by the City Attorney as to form and correctness.

# V. DATA & ANALYSIS

## FLORIDA STATUTES

### **Florida Statute 553.79**

***(22)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:***

***2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.***

Staff Findings: This Statute preempts local governments from regulating signage of gas stations so that the pricing of gasoline can be advertised pursuant to Florida Statutes. The project proposes development of 16 fuel pumps by special exception on the subject property. The use is permitted by special exception and if permitted would require advertisement of gasoline pricing according to the Florida Statutes. The applicant has requested for a waiver to ULDC Sec. 53-184.B(3) to add a free-standing monument sign for effectively advertising gasoline pricing.

***Staff concludes he proposed development is consistent with the requirements of F.S. 553.79, if approved with waiver #1.***

**Florida Statute 526.111**

***(1) It is unlawful for any person, firm, or corporation to display, or allow to be displayed on his or her premises, any sign, placard, or other advertisement relating to the retail price of gasoline unless numerals thereon indicating fractions or portions of a whole number are at least half the size of the largest whole number on such sign, and no such price of gasoline shall be advertised without the tax included.***

Staff Findings: The statute provides guidance for display for gasoline prices so as to be clearly visible and legible to approaching vehicles. The applicant has requested a waiver to ULDC Sec. 53-184.B(3) to add a free-standing monument sign to the development. This would enable them to effectively advertise gasoline pricing, pursuant to Florida Statute 526.111.

***Staff concludes the proposed development is consistent with the requirements of Florida Statute 526.111, if approved with waiver #1.***

**COMPREHENSIVE  
PLAN**

**Future Land Use Element, Goal 1**

***The first goal of the Future Land Use Element is to properly locate land uses so as to 'maximize the economic benefit and enjoyment of natural and man-made resources' while 'minimizing the threat to health, safety and welfare.'***

Staff Findings: The proposed project is located off of West Price Blvd. and is surrounded by single family residential . The area along West Price Blvd has a zoning of Neighborhood Commercial which neither allows or denies fuel stations and car washes, they must be approved through special exception.

The proposed conservation/park area will serve as a buffer between the site and the surrounding residential and provide a neighborhood passive park. The need for neighborhoods to have all elements for residents to be able to have the various amenities to fill the needs of their daily lives is outlined in the *Neighborhood* subsection of the *Planning Framework* section of the city's Comprehensive Plan.

*Staff concludes that the proposed development creates a space for the community to enjoy natural resources while maximizing economic benefit, fulfilling Future Land Use Element, Goal 1.*

**Future Land Use Element, Objective 4**

*Objective 4 encourages targeted development and planning strategies in order to promote development policies which will address safety, mobility, and aesthetic control.*

Staff Findings: The proposed project promotes neighborhood mobility and aesthetics by incorporating a commercial use in a minimally obstructive way. The project encourages neighborhood walkability by adding a conservation park with a walking trail that connects to existing sidewalks.

*Staff concludes that the proposed development meets Future Land Use Element, Objective 4.*

**Transportation Element, Objective 5**

*This objective aims to increase the pathways for pedestrians and bicyclists in the City of North Port.*

Staff Findings: The project proposes a park surrounding the site with a pathway for pedestrians and bicyclists. This passive park can be used as both a means of commuting through the busy intersection as well as an amenity to leisurely enjoy nature.

*Staff concludes the proposed development meets Transportation Element, Objective 5.*

**Transportation Element, Objective 7**

*Continue to provide landscaping and buffers along arterial and collector roadways to reduce sound and increase the aesthetics along the roadways.*

Staff Findings: The proposed project provides a 10 foot landscape buffer along West Price Blvd. and North Cranberry Blvd. with adequate foliage and trees to create a buffer between the street and the new development.

*Staff concludes that the proposed development meets the criteria outlined in Transportation Element, Objective 7.*

**Conservation and Coastal Management Element, Policy 1.12**

*Consistent with Policy 9.20 in the Future Land Use Element, the City shall amend the Unified Land Development Code as applicable, utilizing the site development review process to encourage the use of “green” design practices in public and private developments.*

Staff Findings: The proposed project is a private development that is offering to divide the 4.15 acre parcel in to two lots. The proposed site will use 1.91 acres, and the extra 2.24 acre parcel that surrounds the proposed project will be

used as a recreation/conservation area. The undeveloped parcel is proposed to be dedicated as a passive park, including a half-mile walking path. There are plans to enlarge the stormwater pond to add a visual element to the park, lending itself to the possible use of “green” design during the development. This will promote walkability in a more peaceful and safer environment than currently offered in the area. The two closest parks to the proposed location are the currently undeveloped Boca Chica Park ( $\pm 1.35$  mi) and Blue Ridge Park ( $\pm 1.23$  mi), so the addition of a 2.24 acre park will have a positive impact on the surrounding neighborhood.

***Staff concludes that the proposed development is consistent with Conservation and Coastal Management Element, Policy 1.12.***

**Recreation and Open Space Element, Policy 1.3**

***The City’s definition of “Open Space”, as it relates to recreation, is undeveloped public lands suitable for passive recreation and used primarily for parks, recreation, conservation, preservation of water resources, historic or scenic purpose, and greenways designed to buffer incompatible land uses. It varies considerably in size and may take the form of land or water surfaces.***

Staff Findings: The proposed project is offering to turn the 2.24 acres that surrounds the proposed project site into a recreational/conservation area. This allows for a natural buffer to surround the proposed project site that consists of more acreage than the proposed built area. Adding a passive park on the adjacent land will help soften the land use change between Neighborhood Commercial and the surrounding Residential zoning. A passive park with a walking trail, seating, and lighting is more aesthetically pleasing for the neighborhood than if it were to remain undeveloped vacant land. As a park the land would be maintained and would provide an additional local amenity. The closest park to the proposed site is 1.23 $\pm$  miles (Blue Ridge Park). Adding open space adjacent to the proposed site will produce a benefit for nearby residents by offering a visual break from the surrounding development. This proposed project fits directly into the City’s comprehensive plan.

***Staff concludes that the proposed DMP is consistent with Recreation and Open Space Element, Policy 1.3.***

**Recreation and Open Space Element, Objective 3**

***Promote the development of a privately supported neighborhood-based park system to fulfill the recreation and open space desires of existing and future neighborhoods within the City.***

Staff Finding: The proposed project is offering 2.24 acres that surround the proposed project site as recreation/conservation area. The open space can be a contribution to the neighborhood-based park system identified in the comprehensive plan. Adding the 2.24 acre parcel would be a positive gain for the City of North Port’s greenspace.

**Staff concludes that the proposed development complies with Recreation and Open Space Element, Objective 3.**

**Economic Development Element, Goal 1, Objective 1.1**

**Goal 1 of the Economic Development Element of the Comprehensive Plan is to promote and maintain balanced and orderly economic growth. To do this, Objective 1.1 states that the City shall plan, design, and implement programs, projects, and activities that support and assist in the expansion of existing businesses in the City and recruitment of new businesses.**

Staff Findings: The proposed project to develop a full-service convenience store with fueling stations and a car wash will add to commercial development within the city. Further, it will also increase job creation, enhancing the city economy.

**Staff concludes that the proposed development is consistent with the Economic Development Element, Goal 1, Objective 1.1.**

ULDC

**Chapter 25—Parking and Loading Regulations**

**The applicant has requested a waiver to provide bollards instead of wheel stops for parking spaces in this development.**

Staff Findings: This is done in order to prevent storefront crashes and prevent cross traffic. This request complies with the intent of the code, to prevent encroachment and intrusion of vehicles into pedestrian and landscaped areas.

**Staff concludes that the proposed development is consistent with provisions of ULDC Chapter 25.**

**Chapter 37, Article IV: Roadway Design and Construction Standards**

**The proposed passive park provides a 8' wide walking path as an alternate pedestrian connection between Price Boulevard and Cranberry Boulevard.**

Staff Response: The proposal of the passive park will help offload some pedestrian traffic at the busy intersection of Price Boulevard and Cranberry Boulevard. This is especially useful given that the fuel stations and car wash proposed in this development will attract additional vehicular traffic. Besides contributing to overall pedestrian safety along these major roadways, the walking path is designed to border the proposed stormwater retention pond providing a scenic view for pedestrian traffic. The Park Impact Fee Reimbursement Agreement states that the park will be constructed to City Code. The requirements for lighting pursuant to ULDC Sec. 37-50 will ensure pedestrian safety and security.

**Staff concludes that the development is consistent with the provisions of ULDC Chapter 37, Article IV.**

**Chapter 53—Zoning Regulations, Part 1.—General Provisions, Section 53-7—  
Development Master Plan Submission**

***A DMP is required on this site pursuant to ULDC Sec. 53-6 as it is zoned Neighborhood Commercial—High Intensity (NC-HI). ULDC Sec. 53-7 outlines the submission requirements for the Development Master Plan along with the submittal and approval process.***

Staff Findings: A complete application packet was submitted to the Planning Division of Neighborhood Development Services in accordance with ULDC Sec. 53-7.C on October 29, 2019. The Planning Division reviewed and processed the application in accordance with ULDC Sec. 53-7.D. and E.

***Staff concludes that the proposed Development Master Plan complies with the DMP requirements outlined in the ULDC.***

**Chapter 53 — Zoning Regulations, Article XIV: Neighborhood Commercial High/Low Intensity District**

***This zoning district is intended to provide commerce to the immediate area without causing disturbance to the adjacent residential areas.***

Staff Findings: This project proposes a convenience store, fuels pumps, and car wash for the site. Fuels stations and car washes are only allowed by special exception. A minimum 20-foot buffer zone is required where this zoning district abuts residential zoning. Either a berm or wall is required to provide additional noise abatement and visual screening. The applicant is requesting a waiver from this requirement as they are proposing a passive park to be located where the development abuts residential zoning. Although the park area is larger than the 20-foot width required, the applicant does not include a berm or wall to serve as a visual barrier to the adjacent residential lots.

***Staff concludes that the development is consistent with the intent of the requirements with waiver #2.***

**Chapter 53 — Zoning Regulations, Article XX Special Circumstance Regulations**

***Pursuant to section 53-240(5)(c), gasoline pumps, tanks, vents, pump islands and pump island canopies shall conform to side and rear setback requirements as for other structures in the district in which the use is located, provided that no such pump, tanks, vents, pump islands or pump island canopies shall be located closer than twenty-five (25) feet to any side of rear property line.***

Staff Findings: All setbacks are met or exceeded for gasoline pumps, tank, vents, pump islands and pump island canopies on the proposed site plan.

***Staff concludes that the proposed development meets the requirements of section 53-240(5)(c) of the ULDC.***

## FISCAL IMPACT ANALYSIS

Staff performed a fiscal impact analysis of the proposed development using the City's Fiscal Analysis Model (NP FAM). The model assesses operating revenue and expenses to the City from new developments. The model employs a modified per capita, "average cost" approach to determining fiscal impacts (**Exhibit D**).

Staff Findings: The model estimates that the project operates at a surplus of \$188,298 through the first 5-year period, and continues to decrease over time. The total surplus over years 1-30 is \$2,097,239. This indicates overall the project would economically benefit the City.

## SPECIAL EXCEPTION FINDINGS

As a part of this proposed development, the applicant is requesting two special exceptions, one for 16 fuel pumps and one for a car wash. Pursuant to the ULDC Chapter 53-Zoning Regulations, Part 4. Administrative Provisions, Article XXII-Special Exceptions, Section 53-259-Findings.A. states, "Before any special exception shall be approved, the Planning and Zoning Advisory Board and City Commission shall determine that:

(1) The granting of the special exception will not adversely affect the public interest, health, safety and general welfare;

(2) That the specific requirements in the Schedule of District Regulations (Part 2) governing the individual special exception, if any, have been met by the petitioner;

ULDC Sec. 53-259.A(3) also includes a list of 16 findings (listed as letters a—p) that where applicable, have been met. The findings will be listed separately for each special exception request as each must be able to stand on its own. Staff and the applicant's responses to each finding for both special exceptions are as follows:

## SPECIAL EXCEPTION FINDINGS: FUEL PUMPS

*(a) The proposed use shall be consistent with the intent, goals, objectives, policies and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in the Unified Land Development Code for the area in which the property is located.*

**Applicant Response:** The proposed special exception use of fuel pumps, in association with a permitted convenience store, is consistent with the intent, goals, objectives, policies and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in the Unified Land Development Code for the area in which the property is located. The City has identified in its Comprehensive Plan the importance of developing its Neighborhood Commercial properties. Chapter 2 of the Future Land Use Text states that many of the designated Neighborhood Commercial land uses are being purchased by Churches and Government facilities and that the loss of these areas affects the overall sustainability and diversification of the tax base of the City. In this same effort, Policy 4.18 instructs the City to monitor development of existing neighborhood commercial tracts and permits the City to recommend designating additional neighborhood commercial areas if necessary. The proposed use is also consistent with Policy 1.1.6 which instructs the City to seek to diversify its tax base through the implementation of

SPECIAL  
EXCEPTION  
FINDINGS: FUEL  
PUMPS

programs to attract additional commercial, industrial and mixed use developments and to encourage the development of vacant or underutilized parcels.

**Staff Findings:** Policy 2.1.4 of the City of North Port Comprehensive Plan Goals, Objectives and Policies states, "to ensure compatibility to adjacent residential neighborhoods, design standards and architectural guidelines shall apply to proposed Neighborhood Commercial development and to redevelopment within Neighborhood Commercial development areas."

