



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes Planning & Zoning Advisory Board

Thursday, December 6, 2018

9:00 AM

CITY COMMISSION CHAMBERS

NOTE: This is a draft copy of the minutes of the 12-06-2018 Planning & Zoning Advisory Board Meeting, has not been approved by the Board and is subject to change.

CALL TO ORDER/ROLL CALL

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

Present: Chair Thomas Nicholson, Jr.; Vice-Chair Kevin Rouse; John Metzger; and James Sawyer.

Absent: Norbert Schneider; and Philip Lamade.

Staff: Assistant City Attorney Michael Golen; Interim Planning Division Manager Nicole Galehouse; Senior Planner Heather Hansen; Planner Christopher Whittaker; Planner Josh Pelfrey; Planner Allison Christie; and Recording Secretary Hale.

The Pledge of Allegiance was led by the Board.

1. PUBLIC COMMENT

There was no public comment.

2. ANNOUNCEMENTS

- A. [18-869](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Recording Secretary Hale read the Current Vacancies and Upcoming Expiration Dates for Boards and Committees into the record.

3. PUBLIC HEARING

- A. [18-862](#) PLF-18-209, The Preserve at West Villages Phase 3 Plat (Quasi-Judicial)

Recording Secretary Hale swore in all those wishing to provide testimony on all agenda items.

The Board Members had no ex parte communications to disclose.

Recording Secretary Hale read the agenda item by title and thereafter, Bobbie Claybrook with AM Engineering provided an overview of the agenda item for the Applicant.

Planner Chris Whittaker provided a report by City Staff and recommended approval.

Following a question, clarification was provided that 23 units will be constructed, 22 of which will be single-family attached paired villas (carriage homes) similar to the Preserve, Phase I, and one single-family detached villa (lot 209). There were no adversely affected persons and there was no public comment.

A motion was made by Board Member Sawyer, seconded by Board Member Metzger, that the Planning and Zoning Advisory Board recommend to the Commission to approve Petition No. PLF-18-209, The Preserve at West Villages, Phase 3 Plat. The motion carried by the following vote:

Yes: 4 - Chair Nicholson, Vice-Chair Rouse, Board Member Metzger and Sawyer

B. [18-790](#) PLF-18-199, Islandwalk at the West Villages, Phase 7, Plat (Quasi-Judicial)

The Board Members had no ex parte communications to disclose.

Recording Secretary Hale read the agenda item by title and thereafter, swore in all those wishing to provide testimony. Strickland Smith, with Heidt Design, representing Divosta Homes, LP provided an overview for the Applicant.

Planner Josh Pelfrey provided a report by City Staff and recommended approval.

There were no questions from the Board, no adversely affected persons and there was no public comment.

A motion was made by Vice-Chair Rouse, seconded by Board Member Metzger, that the Planning & Zoning Advisory Board recommends to the City Commission to approve Petition No. PLF-18-199, Islandwalk at the West Villages, Phase 7 Plat. The motion carried by the following vote:

Yes: 4 - Chair Nicholson, Vice-Chair Rouse, Board Member Metzger and Sawyer

C. [18-815](#) DMA-18-247, Amendment to DMP-15-030 to allow for an additional waiver from the Urban Design Standards related to building appearance for the US 41 Corridor/Activity Center #1. (Quasi-Judicial)

The Board Members had no ex parte communications to disclose.

Recording Secretary Hale read the agenda item by title and thereafter, Mike Postle, representing Lodgco Hospitality, LLC, provided an overview of the requested waivers for the proposed hotel building.

Senior Planner Heather Hansen provided Staff's review and provided Staff's Conditions of Approval on page 10 of the Staff Report, with one additional condition that if the waivers are granted, they would only apply to this specific building on this site.

There were no aggrieved persons and public comment was held.

Discussion ensued: 1) Mr. Sawyer expressed concern that the Applicant should comply with all the Mediterranean Design Standards and cannot support approval of the waivers; 2) clarification was provided that: [a] the company is already adding \$100,000 to the prototype building; [b] additional requirements would detract from the elevation rendering

due to the outside placement of the individual air conditioning units; [c] corporate management may not approve of further changes.

A motion was made by Board Member Sawyer, seconded by Board Member Rouse, that the Planning & Zoning Advisory Board recommends to the City Commission, approval of Petition No. DMA-18-247 per conditions of approval on page 10 by City Staff, in addition to Staff's additional condition that the waivers only apply to this building. After discussion, Board Member Rouse rescinded the second.

Discussion continued: 1) it was clarified that the Conditions of Approval reiterate items that are within their waiver requests and ensure that certain things get done; 2) the suggested additional window treatments and balconies are not part of the Conditions of Approval; 3) the Applicant agrees with all the Conditions of Approval on page 10.

A motion was made by Board Member Sawyer, that the Planning & Zoning Advisory Board recommends to the City Commission, that Petition No. DMA-18-247, Amendment to DMP-15-030 be approved based on the Conditions of Approval established by Staff with the addition of the window treatment and fake balconies. The motion failed for lack of a second.

A motion was made by Vice-Chair Rouse, seconded by Board Member Metzger, that the Planning & Zoning Advisory Board recommends to the City Commission to approve with Conditions, Petition No. DMA-18-247, the request for an additional waiver to the approved DMP-15-030, under the Conditions of Approval presented by Staff. The motion carried by the following vote with Board Member Sawyer dissenting.

