



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft City Commission Regular Meeting

CITY COMMISSIONERS

Christopher B. Hanks, Mayor
Debbie McDowell, Vice-Mayor
Vanessa Carusone, Commissioner
Peter Emrich, Commissioner
Jill Luke, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager
Amber L. Slayton, City Attorney
Kathryn Wong, City Clerk
Heather Taylor, Deputy City Clerk

Tuesday, July 23, 2019

6:00 PM

CITY COMMISSION CHAMBERS

CALL TO ORDER

Mayor Hanks called the meeting to order at 7:30 p.m.

ROLL CALL

Present: 4 - Mayor Christopher Hanks, Vice-Mayor Debbie McDowell, Commissioner Jill Luke and Commissioner Pete Emrich
Absent: 1 - Commissioner Vanessa Carusone

Also present:

City Manager Peter Lear, City Attorney Amber Slayton, Deputy City Clerk Heather Taylor, Recording Secretary Laura Reed, Police Chief Todd Garrison, Fire Chief Scott Titus, Planning Division Manager Nicole Galehouse, and Economic Development Manager Mel Thomas.

1. APPROVAL OF AGENDA

Commissioner Luke requested West Villages items on the Agenda be heard consecutively and pull Item 3.B. to be heard at a later date.

Ms. Galehouse clarified the appropriate order of the Petitions and Ordinances.

A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to approve the Consent Agenda with the following changes: pulling Item 3.B. until a later date, re-order Item 4 to D, E, J, F, G and H, followed by Items I and K, and Items A and C to be heard consecutively. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

2. PUBLIC COMMENT:

Public comment was held from 7:37 p.m. - 7:43 p.m.

Nancy Hill: expressed support of Sabal Trace bridge.

Commissioner Carusone joined the meeting at 7:38 p.m.

Pat Switzer: North Port High School Marching Band rubber duck race, Aquatic Center and Special Events Assistance Program, and responded to Commission questions regarding the cost of \$10 per duck, number of ducks contingent on sales, anticipated attendance, usage of the Aquatic Center, and the event being free to the public.

3. GENERAL BUSINESS:

- A. [CC SAP-19-119](#) Discussion and Possible Action to Award Funds from the Special Event Assistance Program to the North Port High School Band Parent Organization (NPHSBPO) to Cover the Costs of City fees and/or Resources Associated with the September 2, 2019, Marching Alliance Duck Race Event

Mr. Lear provided an overview of the item, and responded to Commission questions regarding prior Commission direction for non-profit organizations to receive funds for events.

Discussion followed regarding fundraising for non-profits and there not being criteria to differentiate the Aquatic Center from other parks.

Ms. Galehouse clarified the event will be conducted outside of the Aquatic Center hours of operation.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to award funds from the Special Event Assistance Program to the North Port High School Band Parent Organization, not to exceed \$500.00. The motion carried by the following vote:

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

- B. [19-0781](#) Transportation Impact Fee Reimbursement Agreement with Sabal Trace Development Partners, LLC Regarding Tuscola Boulevard Bridge (Central Parc)

This item was removed from the Agenda.

4. PUBLIC HEARINGS:

ORDINANCES: Second Reading

- A. [ORD. NO. 2019-07](#) An Ordinance of the City of North Port, Florida, Relating to CPAL-18-060, Amending the Comprehensive Plan Future Land Use Figure 1 and Future Land Use Policies 2.9.1 - 2.9.3 Related to Activity Center #9; Amending

the Comprehensive Plan, Future Land Use Map 2-7 and Existing Land Use Map 2-8 to Change the Future Land Use Designation of a ± 207.5 Acre Area Located North of U.S. 41 and West of Sumter Boulevard from Recreation Open Space to Activity Center; Providing for Findings; Providing for Adoption; Providing for Transmittal of Documents; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Mr. Lear noted that both items for this Applicant can be consolidated for presentation and voted on separately.

Charles D. Bailey, III, Esquire, Williams Parker Harrison Dietz and Getzen, on behalf of the Applicant, did not object to conducting both items together.

Ms. Taylor read Petition CC DMP-18-071 and Ordinance No.(s) 2019-07, 2019-08 and 2019-09 by title only, and swore in those wishing to provide testimony.