The subject property is zoned Neighborhood Commercial High Intensity (NC-HI). As per ULDC Sec. 53-178, *"the intent of the NC Zoning Districts is to provide for the customary and traditional conduct of limited trade, retail sales and commerce in a manner convenient to and yet not disruptive to, adjacent residential areas. The NC Zoning Districts establish standards for the review of future neighborhood commercial plans and development projects on tracts or parcels located within or adjacent to existing residential neighborhoods, as depicted on the City's Future Land Use. Through coordinated application of standards regulating location and roadway access, open space, ground coverage, height, lighting, signage, landscape and other physical design elements, the intent of the NC Districts is achieved. Additionally, it provides a mechanism to attract and encourage employers to locate appropriate uses within neighborhood settings and contribute to the diversification of the economic base and the quality of life."*

Neighborhood Commercial is not intended to have the scale or intensity of commercial development as allowed in the CG zoning district. The characteristics of neighborhood retail establishments primarily engage in providing daily necessities such as milk, bread, eggs and toilet paper for the convenience of the surrounding neighborhood it serves. Fuel could be considered essential to daily needs as most people travel by automobile. The number of fuel pumps being requested is a considerably more intensive commercial use. The scale of the proposed use is consistent with commercial general zoning, where 16 fuel pumps are typical and falls outside the intent of the NC-HI zoning district to provide limited trade, retail sales, and commerce. It should be noted that there is access to fuel under two miles in each direction from the proposed site.

The proposed use of 16 fuel pumps in the Neighborhood Commercial zoning district exceeds the intensity contemplated by the intent, goals, objectives, policies and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in the Unified Land Development Code for the area in which the property is located. The intensity of the use is more consistent with Commercial General development and not in keeping with the character or intensity of neighborhood commercial zoning.

**Staff concludes that this standard has not been met as proposed. It could be met with fewer pumps.**

SPECIAL  
EXCEPTION  
FINDINGS: FUEL  
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(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 Plan Map contained in the Comprehensive Plan.*

**Applicant Response:** The intensity of the proposed fuel pump use is consistent with the intended future use of the designated land use area for the property, in accordance with the provisions of the Future Land Use Plan Map designation of Commercial contained in the Comprehensive Plan, and is adequately mitigated and buffered from the nearby residential areas by the 2.24 acre lot, dedicated to recreation/conservation use and providing a 130 +/- foot buffer, surrounding the property.

**Staff Findings:** The future land use for this property is Commercial. The use of fuel pumps is compatible with commercial uses and is consistent with the Future Land Use Plan Map contained in the Comprehensive plan.

**Staff concludes that his standard has been met.**

(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.*

**Applicant Response:** The proposed fuel pump use is not detrimental to the health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the neighborhood or adjacent uses and provides an economic benefit to the economy of the City by allowing a full-service convenience store will all of its services to the community.

**Staff Findings:** There are no records of previously approved special exceptions for fuel pumps as a use within the city. Fuel pumps within the City have been developed on properties zoned Planned Community Development, Village or Commercial General zoning districts and are permitted by right.

The proposed fuel pumps, if approved by special exception, must comply with all State and Federal regulations including Sarasota County Pollution Control Division for compliance with health and safety regulations. According to the EPA, Underground Storage Tanks (UST), *"must have secondary containment. A single-walled tank is the first or primary containment. Using only primary containment, a leak can escape into the environment. But by enclosing an UST within a second wall, leaks can be contained and detected quickly before harming the environment"*.

The proximity of the fuel pumps to the adjacent neighborhood provides convenient access to fuel for the residents, but there is also the possibility of significant health and safety hazards if the UST safety measures fail and an undetected underground leak occurs. Petroleum releases can contain

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contaminants and other pollutants that can seep into the ground and make the well water unsafe or unpleasant to drink.

According to data provided by the Economic Development Division of Neighborhood Development Services, the convenience store component would create 5.3 new jobs within walking distance of the neighborhood which is an added economic benefit to the City.

The proposed use of fuel pumps is not detrimental to the health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity to the neighborhood or adjacent uses.

**Staff concludes that this standard has been met. However, there is potential risk of contamination to the adjacent property owner wells. Although unlikely due to the EPA safety standards, the minimal risk should be considered.**

*(d) The intensity of the proposed use shall be harmonious with the character of other uses in the neighborhood.*

**Applicant Response:** The intensity of the proposed fuel pump use is harmonious with the character of other uses in the neighborhood, and is adequately mitigated and buffered from the nearby residential areas by the 2.24 acre lot, dedicated to recreation/conservation use and providing a 130 +/- foot buffer, surrounding the property.

**Staff Findings:** The accompanying development master plan shows 16 fueling stations. The property is surrounded by residential to the immediate north and west and Neighborhood Commercial High Intensity to the east and south. The property immediately to the south is the Dollar General, which is retails sales. The applicant is proposing a 2.24 acre recreation/conservation lot as a buffer between the residential properties to the convenience store and the proposed fuel pumps in an effort to mitigate impacts to the neighborhood. However, the proposed special exception to allow fuel pumps, particularly 16 fuel pumps, is more appropriate in Planned Community Developments or Commercial General zoning than Neighborhood Commercial. Although intended to be higher in intensity than Neighborhood Commercial Low-Intensity, Neighborhood Commercial High-Intensity is expected to be less intensive than traditional Commercial uses. Neighborhood Commercial is intended to provide limited trade, retail sales and commerce in a manner convenient to and yet not disruptive to adjacent residential areas. In the Commercial General (CG) zoning district convenience stores with gas stations are permitted uses by right. The standard 7-Eleven gas stations that have been constructed in the CG, PCD, and Village zoning districts within the City have an average minimum of between 12- 16 fuel pumps. To allow the number of fuel pumps characteristic to these zoning districts would cause compatibility issues. Reducing the number of fuel pumps is less intensive and more compatible with the intent of NC-HI.

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The intensity of the proposed use is not harmonious with the character of the other uses in the neighborhood. If the applicant would consider reducing the number of fuel pumps to at least half or fewer than proposed it would decrease the intensity of the land use.

**Staff concludes this standard has not been met as proposed. It could be met with fewer fuel pumps.**

*(e) The height and orientation of any proposed structure(s) shall be compatible with existing neighboring structures and uses.*

**Applicant Response:** The height and orientation of the fuel pumps will be compatible with existing neighboring structures and uses. The height of the fuel canopy structure is 17.6 +/- feet and is compatible with the 1 story neighboring structures and uses in the surrounding area.

**Staff Findings:** The zoning of the adjacent neighborhood is Residential Single Family zoning district, where the maximum building height is thirty-five (35) feet. The height of the fuel pump canopies is proposed at 17.6-feet high. The orientation of the fuel pumps at the front of the subject property along West Price Blvd. along with the proposed buffering is not intrusive and is compatible with existing neighboring structures and uses.

**Staff concludes this standard has been met.**

*(f) The subject parcel shall be adequate in shape and size to accommodate the proposed use and provide for appropriate separation between neighboring uses.*

**Applicant Response:** The subject parcel is adequate is shape and size to accommodate the proposed fuel pumps. The 2.24 acre recreation/conservation lot surrounding the property provides more than adequate separation between neighboring uses.

**Staff Findings:** The subject parcel is approximately 4.15 acres. The convenience store, fuel pumps and other structures will be located on 1.91 acres and cover approximately 7.32 percent of the total land area. The maximum lot coverage permitted in the NC-HI zoning district per ULDC Section 53-181, is 30% with a maximum of 5,000 sq. ft. per use. The fuel pumps with canopy are approximately 1,800 sq. ft. in area which falls well below the square foot maximum. The applicant is proposing to designate a 2.24 acre conservation/park area to include a linear park to provide buffering and screening to the adjacent residential properties.

**Staff concludes this standard has been met.**

*(g) The proposed use shall be adequately screened and buffered to effectively separate traffic, light and noise from existing or intended nearby uses.*

**Applicant Response;** The proposed fuel pumps will be adequately screened

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and buffered by the surrounding 2.24 acre recreation/conservation lot surrounding the property to effectively separate traffic, light and noise from existing or intended nearby uses. The fuel canopy structure is located near the corner of the Price Boulevard and Cranberry Boulevard intersection, and is south of the convenience store building, screening it from the residential lots to the north.

**Staff Findings:** The fuel pumps are shown on the site plan with placement toward the front of the parcel abutting Price Blvd. There is a vacant lot directly across North Cranberry Blvd. to the east which is zoned Neighborhood Commercial. To the south is the existing Dollar General. To the rear of the convenience store on the western side of the property and adjacent to the residential property to the north, the property owner is proposing to donate a passive park to provide buffering and screening to the adjacent residential properties. This buffer will separate traffic, light and noise from existing or intended nearby uses.

**Staff concludes this standard has been met.**

*(h) The loading and/or refuse areas shall not impose negative visual, odor or noise impacts on abutting uses or thoroughfares.*

**Applicant Response:** Not applicable to the Special Exception application.

**Staff Findings:** There is no loading or refuse areas proposed with the use of fuel pumps.

**This standard is not applicable.**

*(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.*

**Applicant Response:** The size and location of proposed signs will be in compliance with Chapter 29, Sign Regulations or these regulations, and will be compatible with the character of the existing neighboring uses.

**Staff Findings:** The applicant is proposing a monument sign, ±21 square feet in area and ±3.39 feet in height and two canopy signs. The monument sign not a permitted sign.

Chapter 29 Sign Regulations of the ULDC governs the permitted and prohibited sign classifications, location, number, size and height of signs. ULDC Sec. 29-10.D states, "Neighborhood Commercial District. No freestanding sign is permitted in any Neighborhood Commercial district". Free standing signs as per ULDC Sec. 29-5.D are defined as on-site, monument, pole or ground signs. The applicant is requesting a waiver from this section with their accompanying Development Master Plan to allow for one monument sign. Florida State Statute 553.79 preempts local governments from imposing any requirement on the design, construction, or location of signage advertising the retail price of

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gasoline. This would include the prohibition of a monument sign to display the price of gasoline.

**This standard will only be met if the applicant is granted the waiver.**

*(j) Exterior lighting shall be harmonious with the character of existing neighboring uses, in terms of glare, and required foot candles.*

**Applicant Response:** Exterior lighting will be harmonious with the character of existing neighboring uses, in terms of glare and required foot candles and in compliance with the City of North Port regulations, as well as will be buffered by the 2.24 acre recreation/conservation lot surrounding the property. As shown on the attached lighting plan, the light at the northern and western borders of the property, adjacent to the 2.24 acre recreation/conservation lot, does not exceed 0.2 foot-candles.

**Staff Findings:** The ULDC Sec. 37-50.C (10)-(12) provides regulations for under-canopy lighting, including gas/service stations, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination intensity in the area directly below the canopy shall not exceed twenty (20) maintained foot-candles and the maximum intensity shall not exceed thirty (30) initial foot-candles. The lighting and specification plan submitted with the application for special exception shows the foot candles surrounding the fuel pump canopy is under the maximum threshold of twenty (20) foot-candles. ULDC Sec. 37-50 also stipulates that spillover lighting onto neighboring residential properties must be no more than 0.1 foot candles. The submitted lighting plan complies with this regulation.

**Staff concludes this standard has been met.**

*(k) The ingress and egress to the subject parcel and any structure involved shall not adversely affect traffic flow, safety or control.*

**Applicant Response:** The ingress and egress to the fuel pump use involved will not adversely affect traffic flow, safety or control. The traffic study conducted for this project did not identify any transportation issues and found that the installation of site access turn lanes are not warranted.

**Staff Findings:** The Public Works and Fire/Rescue Departments have reviewed the proposed development master plan and the special exception application, and through their e-mail responses in regard to standard "k", have provided the following responses:

Fire/Rescue Department concerns regarding location of ingress and egress and turning radii for fire truck access have been addressed.

Public Works - As the 7-Eleven will be completed before Price Boulevard is widened, the developer will construct a raised concrete channeling device in the Price Boulevard driveway, similar to the one shown for the Cranberry Boulevard driveway connection to allow right-in/right-out

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only vehicular access. When Price Boulevard is widened, a concrete channeling device will be constructed between the east-bound Price Boulevard dedicated left turn lane and the inside west-bound Price Boulevard travel lanes that will prohibit left turns into and out of the Price Boulevard driveway of the 7-Eleven.

**Staff concludes this standard has been met.**

*(l) The access and internal circulation shall be adequate in case of fire or emergency.*

**Applicant Response:** The access and internal circulation will be adequate in case of fire or emergency and will have to be approved by the City's Fire Rescue Department.

**Staff Findings:** The proposed site provides two means of ingress/egress. Fire **and** Police have reviewed the access and internal circulation and have found it adequate in case of fire or emergency.

**Staff concludes this standard has been met.**

*(m)The proposed use shall not adversely affect traffic flow, safety or control on the surrounding roadway system.*

**Applicant Response:** The proposed fuel pump use will not adversely affect traffic flow, safety or control on the surrounding roadway system. The traffic study conducted for this project did not identify any transportation issues and found that the installation of site access turn lanes are not warranted.

**Staff Findings:** The following response has been provided by the City Engineer: "The approved traffic impact statement allocates 77% of the trips to/from this proposed use as "pass-by" meaning these trips are not "destination" trips but a stop on the way to or from the trip destination. "Destination" trips are 23% of the total trips to/from this proposed use. Thus, it is determined to have no "adverse" impacts to traffic flow, safety, or control of the City's surrounding roadway network".

**Staff concludes this standard has been met.**

*(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.*

**Applicant Response:** The location, type and availability of proposed potable water systems will be adequate for the proposed uses and will not adversely affect neighboring potable water systems. The City has issued a "Willingness to Serve" letter indicating that the City is willing to provide water, sanitary sewer and eventually reclaimed water capacity to the project

**Staff Findings:** The willingness to serve letter provided by the Utilities Department shows there is available water and sewer to serve the site and will not adversely affect neighboring potable water systems **(Exhibit X)**.

