



## Action Report

### Planning & Zoning Advisory Board

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Thursday, November 3, 2022

9:00 AM

City Commission Chambers

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#### 1. CALL TO ORDER

#### 2. ROLL CALL

**Present:** 7 - Chair Nita Hester, Vice Chair Kenneth Maturo, Carolann Palm-Abramoff, Phillip Ludos, Jose Irizarry, Michael T. Patricoski and Linda J. Waugh

#### Also Present

#### 3. PLEDGE OF ALLEGIANCE

#### 4. PUBLIC COMMENT

#### 5. APPROVAL OF MINUTES

- A. [22-3600](#) Approval of Minutes for the September 15, 2022 Planning and Zoning Advisory Board Meeting.

*A motion was made by Board Member Irizarry, seconded by Board Member Waugh, to approve the Minutes as presented.*

*A motion to amend was made by Vice Chair Maturo, seconded by Board Member Palm-Abramoff, to approve the Minutes as amended, to reflect that Board Member Irizarry seconded the motion to Item No. PLF-22-121. The motion to amend carried by the following vote:*

**Yes:** 7 - Chair Hester, Vice Chair Maturo, Board Member Palm-Abramoff, Board Member Ludos, Board Member Irizarry, Board Member Patricoski and Board Member Waugh

*The main motion as amended carried by the following vote:*

**Yes:** 7 - Chair Hester, Vice Chair Maturo, Board Member Palm-Abramoff, Board Member Ludos, Board Member Irizarry, Board Member Patricoski and Board Member Waugh

#### 6. PUBLIC HEARING

- A. [NOP-22-107](#) Ordinance No. 2022-25, An Ordinance of the City of North Port, Florida, Amending Ordinance No. 2011-10 and the North Port Gardens Development of Regional Impact Development Order Related to Land Use, Transportation Conditions, and the Master Development Plan; Providing for Findings; Providing for Enforcement; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (Quasi-Judicial)

*A motion was made by Vice Chair Maturo, seconded by Board Member*

*Palm-Abramoff, to recommend approval to the City Commission of Ordinance No. 2022-25, Petition No. NOP-22-107 and find, that based on competent, substantial evidence, the Notice of Proposed Change meets the standards of the Florida Statutes, the City of North Port Comprehensive Plan, Unified Land Development Code, and the Development Order of the North Port Gardens Development of Regional Impact, with the following Conditions recommended by Staff:*

*To be added to Exhibit B Development Order Conditions, Section C. Land Use —*

*11. Multi-family residential dwelling units exceeding six hundred fifty (650) multi-family residential dwelling units and up to the entitled one thousand one hundred thirty-five (1,135) dwelling units (hereby referred to as the “additional dwelling units”). The additional dwelling units shall be (a) vertically integrated with one or more nonresidential uses, or (b) physically and functionally integrated with other non-residential uses. Physical and functional integration shall mean, but shall not be limited to, the incorporation of the following:*

*A. The Developer(s) of all additional dwelling units shall create efficient pedestrian and bicycle connectivity between the residential development and other non-residential developments, as determined by City Staff. Bicycle and pedestrian pathways shall include the installation of pedestrian amenities, lighting, and shade trees. Shade structures are permitted and may reduce the number of shade trees required, as determined by City Staff. Shade structures shall meet all requirements in the Unified Land Development Code for accessory structures.*

*B. The Developer(s) shall be responsible for the installation of bicycle racks or bicycle storage facilities at all multi-family and commercial areas. All bicycle and pedestrian pathways shall be illuminated in compliance with the Unified Land Development Code with outdoor fixtures that meet “dark sky” friendly lighting standards.*

*To be added to Exhibit B Development Order Conditions, Section Q. Transportation Conditions —*

*22. The final location of the East West Reserved Vehicular Corridor, as shown on Map H-1, may be relocated as project engineering is refined. However, a secondary access way to the parcels located to the east of the North Port Gardens DRI shall be required that shall meet the standards of a local roadway consistent with the Unified Land Development Code of the City of North Port, Florida.*

*To be amended in Exhibit C Land Use Trade-Off Matrix (LUTM) —*

*4. The LUTM shall not apply to any increase in residential units above the one-thousand thirty -five (1,135) units entitled and any increase in hotel rooms above the 450 hotel rooms entitled as identified in Section C—Land Use Table 1. The maximum change does not apply to Retail, Industrial, and Office uses.*

