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**PLANNING AND ZONING ADVISORY BOARD
MINUTES OF REGULAR MEETING
THURSDAY, AUGUST 16, 2018**

PRESENT: Thomas Nicholson, Jr., Chair; Kevin Rouse, Vice-Chair; Norbert Schneider; John Metzger; and Philip Lamade.

STAFF: Assistant City Attorney Michael Golen; Planner Joshua Pelfrey; Senior Planner Nicole Galehouse; Planner Alison Christie; and Recording Secretary Goodman.

The Planning & Zoning Advisory Board Regular Meeting was called to order at 9:00 a.m. in the City Chambers by Chair Nicholson.

The Pledge of Allegiance was led by the Board followed by roll call.

B. PUBLIC COMMENT

There was no public comment.

C. CONSENT AGENDA

- C1. Minutes for the June 21, 2018, July 19, 2018 and August 2, 2018 Regular Meetings for approval.**

Vice-Chair Rouse moved to approve the June 21, 2018; July 19, 2018 and August 2, 2018 Planning & Zoning Advisory Board Meeting Minutes as presented; seconded by Board Member Metzger. The motion carried unanimously.

D. PUBLIC HEARING

EXPARTE COMMUNICATION-SWEARING IN OF SPEAKERS FOR ITEM D1.

Board members reported having no ex parte communications and Recording Secretary Goodman, Notary Public for the State of Florida, as a Quasi-judicial hearing, swore in all those wishing to speak on the Public Hearing Agenda item.

Recording Secretary Goodman read Agenda Item D.1 into the record.

- D1. PLF-18-146 Petition No. PLF-18-146, Patrick Reilly, V.P., representative of Sered Cranberry, LLC is requesting approval of the Sered Cranberry, Final Plat, which divides the subject property into two lots. The site contains \pm 5.6 acres and is located west of Toledo Blade Blvd and south of Cranberry Blvd. (QUASI-JUDICIAL) (J. PELFREY)**

Scott Fingerson, Gap Engineering, being duly sworn, provided an overview and noted that the sub-division application has been approved and that stormwater permit modifications are being addressed and have been addressed to the satisfaction of City staff.

Planner Pelfrey, being duly sworn, testified that staff concurs with the applicant's presentation and provided an overview of staff review and approval. Additional renovations of the existing stormwater pond will be made pending the completion of the land planning. Staff recommended approval of PLF-18-146.

With no aggrieved or adversely affected persons wishing to speak on this item and no rebuttal from Applicant or Staff, the public hearing was closed.

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Discussion ensued: 1) clarification was provided on the existing stormwater pond review; 2) the proposed 7-11 convenience store and fuel pumps was reviewed under a separate plan with no safety issues.

Board Member Lamade moved to recommend to the City Commission approval of Petition No. PLF-18-146, Sered Cranberry, Final Plat; seconded by Board Member Schneider. The motion carried unanimously.

EXPARTE COMMUNICATION-SWEARING IN OF SPEAKERS FOR ITEM D2.

Board members reported having no ex parte communications and Recording Secretary Goodman, Notary Public for the State of Florida, as a Quasi-judicial hearing, swore in all those wishing to speak on the Public Hearing Agenda item.

Recording Secretary Goodman read Agenda Item D.2 into the record.

- D2. ANX-18-091, CPA-18-092, REZ-18-093, DMP-18-106** Public hearings for four petitions: Ordinance No. 2018-25 (Petition No. ANX-18-091), Ordinance No. 2018-26 (Petition No. CPA-18-092), Ordinance No. 2018-27 (Petition No. REZ-18-093), and Petition No. DMP-18-106. **RaceTrac Voluntary Annexation** of ± 3.00 acres into the City of North Port from Unincorporated Sarasota County, **Small Scale Comprehensive Plan Amendment** to assign Future Land Use, **Rezone** of ± 3.00 acres to assign zoning, and **Development Master Plan** proposing two phases of development including a 5,500 square foot RaceTrac convenience store and fuel pumps in the first phase. **(QUASI-JUDICIAL) (A. CHRISTIE)**

Neale Montgomery, Esq., Pavese Law Firm and Drew Fitzgerald, P.E., DeLisi Fitzgerald, Inc., provided a PowerPoint presentation regarding the project overview including: 1) ANX – 18 -091 (Voluntary Annexation); 2) Land Use Planning; 3) Overview Aerial; 4) Future Land Use; 5) Zoning; 6) North Port Plan Considerations; 7) Adjacent Uses/Compatibility; 8) Criteria of Approval; 9) Development Master Plan & Waivers; 10) Development Master Plan; 11) Building Waivers (#1, #2, #7); 12) Parking Waivers (#3, #5, #8); Outdoor Seating Waivers (#4, #6); 13) Canopy Signage Waiver (#10); 14) Monument Signage Waiver (#11); 15) Lot Split Waiver (#12); 16) Public Art Waiver (#9); 17) Traffic Study.

Senior Planner Galehouse, being duly sworn, provided a PowerPoint presentation with an overview of the Petitions at hand. Staff finds the first petition (Petition No. ANX-18-091) meets all the required criteria. The second petition (Petition No. CPA-18-092) complies with the Future Land Use Policy 2.1.7 which indicated the zoning category to be Planned Community Development with an underlying commercial general zoning district. There are 15 criteria which are outlined in the staff report with both the City and Applicant response. Staff finds the criteria have been met with the first criteria being addressed after the approval of the Comprehensive Plan Amendment.

