



City of North Port

Request to Speak (print legibly)

Name: MARCIA H. BROWN Date: 10.16.20

Agenda Item Number: _____

Agenda Topic: 7-11 Mediation

If you are presenting evidence and/or testimony during a quasi-judicial hearing, you are required to complete and sign the following oath.

I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the quasi-judicial hearing, held this 16 day of Oct 2020 will be the truth, and nothing but the truth.

Signature: Marcia H. Brown

If you wish to receive notice of any subsequent special magistrate proceedings occurring regarding the development order as requested in this quasi-judicial hearing, then check the box and provide your mailing address below.

Address: 1153 S. Waconia St., North Port, FL 34286

MEETING PROCEDURE: By submitting a "Request to Speak" card to the City Clerk, the public may comment (1) under Public Comment at the beginning and ending of each meeting on any issue that is related to City Business; (2) on all scheduled Agenda Items at the time the item is being discussed. Please indicate on the Speaker Card by writing Public comment if you wish to speak under that portion of the meeting or specify the individual Agenda Item Number you wish to speak to. Please wait until you are recognized by the Presiding Officer and limit your remarks to a period of **three (3) minutes or less.**

RULES OF DECORUM

PERSONS ADDRESSING THE COMMISSION: Any person making personal, impertinent, slanderous or profane remarks or who willingly utters loud, threatening or abusive language or engages in any disorderly conduct which would impede, disrupt or disturb the orderly conduct of any meeting, hearing or other proceedings shall be called to order by the presiding officer and, if such conduct continues, may, at the discretion of the presiding officer, be ordered barred from further audience before the Commission during that meeting. No person in the audience shall engage in disorderly conduct such as handclapping, yelling and similar demonstrations, which conduct disturbs the peace and good order of the meeting.

EXCEPT FOR MEMBERS OF THE COMMISSION AND THE CITY STAFF, NO PERSON SHALL BE ALLOWED TO APPROACH THE COMMISSION DAIS WITHOUT THE CONSENT OF THE PRESIDING OFFICER.



City of North Port

Request to Speak (print legibly)

Name: Keith Brown Date: 10-16-20

Agenda Item Number: _____

Agenda Topic: 7-11 Mediation

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Signature: _____

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City of North Port

Request to Speak (print legibly)

Name: Alexis Waldron Date: 10/16/2020

Agenda Item Number: _____

Agenda Topic: _____

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I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the quasi-judicial hearing, held this 16 day of 10 2020 will be the truth, and nothing but the truth.

Signature: Alexis Waldron

If you wish to receive notice of any subsequent special magistrate proceedings occurring regarding the development order as requested in this quasi-judicial hearing, then check the box and provide your mailing address below.

Address: 3013 Lucaya Ave, North Port FL, 34286

MEETING PROCEDURE: By submitting a "Request to Speak" card to the City Clerk, the public may comment (1) under Public Comment at the beginning and ending of each meeting on any issue that is related to City Business; (2) on all scheduled Agenda Items at the time the item is being discussed. Please indicate on the Speaker Card by writing Public comment if you wish to speak under that portion of the meeting or specify the individual Agenda Item Number you wish to speak to. Please wait until you are recognized by the Presiding Officer and limit your remarks to a period of **three (3) minutes or less.**

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City of North Port

Request to Speak (print legibly)

Name: Stacy Tracy Date: 10/16/2020

Agenda Item Number: Mediation

Agenda Topic: _____

If you are presenting evidence and/or testimony during a quasi-judicial hearing, you are required to complete and sign the following oath.

I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the quasi-judicial hearing, held this 16 day of 10 2020 will be the truth, and nothing but the truth.

Signature: Stacy Tracy

If you wish to receive notice of any subsequent special magistrate proceedings occurring regarding the development order as requested in this quasi-judicial hearing, then check the box and provide your mailing address below.

Address: 3013 Lucaya Ave N. Port FL 34286

MEETING PROCEDURE: By submitting a "Request to Speak" card to the City Clerk, the public may comment (1) under Public Comment at the beginning and ending of each meeting on any issue that is related to City Business; (2) on all scheduled Agenda Items at the time the item is being discussed. Please indicate on the Speaker Card by writing Public comment if you wish to speak under that portion of the meeting or specify the individual Agenda Item Number you wish to speak to. Please wait until you are recognized by the Presiding Officer and limit your remarks to a period of **three (3) minutes or less.**

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City of North Port
Request to Speak (print legibly)

Name: Marisa Leslie Date: 10/16/20
Agenda Item Number: 1
Agenda Topic: _____

If you are presenting evidence and/or testimony during a quasi-judicial hearing, you are required to complete and sign the following oath.

I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the quasi-judicial hearing, held this 10 day of 10 2020 is truthful.