Commissioner Luke and Vice Mayor McDowell stated their ex-parte communications were as stated at the previous public hearing and additional email communications have been forwarded to the City Clerk.

Mayor Hanks and Commissioner Emrich stated their communications were as stated at the previous public hearing.

Commissioner Carusone disclosed her communications from the previous public hearing, email communications, and informational conversation with Frank Miles, Director of Neighborhood Development Services.

Mr. Bailey, being duly sworn, provided a presentation including development master plan (DMP), requests including Comprehensive Plan amendment, text amendment, rezone, companion development master plan and transportation impact fee reimbursement agreement regarding Tuscola Boulevard Bridge, timing of bridge and lane construction, buffering of commercial parcels within mixed-use areas, development incentive for sprinklering residential units, and form of the residential element of mixed-use areas.

Nicole Galehouse, being duly sworn, spoke to scrivener errors corrected in the ordinance for Comprehensive Plan amendment, review by various entities, potable water analysis provided by applicant, verification of water capacity, scrivener errors corrected in the rezoning, DMP, and staff agreement with the amendments and additions to the conditions of the project.

Applicant and Staff stated they have no rebuttal.

Ms. Galehouse provided clarification of the timeline for turn lanes and the bridge.

Mr. Bailey responded to Commission questions regarding completion of bridge, prior motion for eight-foot buffer requirement, and permitted uses.

Ms. Slayton spoke to the requirement of the bridge in the DMP, the bridge being addressed in an agreement, reimbursing impact fees for construction of the bridge, and noted there was no legal issue with discussing the agreement.

Ms. Galehouse explained the impact fee variances based on land use.

Mr. Bailey replied to a Commission question regarding reimbursement of impact fees and payment of the bridge.

Ms. Slayton spoke to the agreement providing for the bridge timing and impact fee reimbursement.

Mr. Lear explained the agreement is without issue and was pulled from the agenda due to an old schedule being attached.

Mr. Bailey replied to additional questions regarding identified turn lanes in the analysis.

Christopher Hatton, Senior Vice President of Kimley-Horn, being duly sworn, spoke to validation of turn lanes, offsite evaluation triggered by background conditions and not by development, and turn lanes if the bridge does not get approved.

Ms. Galehouse spoke to medium and low-density percentages in Ordinance No. 2019-09, maximum dwelling units, brick pavers, and adding a condition for arsenic remediation as suggested by the stormwater engineer.

Ben Hilton, Professional Engineer with A-C-T Environmental and Infrastructure, Inc., being duly sworn, spoke to remediation project concerns.

Mr. Bailey spoke to conditions in DMP regarding site remediation and the maximum height for residential and mixed-use areas.

Peter Van Buskirk, Kimley-Horn Project Manager, being duly sworn, spoke to building height being based on commercial or residential use.

Discussion followed regarding agreement in the backup material, standards followed for traffic study, page 13 of staff presentation regarding no gas station, and an eight-foot wall being part of buffer.

Ms. Galehouse clarified that all conditions in the letter need to be added to the motion for DMP, and spoke to the timeframe for a second emergency access, and additional emergency access based on Certificate of Occupancy (CO).

Scott Titus, being duly sworn, addressed emergency access requirements.

Mr. Bailey provided a document, for the record, dated July 25, 2019 supporting the traffic impact analysis.

There were no aggrieved parties.

Ms. Slayton clarified public comment procedures.

Public Comment:

Nancy Hill: being duly sworn, expressed preference for a berm rather than a wall.

Mr. Bailey provided closing arguments and requested approval of all petitions.

Ms. Galehouse recommended approval of items, noted exhibits located in first reading ordinance, and Exhibit C to 2019-09 page six list of uses needs to be changed to match exhibits in the ordinance.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke,

to approve Ordinance No. 2019-07. The motion carried by the following vote:

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

- B.** [ORD. NO. 2019-08](#) An Ordinance of the City of North Port, Florida, Rezoning ±207.5 Acres Located in Section 29, Township 39 South, Range 21 East, from Commercial Recreation (COMREC) Designation to Planned Community Development (PCD) Designation; Providing for Findings; Providing for Filing of Approved Documents; Providing for Severability; Providing for Conflicts; and Providing an Effective Date. (QUASI-JUDICIAL)

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve Ordinance No. 2019-08.

