



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Draft Planning & Zoning Advisory Board

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Thursday, May 7, 2020

9:00 AM

Zoom

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### Virtual Meeting

- A. [20-2212](#) Meeting Notice and Instructions

#### 1. CALL TO ORDER

Chair Trolli called the meeting to order at 9:06 a.m.

#### 2. ROLL CALL

**Present:** 6 - Chair Nicholas Trolli, Vice Chair Philip Lamade, James Sawyer, Jerry Nicastro, John Metzger and Thomas Nicholson Jr.

**Absent:** 1 - Norbert Schneider

#### Also Present:

Assistant City Attorney Margaret T. Roberts, Planning Division Manager Nicole Galehouse, Planner Alison Christie, Attorney Jennifer R. Cohen of Bryant Miller Olive, P.A. Representing the City, Senior Executive Assistant Anna Duffey, Stormwater Manager Elizabeth Wong, and City Clerk Heather Taylor.

#### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Board followed by a moment of silence for COVID-19 victims.

Ms. Roberts provided an introduction relative to the virtual meeting.

#### 4. PUBLIC COMMENT

There was no public comment.

#### 5. APPROVAL OF MINUTES

- A. [20-2181](#) Approval of Minutes for the March 5, 2020 Planning & Zoning Advisory Board meeting.

*A motion was made by Board Member Nicholson, seconded by Board Member Nicastro, to approve the minutes as presented. The motion carried unanimously on a voice vote.*

## **6. PUBLIC HEARING**

- A. [ANX-20-057](#) An Ordinance of the City of North Port, Florida, Annexing ±1.6 Acres of Real Property Located in the Unincorporated Area of Sarasota County, Florida and Contiguous to the Existing City Limits of the City of North Port, Pursuant to Petition No. ANX-20-057, and Redefining the Boundary Lines of the City to Include This Property; Providing for Findings; Providing for Annexation; Providing for Assessment and Taxation; Providing for Filing of Approved Documents; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date.

Chair Trolli introduced the item and opened the public hearing.

Ms. Taylor read the ordinance by title only.

Ms. Christie provided a presentation including project location, proposed annexation designation and land use, review process, staff analysis, and recommended approval.

There was no public comment.

Chair Trolli closed the public hearing.

***A motion was made by Board Member Sawyer, seconded by Board Member Nicholson, that the Planning and Zoning Advisory Board recommends to the City Commission to approve Ordinance No. 2020-17, Petition No. ANX-20-057, requesting voluntary annexation of ±1.6 acres from Unincorporated Sarasota County, and hereby finds that based on the testimony and evidence provided, granting the annexation would be consistent with the purpose and intent of Chapter 53 of the Unified Land Development Code (ULDC), the Comprehensive Plan, any criteria made applicable by these regulations, and would not adversely affect the public interest. The motion carried by the following vote:***

**Yes:** 6 - Chair Trolli, Vice Chair Lamade, Board Member Sawyer, Board Member Nicastro, Board Member Metzger and Chair Nicholson

**Absent:** 1 - Board Member Schneider

- B. [VIA-20-038](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code, Section 53-213.a.(2), Village Index Map; Providing for Amendments to the West Villages Index Map for Certain Portions of Village F, Village G, and Village I, Including One or More of the Following: Boundaries, Acreages, Locations of Police/Fire Stations and Utility Site, Roadway Alignments, Village Centers, Park Acreages, Potential School Sites, Hotel Site and Deleting a Local Road; Providing for Findings; Providing for Adoption; Providing for Filing of Approved Documents; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Chair Trolli introduced the item and opened the public hearing.

Ms. Taylor read the ordinance by title only.

Katie LaBarr, AICP, Stantec, provided a presentation including background and history, approval requests, revised index map with proposed changes, proposed index map comparison chart, and Village F pattern plan proposed changes including existing conditions.

Chair Trolli queried board members, applicants, and staff regarding combining the presentation for the three hearings. There were no objections.

***A motion was made by Board Member Nicastro, seconded by Board Member Nicholson to combine the agenda petition items VIA-20-038, VPA-20-010 and VPA-20-009, with 30 minutes for presentations. The motion carried by the following vote:***

**Yes:** 6 - Chair Trolli, Vice Chair Lamade, Board Member Sawyer, Board Member Nicastro, Board Member Metzger and Chair Nicholson

**Absent:** 1 - Board Member Schneider

Ms. LaBarr continued her presentation including Village G pattern plan proposed changes including existing conditions.

Ms. Taylor read Ordinances 2020-14 and 2020-15 by title only.