The final petition is the Development Master Plan (Petition No. DMP-18-106) the Unified Land Development Code (ULDC) requires a Development Master Plan accompany any re-zone petition to a Planned Community Development. There are 2 phases proposed for development including a 5,500 sq. ft. convenience store with fuel pumps and a later phase of development of 10,000 sq. ft. of commercial retail space. The 12 Waivers requested by the Applicant were reviewed and staff noted they have no objections with one minor adjustment limiting the ice storage. Staff recommends approval of Ordinance No. 2018-25; Ordinance No. 2018-26 and Ordinance NO. 2018-27 with conditions.

With no rebuttal from Applicant or Staff, the public hearing was closed.

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Discussion ensued regarding: 1) it was clarified that Waiver #9, regarding the required Public Art Fund contribution, can be modified from the current required amount of \$25,000.00. Staff does not support this waiver, but it is up to the discretion of the Board to approve or deny a waiver; 2) it was noted that the tree requirements will be met; 3) staff is unaware of any legal action initiated due to the granting of a waiver to one entity and not another; 4) staff has received only 1 concern from the public regarding this project which was geared toward projected traffic concerns; 5) it was clarified that staff did not agree with the convenience store having double ice machines on the outside due to the fact that they are not allowed in other developments; 6) it was suggested that if waivers are granted on this project, they should be granted on other future projects; 7) the Applicant clarified that if the Waiver for the Public Art Fund is not granted, it would not necessarily deter the project but would be decided by RaceTrac to move forward with the project; 8) if the Public Art Fund is based on construction costs, in this case the Waiver considers that there is considerable construction costs for underground development such as gas tanks which are not in view of the public; 9) staff recommended that the Public Art Fund should be tied to square footage or units of a development rather than construction costs; 10) the staff compromised on Waiver 2 allowing for 1 ice machine and on Waiver 9, all developments have contributed to the Public Art Fund since it was instituted in 2010; 11) the large construction cost for the RaceTrac stems from the infrastructure costs such as the parking done in concrete, the cost for providing fuel and approving a Waiver for the Public Art Fund would not set a precedent as this is a unique development with the infrastructure involved; 12) the staff report contains the fiscal impact model showing a minor deficit in the first 5 years and a positive thereafter for the development of the entire 3 acres; 13) the Applicant is requesting the Public Art Fund requirement be based on the building cost and not the entire cost of the development of a RaceTrac which, in essence, would allow this project be treated the same as other projects that do not have the infrastructure costs; 14) due to the ice demand during certain times and activities, the applicant feels that having double ice machines would better serve the community.

Senior Planner Galehouse reviewed the recommended actions and Waivers on the staff summary sheet noting that the first, second and third recommendation should be changed to approve with conditions and that each action on an Ordinance should be a separate motion.

There were no aggrieved or adversely affected persons wishing to speak.

Discussion with the Board included: 1) supporting staff's recommendations including all the requested Waivers other than Waiver #9; 2) the Commission making the final decision; 3) the role of the Planning & Zoning Advisory Board to apply Code, not change Codes.

Board Member Lamade moved that the Planning & Zoning Advisory Board recommend that the City Commission to approve with conditions Ordinance No. 2018-25, Petition ANX-18-091, annexing the subject ± acres into the City of North Port; seconded by Vice-Chair Rouse. The motion carried unanimously.

Board Member Lamade moved that the Planning & Zoning Advisory Board recommend that the City Commission approve with conditions Ordinance 2018-26, Petition CPA-18-092, based on findings of consistency with the standards and intent of the adopted Comprehensive Plan and all applicable Florida Statutes; seconded by Vice-Chair Rouse. The motion carried unanimously.

Vice-Chair Rouse moved that the Planning & Zoning Advisory Board recommend that the City Commission approve with conditions Ordinance 2018-27, Petition REZ-18-093, based on staff findings that this project meets the requirements of the Comprehensive Plan, Unified Land Development Code, and all Federal, State and local regulations; seconded by Board Member Metzger. The motion carried unanimously.

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Board Member Metzger moved that the Planning & Zoning Advisory Board recommend that the City Commission approve with conditions Petition No. DMP-18-106, RaceTrac Talon Bay with requested waivers except waiver #9; seconded by Board Member Schneider. The motion carried unanimously.

Recess from 10:27 a.m. to 10:34 a.m.

E. PEPRESENTATION

E1. Presentation by Planning Staff on the Functions, Powers, and Duties of the Planning and Zoning Advisory Board. (N. GALEHOUSE / A. CHRISTIE)

Upon reconvening, Senior Planner Galehouse and Planner Christie provided a PowerPoint presentation regarding functions, powers and duties of the Planning & Zoning Advisory Board (PZAB). Following the presentation, articles titled “The Role of the Professional Planner”, “It’s Okay Not to Be a Professional Planner” and “Staff Needs a Little TLC, Too!” were distributed. The articles are geared toward the history of City Planners and how staff can better assist the Board Members in their role on the PZAB.

Discussion ensued regarding: 1) the methodology of developing the Comprehensive Plan; 2) how it is determined what can be developed on land owned by a developer and what the City envisions for a large development; 3) the process for Board Members requesting items be placed on an Agenda and adding an Agenda item “Future Business” on all upcoming Agendas to enable Board Members the opportunity to suggest items for future Agendas; 4) the methodology for requesting a study on specific items be done; 5) the newly established Environmental Advisory Board; 6) methods used for recruiting Board Members; 7) clarification on ethics issues regarding conflict of interest of Board Members; 8) Board Members receiving information regarding items which are on the Agenda to assist them in making informed decisions.

F. PUBLIC COMMENT

There was no public comment.

G. ADJOURNMENT

Board Member Schneider moved to adjourn the August 16, 2018 Planning & Zoning Advisory Board Meeting; seconded by Board Member Metzger. The motion carried unanimously.

The Planning & Zoning Advisory Board Regular Meeting adjourned at 11:01 a.m.

THOMAS NICHOLSON, JR.
CHAIR

Minutes approved this _____ day of _____, 2018.