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**Staff concludes this standard has been met.**

*(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.*

**Applicant Response:** The location, type and availability of the proposed wastewater systems will be adequate for the proposed uses and compatible with drainage conditions in the area and neighboring uses. The City has issued a “Willingness to Serve” letter indicating that the City is willing to provide water, sanitary sewer and eventually reclaimed water capacity to the project

**Staff Findings:** The willingness to serve letter provided by the Utilities Department shows there is available sewer to adequately serve the site and compatible with drainage conditions in the area and neighboring uses **(Exhibit X)**.

**Staff concludes this standard has been met.**

*(p) The proposed use shall not cause or intensify flooding of neighboring uses.*

**Applicant Response:** The proposed fuel pump use will not cause or intensify flooding of neighboring uses and the applicant will have to receive approval from the City and a permit from SWFWMD to build the project.

**Staff Findings:** The site is in Flood Zone X, which is an area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods.

The following response has been provided by the Stormwater Manager: “We have not received detailed design and drainage report analysis to show that the proposed use shall not cause or intensify flooding of neighboring uses. This will need to be done in the later MAS application. **Staff concludes this standard is required to be met at the Major Site and Development application.**

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*(a) The proposed use shall be consistent with the intent, goals, objectives, policies and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in the Unified Land Development Code for the area in which the property is located.*

**Applicant Response:** The proposed special exception use of a car wash, in association with a permitted convenience store, is consistent with the intent, goals, objectives, policies and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in the Unified Land Development Code for the area in which the property is located. The City has identified in its Comprehensive Plan the importance of developing its Neighborhood Commercial properties. Chapter 2 of the Future Land Use Text states that many of the designated Neighborhood Commercial land uses are being purchased by Churches and Government facilities and that the loss of these areas affects the overall sustainability and diversification of the tax

base of the City. In this same effort, Policy 4.18 instructs the City to monitor development of existing neighborhood commercial tracts and permits the City to recommend designating additional neighborhood commercial areas if necessary. The proposed use is also consistent with Policy 1.1.6 which instructs the City to seek to diversify its tax base through the implementation of programs to attract additional commercial, industrial and mixed use developments and to encourage the development of vacant or underutilized parcels.

**Staff Findings:** The subject property is zoned Neighborhood Commercial High Intensity (NC-HI). Policy 2.1.4 of the City of North Port Comprehensive Plan Future Land Use Goals, Objectives and Policies states, "to ensure compatibility to adjacent residential neighborhoods, design standards and architectural guidelines shall apply to proposed Neighborhood Commercial development ..."

Similarly, the intent of this zoning district is identified in ULDC Sec. 53-178, "to provide for the customary and traditional conduct of limited trade, retail sales and commerce in a manner convenient to and yet not disruptive to, adjacent residential areas. Through coordinated application of standards regulating... physical design elements, the intent of the NC Districts is achieved. It provides a mechanism to attract and encourage employers to locate appropriate uses within neighborhood settings and contribute to the diversification of the economic base and the quality of life."

The NC-HI district is not intended to have the scale or intensity of commercial development allowed in the Commercial General (CG) zoning district, but rather to provide appropriate uses in a manner that is convenient yet not disruptive to neighbors. The characteristics of neighborhood retail establishments are that they are commonly smaller in scale and provide services for the immediate surrounding residents. The proposed use of a car wash fits within the intent of this zoning district as it is a retail sale of a service that could be used by the immediate surrounding residents. It is smaller in scale in that it is proposed to be 979 square feet and serve one car at a time. However, a convenience store with car wash is specifically not permitted in Neighborhood Commercial – Low Intensity, and only by special exception in High Intensity, indicating that even a single vehicle car wash as proposed here is a higher intensity use that should be evaluated on a case-by-case basis.

The subject property is immediately bordered on two sides by residential single-family zoning and by roadways on the others. As a part of the Development Master Plan, the applicant is proposing a passive park to be dedicated to the City which lies between the residential homes and the proposed development on the north and west sides of the property. The car wash is proposed on the west side of the property, one which borders the proposed park. Though this does add more separation between the residential zoning and proposed development, there is still the potential for negative effects such as noise or

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light pollution. If the car wash were located on the south or east sides of the property it would be farther from the passive park and neighboring residential zoning. It should also be noted that there are car washes in similar developments under two miles in each direction from the subject property.

The proposed use of a car wash in the Neighborhood Commercial zoning district is consistent with the intent, goals, objectives, policies and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in the Unified Land Development Code for the area in which the property is located.

**Staff concludes this standard has been met.**

*(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 Plan Map contained in the Comprehensive Plan.*

**Applicant Response:** The intensity of the proposed car wash use is consistent with the intended future use of the designated land use area for the property, in accordance with the provisions of the Future Land Use Plan Map designation of Commercial contained in the Comprehensive Plan, and is adequately mitigated and buffered from the nearby residential areas by the 2.24 acre lot, dedicated to recreation/conservation use and providing a 130 +/- foot buffer, surrounding the property. The additional buffering by the 2.24 acre recreation/conservation lot is consistent with Policy 4.10 which calls for the implementation of buffering, screening and landscaping by neighborhood commercial properties to ensure compatibility with surrounding residential uses.

**Staff Findings:** The future land use for this property is Commercial. The use of a car wash is compatible with commercial uses and is consistent with the Future Land Use Plan Map contained in the Comprehensive Plan. Although intended to be higher in intensity than Neighborhood Commercial Low-Intensity, Neighborhood Commercial High-Intensity is expected to be less intensive than general Commercial uses. The intent of the Neighborhood Commercial district is to provide limited trade, retail sales and commerce in a manner convenient to and yet not disruptive to adjacent residential areas.

In the Commercial General (CG) zoning district, car washes are a permitted use by right. It is listed as "automotive car wash" rather than "convenience store with car wash" as it is in Neighborhood Commercial. The intent is to allow for larger car washes that serve more than one vehicle at a time that are not attached to a convenience store. Allowing a smaller scale car wash that is attached to a convenience store is a similar, yet less intense use than what is permitted in Commercial General and fits the intent of the NC-HI district.

**Staff concludes this standard has been met.**

*(c) The proposed use, singularly or in combination with other previously*

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*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.*

**Applicant Response:** The proposed car wash use is not detrimental to the health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the neighborhood or adjacent uses and provides an economic benefit to the economy of the City by allowing a full-service convenience store will all of its services to the community.

**Staff Findings:** There is no record of a previously approved special exception for a car wash as a use within the City. Car washes have been developed on properties zoned Planned Community Development, Village, or Commercial General and are permitted by right in those districts.

The appearance and aesthetics of the car wash will be required to comply with the design criteria as outlined in ULDC Sec. 53-181 and the adopted Urban Design Standards Pattern Book.

According to data provided by the Economic Development Division, the convenience store component would create 5.3 new jobs within walking distance of the neighborhood which is an added economic benefit to the City. The addition of a car wash would not directly provide the jobs, however, would bring in additional revenue to the convenience store to support its operation.

If approved by special exception, the car wash shall be required to comply with all local, state, and federal health and safety regulations.

The proposed use of fuel pumps is not detrimental to the health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity to the neighborhood or adjacent uses.

**Staff concludes this standard has been met.**

*(d) The intensity of the proposed use shall be harmonious with the character of other uses in the neighborhood.*

**Applicant Response:** The intensity of the proposed car wash use is harmonious with the character of other uses in the neighborhood, and is adequately mitigated and buffered from the nearby residential areas by the 2.24 acre lot, dedicated to recreation/conservation use and providing a 130 +/- foot buffer, surrounding the property.

**Staff Findings:** The subject property is located on the northwest corner of Price Boulevard and Cranberry Boulevard. It is immediately surrounded by residential to the north and west and Neighborhood Commercial High Intensity to the east and south on the other side of the two roadways. The property immediately to the south has been developed and has a Dollar General,

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which is a commercial use. The property to the east is vacant. The applicant is proposing a 2.24 acre passive park to be dedicated to the City which would act as a buffer between the residential properties and the development, including the convenience store, proposed fuel pumps, and proposed car wash which would help mitigate impacts to the neighborhood. Though the park would help to mitigate any negative impacts, there is still the potential to negatively affect neighboring residential property owners. Though it is a single-vehicle car wash and less intense than what is allowed in other districts, it is located on a side of the subject property that puts it closer to the park and residential zoning. In addition, as a part of the accompanying Development Master Plan the applicant is requesting a waiver that would allow the uses to operate and be open 24 hours a day. This increases the intensity of the use and its potential to have negative impacts on the surrounding neighborhood as there could be activity at all hours of the day.

The intensity of the car wash as proposed is not harmonious with the character of the other uses in the neighborhood. If the applicant would consider changing the site layout to move the carwash to the south or east sides of the property and/or reduce their requested operating hours, it would decrease the intensity of the use.

**Staff concludes this standard has not been met.**

*(e) The height and orientation of any proposed structure(s) shall be compatible with existing neighboring structures and uses.*

**Applicant Response:** The height and orientation of the car wash will be compatible with existing neighboring structures and uses. The car wash building is proposed to be 17 +/- feet tall and is compatible with the 1 story neighboring structures and uses in the surrounding area. The entrance and exit of the car wash is oriented north/south and is consistent with the orientation of the convenience store building.

**Staff Findings:** The zoning of the adjacent neighborhood is RSF-2 which has a maximum building height of thirty-five (35) feet. The proposed height of the car wash is 16' 8", less than half of the permitted height.

**Staff concludes this standard has been met.**

*(f) The subject parcel shall be adequate in shape and size to accommodate the proposed use and provide for appropriate separation between neighboring uses.*

**Applicant Response:** The subject parcel is adequate in shape and size to accommodate the proposed car wash. The 2.24 acre recreation/conservation lot surrounding the property provides more than adequate separation between neighboring uses.

**Staff Findings:** The subject parcel is approximately 4.15 acres. The convenience store, fuel pumps and car wash will be located on 1.91 acres and cover

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approximately 7.32 percent of the total land area. The maximum lot coverage permitted in the NC-HI zoning district per ULDC Sec. 53-181, is 30% with a maximum of 5,000 sq. ft. per use. The car wash is 979 sq. ft. in area which falls well below the square foot maximum. The applicant is proposing to designate a 2.24 acre conservation/park area to include a linear park to provide buffering and screening to the adjacent residential properties.

**Staff concludes this standard has been met.**

*(g) The proposed use shall be adequately screened and buffered to effectively separate traffic, light and noise from existing or intended nearby uses.*

**Applicant Response:** The proposed car wash will be adequately screened and buffered by the surrounding 2.24 acre recreation/conservation lot surrounding the property to effectively separate traffic, light and noise from existing or intended nearby uses. This 2.24 acre recreation/conservation lot provides a 130 +/- foot buffer to the nearby residential properties. As shown on the attached lighting plan, the light at the northern and western borders of the property, adjacent to the 2.24 acre recreation/conservation lot, does not exceed 0.2 foot-candles.

**Staff Findings:** The proposed car wash is shown on the site plan on the west side of the property adjacent to the passive park with residential on the other side. The 2.24 acre passive park is proposed to act as natural screening and a buffer for the residential properties from the proposed development. This will include natural vegetation, as well as an 8-foot wide walking path with appropriate lighting and seating.

ULDC Sec. 53-182 requires a buffer zone to provide noise abatement and a visual barrier between differing land uses. When abutting residential zoning, it is required to be at least 20-feet in width and provide either an 8-foot wall or a berm. The applicant is requesting a waiver from this specific requirement as the park they are proposing is much larger than the required 20-foot buffer zone. The proposed park is 60 feet wide and the car wash is set back an additional 87 feet from the park boundary. The 2.24-acre park meets the intent of this section in providing separation from traffic, light, and noise. An additional increase in separation is possible if the applicant were to adjust site layout and relocate the car wash to the south or east side of the property.

**Staff concludes his standard has been met.**

*(h) The loading and/or refuse areas shall not impose negative visual, odor or noise impacts on abutting uses or thoroughfares.*

**Applicant Response:** Not applicable to the Special Exception application.

**Staff Findings:** There are no loading or refuse areas proposed with the car wash use.

**This standard is not applicable.**

(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.*

**Applicant Response:** The size and location of proposed signs will be in compliance with Chapter 29, Sign Regulations or these regulations, and will be compatible with the character of the existing neighboring uses.

**Staff Findings:** The applicant is proposing 4 directional signs on the car wash building. These are considered exempt signs, which are permitted per ULDC Section 53-184.A(1).

**Staff concludes this standard has been met.**

(j) *Exterior lighting shall be harmonious with the character of existing neighboring uses, in terms of glare, and required foot candles.*

**Applicant Response:** Exterior lighting will be harmonious with the character of existing neighboring uses, in terms of glare and required foot candles and in compliance with the City of North Port regulations, as well as will be buffered by the 2.24 acre recreation/conservation lot surrounding the property which provides a 130 +/- buffer to the nearby residential properties. As shown on the attached lighting plan, the light at the northern and western borders of the property, adjacent to the 2.24 acre recreation/conservation lot, does not exceed 0.2 foot-candles.

**Staff Findings:** The ULDC Sec. 37-50 provides regulations for site lighting. Additionally, ULDC Sec. 37-50.C(6) stipulates the illumination projected from any property to a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving property. The lighting plan submitted meets this requirement.