Ms. Christie provided a presentation including index map, two pattern plan amendments, staff analysis including consistency with Comprehensive Plan and Unified Land Development Code (ULDC), Village F amendment proposed changes and staff analysis with Comprehensive Plan and ULDC, Village G amendment proposed changes and staff analysis with Comprehensive Plan and ULDC, review and advertisement, and staff recommendations.

Ms. LaBarr responded to questions regarding multi-modal access and connectivity to Village Center locations, and addressed Village G housing options.

There was no public comment.

Chair Trolli closed the public hearing.

***A motion was made by Board Member Nicastro, seconded by Board Member Sawyer, that the Planning and Zoning Advisory Board recommends to the City Commission to approve Ordinance No. 2020-16, Petition VIA-20-038, requesting amendment of West Village Index Map, and hereby finds that based on the testimony and evidence provided, granting the amendment would be consistent with the purpose and intent of Chapter 53 of the Unified Land Development Code (ULDC), the Comprehensive Plan, any criteria made acceptable by those regulations, and would not adversely affect the public interest. The motion carried by the following vote:***

**Yes:** 6 - Chair Trolli, Vice Chair Lamade, Board Member Sawyer, Board Member Nicastro, Board Member Metzger and Chair Nicholson

**Absent:** 1 - Board Member Schneider

- C. [VPA-20-010](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code, Chapter 53, Article XVIII – V Village, Section 53-214.F.(7), Village G Village District Pattern Plan (West Villages); Amending the Boundary of Village G to Add ±41.00 Acres to the

Southwest Corner of the Village and Amending the Neighborhood Layout; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

*A motion was made by Board Member Nicastro, seconded by Board Member Sawyer, that the Planning and Zoning Advisory Board recommends to the City Commission to approve Ordinance No. 2020-15, Petition VPA 20-010, requesting amendment of the Village G Village District Pattern Plan, and hereby finds that based on the testimony and evidence provided, granting the amendment would be consistent with the purpose and intent of Chapter 53 of the Unified Land Development Code (ULDC), acceptable by those regulations and would not adversely affect the public's interest. The motion carried by the following vote:*

**Yes:** 6 - Chair Trolli, Vice Chair Lamade, Board Member Sawyer, Board Member Nicastro, Board Member Metzger and Chair Nicholson

**Absent:** 1 - Board Member Schneider

- D. [VPA-20-009](#)** An Ordinance of the City Of North Port, Florida, Amending the Unified Land Development Code, Chapter 53, Article XVIII – V Village, Section 53-214.F.(6), Village F Village District Pattern Plan (West Villages); Amending the Boundary of Village F to Add ±8.00 Acres to the Southeast Area of the Village and Adjusting the Neighborhood Layout; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

*A motion was made by Board Member Nicastro, seconded by Board Member Sawyer, that the Planning and Zoning Advisory Board recommends to the City Commission to approve Ordinance No. 2020-14, Petition VPA 20-009, requesting amendment of the Village F Village District Pattern Plan, and hereby finds that based on the testimony and evidence provided, granting the amendment would be consistent with the purpose and intent of Chapter 53 of the Unified Land Development Code (ULDC), the Comprehensive Plan, any criteria made acceptable by the regulations and would not adversely affect the public's interest. The motion carried by the following vote:*

**Yes:** 6 - Chair Trolli, Vice Chair Lamade, Board Member Sawyer, Board Member Nicastro, Board Member Metzger and Chair Nicholson

**Absent:** 1 - Board Member Schneider

Recess was taken from 9:55 a.m. to 10:02 a.m.

- E. [SPX-19-269](#)** A Resolution of the City of North Port, Florida Granting a Special Exception for Petition No. SPX-19-269 to Allow for the Use of a Convenience Store with Fuel Pumps Located Generally at the Intersection of West Price Boulevard and North Cranberry Boulevard in the Neighborhood Commercial High Intensity (NC-HI) Zoning District, Pursuant to the City of North Port Unified Land Development Code Sections 53-179 And 53-259; Providing for Findings; Granting the Special Exception With Conditions; Providing for Severability; Providing for Conflicts; and Providing an Effective Date. (QUASI-JUDICIAL)

Chair Trolli queried board members, applicants/representatives, aggrieved parties, and

staff regarding combining the three hearings. There were no objections.

***A motion was made by Board Member Nicastro, seconded by Board Member Sawyer, to combine petitions SPX-19-269, SPX-19-270 and DMP-19-280, with 30 minutes for presentations. The motion carried by the following vote:***

**Yes:** 6 - Chair Trolli, Vice Chair Lamade, Board Member Sawyer, Board Member Nicastro, Board Member Metzger and Chair Nicholson

**Absent:** 1 - Board Member Schneider

Chair Trolli opened the public hearing.