Vice Mayor McDowell stated she will support mixed use of residential and commercial due to previous rezones that allow for the residential portion.

The motion carried by the following vote:

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

- C.** [ORD. NO. 2019-09](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code to Add a New Activity Center #9 by Amending Chapter 55 – Activity Center Design Regulations, Section 55-4 – General; Amending Chapter 55 – Activity Center Design Regulations to Add a New Article IX –Central Parc (Activity Center 9); Amending Chapter 53 – Zoning Regulations, Article III – Commercial General District, Section 53-38 – Permitted Principal Uses and Structures; Amending the Urban Design Standards Pattern Book to Provide Regulations for Activity Center #9; Adopting the Central Parc at North Port Pattern Plan; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (QUASI-JUDICIAL)

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve Ordinance No. 2019-09 with amendment to Exhibit C, letter H. The motion carried by the following vote:

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

PETITIONS:

- A.** [CC DMP-18-071](#) Central Parc at North Port, Development Master Plan for Two Phases of Residential Development and One Phase of Mixed-Use Development (QUASI-JUDICIAL)

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve CC DMP-18-071 with both staff conditions and those conditions proffered by the Applicant as noted in the letter dated July 8, 2019 by Mr. Bailey. The motion carried by the following vote:

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

ORDINANCES: Second Reading continued

- D. [ORD. NO. 2019-24](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code, Chapter 53, Article XVIII – V Village, Sections 53-213 and 53-214 to Provide Regulations for Adoption, Contents, And Maintenance for Village Index Map, Village District Pattern Book, and Village District Pattern Plan, and Incorporating by Reference the West Villages Index Map, the West Villages Village District Pattern Book, and all Previously Adopted West Villages Village District Pattern Plans; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. TXT-19-125

Commissioner Emrich left the dais at 9:34 p.m.

Martin Black, Chairman of the West Villages Improvement District, consented to combining the items for discussion.

There was a consensus to combine Items 4.E., 4.F., 4.G., 4.H. and 4.J. for presentation and discussion after hearing Item 4.D.

Ms. Taylor read the ordinance by title only.

Ms. Galehouse introduced the item, and spoke to a recommended change made by the City Attorney prior to second reading.

There was no public comment.

Ms. Galehouse responded to a Commission question regarding changes made pursuant to City Attorney's recommendations from the first reading of the ordinance.

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Ordinance No. 2019-24. The motion carried by the following vote:

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

Not Present: 1 - Commissioner Emrich

- E. [ORD. NO. 2019-20](#) An Ordinance of the City of North Port, Florida, Amending the West Villages Index Map to Relocate the Town Center and Village Center Boundaries, Adjust Village Boundaries, add Approximate Public use Acreages, and add Potential Fire/Police Station Location Alternatives; Providing for Findings; Providing for Adoption; Providing for Filing of Approved Documents; Providing for Severability; Providing for Conflicts; and Providing an Effective Date. (QUASI-JUDICIAL)

Commissioner Carusone left the dais at 9:41 p.m.

Ms. Taylor read Ordinance No.(s) 2019-20, 2019-14, 2019-25, 2019-19 and 2019-26 by title only, and swore in those wishing to provide testimony. Ms. Taylor clarified the correct acreage for Ordinance No. 2019-25 is 306. Ms. Galehouse confirmed the correct acreage

was properly advertised.

Commissioner Luke, Vice Mayor McDowell and Mayor Hanks stated their ex-parte communications were the same as from the first reading.

Martin Black, Chairman of the West Villages Improvement District, being duly sworn, provided a presentation including filing of the annexation petition, areas with limited utility services, and suggested the City consider entering an interlocal service area or joint planning agreement with Sarasota County.

Commissioner Carusone returned to the dais at 9:50 p.m.

