

**PLANNING AND ZONING ADVISORY BOARD
MINUTES OF REGULAR MEETING
THURSDAY, JUNE 21, 2018**

PRESENT: Thomas Nicholson, Jr., Chair; Kevin Rouse, Vice-Chair; Norbert Schneider; John Metzger; and Philip Lamade.

STAFF: Assistant City Attorney Michael Golen; Senior Planner Heather Hansen; and Recording Secretary Hale.

The Planning and Zoning Advisory Board Regular Meeting was called to order at 9:00 a.m. in the City Chambers by Chair Nicholson.

The Pledge of Allegiance was led by the Board.

B. PUBLIC COMMENT

There was no public comment.

C. CONSENT AGENDA:

C1. Minutes for the March 15, 2018 regular meeting for approval.

Vice-Chair Rouse moved to approve the Planning & Zoning Advisory Board Minutes for the March 15, 2018 and the April 19, 2018 Meetings as presented; seconded by Board Member Metzger. The motion carried unanimously.

C2. Minutes for the April 19, 2018 regular meeting for approval.

The minutes were approved under Agenda Item C1.

D. PUBLIC HEARING

D.1 TXT-18-034 – Ordinance No. 2018-23, Amending Chapter 25-Parking and Loading Regulations and Chapter 53-Zoning Regulations of the City of North Port Unified Land Development Code related to parking and storage of certain vehicles. (H. HANSEN)

City Planner Heather Hansen stated that agenda items D.1 and D.2 will be combined for discussion purposes with a separate motion for each. An overview was provided of the two Ordinances on the Agenda for consideration.

Discussion ensued: 1) clarification was provided that it is common practice when a section of the Code is repealed, it is not eliminated but the numbering is reserved as a place holder for any future additions pertinent to that part of the Code; (2) if legislation is changed in the future, the Planning & Zoning Advisory Board will review it prior to Commission discussion; (3) it was stated that the Unified Land Development Code (ULDC) chapters under consideration today are being amended and transferred to the City Administrative Code; (4) all the definitions will be reviewed as well as the two definitions of mini-storage; (5) the Commission is currently reviewing the parameters of unlicensed vehicles on private property; (6) the Ordinances being considered by the Board today identify the language being added by redline and language being removed by strikethroughs; (7) Staff requests the Board's recommendation regarding: [a] whether or not they support allowing or prohibiting outdoor storage yards and lots in a Planned Community Development (PCD) zoning district as an accessory use to mini-storage/warehousing facilities; and [b] what type of buffering and screening is appropriate for the outdoor storage area at a mini-storage/warehousing facility; (8) supporting Ordinance No. 2018-23 would assist in business development in North Port while maintaining North Port standards; 9) both Agenda Items and should be

considered as a whole; 10) the Board should consider if the buffer requirement should include a complete enclosure or whether fencing is sufficient; 11) clarification was provided regarding the accessory use of a commercial mini-storage facility; 12) concern was expressed regarding the possibility that the Board approving the amendments to the Unified Land Development Code would be based solely on staff recommendations; 13) the duties of the Planning & Zoning Advisory Board to make recommendations to the City Commission was discussed; 14) Chair Nicholson: [a] read into the record an email sent to City Clerk Adkins which read as follows: "Patsy – I am need of materials for this Thursday PZAB meeting. Time is of the essence. I need a copy of Ordinance No. 2018-09 and a copy of "Code of the City of North Port Florida." Attached, is a highlighted copy of the PZAB Agenda Item with these items highlighted. Thanks, Thomas Nicholson, Jr., Chair of PZAB."; [b] expressed concerns that referring to Ordinance No. 2018-09 as listed on the Agenda, has not been adopted, the Ordinance is currently under legal review, and questioned why the Board is discussing an item that has not been through legal review yet. Chair Nicholson passed the gavel to Vice-Chair Rouse.

Chair Nicholson moved to direct the City Clerk to open an application process for a "Public Committee for Parking" as defined in Section 1-29. Subsection H (f) of the Unified Land Development Code, the Planning & Zoning Advisory Board function, powers and duties in the Planning & Zoning Advisory Board Handbook; seconded by Vice-Chair Rouse.

Discussion ensued: 1) Chair Nicholson noted: [a] noticed a lot of concerns through social media from citizens on this subject; [b] citizens should have an input on the parking regulations and an opportunity to voice their concerns; [c] expressed that the crafting of any Ordinance or Legislation is beyond the scope of the PZAB duties and responsibilities; 2) Vice-Chair Rouse noted he would support the motion and questioned whether the City Commission has trust in the Boards underneath them, and expressed further concerns regarding the use of the Board and expenditures of the money for staff and City Attorney to attend the Planning & Zoning Advisory Board meetings; 3) it was suggested that the Advisory Board should be examined as to their purpose, how to build them and how much the City Commission is going to agree with the decisions of the Boards and trust in the knowledge of the Members; 4) Assistant City Attorney Golen reminded the Board that is not within their powers to direct staff, but to make recommendations to the City Commission; 5) after Chair Nicholson cited Unified Land Development Code, Sec. 1-29 Subsection H (1)(f) "Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the Comprehensive Plan and ordinances" Assistant City Attorney Golen noted that the Board could request that a discussion regarding a public committee to be included on the next Agenda.

Vice-Chair Rouse moved to amend the motion to replace the "City Clerk" with "recommend to the City Commission." There was no second and the motion to amend died.

