



City of North Port

RESOLUTION NO. 2023-R-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, GRANTING A SPECIAL EXCEPTION TO ALLOW A MULTI-FAMILY RESIDENTIAL USE LOCATED GENERALLY AT THE SOUTHEAST CORNER OF SUMTER BOULEVARD AND POCATELLA AVENUE, NORTH OF MCKIBBEN DRIVE IN THE OFFICE, PROFESSIONAL, INSTITUTIONAL (OPI) ZONING DISTRICT PURSUANT TO THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE SECTION 53-92 AND 53-259; PROVIDING FOR FINDINGS; PROVIDING FOR GRANTING THE SPECIAL EXCEPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the City of North Port Unified Land Development Code (“ULDC”), Chapter 53, Zoning Regulations, Section 53-92, and Section 53-259; Joseph Holt, on behalf of the property owner, Zia Butt (the “Petitioner”), submitted on July 6, 2023, to the City of North Port Development Services Department, Planning and Zoning Division Petition No. SPX 23-139 requesting a Special Exception to allow a multi-family residential use with a maximum of 175 dwelling units in the Office, Professional, Institutional (OPI) Zoning District; and

WHEREAS, the property consists of ± 11.7 acres (“Subject Property”) and is located at the southeast corner of Sumter Boulevard and Pocatella Avenue, north of McKibben Drive, described as Tract D, First Replat in 40th Addition to Port Charlotte Subdivision, as recorded in Plat Book 26, Page 33, of the Official Records of Sarasota County, Florida, with Sarasota County Property Appraiser’s Parcel Identification Number 1001160001; and

WHEREAS, the Subject Property’s future land use is Professional Office, and its zoning designation is Office, Professional, Institutional (OPI); and

WHEREAS, Policy 1.1 of the Future Land Use Element of the City of North Port’s Comprehensive Plan provides for professional and business offices, institutional, cultural, residential, and associated uses in the Professional Office future land Use classification; and

WHEREAS, ULDC Sections 53-90 and 53-91 provide for the permitted and prohibited uses and structures in the Office, Professional, Institutional (OPI) Zoning District; and

WHEREAS, the proposed multi-family residential use component within the mixed-use development is neither a specifically permitted nor prohibited use in the Office, Professional, Institutional (OPI) zoning district; and

WHEREAS, ULDC Section 53-92 provides any use not explicitly permitted and not expressly prohibited in the OPI zoning district may file for a special exception permit in accordance with Article XXII of Chapter 53, provided that the use applied for contributes to the intent of the zoning district as stated in the City of North Port Florida's Comprehensive Plan and ULDC; and

WHEREAS, ULDC Section 53-259 governs the required findings for 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 September 21, 2023, and considered the Petitioner's request for a special exception, the testimony, and evidence presented at the public hearing; and found the Petitioner's request consistent with the Comprehensive Plan and the requirements of the ULDC for the Subject Property; and

WHEREAS, on October 10, 2023, 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 action report and recommendation, the testimony, and evidence presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this resolution by reference.
- 1.02 The City Commission of the City of North Port, Florida hereby finds that the petition for a special exception to allow a multi-family residential use at a density of 15 dwelling units per acre is consistent with Policy 1.1, Future Land Use Element of the City of North Port Comprehensive Plan, regarding the Professional Office future land use classification.
- 1.03 The City Commission of the City of North Port, Florida hereby finds the petition for a special exception to allow a multi-family residential use in the Office, Professional, Institutional (OPI) Zoning District meets the requirements of the ULDC Section 53-259, as follows:
 - (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), Article VII. – OPI Office, Professional, Institutional District, 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 intents, 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 Subject 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 Subject Property is located, in accordance with the provisions of the Future Land Use 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 structures(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 the ULDC 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-23-139 is hereby granted to allow a multi-family residential development with a maximum of 175 dwelling units in the Office, Professional, Institutional (OPI) zoning district on the Subject Property consisting of ± 11.7 acres, described as Tract D, First Replat in 40th Addition to Port Charlotte Subdivision, as recorded in Plat Book 26, Page 33, of the Official Records of Sarasota County, Florida, Property Appraiser’s Parcel Identification Number 1001160001.

SECTION 3 – CONFLICTS

3.01 In the event of a conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 5 – EFFECTIVE DATE

5.01 This resolution takes effect immediately upon adoption.

ADOPTED by the City Commission of the City of North Port, Florida, in a public session on October 10, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY