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July 8, 2019

Via Email and Regular U.S. Mail

Nicole Galehouse, AICP
Planning Manager
City of North Port Neighborhood Development Services
4970 City Hall Boulevard
North Port, FL 34286

Re: Central Parc at North Port; Comprehensive Plan Amendment No. CPA-18-060; Text Amendment No. TXT-18-179; Rezone Application No. 18-070; Development Master Plan Application No. DMP-18-071; Proposed Conditions

Dear Nicole:

This serves as follow-up to Peter Van Buskirk's and my meeting with you May 30 and with Fire Chief Scott Titus, Fire Marshal Pete Marietti and Fire Inspector Rob Needy on June 21, in addition to our communications over the last few weeks.

As we look ahead to the second City Commission hearing on the above-referenced applications for Central Parc at North Port, we were glad for the opportunity to discuss with the City professional staff the items raised at our first hearing held May 2. Consistent with the discussion at the May 2 hearing, we are providing this letter to propose additional terms and conditions in the development orders relating to the Development Master Plan (DMP-18-071) and Text Amendment (TXT-18-179) for this project as set forth below.

Pursuant to our communications following the meeting with Chief Titus, I am providing this letter to replace my earlier June 25 letter to include the additional, refined proffered Fire/Rescue condition based on the Chief's feedback and guidance (identified as Item (4), below). Other than Item (4), the terms and conditions below are unchanged from my June 25 letter.

The references to the numbered conditions below are as contained on Pages 15 and 16 of the Staff Report presented to the City Commission on May 2.

(1) Timing of Bridge Construction. In response to the questions regarding when the bridge over the Cocoplum Waterway would be constructed, we are proposing to address this by adding language to proposed DMP Condition 4, in addition to addressing the specific design requirements for the paths/sidewalks to be provided on both sides of the two-lane bridge as follows:

4. A two-lane bridge, including ~~ten-foot-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 developer agreement between the Developer and the City, whereby the 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. The width of the multi-use paths to be provided and the timing of the construction of the bridge shall be specified in such agreement. 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 Study.

(2) Timing of Turn Lane Construction. In response to the questions regarding when the turn lanes identified in the Traffic Impact Study prepared by Kimley-Horn and Associates would be constructed, we are proposing to address this by adding a DMP Condition 9 as follows:

9. The turn lanes identified in the applicant's traffic impact study shall be provided as follows:

a. In providing the project's entrance to Greenwood Avenue, the applicant shall construct (i) an eastbound to northbound left-turn lane; and (ii) westbound to northbound right-turn lane.

b. In providing the project's entrance to Appomattox Drive (not the emergency-only access) the applicant shall construct a westbound to southbound left-turn lane.

You will recall that the Traffic Impact Study provided with our applications identified additional turn lanes which are not referenced in this proffered Condition 12. Kimley-Horn has clarified for us that such additional turn lanes are needed to address future background conditions and are not triggered by this project. Christopher Hatton of Kimley-Horn has been in contact with Jerry Traverso and will be separately providing a technical memo to supplement the Traffic Impact Study reflecting this additional, updated analysis and clarification. To keep everyone in the loop,

I am copying both Christopher and Jerry on this letter. As such additional turn lanes are not required to serve this project's traffic, they are not included in this proffered Condition 12.

(3) **Buffering of Commercial Parcels within Mixed-Use Areas.** In response to the questions regarding the potential need for a wall within the perimeter buffers of commercial parcels within the mixed-use areas to address compatibility with the existing adjacent neighborhoods within Sabal Trace (Fairway Villas to the east and Linkside and The Colony at Sabal Trace Condominiums to the west), we are proposing to address this by adding a DMP Condition 10 as follows:

10. All development within the mixed-use areas adjacent to the project's perimeter boundary shall provide a buffer consistent with the "Buffer Plan" contained within the Central Parc at North Port Pattern Plan. Any parcels within the mixed-use areas containing nonresidential permitted principal uses shall undergo Major Site and Development Plan review under Chapter 33, City Unified Land Development Code, in which the applicant shall either (a) demonstrate that such nonresidential use, given its intensity, hours of operation, building height, noise, lighting, orientation on the parcel, required buffer, and other site design elements, is compatible with the adjacent residential development within the existing Sabal Trace neighborhoods or (b) provide an 8' wall within the buffer prescribed within the "Buffer Plan."