ULDC Sec. 37-50.C(4) prohibits illumination of signs, building facades, and surrounding landscapes between the hours of 12:00 p.m. and dawn, except that such lighting for a commercial establishment may remain illuminated while open for business. The applicant is requesting a waiver to remain open for 24 hours a day. Though the lighting plan indicates no spillover onto residential properties, this would be more apparent at night and have more of a potential to cause problems for neighbors in the future.

**Staff concludes this standard has been met.**

(k) *The ingress and egress to the subject parcel and any structure involved shall not adversely affect traffic flow, safety or control.*

**Applicant Response:** The ingress and egress to the car wash use involved will not adversely affect traffic flow, safety or control. The traffic study conducted for this project did not identify any transportation issues and found that the installation of site access turn lanes are not warranted.

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**Staff Findings:** The Public Works and Fire/Rescue Departments have reviewed the proposed development master plan and the special exception application, and through their e-mail responses in regard to standard “k”, have provided the following responses:

Fire/Rescue Department concerns regarding location of ingress and egress and turning radii for fire truck access have been addressed.

Public Works - As the 7-Eleven will be completed before Price Boulevard is widened, the developer will construct a raised concrete channeling device in the Price Boulevard driveway, similar to the one shown for the Cranberry Boulevard driveway connection to allow right-in/right-out only vehicular access. When Price Boulevard is widened, a concrete channeling device will be constructed between the east-bound Price Boulevard dedicated left turn lane and the inside west-bound Price Boulevard travel lanes that will prohibit left turns into and out of the Price Boulevard driveway of the 7-Eleven.

**Staff concludes this standard has been met.**

*(l) The access and internal circulation shall be adequate in case of fire or emergency.*

**Applicant Response:** The access and internal circulation will be adequate in case of fire or emergency and will have to be approved by the City's Fire Rescue Department.

**Staff Findings:** The proposed site provides two means of ingress/egress. Fire and Police have reviewed the access and internal circulation and have found it adequate in case of fire or emergency.

**Staff concludes this standard has been met.**

*(m)The proposed use shall not adversely affect traffic flow, safety or control on the surrounding roadway system.*

**Applicant Response:** The proposed car wash use will not adversely affect traffic flow, safety or control on the surrounding roadway system. The traffic study conducted for this project did not identify any transportation issues and found that the installation of site access turn lanes are not warranted.

**Staff Findings:** The following response has been provided by the City Engineer: “The approved traffic impact statement allocates 77% of the trips to/from this proposed use as “pass-by”, meaning these trips are not “destination” trips but a stop on the way to or from the trip destination. “Destination” trips are 23% of the total trips to/from this proposed use. Thus, it is determined to have no “adverse” impacts to traffic flow, safety or control of the City's surrounding roadway network”.

**Staff concludes this standard has been met.**

*(n) The location, type and availability of proposed potable water systems shall be adequate for the proposed use and shall not adversely affect neighboring*

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WASH

potable water systems.

**Applicant Response:** The location, type and availability of proposed potable water systems will be adequate for the proposed uses and will not adversely affect neighboring potable water systems. The City has issued a "Willingness to Serve" letter indicating that the City is willing to provide water, sanitary sewer and eventually reclaimed water capacity to the project.

**Staff Findings:** The willingness to serve letter provided by the Utilities Department shows there is available water and sewer to serve the site and will not adversely affect neighboring potable water systems (**Exhibit I**).

**Staff concludes this standard has been met.**

*(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.*

**Applicant Response:** The location, type and availability of the proposed wastewater systems will be adequate for the proposed uses and compatible with drainage conditions in the area and neighboring uses. The City has issued a "Willingness to Serve" letter indicating that the City is willing to provide water, sanitary sewer and eventually reclaimed water capacity to the project.

**Staff Findings:** The willingness to serve letter provided by the Utilities Department shows there is available sewer to adequately serve the site and compatible with drainage conditions in the area and neighboring uses (**Exhibit I**).

**Staff concludes this standard has been met.**

*(p) The proposed use shall not cause or intensify flooding of neighboring uses.*

**Applicant Response:** The proposed car wash use will not cause or intensify flooding of neighboring uses and the applicant will have to receive approval from the City and a permit from SWFWMD to build the project.

**Staff Findings:** The site is in Flood Zone X, which is an area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods.

The Stormwater Manager provided the following response: "We have not received detailed design and drainage report analysis to show that the "proposed use shall not cause or intensify flooding of neighboring uses. This will need to be done in the later MAS application.

**Staff concludes this standard is required to be met at the Major Site and Development application.**

## VI. PUBLIC NOTICE AND HEARING SCHEDULE

### PUBLIC NOTICE

Pursuant to ULDC Sec. 53-258.B, Notice of the public hearings was advertised in a newspaper of general circulation on Wednesday, April 22nd **(Exhibit G)**. Pursuant to ULDC Sec. 53-258.C, notice was mailed to all property owners within 1,320 feet of the subject property on Wednesday, April 22nd **(Exhibit H)**.

### PUBLIC HEARING SCHEDULE

<b>Planning &amp; Zoning Advisory Board Public Hearing</b>	May 7, 2020 9:00 AM or as soon thereafter
<b>City Commission Public Hearing</b>	May 26, 2020 6:00 PM or as soon thereafter

## VII. CONDITIONS AND SAFEGAURDS

The Development Master Plan was approved by staff with the following conditions:

1. The allowable flow from the site that can be discharged into Price Boulevard, cannot exceed the flow permitted in the drainage model that was approved by SWFMWD in Permit 43044411.000 issued February 13, 2020.
2. The allowable flow from the site that can be discharged into Cranberry Boulevard, cannot exceed the existing condition flow into Cranberry Boulevard.
3. The driveway connections to Price Boulevard and Cranberry Boulevard shall have structural channeling devices to limit to right-in/right-out access.
4. The Price Boulevard driveway connection and storm drainage discharge connectivity may need to be revised to existing conditions of Price Boulevard, if the proposed development is constructed before the Price Boulevard Widening Project construction phase is completed. Refer to Stormwater Manager comments regarding stormwater discharge volume and flow rate in Condition 1.
5. The construction phase of the Price Boulevard Widening Project is anticipated to last several years from start to finish and the development shall expect associated business impacts.

The Special Exception application for fuel pumps was approved by staff with the following conditions:

1. In the later Major Site and Development Plan (MAS), a spill control/response and cleanup plan must be submitted and include spill reporting criteria per FDEP requirements and the facility's contact person(s) information on spill response.

The Special Exception application for a car wash was approved by staff with the following conditions:

1. Car wash must be designed so that no pre-wash water, wash water, wash overspray or other chemicals enter the stormwater system.

## VIII. RECOMMENDED ACTIONS

1. APPROVAL with Condition #1 of **Resolution 2020-R-11, SPX-19-269**, a Special Exception for 7-Eleven fuel pumps, but with fewer than 16 pumps (A specific number must be stated).
2. APPROVAL with Condition #1 of **Resolution 2020-R-12, SPX-19-270**, a Special Exception for 7-Eleven car wash.
3. APPROVAL WITH WAIVERS 1, 3, AND 4 AND CONDITIONS #1-5 of **DMP-19-280**, Full Service 7-Eleven Convenience Store with DENIAL of Waiver 2.

## IX. ALTERNATIVE ACTIONS

For **Resolution 2020-R-11, SPX-19-269**:

1. APPROVAL with Condition #1 of **Resolution 2020-R-11, SPX-19-269**, a Special Exception for 7-Eleven fuel pumps, with 16 pumps.
2. DENIAL of **Resolution 2020-R-11, SPX-19-269**, a Special Exception for 7-Eleven fuel pumps, with findings to support this action.

For **Resolution 2020-R-12, SPX-19-270**:

1. APPROVAL with any other additional conditions the Board feels appropriate of **Resolution 2020-R-12, SPX-19-270**, a Special Exception for 7-Eleven car wash.
2. DENIAL of **Resolution 2020-R-12, SPX-19-270**, a Special Exception for 7-Eleven car wash, with findings to support this action.

For **DMP-19-280**:

1. APPROVAL WITH ALL WAIVERS AND CONDITIONS of **DMP-19-280**, Full Service 7-Eleven Convenience Store.
2. APPROVAL with any of the FOUR waivers and any other additional conditions the Board feels appropriate of **DMP-19-280**, Full Service 7-Eleven Convenience Store.
3. DENIAL of **DMP-19-280**, Full Service 7-Eleven Convenience Store, with findings to support this action.

## X. EXHIBITS

<b>Exhibits:</b>	A-1. Affidavit
	A-2. Warranty Deed
	B. Development Master Plan
	C. Neighborhood Meeting documents
	D. Fiscal Impact Analysis
	E. Resolution 2020-R-11
	F. Resolution 2020-R-12
	G. Legal Ad
	H. Property Owner Notice
	I. Utilities Willingness To Serve letter

**AFFIDAVIT**

I (the undersigned), Jeffery A. Boone, Esq. being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.*

Sworn and subscribed before me this 8<sup>th</sup> day of OCTOBER, 2019

[Signature]  
Signature of Applicant or Authorized Agent

JEFFERY A. BOONE, AGENT  
Print Name and Title

STATE OF FLORIDA COUNTY OF SARASOTA

The foregoing instrument was acknowledged by me this 8<sup>th</sup> day of OCTOBER, 2019, by JEFF BOONE who is personally known to me or has produced NA as identification, and who

did/did not take an oath.

[Signature]  
Signature - Notary Public



**AFFIDAVIT  
AUTHORIZATION FOR AGENT/APPLICANT**

I (we), Weedon Northport LLC, property owner(s), hereby authorize Jeffery A. Boone, Esq. to act as Agent/Applicant on our behalf to apply for this petition on the property described as (legal description)

Tract G, Blk 412, 9th Addition to Port Charlotte Subdivision

[Signature]  
Mark S. Sembler, Signature of Owner Manager

12-11-19  
Date

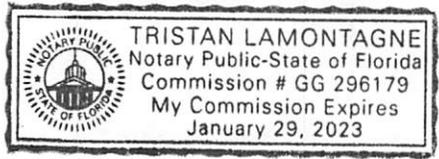
STATE OF Florida COUNTY OF Hillsborough

The foregoing instrument was acknowledged by me this \_\_\_\_\_ day of December, 2019, by Mark S. Sembler, Manager of Weedon Northport LLC who is personally known to me or has produced \_\_\_\_\_ as identification, and who did

not take an oath.

[Signature]  
Signature - Notary Public

(Place Notary Seal Below)



27.<sup>th</sup>  
8400.  
✓  
e

         G         

Prepared by/Return to:  
Janis K. Cheezem, Esq.  
Akerman Senterfitt  
One SE 3<sup>rd</sup> Avenue, Suite 2500  
Miami, Florida 33131

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2012170296 3 PGS  
2012 DEC 28 10:44 AM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
RECTRAIN Receipt#1572244  
Doc Stamp-Deed: 8,400.00



2012170296

PARCEL I.D. NO's.:  
0981-04-1212; 0982-04-1712;  
0982-04-4112; 0981-04-5112

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED made and executed the 27<sup>th</sup> day of December, 2012, by FLORIDA COMMUNITY BANK, National Association, f/k/a PREMIER AMERICAN BANK, N.A., a national banking association, as successor in interest to Peninsula Bank, whose street address is 2500 Weston Road, Suite 300, Weston, FL 33331, hereinafter called the Grantor, to WEEDON NORTH PORT LLC, a Florida limited liability company, whose address is 5300 W. Cypress Street, Suite 200, Tampa, FL 33607, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**WITNESSETH:** That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof are hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Sarasota County, Florida, more particularly described in the attached Exhibit "A" (the "Property").

TOGETHER with all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

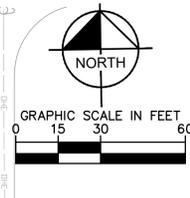
**TO HAVE AND TO HOLD**, the same in fee simple forever.

AND the Grantor hereby covenants with Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby specially warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, subject to real estate taxes for 2013 and subsequent years and all matters of record, without the intention of reimposing same.



**Exhibit "A"**  
**to**  
**Special Warranty Deed**  
**(Legal Description)**

Tracts G of Block 412, Tract H of Block 417, Tract I of Block 441, and Tract J of Block 451,  
NINTH ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the Plat thereof, as  
recorded in Plat Book 12, Page 21, of the Public Records of Sarasota County, Florida.