Signature: Marisa Leslie

If you wish to receive notice of any subsequent special magistrate proceedings occurring regarding the development order as requested in this quasi-judicial hearing, then check the box and provide your mailing address below.

Address: 3184 W Price Blvd

MEETING PROCEDURE: By submitting a "Request to Speak" card to the City Clerk, the public may comment (1) under Public Comment at the beginning and ending of each meeting on any issue that is related to City Business; (2) on all scheduled Agenda Items at the time the item is being discussed. Please indicate on the Speaker Card by writing Public comment if you wish to speak under that portion of the meeting or specify the individual Agenda Item Number you wish to speak to. Please wait until you are recognized by the Presiding Officer and limit your remarks to a period of **three (3) minutes or less.**

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Heather Taylor

From: Amber Slayton
Sent: Tuesday, July 28, 2020 3:11 PM
To: Pete Emrich; Debbie McDowell; Jill Luke; Christopher Hanks; Vanessa Carusone
Cc: Jason Yarborough; Heather Taylor; Margaret Roberts; Sherry Willette; Frank Miles
Subject: Petition for Relief filed by the Boone Law Firm re: 7-11 development
Attachments: FULLY EXECUTED FILED FLUEDRA PETITION 07.23.20.pdf
Importance: High

Good afternoon, Commissioners. On Friday, the City received the attached Petition for Relief, filed by Attorney Jeffrey Boone on behalf of the 7-11 developers. This relates to the Commission's determination at the July 15, 2020 hearing on the 7-11 special exceptions (fuel pumps and car wash).

This petition invokes a dispute resolution process under Florida Statutes Section 70.51 and will require the parties to appear at a hearing before a special magistrate. Once the special magistrate makes a recommendation, the recommendation will be presented to the City Commission, and the Commission will determine whether to accept or reject the recommendation.

I am in the process of engaging outside counsel to represent the City in these proceedings. If you have any questions, please let me know.

Thanks,



E.G. (DAN) BOONE
JEFFERY A. BOONE
STEPHEN K. BOONE
JACKSON R. BOONE
STUART S. BOONE
ANNETTE M. BOONE

JAMES T. COLLINS, LAND PLANNER
(NOT A MEMBER OF THE FLORIDA BAR)

LAW OFFICES
BOONE, BOONE & BOONE, P.A.

P. O. BOX 1596
VENICE, FLORIDA 34284

ESTABLISHED 1956

CITY CLERK

JUL 24 2020

CITY of NORTH PORT

STREET ADDRESS:
1001 AVENIDA DEL CIRCO 34285
TELEPHONE (941) 488-6716
FAX (941) 488-7079
e-mail: adm@boone-law.com

July 23, 2020

SENT VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Honorable Debbie McDowell, Mayor
City of North Port
4970 City Hall Boulevard
North Port, Florida 34286

Re: Petition For Relief; Creighton Development and Weedon North Port

Dear Mayor McDowell:

We represent Weedon North, LLC and Creighton Development of FL, LLC. in connection with a

TO THE CITY OF NORTH PORT, FLORIDA
PETITION FOR RELIEF PURSUANT TO SECTION 70.51, FLA. STAT.

Weedon North Port LLC, and Creighton Development of FL, LLC (collectively referred to as “Petitioner”), by and through its undersigned counsel, hereby petitions the City of North Port, Florida (the “City”), for relief pursuant to Sec. 70.51, Florida Statutes, the Florida Land Use and Environmental Dispute Resolution Action (the “Act”), and states:

1. Weedon North Port LLC, a Florida Limited Liability Company (“Weedon”), is the property owner and Creighton Development of FL, LLC, a Florida Limited Liability Company (“Creighton”), is the contract purchaser of approximately 4.15 acres of land located within the City of North Port, Florida at 2900 W. Price Boulevard (the “Property”). Weedon and Creighton (both qualify as an “owner” of the Property, as defined in the Act, with standing to petition for relief. The City is a “governmental entity” as defined in the Act.
2. The Property is zoned Neighborhood Commercial High Intensity (“NCHI”). The Property has a designation of Commercial on the City’s Future Land Use Map. The NCHI zoning district permits a convenience store as a permitted use by right. The NCHI zoning district permits the uses of fuel pumps and car wash as special exception uses.
3. Petitioner filed a Development Master Plan Petition with requested waivers (“DMP-19-280”), a Special Exception Petition for fuel pumps (“SPX-19-269”) and a Special

Approval was received on the same date, but only via email. This Commission action is officially established in the Orders. The Orders are “development orders” as defined by the Act, and copies of the Orders are attached to this Petition for Relief as Exhibit 2.