Ms. Taylor introduced the items and swore in those wishing to provide testimony.

No board members had ex-parte communications or conflicts of interest with the exception of Chair Trolli who disclosed site visit with no communications.

Jackson Boone, Boone Law Firm, representing applicant, being duly sworn, provided a presentation including site aerial map, property size, current zoning and future land use designation, proposed site layout, park agreement status, development plan including lighting, access points, traffic study results, fiscal impact analysis results, environmental study, review of Development Master Plan (DMP) by staff, four proposed City Code modifications for low key monument sign should fuel pump special exemption be approved, conservation park area 130-foot buffer in lieu of required buffer, installation of bollards in lieu of wheel-stops, requested increasing hours of operation to 24 hours a day, and two special exception requests including fuel pumps and car wash.

Jennifer R. Cowan, representing City, being duly sworn, provided a presentation including criteria for evaluating each petition, two categories for consideration of special exceptions, 16 standards, and notice requirements.

Ms. Galehouse, being duly sworn, provided a presentation including background, project location, Development Master Plan (DMP) proposal including park agreement for conservation open space area, current zoning district, support of permitted signs waiver, concerns regarding waiver for 24-hour operations, support of buffer zone and landscaping waiver, support of dimensional standards for bollards waiver, staff analysis including consistency with Florida Statutes, Comprehensive Plan and Unified Land Development Code, special exception consistency and recommendation, staff review and advertising, and recommended action.

Gabe Tracy, aggrieved party, being duly sworn, spoke to current gas station locations, alternate options for convenient store locations, expressed concern with special exception for 24-hour service, number of fuel pumps, and read a letter into the record from Stacy Tracy, who was also duly sworn, expressing concern with location of gas station in a residential area.

Stacy Tracy, spoke to concern regarding protected species on property, and potential use of park area for unwanted activities.

Jackson Boone provided rebuttal including reasoning for 16 fuel pumps, and zoning with allowance of fuel pumps as special exception use.

Jeffrey Boone, Boone Law Firm, being duly sworn, spoke to staff's concern regarding number of pumps, the request for 24-hour service, and possibility to shift car wash location.

Ms. Galehouse provided rebuttal regarding the environmental assessment and protective habitat parameters for endangered species, concern regarding number of fuel pumps with emphasis on location, limited commercial uses in neighborhood residential zones, and current Commission discussions changing intensity of development in residential neighborhoods.

Ms. Tracy provided rebuttal regarding number of fuel pumps.

**PUBLIC COMMENT:**

Ms. Duffy read the following public comments into the record:

JoAnn Butenhof: expressed opposition of location of gas station.

Grace A. Portelli: expressed opposition of location of gas station.

Maria Leslie: expressed opposition of location of gas station.

Jennifer Lafo: expressed opposition of location of gas station.

Ms. Roberts spoke to comment received that was not relevant to the Board's decision and instructed staff not to read it.

Matthew Gillespie, Engineer of Record, Kimley-Horn and Associates, being duly sworn, responded to questions regarding onsite generator backup.

Ms. Galehouse responded to questions regarding donated property and park contingency, and recommended reducing the number of fuel pumps.

Ms. Roberts advised the Board that the public comment letter not read was only relevant to the City Commission and the concerns may be expressed during the City Commission hearing.

Mr. Gillespie responded to questions regarding safe distance between gas pump and residence, and monitoring system.

Elizabeth Wong, being duly sworn, responded to questions regarding water runoff from the car wash.

Mr. Gillespie spoke to the recycle system for car wash water.

Ms. Galehouse addressed further questions regarding car wash restrictions during droughts, signage if fuel pumps are approved, standards for special exception approval, rezoning the quadrant from general commercial to neighborhood commercial to reduce intensity, recent projects approved in neighborhood commercial zones, and when gas stations require a special exception as a permitted use.

Jeffrey Boone spoke to his work and familiarity with North Port and the intent of this intersection quadrant.

Further discussion took place regarding city water.

Ms. Tracy responded to board questions regarding list of residence opposed to petitions, location of property, and opposition to convenient store.

Additional board questions were answered regarding attendance at neighborhood meeting, and use permitted by right.

Mr. Tracy provided closing arguments.

Ms. Cowan provided closing arguments.

Jackson Boone provided closing arguments.

Chair Trolli closed the public hearing.