**LEGEND**

- PARKING SPACE COUNT
- PROPERTY BOUNDARY
- PROPOSED STANDARD DUTY CONCRETE
- PROPOSED ASPHALT
- PROPOSED ASPHALT

**SITE DATA:**

SITE AREA:	1.91 ACRES (LOT 1)
ZONING:	NEIGHBORHOOD COMMERCIAL (H)
PROPOSED USE:	FUEL STATION AND CARWASH
MAXIMUM BUILDING HEIGHT:	2 STORES
PROPOSED BUILDING HEIGHT:	1 STORY/±30 FEET

**BUILDING COVERAGE:**

STORE FLOOR AREA	3,454 SF
CARWASH FLOOR AREA	979 SF
F.A.R. (3,454 + 979 SF)/83,218 SF	0.05
MAX F.A.R.	0.3

**BUILDING SETBACKS**

REQUIRED	PROPOSED
FRONT (SOUTH):	0 FT
REAR (NORTH):	30 FT
SIDE (EAST):	10 FT
SIDE (WEST):	7.5 FT

**PAVING SETBACKS**

REQUIRED	PROPOSED
FRONT (SOUTH):	10 FT
SIDE (EAST):	10 FT

**REQUIRED PARKING:**

1 SPACE / 350 SF GFA:	10 SPACES
3,454 SF / 350 SF:	10 SPACES
2 SPACES / CARWASH STALL:	2 SPACES
1 STALL X 2 SPACES:	2 SPACES
TOTAL PARKING SPACES REQUIRED:	12 SPACES

**PROVIDED PARKING:**

REGULAR SPACES (9'x20'):	12 SPACES
REDUCED SIZE SPACES (9'x18'):	5 SPACES
HANDICAP SPACES:	1 SPACES
PARKING UNDER CANOPY:	16 SPACES
TOTAL SPACES PROVIDED:	34 SPACES

**BICYCLE PARKING REQUIRED:**

0-20,999 SF GFA OF STRUCTURE:	2 BIKE RACKS
-------------------------------	--------------

**IMPERVIOUS CALCULATIONS**

MAXIMUM ALLOWABLE IMPERVIOUS AREA (70%):	1.34 AC
BUILDING AREA:	0.08 AC
ASPHALT AREA:	0.77 AC
CONCRETE AREA:	0.29 AC
TOTAL IMPERVIOUS AREA:	1.14 AC (59%)

**WAIVER REQUESTS**

WAIVER	CODE SECTION	REQUEST
LOW KEY MONUMENT SIGN IN NEIGHBOR COMMERCIAL ZONE	SEC. 53-184.B(3)	ALLOW ONE (1) FREESTANDING MONUMENT SIGN IN ORDER TO ADVERTISE FUEL PRICES AS REQUIRED BY STATE LAW.
HOURS OF OPERATION	SEC. 53-179.A	INCREASE HOURS OF OPERATION FROM 5AM-10PM TO 24HR / 7 DAYS
20 FT BUFFER ZONE AND 8 FT WALL WHEN ADJACENT TO RESIDENTIAL	SEC. 53-182	IN LIE OF BUFFER ZONE AND WALL, APPLICANT IS PROPOSING TO DEDICATE LOT 2 TO THE CITY AS A PARK OR LEAVE LOT 2 AS A CONSERVATION AREA BETWEEN PROPOSED DEVELOPMENT AND ADJACENT RESIDENTIAL LOTS TO SERVE AS THE BUFFER.
WHEEL STOPS AT PARKING SPOTS	SEC 25-7.A	APPLICANT REQUESTS TO INSTALL BOLLARDS IN LIE OF WHEEL STOPS AT PARKING SPOTS. 7-ELEVEN HAS ADOPTED NATIONAL STANDARDS TO INSTALL BOLLARDS AT THE STORE FRONT TO PREVENT CARS FROM CRASHING THROUGH STORES.

- KEYNOTE LEGEND**
- (A) HEAVY DUTY ASPHALT PAVEMENT
  - (B) CURB TYPE "D" PER FDOT INDEX 520-001
  - (C) CONCRETE SIDEWALK CURB RAMP W/ DETECTABLE WARNING PER INDEX 522-022
  - (D) CURB TYPE "F" PER FDOT INDEX 520-001
  - (E) DEEP MOUNT BOLLARD
  - (F) STAMPED CONCRETE CROSSWALK
  - (G) 24" WIDE WHITE THERMOPLASTIC STOP BAR
  - (H) 6" WIDE WHITE
  - (I) FUEL TANK PAD CONCRETE PAVEMENT
  - (J) STANDARD DUTY CONCRETE PAVEMENT
  - (K) CURB TYPE "F" PER FDOT INDEX 520-001
  - (P) CROSSWALK STRIPING PER FDOT INDEX 711-001 SHEET 10 OF 14
  - (Q) 5' CURBED FLUME

**NOTE:**  
FUTURE ROADWAY WIDENING AND SIDEWALK WORK SHOWN AS "BY OTHERS" IS TO BE CONSTRUCTED AS A PART OF THE CONSTRUCTION PLANS FOR NORTH PORT CITY COMMISSION PRICE BOULEVARD IMPROVEMENTS FROM EAST OF SUMTER BOULEVARD TO WEST OF TOLEDO BLADE BOULEVARD

Matthew S. Gillespie, P.E., State of Florida, Professional Engineer, License No. 76950

This item has been electronically signed and sealed by Matthew S. Gillespie, P.E. using a Digital Signature.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies

NO.	REVISIONS	DATE	BY

**Kimley»Horn**

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189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801  
PHONE: 407-898-1511  
WWW.KIMLEY-HORN.COM CA 00000696

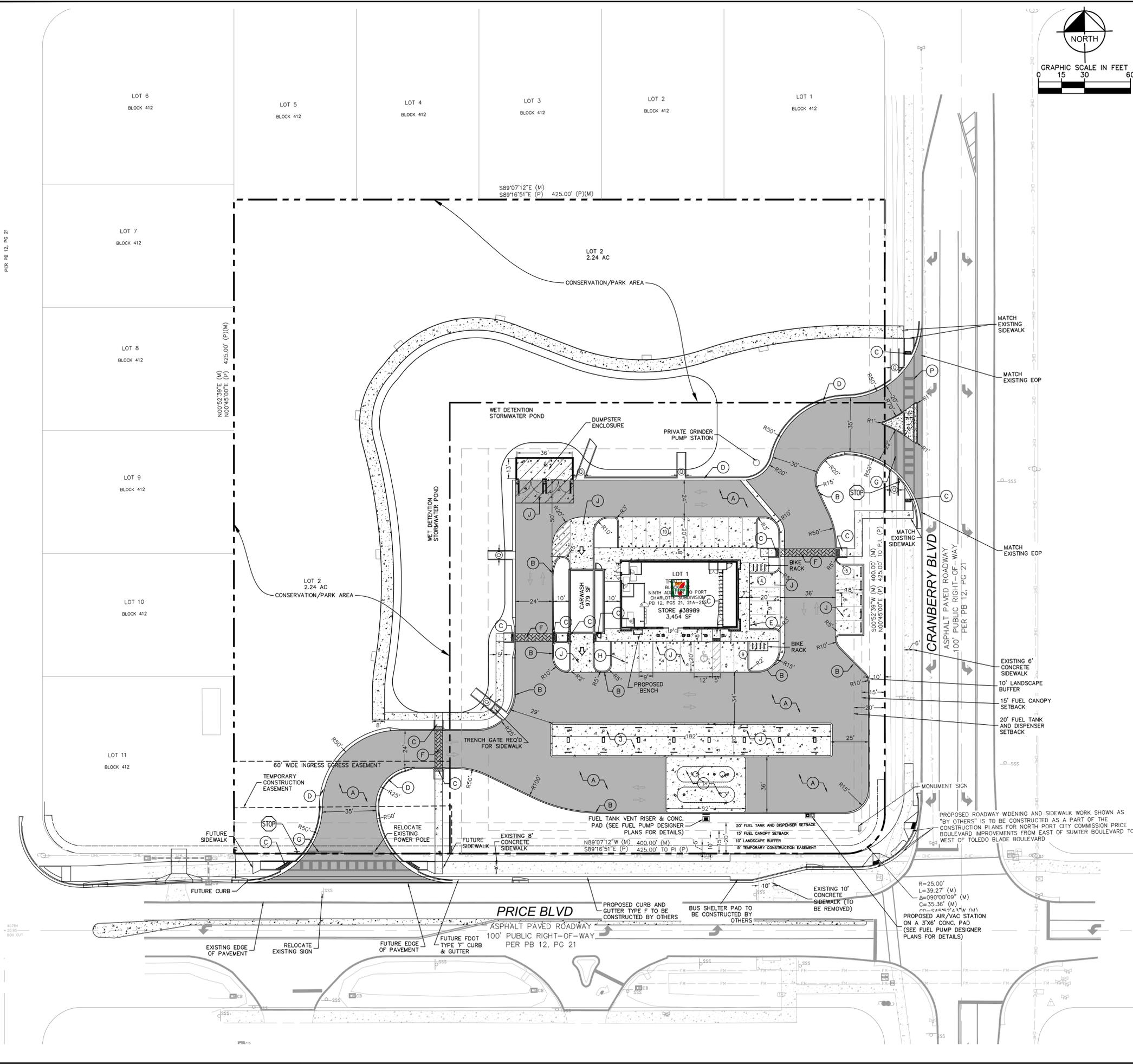
LICENSED PROFESSIONAL  
MATHIEW S. GILLESPIE, P.E.  
FLORIDA LICENSE NUMBER 76950  
DATE: 04/02/2020  
CHECKED BY: ARP

KHA PROJECT 149752018  
DATE 04/02/2020  
SCALE AS SHOWN  
DESIGNED BY ARP  
DRAWN BY ARP  
CHECKED BY MCG

**SITE PLAN**

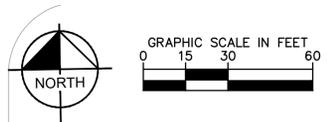
7-ELEVEN #38989  
NORTH PORT  
FLORIDA  
SARASOTA COUNTY

SHEET NUMBER  
**C4.0**



Plotted By: Pitts, Adam. Sheet Set: 7-ELEVEN NORTH PORT. Layout: C4.0. April 03, 2020. 01:34:17pm. K:\VDR\Civil\149752018 - 7-Eleven North Port, FL\CADD\CONSET\PlanSheets\C4.0 - SITE.dwg  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.





LEGEND

- PROPERTY LINE
- STANDARD DUTY CONCRETE PAVEMENT SEE SHEET C7.0 FOR DETAIL
- HEAVY DUTY ASPHALT PAVEMENT SEE SHEET C7.0 FOR DETAIL
- EXISTING SPOT ELEVATION
- PROPOSED ELEVATION
- PROPOSED TOP OF CURB/PAVEMENT ELEVATION
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED STORM PIPE
- PROPOSED GRATE INLET
- PROPOSED STORM MANHOLE
- EXISTING STORM PIPE
- EXISTING GRATE INLET
- PROPOSED DIRECTION OF SURFACE WATER RUNOFF

PGD NOTES:

- ALL STORM SEWER PIPING MATERIALS SHALL BE IN ACCORDANCE WITH CITY OF NORTH PORT STANDARDS AND SPECIFICATIONS.
- CONNECT ALL ROOF DOWNSPOUTS TO 6-INCH HDPE LATERALS. CONNECT LATERALS TO MAIN STORM LINE WITH MIN. 1.0% SLOPE, MIN. 16" COVER.
- ALL DRAINAGE PIPES SHALL BE FILTER FABRIC WRAPPED PER FDOT INDEX #280.
- STORM CLEAN-OUTS LOCATED IN SIDEWALK AREAS SHALL BE FLUSH WITH ADA PEDESTRIAN FRIENDLY TOPS.
- ALL PEDESTRIAN SIDEWALKS, PATHWAYS, AND CROSSWALKS SHALL BE CONSTRUCTED TO COMPLY WITH ADA SPECIFICATIONS AND NOT TO EXCEED MAX. 2.08% CROSS SLOPE (1:48) AND MAX 5% RUNNING SLOPE (1:20).

DATUM/BENCHMARKS:

- ELEVATIONS SHOWN PER NAVD 88. REFER TO SURVEY FOR ADDITIONAL DETAILS AND BENCHMARKS.

GEOTECH NOTE:

- CONTRACTOR TO FOLLOW THE GUIDANCE AND RECOMMENDATIONS AS SPECIFIED WITHIN THE SUBSURFACE SOIL EXPLORATION GEOTECHNICAL ENGINEERING REPORT PERFORMED BY UNIVERSAL ENGINEERING SCIENCES, INC., DATED OCTOBER 15, 2019.

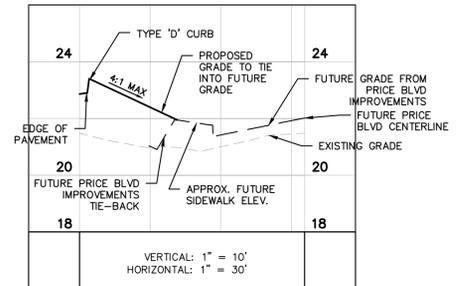
NOTE:

- POND FOOTPRINT, GRADING, AND DRAINAGE PATTERN ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE DURING CONSTRUCTION PLAN DESIGN.

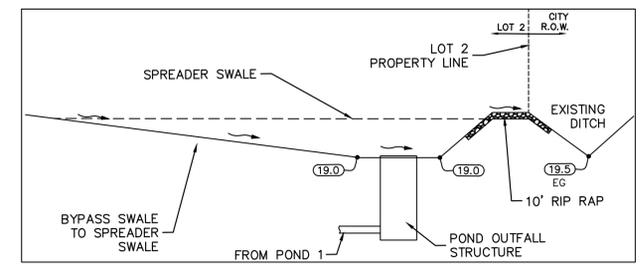
Matthew S. Gillespie, P.E., State of Florida, Professional Engineer, License No. 76950

This item has been electronically signed and sealed by Matthew S. Gillespie, P.E. using a Digital Signature.