*Adding a new Map H1 and removing Map H2. The motion carried by the following vote:*

**Yes:** 7 - Chair Hester, Vice Chair Maturo, Board Member Palm-Abramoff, Board Member Ludos, Board Member Irizarry, Board Member Patricoski and Board Member Waugh

**B. [DMP-22-060](#) Consideration of Petition No. DMP-22-060, Arietto Development Master Plan. (Quasi-Judicial)**

*A motion was made by Vice Chair Maturo, seconded by Board Member Ludos, to recommend approval to the City Commission of Petition DMP-22-060 and that Condition 1 be strengthened to include verbiage that requires applicant to go through subdivision process if original lot is being subdivided into 3 or more*

*parcels., and find that, based on competent substantial evidence, the Development Master Plan complies with the North Port Comprehensive Plan and the Unified Land Development Code, with the following conditions and waivers:*

- 1. It looks like the property will be split in three parcels. A subdivision application may be required.*
- 2. Before FDEP permits will be signed, North Port Utilities requires the following: Four complete sets of DEP permit applications ( water and sewer ) and four sets of construction plans both sets of items shall be signed and sealed by the engineer of record.*
- 2. One engineer certified ( sealed ) estimate for the cost of utility construction.*
- 3. A check for the Utility Construction Inspection Fee. The fee shall be 6.5% of the utility construction costs for projects \$0 to \$2 million, plus 2.5% of utility construction cost over \$2 million. The minimum fee is \$250.00.*
- 3. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility Department for review and approval.*
- 4. Irrigation systems shall be designed and constructed to meet reuse standards.*
- 5. Provide the Utility Department with floor plans and plumbing riser drawings for each building so meter sizes and capacity fees can be calculated. Meter and Capacity fees shall prior to utility site construction the Development Order, Department of Environmental Protection Permit and Development of Health Permit shall be posted at the project site and provided at the preconstruction meeting.*
- 6. A developer agreement shall be negotiated with the utility department and approved by the Utility Director and City Staff prior to DEP or DOH permits being signed and released.*
- 7. The existing manholes for the proposed sanitary sewer connections will be required to be lined after being cored.*
- 8. Please refer to the City of North Port Utilities updated standard and specifications for design and construction. These can be found on the City of North Port website.*
- 9. The gopher tortoise survey was done in January 2022 and three (3) burrows were found. No more than 90 days prior to, and no fewer than 72 hours before (excluding weekends and 1 holiday) commencing gopher tortoise capture and relocation activities, the gopher tortoise authorized agent shall complete a 100% gopher tortoise survey. The gopher tortoise relocation must be completed before applying for a land clearing permit. All gopher tortoise burrows found on-site must be avoided with the required 25 ft radius. If gopher tortoises are proposed to be relocated, an FWC relocation permit for the relocation is needed, and a copy of the survey and permit 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. To ensure that gopher tortoises have not moved to the site in intervening time between relocation activities and land clearing an additional 100% survey of all suitable gopher tortoise habitat may be required within 90-days from the proposed start of land clearing.*
- 10. Provide a copy of the current approved Environmental Resource Permit (ERP) issued by the SWFWMD. The SWFWMD ERP will indicate presence of wetlands. The permits will authorize wetland impacts and indicate how wetland mitigation will be achieved. This permit plus documentation of required wetland mitigation must be provided prior to construction that impacts the wetland. This permit is typically provided preferably before scheduling the preconstruction meeting with the City.*

*The motion carried by the following vote:*

**Yes:** 4 - Chair Hester, Vice Chair Maturo, Board Member Irizarry and Board Member Patricoski

**No:** 3 - Board Member Palm-Abramoff, Board Member Ludos and Board Member Waugh

**C.** [TXT-22-186](#) Ordinance No. 2022-27, Amending the Unified Land Development Code, Chapter 59 - Public Art Regulations.

*A motion was made by Board Member Waugh, seconded by Board Member Ludos, to recommend approval to the City Commission of Ordinance No. 2022-27 as presented, and find the proposed amendments are consistent with the City of North Port Comprehensive Plan. The motion carried by the following vote:*

**Yes:** 6 - Chair Hester, Vice Chair Maturo, Board Member Ludos, Board Member Irizarry, Board Member Patricoski and Board Member Waugh

**No:** 1 - Board Member Palm-Abramoff

**7. FUTURE AGENDA ITEMS**

**8. PUBLIC COMMENT**

**.9 ADJOURNMENT**