Nicole Galehouse, being duly sworn, spoke to the corrected 306.42 acreage in the Pattern Plan for Village E, fees changed from public land use to village land use in Ordinance No. 2019-14, expressed concern with loss of 208 acres, economic development eager to work with developer to see types of targeted industries, recommended Commission leave the 208 acres, non-residential requirements for the developer to provide, concern with shrinking non-residential acreage, and additional input from applicant provides for positive financial impact over 30 years.

Commissioner Emrich returned to the dais at 9:57 p.m.

Mr. Black provided rebuttal including Commission concern with taxable value, current positive financial impact, increasing commercial square footage in town center requires widening U.S. 41, potential for future commercial and office footage as West Villages is developed, studies supporting current mix of residential and business use, and recommended approval with corrections noted from first reading.

Ms. Galehouse provided staff rebuttal clarifying the model was negative for first 10 years and not over 30 years, and noted though there is potential there is no guarantee for non-residential use in the future.

There was no public comment.

Ms. Galehouse responded to Commission questions regarding the annexed property as part of Activity Center 1, amount of acreage for commercial in proposed index map is 1,085 acres of Town Center, area owned by the hospital, total acreage of nontaxable properties, Village E staff recommendation of 30% maximum for residential, projected fiscal analysis for first 10 years, stated the West Villages index map was corrected on Village District Pattern Plan (VDPP), and clarified mixed-use acreage in Ordinance No. 2019-25.

Mr. Black responded to Commission questions regarding annexation issue, and recommended the City consider a joint planning interlocal agreement with Sarasota County versus obtaining the 5-0 vote required for a Comp Plan Amendment with the County.

Ms. Galehouse replied to questions regarding the college utilizing City utilities, and room for commercial throughout the West Villages.

Ms. Thomas responded to Commission questions regarding other locations for targeted industries.

Ms. Slayton clarified you cannot put a condition on an ordinance but the effective date of

the ordinance could be changed.

Discussion continued regarding property included in original town center acreage, Village F and G fiscal analysis revenue for years 1-5 and 6-10, the Joint Planning Agreement (JPA) with the county being dropped in 2010, 120 acres of land for the new school is in the City limits, the developer swapping 60 acres for the school for another 120 acre parcel, and dedicating Village H 44 acres in the Pattern Book.

Mr. Black suggested amending the comprehensive plan to allow property on U.S. 41 to be town center versus activity center and provided closing arguments.

Ms. Galehouse provided closing arguments.

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Ordinance 2019-20.

Discussion followed regarding need to reevaluate how percentages of commercial is evaluated, market dictating what happens, moving commercial properties out of the center of the districts, prior index map changes, changing as future needs dictate, shortage in commercial acres, need to put commercial back in to preserve for future growth and planning, and Activity Center 1 requirements.

A motion to amend was made by Vice Mayor McDowell, seconded by Commissioner Carusone, to have staff include 250 acres between Village H and Village L.

Discussion took place regarding major roadway between Village H and L, wetlands and unbuildable space.

Commissioner Luke stated she could not approve the amendment until the Applicant and staff discuss details.

The motion to amend failed by the following vote:

Yes: 2 - Vice-Mayor McDowell and Commissioner Carusone

No: 3 - Mayor Hanks, Commissioner Luke and Commissioner Emrich

Commissioner Emrich stated he is not going to impose without additional information.

The main motion carried by the following vote, with Vice Mayor McDowell dissenting:

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

No: 1 - Vice-Mayor McDowell

Vice Mayor McDowell dissented due to cutting off the main reason the property was annexed into the City of North Port, for the commercial, industrial and office space.

J. [ORD. NO. 2019-14](#)

An Ordinance of the City of North Port, Florida, Relating to CPAL 19-028, Amending the Comprehensive Plan, Future Land Use Map 2-7 and Existing Land Use Map 2-8 to Change the Designation of a ± 12.00 Acre Area Located South of U.S. 41 and East of the State College of Florida Campus in the West Villages from "Public" to "Village"; Providing for Findings; Providing for Adoption; Providing for Transmittal of Documents;

Providing for Conflicts; Providing for Severability; and Providing an Effective Date

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Ordinance No. 2019-14. The motion carried by the following vote:

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

- F.** [ORD. NO. 2019-25](#) An Ordinance of the City of North Port, Florida, Adopting the Village E Village District Pattern Plan (West Villages) for a ±480 Acre Area Located to the West of River Road, to the South of US 41, to the North of the Future Playmore Road and to the East of the State College of Florida Campus and West Villages Parkway; Amending the Unified Land Development Code, Chapter 53, Article XVIII – V Village, Section 53-214 to Incorporate the Pattern Plan by Reference; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (QUASI-JUDICIAL)

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Ordinance No. 2019-25.