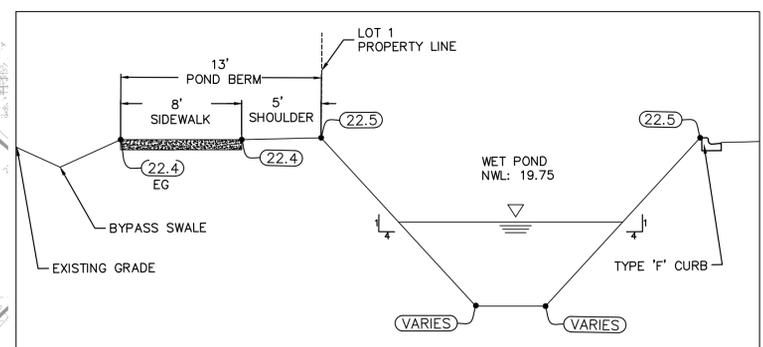
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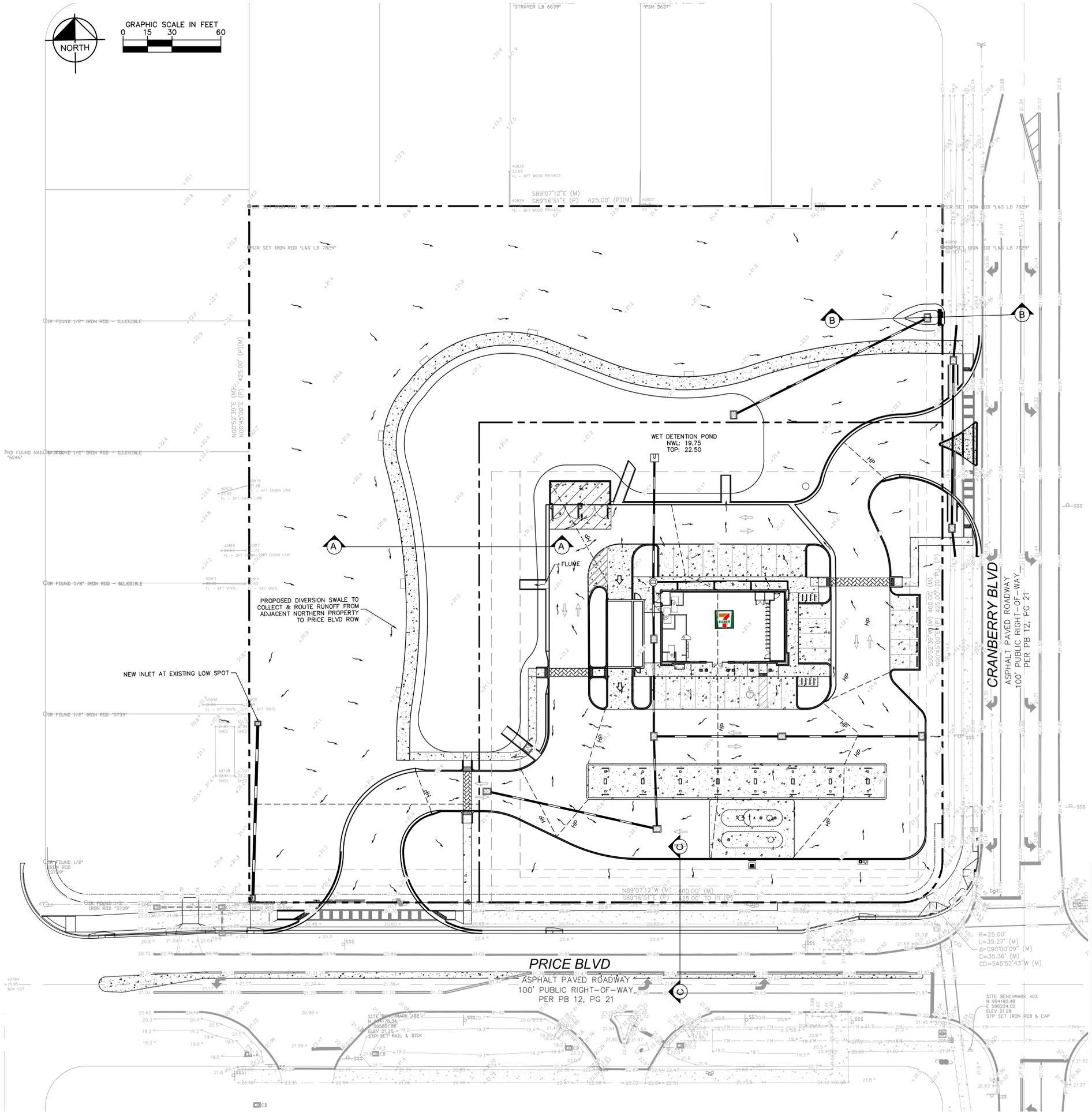
PRICE BLVD TYPICAL TIE-IN DETAIL CROSS-SECTION C-C



OUTFALL DETAIL CROSS-SECTION B-B N.T.S.



WET DETENTION POND W/ BYPASS DITCH CROSS-SECTION A-A N.T.S.



NO.	REVISIONS	DATE

**Kimley»Horn**  
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 189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801  
 PHONE: 407-895-1511  
 WWW.KIMLEY-HORN.COM CA 00000696

LICENSED PROFESSIONAL  
 DATE: 04/02/2020  
 SCALE: AS SHOWN  
 DESIGNED BY: ARP  
 DRAWN BY: ARP  
 CHECKED BY: MCG  
 DATE: 04/02/2020

**PAVING, GRADING & DRAINAGE PLAN**

**7-ELEVEN #38989 NORTH PORT**

SHEET NUMBER  
**C5.0**

Plotted By: Pitts, Adam. Sheet Set: 7-ELEVEN NORTH PORT. Layout: C5.0.DWG. April 03, 2020. 01:35:14pm. K:\VRL\Civil\149752018 - 7-Eleven North Port. FL\CADD\CONSTR\PlanSheets\C5.0 - PGD.dwg  
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## NEIGHBORHOOD WORKSHOP

Date: Wednesday, December 18, 2019  
Time: 5:30 PM  
Place: 6207 West Price Boulevard, North Port, Florida 34291  
Re: Proposed Development Master Plan and Special Exceptions

---

A neighborhood workshop will be held to discuss a request for a Development Master Plan approval of a full-service convenience store and associated Special Exception approvals of fuel pumps and a car wash on a 4.15 acre parcel located at the northwest corner of the intersection of West Price Boulevard and North Cranberry Boulevard. The subject property is zoned Neighborhood Commercial – High Intensity (“NCHI”) and requires Special Exception approval for the fuel pump and car wash uses.

The neighborhood workshop will be held on Wednesday, December 18, 2019, at 5:30 PM at the Morgan Family Center, 6207 West Price Boulevard, North Port, Florida 34291. This is not a public hearing. The purpose of the meeting is to inform neighboring residents of the nature of the proposal, discuss the concept plan, and to seek comments. If you have questions, please contact Boone, Boone & Boone, P.A., at 941-488-6716.

NEIGHBORHOOD MEETING AGENDA

12/18/19

Morgan Family Center

Start Time: 5:30PM

The neighborhood meeting will be conducted as follows:

1. Welcome attendees
2. Describe proposed plan for the property
3. Questions and comments from the attendees
4. Conclusion

## Neighborhood Meeting Summary

A neighborhood meeting was held on December 18, 2019 at 5:30 PM at the Morgan Family Center, 6207 W. Price Boulevard, North Port, Florida, in connection with proposed Development Master Plan and Special Exception Applications. Approximately 20 neighbors were in attendance.

Jackson Boone, Esq., with the Boone Law Firm, began the meeting by welcoming the neighbors and describing the proposed plan which is for a Convenience Store with Fuel Pumps and Car Wash and associated signage, at the northwest quadrant of Price Boulevard and Cranberry Boulevard. The Development Master Plan was presented depicting the 4.15 acre site, including the proposed locations of the convenience store, fuel pumps, car wash, and signage, as well as a 2.2 acre buffer area to be preserved between the proposed improvements and single-family residences to the north and west. Following the presentation of the Development Master Plan the neighbors were provided an opportunity to ask questions or provide comments.

The questions and comments were related to the potential impacts of the proposed development including possible transportation impacts, environmental impacts, noise and light impacts, and impacts from homeless which the neighbors felt the project would draw to the area. Several neighbors expressed their feelings that a convenience store with fuel pumps is not needed in the neighborhood as there are several others located within a 1½ to 2 miles of the site. The neighbors asked when public hearings would be held on the matter and were advised the P&Z meeting had not yet been scheduled but was anticipated some time in February, and the City Commission public hearing would follow approximately one month after the P&Z meeting.

The applicants representatives responded to all of the neighbors questions and comments, and with no further questions and comments from the neighbors, the meeting was concluded at approximately 6:20PM.

EXHIBIT D

**CITY OF NORTH PORT, FLORIDA  
DEVELOPMENT ECONOMIC AND FISCAL IMPACT MODEL  
7-Eleven Cranberry & Price  
SUMMARY OF ECONOMIC AND FISCAL IMPACTS**

<b>I. OPERATING REVENUE IMPACT</b>	<u>Years 1 - 5</u>	<u>Years 6 - 10</u>	<u>Years 11 - 15</u>	<u>Years 16 - 20</u>	<u>Years 21 - 25</u>	<u>Years 26 - 30</u>	<u>Years 1 - 30</u>
A. Ad Valorem Taxes	\$416,029	\$509,672	\$559,222	\$611,950	\$660,265	\$706,483	\$3,463,621
B. Other Taxes	\$54,257	\$54,257	\$54,257	\$54,257	\$54,257	\$54,257	\$325,542
C. Permits, Fees, & Special Assessments	\$62,673	\$62,673	\$62,673	\$62,673	\$62,673	\$62,673	\$376,039
D. Intergovernmental Revenue	\$74,065	\$74,065	\$74,065	\$74,065	\$74,065	\$74,065	\$444,390
E. Charges for Services	\$583,199	\$583,199	\$583,199	\$583,199	\$583,199	\$583,199	\$3,499,192
F. Fines & Forfeitures	\$1,113	\$1,113	\$1,113	\$1,113	\$1,113	\$1,113	\$6,679
G. Miscellaneous Income	\$10,895	\$10,895	\$10,895	\$10,895	\$10,895	\$10,895	\$65,371
<b>TOTAL OPERATING REVENUE IMPACT</b>	<b>\$1,202,231</b>	<b>\$1,295,874</b>	<b>\$1,345,424</b>	<b>\$1,398,152</b>	<b>\$1,446,468</b>	<b>\$1,492,685</b>	<b>\$8,180,834</b>
<b>II. OPERATING EXPENDITURE IMPACT</b>	<u>Years 1 - 5</u>	<u>Years 6 - 10</u>	<u>Years 11 - 15</u>	<u>Years 16 - 20</u>	<u>Years 21 - 25</u>	<u>Years 26 - 30</u>	<u>Years 1 - 30</u>
General Government	\$343,205	\$343,205	\$343,205	\$343,205	\$343,205	\$343,205	\$2,059,229
Economic Environment	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Physical Environment	\$63,948	\$63,948	\$63,948	\$63,948	\$63,948	\$63,948	\$383,690
Human Services	\$8,195	\$8,195	\$8,195	\$8,195	\$8,195	\$8,195	\$49,168
Transportation	\$134,964	\$134,964	\$134,964	\$134,964	\$134,964	\$134,964	\$809,785
Public Safety	\$341,067	\$341,067	\$341,067	\$341,067	\$341,067	\$341,067	\$2,046,405
Culture/Recreation	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Capital	\$122,553	\$122,553	\$122,553	\$122,553	\$122,553	\$122,553	\$735,318
Debt & Lease	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL OPERATING EXPENDITURE IMPACT</b>	<b>\$1,013,932</b>	<b>\$1,013,932</b>	<b>\$1,013,932</b>	<b>\$1,013,932</b>	<b>\$1,013,932</b>	<b>\$1,013,932</b>	<b>\$6,083,595</b>
<b>III. NET OPERATING SURPLUS/DEFICIT</b>	<u>Years 1 - 5</u>	<u>Years 6 - 10</u>	<u>Years 11 - 15</u>	<u>Years 16 - 20</u>	<u>Years 21 - 25</u>	<u>Years 26 - 30</u>	<u>Years 1 - 30</u>
	<b>\$188,298</b>	<b>\$281,942</b>	<b>\$331,492</b>	<b>\$384,220</b>	<b>\$432,535</b>	<b>\$478,752</b>	<b>\$2,097,239</b>
<b>IV. AD VALOREM INCREMENTAL REVENUE</b>	<u>Years 1 - 5</u>	<u>Years 6 - 10</u>	<u>Years 11 - 15</u>	<u>Years 16 - 20</u>	<u>Years 21 - 25</u>	<u>Years 26 - 30</u>	<u>Years 1 - 30</u>
	<b>\$395,227</b>	<b>\$484,189</b>	<b>\$531,261</b>	<b>\$581,353</b>	<b>\$627,252</b>	<b>\$671,158</b>	<b>\$3,290,440</b>
<b>V. TOTAL IMPACT FEES</b>	<u>Years 2 - 6</u>	<u>Years 7 - 11</u>	<u>Years 12 - 16</u>	<u>Years 17 - 21</u>	<u>Years 22 - 26</u>	<u>Years 27 - 31</u>	<u>Years 2 - 31</u>
Law Enforcement	\$3,499	\$0	\$0	\$0	\$0	\$0	\$3,499
Fire	\$4,376	\$0	\$0	\$0	\$0	\$0	\$4,376
Parks & Recreation	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transportation	\$76,632	\$0	\$0	\$0	\$0	\$0	\$76,632
Solid Waste	\$2,258	\$0	\$0	\$0	\$0	\$0	\$2,258
General Government	\$3,977	\$0	\$0	\$0	\$0	\$0	\$3,977
<b>TOTAL IMPACT FEES</b>	<b>\$90,741</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$90,741</b>
<b>VI. UTILITY CONNECTION FEES</b>	<u>Years 2 - 6</u>	<u>Years 7 - 11</u>	<u>Years 12 - 16</u>	<u>Years 17 - 21</u>	<u>Years 22 - 26</u>	<u>Years 27 - 31</u>	<u>Years 2 - 31</u>
Water	\$140,035	\$0	\$0	\$0	\$0	\$0	\$140,035
Wastewater	\$190,789	\$0	\$0	\$0	\$0	\$0	\$190,789
<b>TOTAL CONNECTION FEES</b>	<b>\$330,824</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$330,824</b>
<b>VII. SUMMARY OF ANNUAL ECONOMIC IMPACTS (Output and Earnings in Current Dollars)</b>	<u>Year 5</u>	<u>Year 10</u>	<u>Year 15</u>	<u>Year 20</u>	<u>Year 25</u>	<u>Year 30</u>	
Direct Output From Development	\$44,003,342	\$44,003,342	\$44,003,342	\$44,003,342	\$44,003,342	\$44,003,342	
Direct Employment From Development	201	201	201	201	201	201	
Direct Earnings From Development	\$10,759,627	\$10,759,627	\$10,759,627	\$10,759,627	\$10,759,627	\$10,759,627	
Indirect Output From Development	\$18,931,511	\$18,931,511	\$18,931,511	\$18,931,511	\$18,931,511	\$18,931,511	
Indirect Employment From Development	143	143	143	143	143	143	
Indirect Earnings From Development	\$598,075	\$598,075	\$598,075	\$598,075	\$598,075	\$598,075	
Total Output From Development	\$65,586,495	\$65,586,495	\$65,586,495	\$65,586,495	\$65,586,495	\$65,586,495	
Total Employment From Development	344	344	344	344	344	344	
Total Earnings From Development	\$11,357,702	\$11,357,702	\$11,357,702	\$11,357,702	\$11,357,702	\$11,357,702	

Note: If entire jurisdiction growth forecasts are used in scenario modeling, disregard indirect and total impact categories. For this case, direct impacts represent total impacts.



