



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, 9th 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, 9th 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