



Meeting Minutes - Draft Planning & Zoning Advisory Board

Thursday, April 18, 2019

9:00 AM

CITY COMMISSION CHAMBERS

- A. [CPAL-18-06](#) Ordinance 2019-07, Amendment to the City of North Port Comprehensive Plan and Future Land Use Map, Amending the Future Land Use of $\pm$ 207.5 acres from 'Recreation Open Space' to 'Activity Center' and adding policies to create the Central Parc Activity Center (AC #9)

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Recording Secretary Hale read Agenda Items 6.A. through 6.D. into the record.

Ms. Slayton, being duly sworn, clarified that Items A. through D. will be discussed in one hearing and Item 6.C. is also a quasi-judicial proceeding.

Board Members had no ex-parte communications to report and Recording Secretary Hale, Notary Public for the State of Florida, as a Quasi-judicial hearing, swore in all those wishing to speak on the Public Hearing Agenda items.

Attorney Charlie Bailey and Peter Van Buskirk, being duly sworn, representing Sabal Trace Development Partners, LLC, provided an overview of the four proposals to re-establish entitlements for development, a historical background of Sabal Trace with map details, redevelopment phase plans with emphasis on neighborhood compatibility, proposed bridge across the Cocoplum Waterway, emergency vehicle ingress and egress roads, arsenic remediation in conjunction with the Environmental Protection Agency, area transportation connectivity, outcome of public outreach meetings, and the proposed Development Master Plan.

Ms. Galehouse, being duly sworn, provided staff's report of the petition, including the project location, the Comprehensive Plan amendments, future land use map, the rezone request elements, the proposed zoning district change, specific Unified Land Development Code (ULDC) amendment elements as they relate to the proposed Comprehensive Plan amendments, the Development Master Plan components, building elevations, neighborhood meetings, legal review and advertising of the proposed legislation, and conditions of approval for each of the Ordinances.

Chair Nicholson stated there were no aggrieved persons affected by the proposed development and the Applicant stated there would be no rebuttal.

PUBLIC COMMENT:

Jim Blucher, being duly sworn: The Sabal Trace Alliance suggested creating berms at time of infrastructure installation, a traffic safety and light at Greenwood Avenue and Sumter Boulevard, and to stop thru traffic on Pocatella Avenue.

Fred Tower, being duly sworn: additional suggestions including no apartments in the commercial area, no multi-homes, berm drainage, no two-story buildings or place them in center of the project, berms built at beginning of project, and more suggestions were given to Deputy City Clerk.

Ken Gray, being duly sworn: traffic concerns, anticipated traffic light backup on Tuscola

Boulevard as well as at the intersection of Greenwood Avenue and Sumter Boulevard.

Gene Mitchell, being duly sworn: the original plans for the golf course not followed, alternative traffic plan on Greenwood Avenue, a lift station needed, and limiting recreational land.

John Baldizzone, being duly sworn: the lift station impact on utilities and possible negative impacts of this new development.

Steve Torchia, being duly sworn: the possibility of the current owner selling in five years, traffic, and empty commercial property.

Scott Hudson, being duly sworn: Tuscola Commons borders the property, and supported the development.

Connie Brunni, being duly sworn: two-story units and overlook potential, supports the concept, the Exhibit C and Staff Report #10, F impact on homes, the Cocoplum bridge and impact fee reimbursements, and arsenic remediation.

Bill Morgan, being duly sworn: neighbors and owners abutting the property, the City's Comprehensive Plan, a change from an 18 hole golf course to a 9 hole course, landscape buffers gained and lost vs. privacy issues, and provided documents for the record.

Mr. Van Buskirk spoke to the number and types of homes and changes in market that affect the product, average prices for the homes vs. existing home values, the residential phases developed at 2.81 units per acre, height and location of the two-story buildings in single-family districts, the "overlook" concern and the sizeable buffer areas.