## City of North Port

### RESOLUTION NO. 2020-R-11

**A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA GRANTING A SPECIAL EXCEPTION FOR PETITION NO. SPX-19-269 TO ALLOW FOR THE USE OF A CONVENIENCE STORE WITH FUEL PUMPS LOCATED GENERALLY AT THE INTERSECTION OF WEST PRICE BOULEVARD AND NORTH CRANBERRY BOULEVARD IN THE NEIGHBORHOOD COMMERCIAL HIGH INTENSITY (NC-HI) ZONING DISTRICT, PURSUANT TO THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE SECTIONS 53-179 AND 53-259; PROVIDING FOR FINDINGS; GRANTING THE SPECIAL EXCEPTION WITH CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Jeffery A. Boone on behalf of Weedon North Port, LLC (the "Petitioner"), submitted on October 30, 2019, to the City of North Port Neighborhood Development Services Department, Planning Division, an petition for a special exception to allow for a convenience store with fuel pumps in the Neighborhood Commercial High Intensity (NC-HI) Zoning District; and

**WHEREAS**, the site is ±4.15 acres, and is located generally at the intersection of West Price Boulevard and North Cranberry Boulevard, and legally described as Tract G, Block 412, 9<sup>th</sup> Addition to Port Charlotte Subdivision per Map Book 12, Page 21, Section 23, Township 39 S, Range 21 E, Sarasota County, Florida; and

**WHEREAS**, the site is currently vacant; and

**WHEREAS**, the site is currently zoned Neighborhood Commercial High Intensity (NC-HI); and

**WHEREAS**, pursuant to the ULDC, Chapter 53, Zoning Regulations, Section 53-179.A.(4)(a), Permitted Principal Uses and Structures, a "convenience store (no fuel)" is a permitted use, and a convenience store "with fuel pumps" may be permitted by a special exception; and

**WHEREAS**, ULDC Section 53-259 governs the issuance of 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 May 7, 2020 and considered the Petitioner's request for a special exception, the testimony and evidence presented at the public hearing, found that the Petitioner's request for a special exception satisfied the requirements of Section 53-129 of the ULDC, and recommended approval of a special exception subject to certain conditions as described, if any; and

**WHEREAS**, on May 26, 2020, 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 written report, the testimony and evidence presented at the public hearing; and found the Petitioner's request did satisfy the requirements of the ULDC subject to the conditions described in Subsection 2.02, if any, for the site location.

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

**SECTION 1 - FINDINGS**

- 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.
- 1.02 The City Commission of the City of North Port hereby finds that the petition for a special exception to allow the convenience store with fuel pumps in the Neighborhood Commercial High Intensity (NC-HI) Zoning District, meets the following requirements of Chapter 53, Rezoning, Section 53-259 of the City of North Port Unified Land Development Code:
- (1) The granting of the special exception will not adversely affect the public interest, health, safety and general welfare;
  - (2) That the specific requirements in the Schedule of District Regulations (Part 2) 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 intent, goals, objectives, policies and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in this Unified Land Development Code 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 Plan 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 structure(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-19-269 is hereby granted, subject to the stated conditions below, to allow the convenience store with fuel pumps in the Neighborhood Commercial High Intensity (NC-HI) Zoning District as an accessory use on the site, consisting of ±4.15 acres, Tract G, Block 412, 9<sup>th</sup> Addition to Port Charlotte Subdivision, per Map Book 12, Page 21, Section 23, Township 39 S, Range 21 E, Sarasota County, Florida, located generally at the corner of West Price Boulevard and North Cranberry Boulevard, within the City of North Port.
- 2.02 The Special Exception is limited by the following conditions: In the later Major Site and Development Plan (MAS), a spill control/response and cleanup plan must be submitted and include spill reporting criteria per FDEP requirements and the facility's contact person(s) information on spill response..

## **SECTION 3 – CONFLICTS**

- 3.01 In the event of any conflict between the provisions of this Resolution and any other resolution or portions thereof, the provisions of this resolution shall prevail to the extent of such conflict.

## **SECTION 4 - SEVERABILITY**

- 4.01 If any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision

shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5 - EFFECTIVE DATE**

5.01 This resolution shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

PASSED AND DULY ADOPTED by the City Commission of the City of North Port, Florida, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
DEBBIE MCDOWELL  
MAYOR

ATTEST

\_\_\_\_\_  
HEATHER TAYLOR, CMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

\_\_\_\_\_  
AMBER L. SLAYTON  
CITY ATTORNEY



## City of North Port

### RESOLUTION NO. 2020-R-12

**A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA GRANTING A SPECIAL EXCEPTION FOR PETITION NO. SPX-19-270 TO ALLOW FOR THE USE OF A CONVENIENCE STORE WITH CAR WASH LOCATED GENERALLY AT THE INTERSECTION OF WEST PRICE BOULEVARD AND NORTH CRANBERRY BOULEVARD IN THE NEIGHBORHOOD COMMERCIAL HIGH INTENSITY (NC-HI) ZONING DISTRICT, PURSUANT TO THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE SECTIONS 53-179 AND 53-259; PROVIDING FOR FINDINGS; GRANTING THE SPECIAL EXCEPTION WITH CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Jeffery A. Boone on behalf of Weedon North Port, LLC (the "Petitioner") submitted on October 30, 2019, to the City of North Port Neighborhood Development Services Department, Planning Division, a Petition for a Special Exception to allow for a convenience store with car wash in the Neighborhood Commercial High Intensity (NC-HI) Zoning District; and

**WHEREAS**, the site consists of ±4.15 acres, and is located generally at the intersection of West Price Boulevard and North Cranberry Boulevard and legally described as Tract G, Block 412, 9<sup>th</sup> Addition to Port Charlotte Subdivision, per Map Book 12, Page 21, Section 23, Township 39 S, Range 21 E, Sarasota County, Florida; and

**WHEREAS**, the site is currently vacant; and

**WHEREAS**, the site is currently zoned Neighborhood Commercial High Intensity (NC-HI); and

**WHEREAS**, pursuant to ULDC Section 53-179.A(4)(a), "convenience store (no fuel)" is a permitted use, and convenience store "with car wash" may be permitted in the Neighborhood Commercial High Intensity (NC-HI) Zoning District by a special exception; and

**WHEREAS**, ULDC Section 53-259 governs the issuance of 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 May 7, 2020 and considered the Petitioner's request for a special exception, the testimony and evidence presented at the public hearing, found that the Petitioner's request for a special exception satisfied the requirements of Section 53-129 of the ULDC, and recommended approval of a special exception subject to certain conditions as described, if any; and

**WHEREAS**, on May 26, 2020, 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 written report, the testimony and evidence presented at the public hearing; and found the Petitioner's request did satisfy the requirements of the ULDC subject to the conditions described in Subsection 2.02, if any, for the site location.

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

**SECTION 1 – FINDINGS**

- 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.
- 1.02 The City Commission of the City of North Port hereby finds that the petition for a special exception to allow the convenience store with car wash in the Neighborhood Commercial High Intensity (NC-HI) Zoning District, meets the following requirements of Chapter 53, Rezoning, Section 53-259 of the City of North Port Unified Land Development Code:
- (1) The granting of the special exception will not adversely affect the public interest, health, safety and general welfare;
  - (2) That the specific requirements in the Schedule of District Regulations (Part 2) 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 intent, goals, objectives, policies and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in this Unified Land Development Code 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 Plan 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 structure(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 WITH CONDITIONS**

- 2.01 The Special Exception requested in Petition No. SPX–19-269 is hereby granted, subject to the stated conditions below, to allow the convenience store with car wash in the Neighborhood Commercial High Intensity (NC-HI) Zoning District as an accessory use on the site, consisting of ±4.15 acres, Tract G, Block 412, 9<sup>th</sup> Addition to Port Charlotte Subdivision, per Map Book 12, Page 21, Section 23, Township 39 S, Range 21 E, Sarasota County, Florida, located generally at the corner of West Price Boulevard and North Cranberry Boulevard, within the City of North Port.
- 2.02 The Special Exception is limited by the following conditions: Car wash must be designed so that no pre-wash water, wash water, wash overspray or other chemicals enter the stormwater system.

## **SECTION 3 – CONFLICTS**

- 3.01 In the event of any conflict between the provisions of this Resolution and any other resolution or portions thereof, the provisions of this resolution shall prevail to the extent of such conflict.

## **SECTION 4 – SEVERABILITY**

- 4.01 If any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5 – EFFECTIVE DATE**

5.01 This resolution shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

PASSED AND DULY ADOPTED by the City Commission of the City of North Port, Florida, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
DEBBIE MCDOWELL  
MAYOR

ATTEST

\_\_\_\_\_  
HEATHER TAYLOR, CMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

\_\_\_\_\_  
AMBER L. SLAYTON  
CITY ATTORNEY

# PUBLIC NOTICE - CITY OF NORTH PORT

## NOTICE OF PUBLIC HEARING FOR RESOLUTION NO. 2020-R-11 and NO. 2020-R-12

**NOTICE IS HEREBY GIVEN**, pursuant to Section 166.041 of the Florida Statutes, Section 7.06 of the Charter of the City of North Port, and Chapter 53, Part 4, Article XXII, Sec. 53-258.H of the Unified Land Development Code (ULDC) that the City of North Port proposes to adopt Resolution No. 2020-R-11 and No. 2020-R-12 to allow for Special Exceptions for the use of a convenience store with fuel pumps and car wash in a Neighborhood Commercial High Intensity (NC-HI) Zoning District.

A public hearing was previously scheduled to be held before the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) on Thursday, April 2, 2020 at 9:00 a.m. in the City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286; however, the meeting was cancelled. This petition is now scheduled to be heard by the **Planning and Zoning Advisory Board on May 7, 2020 at 9:00 a.m. utilizing communication media technology** to meet via video conference to conduct the public hearing. Due to the ongoing coronavirus/COVID-19 pandemic, City Hall is closed to the public. In accordance with the Governor's Executive Order Number 20-69 and the City Manager's Emergency Order No. 2020-06, a live stream of the meeting will be broadcast on the internet.

**Information about ways to watch the live stream and provide public comment will be posted on the city's website at: [www.cityofnorthport.com/onlinemeetings](http://www.cityofnorthport.com/onlinemeetings). The agenda, resolution(s), and meeting information will be posted on the front windows of City Hall and on the agenda management website at: <https://cityofnorthport.legistar.com/Calendar.aspx>.**

**ACCESS THE MEETING** - This virtual meeting will be broadcast live for members of the public to view: (1) On the City's website at <https://cityofnorthport.legistar.com/Calendar.aspx>; (2) on the City's YouTube channel at [www.youtube.com/northportfl](http://www.youtube.com/northportfl); and (3) online via Zoom at [www.zoom.us](http://www.zoom.us) or via the Zoom app; meeting ID **325 800 908**. The public may listen to the audio only via phone by dialing one of the following numbers: **(646) 558-8656; (312) 626-6799; or (301) 715-8592**. When the meeting ID is requested, enter **325 800 908** and then press the # key.

**PUBLIC COMMENT** - Properly submitted comments will be accepted and included in the official record of the meeting. Any comment received that does not meet the public comment requirements will be rejected and will not be included in the official record of the meeting. Those wishing to address the Planning and Zoning Advisory Board relative to the following resolution(s) may:

- Submit a written comment via the online public comment form on the City's Online Public Comment webpage at [www.cityofnorthport.com/publiccomment](http://www.cityofnorthport.com/publiccomment). **The form will become active at 9:00 a.m. the day before the meeting and deactivated at the end of public comment during the meeting.** The commenter must complete the fields marked as "required" and the comment cannot exceed 3000 characters.
- Leave a voicemail message via telephone at **941-429-1032. Voicemail messages will be accepted the day before the meeting from 8:00 a.m. until 7:00 p.m.** The commenter must leave all information identified as "required" in the City's outgoing message and must not exceed two minutes, fifteen seconds.

In the event communications media technologies are implemented to also accept live or recorded public comment (via telephone or video conferencing), instructions will be posted in advance of the meeting to the city's website and the agenda management website.