6. On May 26, 2020, after more than 4 hours of public hearing, which included all Petitioner, City staff, and aggrieved party presentation and rebuttal testimony, the City Attorney made a determination that, out of an abundance of caution, the City Commission would pause the public hearing and continue the remainder of the public hearing to June 15, 2020, to allow the City to provide another mailed notice to the residents in the surrounding area of the Property. At this time in the public hearing, all that remained were closing arguments for the applicant, aggrieved parties, and staff, and City Commission’s discussion and votes on the Applications.
7. On June 15, 2020, the City Commission voted to restart the public hearing on the Applications from the beginning and determined that none of the testimony and evidenced entered into the record during the May 26, 2020, City Commission public hearing should be considered. At the conclusion of the June 15, 2020, public hearing, the City Commission voted 4-1 to deny both SPX-19-269 and SPX-19-270, and voted unanimously to approve DMP-19-280 with conditions and with a denial of waiver requests for 24-hour operation and fuel price signage.

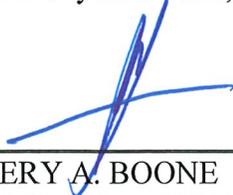
provide stormwater retention. The separation proposed by the DMP is far in excess of the required setbacks for the NCHI zoning designation. Moreover, the Property is located on Price Boulevard, the City's main arterial east/west roadway, which is approved to be widened to 5 lanes in the near future.

11. Petitioner provided expert testimony on the record to demonstrate compliance with applicable local, state and federal requirements and regulations for the fuel pumps and fuel storage tanks proposed on the Property. Petitioner also provided expert testimony to demonstrate the positive impact of the substantial separation area, as opposed to the minimal setbacks and buffer required by the Code, the proposed Development Master Plan offers to the adjacent residential lots. This expert testimony was the only expert testimony placed on the record during the June 15, 2020, City Commission public hearing. Further, Petitioner provided expert testimony to rebut claims that the development proposal under the Applications would adversely impact the general health, safety and welfare of the public.
12. The City's determination that the proposed fuel pumps and car wash special exception uses cannot comply with the NCHI zoning designation and the Comprehensive Plan at this location, and as set forth on the DMP, amounts to a prohibition of the fuel pumps and car wash uses on all NCHI zoned property in the City. The dialogue during the City

Creighton Development of FL, LLC,
Petition for Relief under FLUEDRA
July 23, 2020
Page 4 of 4

WHEREFORE, Petitioner, invokes its rights under the Act, and demands the City to commence the required proceedings.

Respectfully submitted, July 23, 2020,



JEFFERY A. BOONE
Florida Bar No.: 0371051
Primary Email: jboone@boone-law.com
Jackson R. Boone
Florida Bar No.: 0119726
Primary Email: jackson.boone@boone-law.com
Second Email: lfosco@boone-law.com
Boone, Boone & Boone, P.A.
1001 Avenida Del Circo
Venice, FL 34285
T: (941) 488-6716 / F: (941) 488-7079

EXHIBIT 2



City of North Port

Office of the City Attorney

4970 City Hall Boulevard
North Port, Florida 34286
(941) 429-7260
aslayton@cityofnorthport.com

June 25, 2020

Via CMRRR # 7020 0090 0001 5716 0080

Weedon North Port LLC
C/O Jeffrey A. Boone, Esquire
Boone Law Firm
P.O. Box 1596
Venice, Florida 34284-1596

Via CMRRR # 7020 0090 0001 5716 0103

Stacy Tynan Tracy
3013 Lucaya Avenue
North Port, Florida 34286

Via CMRRR # 7020 0090 001 5716 0097

City of North Port, Florida
Planning Division
C/O Jennifer R. Cowan
Bryant Miller Olive, P.A.
201 North Franklin Street, Suite 2700

Via CMRRR # 7020 0090 0001 5716 0110

Maria and John Leslie
3184 West Price Boulevard
North Port, Florida 34286



City of North Port

Office of the City Attorney

ORDER DENYING SPECIAL EXCEPTION

Application No.: SPX-19-269

Proposed Resolution: Resolution No. 2020-R-11

Proposed Use: Convenience store with fuel pumps in the Neighborhood Commercial High Intensity (NC-HI) Zoning District, pursuant to Unified Land Development Code Sections 53-179 and 53-259

Property Address/Location: 2900 West Price Boulevard, North Port, FL, 34286

Parcel ID: 0981-04-1212, Tract G, of Block 412, Ninth Addition to Port Charlotte Subdivision, according to the Plat thereof, as recorded in Plat Book 12, Page 21, of the Public Records of Sarasota County, Florida) (Section 23 Township 20

Unified Land Development Code have not been met; and the competent substantial evidence does not show that:

- (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; and
- (d) The intensity of the proposed use shall be harmonious with the character of other uses in the neighborhood.