(4) **Development Incentives for Sprinklering Residential Units.** Consistent with the August 24, 2018 letter from Chief Titus, we met at the Fire Rescue District office, to discuss the issues raised therein. As a result of that meeting and at the request of that office, we are proffering the following innovative condition to incentivize the provision of fire sprinklers in single-family and villa (two-family) housing types. While commercial and multifamily units must be fire-sprinklered pursuant to applicable regulations, there currently is no such legal requirement for single-family homes and villas. That said, we understand there is an evolving trend in the fire-safety industry to encourage the use of sprinklers in these housing types. So, my client is pleased to partner with the City's Fire Rescue District to serve as a pilot project of sorts by offering development incentives for builders who incorporate fire sprinklers into these housing types by adding a DMP Condition 11. While fire sprinklers are not required by law and, thus, not mandated by this proffered condition, we are hopeful builders will see the value of incorporating them into the homes.

11. If single-family residences and villas within Phase 1 and Phase 2 are designed and constructed to contain fire-sprinklers in a form and manner approved by the City's Fire Marshal and Building Official, then the development within Phase 1 and Phase 2 shall be entitled to the following waivers as incentives:

a. Reduction of internal street width to 20 feet (two 10-foot travel lanes);

b. Increase fire hydrant spacing, potentially reducing the total number of hydrants; and

c. Flexibility with regard to providing longer dead-end streets and reduced setbacks/building separation.

In addition to the foregoing waivers, if fire-sprinklers are provided as described in this condition, the applicant shall be eligible to apply for a waiver of or credit for City Fire/Rescue impact fees for the development within Phase 1 and Phase 2 pursuant to the process defined in Chapter 58, Code of the City of North Port.

(5) Form of the Residential Element of Mixed-Use Areas. In response to the questions regarding the form and intensity of the multifamily dwelling units permitted within the mixed-use areas, my client does not intend to construct multiplex buildings containing apartments. Rather, the multifamily dwelling units would take the form of townhouses or stacked townhouses in clusters of somewhere between three (3) and (8) attached dwelling units. Recognizing this text amendment must work within the framework of the City's *Unified Land Development Code*, we are proposing a refinement of Section 55-61.B(1)(h) of the Text Amendment (contained in proposed Ordinance No. 2019-09) so that it reads as follows:

B. Permitted principal uses and structures shall be as follows:

- (1) Mixed-use development areas.
 - (a) Adult living facility.
 - (b) Art gallery, museum.
 - (c) Bank or financial institution (no drive-through).
 - (d) Business services.
 - (e) Emergency and essential services.
 - (f) Exercise gymnasium.
 - (g) House of worship, provided that minimum parcel size shall not be less than two (2) acres.
 - (h) ~~Low and medium-density residential~~ (which shall be restricted to Multiple Family Buildings comprised of no more than eight (8) dwelling units attached side by side or one (1) above another, with each unit having direct exterior access).
 - (i) Professional office including medical and dental office/clinic.
 - (j) Mini-storage facility.
 - (k) Personal services.

- (l) Post office.
- (m) Professional services.
- (n) Recreational or community center maintained by a Community Development District or a home-owner's association, as defined in F.S. 720.301(9).
- (o) Restaurant (no drive-through)

We understand from our discussions with you that City Staff is agreeable to these proposed revisions to the DMP and Text Amendment development orders and would respectfully request that they be included in your staff report for the City Commission's second hearing on this project.

We greatly appreciate the guidance and assistance provided by City professional staff. Thank you.

Sincerely,



Charles D. Bailey, III
For the Firm

CB3:mle

cc: Gerardo Traverso, City of North Port Public Works (via email)
Scott Titus, City of North Port Fire Chief (via email)
Pete Marietti, City of North Port Fire Marshal (via email)
Rob Needy, City of North Port Fire Inspector (via email)
Mark Gerenger, Sabal Trace Development Partners, LLC (via email)
Peter Van Buskirk, P.E., AICP, Kimley-Horn and Associates (via email)
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