Ms. Galehouse confirmed that the maximum density under the Comprehensive Plan is 500 homes, some staff conditions are being built into the Code, and the Development Master Plan is only valid for two years.

Mr. Van Buskirk spoke to the reclaimed water requirement proposals, and traffic congestion at Greenwood Avenue and Sumter Boulevard vs. a new bridge across the Cocoplum Waterway.

Christopher Hatten, Kimley Horn, being duly sworn, spoke to keys to alleviate traffic congestion in the area.

Mr. Van Buskirk spoke to berms being constructed at the beginning of each phase, the landscape buffers planned for the areas, and the type of trees.

Mr. Bailey spoke to the bridge, and impact fee credits.

Mark Gerenger, Sabal Trace Development partners, LLC, being duly sworn, clarified the mixed-use commercial types in the project, and when commercial development will be appropriate.

Ms. Galehouse spoke to permitted uses being consistent with this zoning district, arsenic remediation vs. permitting, the traffic study relating to the bridge, the new lift station and its generator, staff's preference for a bridge, emergency vehicle access points, and two-story housing restrictions.

Mr. Bailey provided closing comments and requested approval.

Ms. Slayton clarified that impact fee credits used as a financing mechanism for the bridge is a separate process defined in City Code and must be approved by the Commission, the conditions in the Staff Report are applicable to the Development Master Plan and it is inappropriate to place conditions on a Comprehensive Plan Amendment, a Rezone Amendment or the Text Amendment, but recommended a slight modification to the Text Amendment language for Ordinance No. 2019-09.

Mr. Bailey accepted the modification as presented by Ms. Slayton.

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. 2019-07, Petition CPAL-18-060, Comprehensive Plan Amendment, based on findings of consistency with the standards and intent of the adopted Comprehensive Plan and all applicable Florida Statutes. The motion carried unanimously 4-0 on a voice vote.

- B. [REZ-18-070](#) Ordinance 2019-08, Rezone of ± 207.5 Acres from 'Commercial Recreation' to 'Planned Community Development.' (QUASI-JUDICIAL)

Discussion regarding this item was held under Agenda Item 6.A.

A motion was made by Board Member Metzger, seconded by Board Member Sawyer, that the Planning & Zoning Advisory Board recommends to the City Commission, to approve Ordinance No. 2019-08, Petition REZ-18-070, rezoning, based on staff findings that this project meets the requirements of the Comprehensive Plan, the Unified Land Development Code, and all Federal, State and local regulations. The motion carried unanimously 4-0, on a voice vote.

- C. [TXT-18-179](#) Ordinance 2019-09, Amendment to the City of North Port Unified Land Development Code to Provide Land Development Regulations for the Central Parc Activity Center (AC #9) (QUASI-JUDICIAL)

Discussion regarding this item was held under Agenda Item 6.A.

Ms. Slayton restated her recommended non-substantive modification to the language in Ordinance No. 2019-09, as follows: "incorporated by reference as is set forth fully herein" following the references to the Pattern Book and the Pattern Plan in lines 79 and 81.

A motion was made by Board Member Metzger, seconded by Board Member Lamade, that the Planning & Zoning Advisory Board recommends to the City Commission, to approve Ordinance No 2019-09, Petition TXT-18-179, text amendment, based on staff findings, with the following additional language as stated by the City Attorney to state: in line 79, after the reference to the Pattern Book "incorporated by reference as is set forth fully herein" and in line 81, after the reference to the Pattern Plan, to state "incorporated by reference as is set forth fully herein." The motion carried unanimously 4-0 on a voice vote.

- D. [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)

Discussion regarding this item was held under Agenda Item 6.A.