Discussion continued: 1) it was suggested that the Board needs to have access to all the public records of the emails that were sent to the Commissioners or staff on parking and to have the City Clerk to come up with an application process to get a committee together to talk about the parking directly; 2) Assistant City Attorney Golen expressed concerns regarding: [a] there are two Ordinances before the Board to approve and if there are issues with the language of the Ordinances, the Board should address those issues; [b] a recommendation of directing staff is beyond the scope of the two Ordinances and a separate agenda item should be scheduled to address that on its own; [c] it is beyond the powers of the Board to direct the City Clerk to open a Committee for public comment, but can recommend that the Commission do that; [d] agreed that any documents and public records that are needed to make a decision, but that is a separate issue; 3) after Chair Nicholson further quoted Code, Sec. 1-29 Subsection H (1)(f) ". . . and to establish public committees when deemed necessary for the purpose of collecting and compiling information necessary" Assistant City Attorney Golen voiced that the correct interpretation is: when deemed necessary by the Commission; 4) Vice-Chair Rouse withdrew his second to the main motion; 5) it was stated that all text amendments to the ULDC are required to be reviewed by the Planning & Zoning

Advisory Board for a recommendation to the Commission because it is a land use decision. Vice-Chair Rouse passed the gavel back to Chair Nicholson.

Board Member Rouse moved that on the next PZAB public meeting agenda, a request from the PZAB Board for future quarterly joint meetings between the Board and the Planning Staff to find out where they're at along certain projects and to ask questions in a workshop-type basis. There was no second and the motion died.

There was a brief discussion regarding some specific items on which Staff could provide updates to the Board and Assistant City Attorney Golen stated that Board Members can request a briefing but Staff needs to know the subjects on which to brief but having an open forum would be difficult for the public to know what is to be discussed. It was decided to move forward with recommended action on today's agenda items.

Board Member Rouse moved that the Planning & Zoning Advisory Board recommend to the City Commission to approve D.1, TXT-18-034 – Ordinance No. 2018-23, Amending Chapter 25-Parking and Loading Regulations and Chapter 53-Zoning Regulations of the City of North Port Unified Land Development Code related to parking and storage of certain vehicles; seconded by Board Member Metzger. The motion carried on a three-to-two (3-2) vote with Chair Nicholson and Board Member Schneider dissenting.

Following discussion, Board Member Schneider noted that he disagreed with the requirements for vehicle and boat storage.

D.2 TXT-18-097 – Ordinance No. 2018-24, Amending Chapter 53-Zoning regulations of the City of North Port Unified Land Development Code related to mini-storage and mini-warehousing facilities. (H. HANSEN)

This item was discussed and combined with Agenda Item D.1.

Board Member Rouse moved that the Planning & Zoning Advisory Board recommend to the City Commission to approve D.2, TXT-18-097 – Ordinance No. 2018-24, Amending Chapter 53-Zoning regulations of the City of North Port Unified Land Development Code related to mini-storage and mini-warehousing facilities; seconded by Board Member Metzger. The motion carried on a three-to-two (3-2) vote with Chair Nicholson and Board Member Schneider dissenting.

E. OTHER BUSINESS

E.1 Recommendation to the City Commission to hold a work session to review and discuss development challenges along Hillsborough Boulevard (H. Hansen)

Senior Planner Hansen provided an overview and noted that Staff is recommending that the Board recommend that the City Commission schedule a workshop to discuss the challenges facing the future widening of Hillsborough Boulevard or for Parks acquisition.

After it was noted that parts of Hillsborough Boulevard are in Charlotte County, Assistant City Golen addressed a concern noting that the Board can recommend the City Commission hold a multi-jurisdictional joint meeting.

Vice-Chair Rouse moved to recommend that the Commission hold multi-jurisdictional public meetings between the City of North Port Commission and Charlotte County Commission including but not limited to emergency services directors and public works directors, etc. The motion died for lack of second.

Vice-Chair Rouse noted that a motion should include specific departments which have an interest in this project. Subsequent to Board Member Metzger opposing holding a multi-jurisdictional work session noting that the issues with this project are on the North Port side of Hillsborough Boulevard not on the Charlotte County side, Vice-Chair Rouse expressed that it is important to have a working relationship with adjacent Counties.

Board Member Lamade moved that the Planning & Zoning Advisory Board recommend to the City Commission to hold a multi-jurisdictional/Charlotte County work session to review and discuss development challenges along Hillsborough Boulevard; seconded by Board Member Schneider. The motion carried on a four-to-one (4-1) vote with Board Member Metzger dissenting.

Vice-Chair Rouse moved to recommend to the City Commission to implement a Citizen's Advisory Board. The motion died for lack of second.

Board Member Lamade moved that the Planning staff agrees to meet with the Planning and Zoning Advisory Board on a quarterly basis to discuss topics of interest, the subjects of which would be furnished by the Planning & Zoning Advisory Board in advance of the meeting.

Assistant City Attorney Golen noted that if the Board has an item they would like on an Agenda for discussion or receive more information, the motion would be to have staff bring specific information regarding that item and include on the next Agenda or a future Agenda for discussion. It was noted that Board Members could meet individually with staff to obtain information on any item which may be presented to the Board for consideration. To discuss items as a Board, the meeting would have to be noticed and recorded as required by Florida Sunshine Law.

Board Member Lamade withdrew his motion.

Subsequent to Vice-Chair Rouse requesting staff present an update on the current state of the Price Boulevard Improvement Project, Senior Planner Hansen noted that this would not be in the purview of the Board.

F. ADJOURNMENT

Board Member Lamade noted that he wanted to continue the discussion regarding the Board's duties, responsibilities and authority.

Board Member Rouse moved to adjourn the Planning & Zoning Advisory Board Regular Meeting; seconded by Board Member Metzger. The motion carried five-to-one (5-1) with Member Lamade dissenting.

The Planning and Zoning Advisory Board Regular Meeting adjourned at 10:21 a.m.



THOMAS NICHOLSON, JR.
CHAIR

Minutes approved this 16th day of Aug, 2018.