Yes: 3 - Chair Nicholson, Vice-Chair Rouse and Board Member Metzger

No: 1 - Sawyer

D. [18-856](#)

Ordinance No. 2018-37, Changes to ULDC Chapter 1 General Provisions, Article III Boards and Duties, Section 1-28 Zoning Board of Appeals and Section 1-29 Planning and Zoning Advisory Board addressing qualifications of members, removal, vacancies, and compensation.

Recording Secretary Hale read Ordinance No. 2018-37 into the record by title and thereafter, Planner Allison Christie provided an overview of the proposed legislation. There were no aggrieved persons.

PUBLIC COMMENT:

Bob Smith: definitions of "citizen of North Port" as defined in the City Charter.

Discussion ensued: 1) clarification was provided omitting the residency requirement in the Unified Land Development Code (ULDC) but then it defers back to the City Code which requires residency within the City of North Port; 2) Assistant City Attorney Golen further clarified that the City Charter has precedence over the ULDC and the City Code; 3) citing Chapter 4 of the City Code, page 2, Section 4-3(b) "All board appointees shall have resided within the city for a period of six months. Residency must be maintained throughout the term of office. Failure to maintain permanent residency within the city shall result in automatic vacation of the board seat." overrules the ULDC and is being removed from the ULDC because it is stated in Section 4-3(b); 4) the only exception is if the specific Board's legislation states something different; 5) it was stated that the Commission is currently leaning on a one-year residency requirement; 6) Chair Nicholson expressed concern that: [a] the residency requirement should not be removed from the ULDC; [b] the additional requirements of having experience and expertise in zoning, land

use and related topics to the greatest extent possible; [c] it is difficult to fill positions on City Advisory Boards as they are now and to put an additional restriction is excessive; [d] it demonstrates discrimination against a class of people if they don't have the correct qualifications.

A motion was made by Board Member Metzger, seconded by Sawyer, that the Planning & Zoning Advisory Board recommends to the City Commission to approve Ordinance No. 2018-37, changes to ULDC Chapter 1 General Provisions, Article III Boards and Duties, Section 1-28 Zoning Board of Appeals and Section 1-29 Planning and Zoning Advisory Board addressing qualifications of members, removal, vacancies, and compensation. The motion carried by the following vote with Chair Nicholson dissenting.

Yes: 3 - Vice-Chair Rouse, Board Member Metzger and Sawyer

No: 1 - Chair Nicholson

E. [18-859](#)

Ordinance No. 2018-56, TXT-18-230, Amending ULDC Chapter 55, Section 55-15 and Section 55-16 to Allow Pawn Shops in Activity Center 1

Recording Secretary Hale read Ordinance No. 2018-56 into the record by title and thereafter, Planner Allison Christie provided an overview of the legislation.

Discussion ensued: 1) this Ordinance is for the expansion of a current pawn shop in Activity Center 1; 2) Chair Nicholson did not support the expansion of pawn shops because they are not needed and are not in the best interest of North Port and requested that the requirement change from pre-existing to non-conforming; 3) Board Member Rouse opined that there needs to be a discussion of how many pawn shops to allow in the City and will not support the proposed legislation; 4) this removes shops in Activity Center 1 from the prohibition list and puts it on the permitted list which would allow a new pawn shop to locate in Activity Center 1. There was no public comment.

A motion was made by Board Member Sawyer, seconded by Board Member Metzger, that the Planning & Zoning Advisory Board recommends to the City Commission to approve Ordinance No. 2018-56, TXT-18-230, Amending ULDC Chapter 55, Section 55-15 and Section 55-16 to Allow Pawn Shops in Activity Center 1. The motion failed by the following vote due to lack of a majority.

Yes: 2 - Board Member Metzger and Sawyer

No: 2 - Chair Nicholson and Vice-Chair Rouse

F. [18-860](#)

Ordinance No. 2018-42, CPA-18-167, annual revision and update to the Capital Improvements Element of the Comprehensive Plan, adding a fifth year and projects related to Level of Service standards and adopted 2018-2019 Sarasota County School Board Capital Improvement Plan by reference.

Recording Secretary Hale read Ordinance No. 2018-42 into the record by title and thereafter, Planner Allison Christie provided a brief overview.

There were no questions or comments from Board Members and no public comment.

A motion was made by Board Member Sawyer, seconded by Vice-Chair Rouse, that the Planning & Zoning Advisory Board recommends to the City Commission to approve Ordinance No. 2018-42, CPA-18-167, annual revision and update to the

Capital Improvements Element of the Comprehensive Plan, adding a fifth year and projects related to Level of Service standards and adopted 2018-2019 Sarasota County School Board Capital Improvement Plan by reference. The motion carried by the following vote:

Yes: 4 - Chair Nicholson, Vice-Chair Rouse, Board Member Metzger and Sawyer

4. CONSENT AGENDA

A motion was made by Board Member Metzger, seconded by Board Member Sawyer, to approve the Consent Agenda as presented. The motion carried by the following vote:

Yes: 4 - Chair Nicholson, Vice-Chair Rouse, Board Member Metzger and Sawyer

A. [18-868](#)

Approval of minutes for the November 1, 2018 Planning & Zoning Advisory Board Regular Meeting; November 15, 2018 Planning & Zoning Advisory Board Regular Meeting.

5. PUBLIC COMMENT

There was no public comment.

6. ADJOURNMENT

Chair Nicholson adjourned the Planning & Zoning Advisory Board Regular Meeting at 10:34 a.m.

City of North Port, Florida

By: _____
Thomas Nicholson, Jr., Chair

Minutes approved at the Planning & Zoning Advisory Board Regular Meeting this ____ day of _____, 2019.