**SUBMISSION OF EVIDENCE AND QUASI-JUDICIAL PROCEEDINGS** - The City must receive all documents, documentary evidence, presentations, and materials for the board's consideration at least five (5) days in advance of the meeting. Parties must submit these documents to Heather Taylor, City Clerk, [htaylor@cityofnorthport.com](mailto:htaylor@cityofnorthport.com), 4970 City Hall Blvd., North Port, FL 34286. Quasi-judicial proceedings will be conducted in accordance with the city codes and the City Manager's Emergency Order No. 2020-06.

### RESOLUTION NO. 2020-R-11

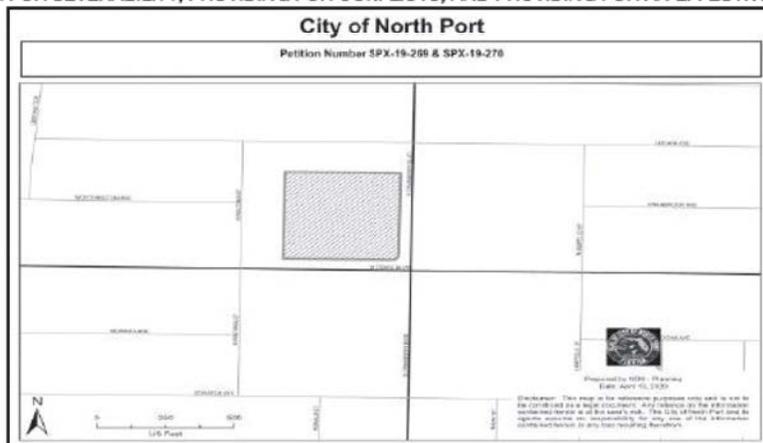
(A Resolution for a Special Exception to allow for the use of a convenience store with fuel pumps in Neighborhood High Intensity (NC-HI) Zoning District)

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA GRANTING A SPECIAL EXCEPTION TO ALLOW FOR THE USE OF A CONVENIENCE STORE WITH FUEL PUMPS IN THE NEIGHBORHOOD COMMERCIAL HIGH INTENSITY (NC-HI) ZONING DISTRICT, PURSUANT TO CHAPTER 53 ZONING REGULATIONS, PART 2. SCHEDULE OF DISTRICT REGULATIONS, ARTICLE XIV. NC-HI/NC/LI NEIGHBORHOOD COMMERCIAL HIGH/LOW INTENSITY DISTRICT, SECTION 53-179. -PERMITTED PRINCIPAL USES AND STRUCTURES AND CHAPTER 53 ZONING REGULATIONS, PART 4. ADMINISTRATIVE PROVISIONS, ARTICLE XXII. SPECIAL EXCEPTIONS, SECTION 53-259. - FINDINGS OF THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR FINDINGS; PROVIDING FOR GRANT OF SPECIAL EXCEPTION; PROVIDING FOR CONDITIONS PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

### RESOLUTION NO. 2020-R-12

(A Resolution for a Special Exception to allow for the use of a convenience store with car wash in Neighborhood High Intensity (NC-HI) Zoning District)

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA GRANTING A SPECIAL EXCEPTION TO ALLOW FOR THE USE OF A CONVENIENCE STORE WITH CAR WASH IN THE NEIGHBORHOOD COMMERCIAL HIGH INTENSITY (NC-HI) ZONING DISTRICT, PURSUANT TO CHAPTER 53 ZONING REGULATIONS, PART 2. SCHEDULE OF DISTRICT REGULATIONS, ARTICLE XIV. NC-HI/NC/LI NEIGHBORHOOD COMMERCIAL HIGH/LOW INTENSITY DISTRICT, SECTION 53-179. -PERMITTED PRINCIPAL USES AND STRUCTURES AND CHAPTER 53 ZONING REGULATIONS, PART 4. ADMINISTRATIVE PROVISIONS, ARTICLE XXII. SPECIAL EXCEPTIONS, SECTION 53-259. - FINDINGS OF THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR FINDINGS; PROVIDING FOR GRANT OF SPECIAL EXCEPTION; PROVIDING FOR CONDITIONS PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.



Note: Proposed Resolutions No. 2020-R-11 and 2020-R-12 (boundary of the subject property) as depicted on this map. The proposed site contains ± 4.15 acres and is located at W. Price Blvd. and N. Cranberry Blvd. (Tract G Block 412 9<sup>th</sup> Add to Port Charlotte) Subdivision Section 23, Township 39 S, Rand 21E.

If a person decides to appeal any decision made with respect to any matter considered at the meeting, they will need a record of the proceedings and should ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

In situations where sworn testimony is required, persons offering such testimony are responsible for making appropriate arrangements with the City Clerk's Office for offering sworn testimony. For more information, to submit written or physical evidence, or to obtain a copy of the ordinance(s), contact the Office of the City Clerk, [htaylor@cityofnorthport.com](mailto:htaylor@cityofnorthport.com), 4970 City Hall Blvd., North Port, FL 34286, (941) 429-7064. A copy of the ordinance(s) will be posted on the front windows of City Hall.

Heather Taylor  
City Clerk

Publish on Wednesday, April 22, 2020

adno=3747669-1

EXHIBIT H



**RESOLUTION NO. 2020-R-11**

(A Resolution for a Special Exception to allow for the use of a convenience store with fuel pumps in Neighborhood High Intensity (NC-HI) Zoning District)

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA GRANTING A SPECIAL EXCEPTION TO ALLOW FOR THE USE OF A CONVENIENCE STORE WITH FUEL PUMPS IN THE NEIGHBORHOOD COMMERCIAL HIGH INTENSITY (NC-HI) ZONING DISTRICT, PURSUANT TO CHAPTER 53 ZONING REGULATIONS, PART 2. SCHEDULE OF DISTRICT REGULATIONS, ARTICLE XIV. NC-HI/NC-LI NEIGHBORHOOD COMMERCIAL HIGH/LOW INTENSITY DISTRICT, SECTION 53-179.-PERMITTED PRINCIPAL USES AND STRUCTURES AND CHAPTER 53 ZONING REGULATIONS, PART 4. ADMINISTRATIVE PROVISIONS, ARTICLE XXII. SPECIAL EXCEPTIONS, SECTION 53-259. - FINDINGS OF THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR FINDINGS; PROVIDING FOR GRANT OF SPECIAL EXCEPTION; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**RESOLUTION NO. 2020-R-12**

(A Resolution for a Special Exception to allow for the use of a convenience store with car wash in Neighborhood High Intensity (NC-HI) Zoning District)

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA GRANTING A SPECIAL EXCEPTION TO ALLOW FOR THE USE OF A CONVENIENCE STORE WITH CAR WASH IN THE NEIGHBORHOOD COMMERCIAL HIGH INTENSITY (NC-HI) ZONING DISTRICT, PURSUANT TO CHAPTER 53 ZONING REGULATIONS, PART 2. SCHEDULE OF DISTRICT REGULATIONS, ARTICLE XIV. NC-HI/NC-LI NEIGHBORHOOD COMMERCIAL HIGH/LOW INTENSITY DISTRICT, SECTION 53-179.-PERMITTED PRINCIPAL USES AND STRUCTURES AND CHAPTER 53 ZONING REGULATIONS, PART 4. ADMINISTRATIVE PROVISIONS, ARTICLE XXII. SPECIAL EXCEPTIONS, SECTION 53-259. - FINDINGS OF THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR FINDINGS; PROVIDING FOR GRANT OF SPECIAL EXCEPTION; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC NOTICE - CITY OF NORTH PORT

**NOTICE OF PUBLIC HEARING FOR RESOLUTION NO. 2020-R-11 and NO. 2020-R-12**

**NOTICE IS HEREBY GIVEN**, pursuant to Section 166.041 of the Florida Statutes, Section 7.06 of the Charter of the City of North Port, and Chapter 53, Part 4, Article XXII, Sec. 53-258.H of the Unified Land Development Code (ULDC) that the City of North Port proposes to adopt Resolution No. 2020-R-11 and No. 2020-R-12 to allow for Special Exceptions for the use of a convenience store with fuel pumps and car wash in a Neighborhood Commercial High Intensity (NC-HI) Zoning District.

A public hearing was previously scheduled to be held before the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) on Thursday, April 2, 2020 at 9:00 a.m. in the City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286; however, the meeting was cancelled. This petition is now scheduled to be heard by the **Planning and Zoning Advisory Board on May 7, 2020 at 9:00 a.m. utilizing communication media technology** to meet via video conference to conduct the public hearing. Due to the ongoing coronavirus/COVID-19 pandemic, City Hall is closed to the public. In accordance with the Governor's Executive Order Number 20-69 and the City Manager's Emergency Order No. 2020-06, a live stream of the meeting will be broadcast on the internet.

**Information about ways to watch the live stream and provide public comment will be posted on the city's website at: [www.cityofnorthport.com/onlinemeetings](http://www.cityofnorthport.com/onlinemeetings). The agenda, resolution(s), and meeting information will be posted on the front windows of City Hall and on the agenda management website at: <https://cityofnorthport.legistar.com/Calendar.aspx>.**

**ACCESS THE MEETING** - This virtual meeting will be broadcast live for members of the public to view: (1) On the City's website at <https://cityofnorthport.legistar.com/Calendar.aspx>; (2) on the City's YouTube channel at [www.youtube.com/northportfl](http://www.youtube.com/northportfl); and (3) online via Zoom at [www.zoom.us](http://www.zoom.us) or via the Zoom app; meeting ID **325 800 908**. The public may listen to the audio only via phone by dialing one of the following numbers: **(646) 558-8656; (312) 626-6799; or (301) 715-8592**. When the meeting ID is requested, enter **325 800 908** and then press the # key.

**PUBLIC COMMENT** - Properly submitted comments will be accepted and included in the official record of the meeting. Any comment received that does not meet the public comment requirements will be rejected and will not be included in the official record of the meeting. Those wishing to address the Planning and Zoning Advisory Board relative to the following resolution(s) may:

Submit a written comment via the online public comment form on the City's Online Public Comment webpage at [www.cityofnorthport.com/publiccomment](http://www.cityofnorthport.com/publiccomment). **The form will become active at 9:00 a.m. the day before the meeting and deactivated at the end of public comment during the meeting.** The commenter must complete the fields marked as "required" and the comment cannot exceed 3000 characters.

Leave a voicemail message via telephone at **941-429-1032**. **Voicemail messages will be accepted the day before the meeting from 8:00 a.m. until 7:00 p.m.** The commenter must leave all information identified as "required" in the City's outgoing message and must not exceed two minutes, fifteen seconds.

In the event communications media technologies are implemented to also accept live or recorded public comment (via telephone or video conferencing), instructions will be posted in advance of the meeting to the city's website and the agenda management website.

**SUBMISSION OF EVIDENCE AND QUASI-JUDICIAL PROCEEDINGS** – The City must receive all documents, documentary evidence, presentations, and materials for the board's consideration at least five (5) days in advance of the meeting. Parties must submit these documents to Heather Taylor, City Clerk, [htaylor@cityofnorthport.com](mailto:htaylor@cityofnorthport.com), 4970 City Hall Blvd., North Port, FL 34286. Quasi-judicial proceedings will be conducted in accordance with the city codes and the City Manager's Emergency Order No. 2020-06.

If a person decides to appeal any decision made with respect to any matter considered at the meeting, they will need a record of the proceedings and should ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

[In situations where sworn testimony is required, persons offering such testimony are responsible for making appropriate arrangements with the City Clerk's Office for offering sworn testimony. For more information, to submit written or physical evidence, or to obtain a copy of the ordinance\(s\), contact the Office of the City Clerk, htaylor@cityofnorthport.com, 4970 City Hall Blvd., North Port, FL 34286, \(941\) 429-7064.](#) A copy of the ordinance(s) will be posted on the front windows of City Hall.



EXHIBIT I

May 2, 2019

Casie Connolly  
Kimley-Horn  
189 South Orange Avenue  
Suite 1000  
Orlando FL 32801

**Willingness to Serve Water, Sewer and eventually Reclaimed Water**

**RE: Property at PID 0981-04-1212**

Dear Ms. Connolly:

As requested, the City of North Port Utilities Department is submitting this letter to inform you of Service Availability for the above referenced property.

This project is within the City of North Port's "City" urban service boundary area and the City is willing to provide water, sanitary sewer and eventually reclaimed water capacity to the project. Currently, the City has capacity at its water treatment plant and sewage treatment plant to provide capacity for this project. The capacity will be made available at the time of payment for capacity, if applicable and may require contributions by the developer and/or the property owner. Although the City has capacity to serve this project, certain on-site and off-site utility improvements must be completed by the owner/developer and accepted by the City prior to water and wastewater service being available to this specific site.

The City of North Port does not guarantee or reserve capacity to any project unless the owner/developer enters into a Utility Developer's Agreement with the City of North Port, which may require approval by the City of North Port Commission.

Before a building permit can be issued, an application for service, capacity fees and deposits will be required, and the builder must provide a plumbing plan to the City's Utility Department for calculation of appropriate capacity fees and meter size. The City will not release a building permit until the required fees have been paid.

Our staff looks forward to working with you in the future to further develop plans for your utility needs. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,  
NORTH PORT UTILITIES

A handwritten signature in blue ink that reads "Jennifer Desrosiers".

Jennifer Desrosiers  
Assistant Utilities Director

CC: Rick Newkirk, Utilities Director  
Michael Acosta, Engineering Division Manager  
Pat Aubin, Staff Assistant II  
Darrell Smith, Utilities Construction Supervisor



Achieve Anything

[www.cityofnorthport.com](http://www.cityofnorthport.com)

North Port Utilities: 941.240.8000, 6644 W. Price Boulevard, North Port, FL 34291-4106