A motion to amend was made by Vice Mayor McDowell to have residential go back to 30% as staff has requested, instead of the Applicant's request for 63%. The motion failed for lack of a second.

The main motion carried by the following vote, with Vice Mayor McDowell dissenting:

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

No: 1 - Vice-Mayor McDowell

Vice Mayor McDowell dissented in support of the staff recommendation of 30% residential as stated in the Comp Plan.

- H.** [ORD. NO. 2019-26](#) An Ordinance of the City of North Port, Florida, Adopting the Village G Village District Pattern Plan (West Villages) for a ±742 Acre Area Located to the West of River Road, to the South of Playmore Road, to the North of the Future Manasota Beach Road and to the East of West Villages Parkway; Amending the Unified Land Development Code, Chapter 53, Article XVIII – V Village, Section 53-214 to Incorporate the Pattern Plan by Reference; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (QUASI-JUDICIAL)

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Ordinance No. 2019-26. The motion carried by the following vote, with Vice Mayor McDowell dissenting:

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

No: 1 - Vice-Mayor McDowell

Vice Mayor McDowell dissented due to first eight to ten years of this development being on the existing tax payers.

- G. [ORD. NO. 2019-19](#) An Ordinance of the City of North Port, Florida, Adopting the Village F Village District Pattern Plan (West Villages) for a ±828 Acre Area Located to the West of the Future West Villages Parkway, to the South of Playmore Road and the Island Walk Subdivision, to the North of the Future Manasota Beach Road and to the East of the Sarasota National Development; Amending the Unified Land Development Code, Chapter 53, Article XVIII – V Village, Section 53-214 to Incorporate the Pattern Plan by Reference; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (QUASI-JUDICIAL)

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Ordinance No. 2019-19. The motion carried by the following vote:

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

- K. [ORD. NO. 2019-33](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Chapter 4 - Boards and Committees; Article IV – Audit Committee, to Incorporate Amendments to Florida Statutes § 218.391; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Ms. Taylor read the ordinance by title only.

Commissioner Carusone left the dais at 10:56 p.m.

A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to approve Ordinance No. 2019-33. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- I. [ORD. NO. 2019-11](#) An Ordinance of the City of North Port, Florida, Amending the City of North Port Unified Land Development Code to Allow for Urban Market Gardens by Amending Chapter 25 – Parking and Loading Regulations, Article II – Off-Street Parking, Section 25-17 – Minimum Off-Street Parking Requirements; Amending Chapter 53 – Zoning Regulations, Part 2 – Schedule of District Regulations to Allow Urban Market Gardens as a Permitted Principal Use in the CG Commercial General District, CG-S Commercial General Special District, ILW Light Industrial and Warehousing District, and NC-HI/NC-LI Neighborhood Commercial High/Low Intensity Districts; Amending Part 3 – Special District Regulations, Article XX Special Circumstance Regulations, Section 53-240 Special Structures; Amending Chapter 55 – Activity Center Design Regulations to Allow Urban Market Gardens as a Permitted Principal Use

in Panacea (Activity Center #4), Midway (Activity Center #5), The Shire (Activity Center #6), And The Gardens (Activity Center #8); Amending Chapter 61 Definitions, Section 61-3 Definitions and Word Usage; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (TXT-18-208)

Commissioner Carusone returned to the dais at 10:57 p.m.

A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to bring back Ordinance No. 2019-11 September 24, 2019. The motion carried by the following vote:

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

5. PUBLIC COMMENT:

There was no public comment.

6. COMMISSION COMMUNICATIONS:

There were no Commission Communications.

7. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative and Legal Reports.

8. ADJOURNMENT:

Mayor Hanks adjourned the North Port City Commission Regular Meeting at 10:59 p.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Heather Taylor, Deputy City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2019.