Ms. Slayton clarified that a motion to approve would include all the conditions identified in the Staff Report:

1. The last wildlife survey was done in January 2018. This survey shows presence of gopher tortoise but is older than 90 days. Within 30 days and no more than 90-days of proposed start of land clearing, perform another wildlife survey and include 100% survey of potential gopher tortoise habitat per FWC Gopher Tortoise Permitting Guidelines for the site. The gopher tortoise survey must be completed prior to scheduling the pre-construction meeting or applying for a land clearing permit. The gopher tortoise survey and relocation prior to land clearing must meet the requirements and timing specified by Florida Fish and Wildlife Conservation Commission (FWC). All gopher tortoise burrows found on-site must either be avoided or relocated with an FWC relocation permit for the relocation secured, and a copy provided to the City. On completion of the relocation actions, submit a summary After Action report to the City that identifies the total number of tortoises relocated to the designated property.

2. Approval of an FDEP Interim Source Removal work plan for arsenic remediation to permit residential development is required prior to issuance of a Development Order for the infrastructure plans. Evidence of progress in obtaining this remediation plan must be submitted with the application for infrastructure plan approval. The applicant shall copy the City of North Port on all applications and information submitted to FDEP during the process of receiving this plan approval, and shall forward any responses from FDEP to the City within 5 business days of receipt. The remediation work must be completed with the construction of the infrastructure. Confirmational samples must be taken after all cleanup work is complete to ensure that arsenic levels are appropriate for residential development before a building permit for a residential structure will be issued, along with any additional work required by FDEP to complete cleanup on the site. During the remediation, dewatering and stormwater system construction activities, sampling must be conducted to make sure that Arsenic concentrations entering the City's stormwater system (City's potable water supply) does not exceed allowable regulatory limits. After the construction is complete, subsequent sampling may be required pursuant to the Interim Source Removal work plan to ensure no further leaching of arsenic into the City's stormwater system. All remediation work must be completed with no adverse effect to the environment or the City's potable water supply.

3. If the applicant is unable to obtain a remediation plan that allows for residential development, the 85% of the site that is allocated to low density residential development shall be maintained to comply with all City of North Port standards to avoid any nuisance to surrounding properties and shall be maintained at no cost to the City. Alternatively, the applicant could seek a new Comprehensive Plan Amendment and Text Amendment to change the permitted uses on the property.

4. A two-lane bridge, including ten feet wide multi-use paths on both sides of the roadway, over the Cocoplum Waterway extending Tuscola Boulevard north, connecting to Greenwood Avenue is to be constructed by the Developer. An associated agreement between the Developer and the City, whereby costs of the bridge are to be paid by the Developer and reimbursed by the City through transportation impact fees, is to be executed as part of this development approval. If an agreement to construct the bridge cannot be reached, the applicant must provide the transportation system improvements identified in the alternative scenario presented in the traffic impact statement.

5. If the bridge in condition 4 is constructed, the right and left turn lane recommendations of the Traffic Impact Analysis including the Cocoplum Waterway bridge connection to Tuscola Boulevard, submitted for this proposed development are to be completed simultaneously with Phase 1. The Developer shall evaluate the Tuscola Boulevard extension intersection to Greenwood Avenue at the main entrance into this proposed

development for a four-way stop condition, and if justified, include this with the Tuscola Boulevard extension.

6. The existing reclaimed storage tank and pump station on site will be removed at the cost of the developer and a new reclaimed storage pond/lake will be excavated with the reclaimed water being metered as it enters the pond.

7. Exterior metal shall be painted North Port City Center Green.

8. All pedestrian areas shall maintain a minimum of 0.9 foot candles.

9. It is the developer's responsibility to ensure the project adheres to all City, State, and Federal standards.

10. Until the project receives a CO, the City has the right to inspect the project at reasonable times.

11. Approved Development Master Plans shall expire in 2 years if commencement of development procedures and evidence of applications to pursue development is not satisfactory.

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 with conditions as stated by staff in the Staff Report, Section 8, Conditions and Safeguards, of Petition DMP-18-071, Central Parc at North Port, effective upon adoption of Ordinances 2019-07, 2019-08, and 2019-09. The motion carried unanimously 4-0 on a voice vote.