Reasons primarily in each of those being that the intent and intensity of the development is contrary to it, but the remaining of the standards were met.

THIS ORDER IS ISSUED IN COMPLIANCE WITH SECTION 2-83(D)(1) OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA.



AMBER L. SLAYTON, CITY ATTORNEY
Legal Counsel to the City Commission

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing order has been furnished to the parties by certified mail/return receipt requested on June 25, 2020 as follows:

Via CMRRR # 7020 0090 0001 5716 0080

Weedon North Port LLC
C/O Jeffrey A. Boone, Esquire
Boone Law Firm
P.O. Box 1596
Venice, Florida 34284-1596

Via CMRRR # 7020 0090 0001 5716 0103

Stacy Tynan Tracy
3013 Lucaya Avenue
North Port, Florida 34286

Via CMRRR # 7020 0090 0001 5716 0097

Via CMRRR # 7020 0090 0001 5716 0110



City of North Port

Office of the City Attorney

ORDER DENYING SPECIAL EXCEPTION

Application No.: SPX-19-270

Proposed Resolution: Resolution No. 2020-R-12

Proposed Use: Convenience store with car wash in the Neighborhood Commercial High Intensity (NC-HI) Zoning District, pursuant to Unified Land Development Code Sections 53-179 and 53-259

Property Address/Location: 2900 West Price Boulevard, North Port, FL, 34286

Parcel ID: 0981-04-1212, Tract G, of Block 412, Ninth Addition to Port Charlotte Subdivision, according to the Plat thereof, as recorded in Plat Book 12, Page 21, of the Public Records of Sarasota County, Florida) (Section 23 Township 38

Unified Land Development Code have not been met; and the competent substantial evidence does not show that:

- (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; and
- (d) The intensity of the proposed use shall be harmonious with the character of other uses in the neighborhood.

The remainder are compliant.

THIS ORDER IS ISSUED IN COMPLIANCE WITH SECTION 2-83(D)(1) OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA.



AMBER L. SLAYTON, CITY ATTORNEY
Legal Counsel to the City Commission

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing order has been furnished to the parties by certified mail/return receipt requested on June 25, 2020 as follows:

Via CMRRR # 7020 0090 0001 5716 0080

Weedon North Port LLC
C/O Jeffrey A. Boone, Esquire
Boone Law Firm
P.O. Box 1596
Venice, Florida 34284-1596

Via CMRRR # 7020 0090 0001 5716 0103

Stacy Tynan Tracy
3013 Lucaya Avenue
North Port, Florida 34286

Via CMRRR # 7020 0090 001 5716 0097

Via CMRRR # 7020 0090 0001 5716 0110



CITY OF NORTH PORT
 ORDER OF APPROVAL
 4970 City Hall Boulevard, North Port, FL 34286
 941-429-7156

PROJECT: 7-ELEVEN FULL-SERVICE CONVENIENCE

STORE

FILE NO.	DMP-19-280	Related Project Number:	SPX-19-269 SPX-19-270	Application Type:	DMP – Development Master Plan
SDR Approval:		April 6, 2020		Department:	Neighborhood Development Services - Planning
PZAB:		May 7, 2020		Prepared By:	Alison Christie, AICP, Senior Planner
City Commission:		June 15, 2020		Date:	July 7, 2020
Other:	Development Master Plan to include a 3,454 sq. ft. convenience store on 1.91 acres and a 2.24-acre conservation/park area			Expiration Date:	July 7, 2022
				Legal Description:	TRACT G BLK 412 9TH ADD TO PORT CHARLOTTE
APPLICANT/PROJECT: WEEDON NORTH PORT LLC/ 7-ELEVEN FULL-SERVICE CONVENIENCE STORE					

The Development Master Plan was approved by City Commission on **June 15, 2020** with the following waivers and conditions:

WAIVERS GRANTED:

1. UDC Sec. 25-7A: A waiver to install bollards at parking spaces where wheel stops are required

PLANNING MANAGER : Nicole Galehouse
Nicole Galehouse, AICP, Planning Division Manager

Date: 7-7-20

PROJECT MANAGER: Allison Christie
Allison Christie, AICP, Senior Planner

Date: 7/7/20

The car wash and fuel pumps shown on the plan were denied as special exceptions by City Commission at the June 15, 2020 hearing. These must be removed from the approved Development Master Plan and a revised Development Master Plan in conformance with Commission approval must be received by the Planning Division prior to the submittal of a Major Site and Development Plan.

A copy of this form must be submitted with the next development application or permit. When resubmitting the form, please indicate which conditions have been met, show the date completed, and explain how the conditions were met.

This Order of Approval will expire on July 7, 2022.