Discussion took place regarding applicants agreement to move car wash to agreeable location and minimum of 12 pumps, compromising hours of service, and police officer presence.

Mr. Sawyer spoke to disapproving the project due to close proximity of other gas stations, traffic, proximity to homes, convenience of location, and compromise to 14 fuel pumps.

***A motion was made by Board Member Nicholson, seconded by Board Member Metzger, that the Planning and Zoning Advisory Board recommends to the Commission, to approve Resolution No. 2020-R-11, Petition SPX 19 269, Special Exemption for 7-11 fuel pumps, to compromise and allow 14 pumps. The motion carried by the following vote:***

**Yes:** 5 - Chair Trolli, Vice Chair Lamade, Board Member Nicaastro, Board Member Metzger and Chair Nicholson

**No:** 1 - Board Member Sawyer

**Absent:** 1 - Board Member Schneider

- F. [SPX-19-270](#)** A Resolution of the City of North Port, Florida Granting a Special Exception for Petition No. SPX–19-270 to Allow for the Use of a Convenience Store With Car Wash Located Generally at the Intersection of West Price Boulevard and North Cranberry Boulevard in the Neighborhood Commercial High Intensity (NC-HI) Zoning District, Pursuant to the City of North Port Unified Land Development Code Sections 53-179 And 53-259; Providing for Findings; Granting the Special Exception With Conditions; Providing for Severability; Providing for Conflicts; and Providing an Effective Date. (QUASI-JUDICIAL)

***A motion was made by Board Member Nicholson, seconded by Board Member Nicaastro, that the Planning and Zoning Advisory Board recommends to the City Commission, to approve Resolution No. 2020-R-12, Petition SPX-19-270, Special Exemption for 7-11 car wash. The motion carried by the following vote:***

**Yes:** 5 - Chair Trolli, Vice Chair Lamade, Board Member Nicaastro, Board Member Metzger and Chair Nicholson

**No:** 1 - Board Member Sawyer

**Absent:** 1 - Board Member Schneider

**G. [DMP-19-280](#) Development Master Plan, 7-11 Full-Service Convenience Store (QUASI-JUDICIAL)**

*A motion was made by Board Member Nicholson, seconded by Board Member Nicastro, that the Planning and Zoning Advisory Board recommends to the City Commission, to approve DMP-19-280, Development Master Plan, Full-Service Convenience Store, to include the following waivers:*

- 1. Section 53-184.B(3) to allow for a free-standing monument sign in accordance with sections 553.111, 526.121, and 553.97 of the Florida Statutes;*
- 3. Section 53-182 to allow for a the development of a passive park with a 50' wide area to serve as adequate buffer;*
- 4. Section 25-7 to allow for the placement of bollards, instead of wheel stops, on every parking space.*

*To also include the following conditions:*

- 1. The allowable flow from the site that can be discharged into Price Boulevard, cannot exceed the flow permitted in the drainage model that was approved by SWFMWD in Permit 43044411.000 issued February 13, 2020.*
- 2. The allowable flow from the site that can be discharged into Cranberry Boulevard, cannot exceed the existing condition flow into Cranberry Boulevard.*
- 3. The driveway connections to Price Boulevard and Cranberry Boulevard shall have structural channeling devices to limit to right-in/right-out access.*
- 4. The Price Boulevard driveway connection and storm drainage discharge connectivity may need to be revised to existing conditions of Price Boulevard, if the proposed development is constructed before the Price Boulevard Widening Project construction phase is completed. Refer to Stormwater Manager comments regarding stormwater discharge volume and flow rate in Condition 1.*
- 5. The construction phase of the Price Boulevard Widening Project is anticipated to last several years from start to finish and the development shall expect associated business impacts.*

*And with denial of Waiver 2. Section 53-179.A to allow for the hours of operation to be 24 hours/7 days a week.*

*The motion and second were withdrawn.*

After a new motion was stated, Assistant City Attorney Roberts requested Board clarification regarding the understanding that to vote yea, is to approve the hours of operation to be 24 hours/7 days a week.

*A motion was made by Board Member Nicholson, seconded by Board Member Nicastro, that the Planning and Zoning Advisory Board recommends to the City Commission, to approve DMP-19-280, Development Master Plan, Full-Service Convenience Store, including the following waivers:*

- 1. Section 53-184.B(3) to allow for a free-standing monument sign in accordance with sections 553.111, 526.121, and 553.97 of the Florida Statutes;*
- 2. Section 53-179.A to allow for the hours of operation to be 24 hours/7 days a week;*
- 3. Section 53-182 to allow for the development of a passive park with a 130' wide area to serve as adequate buffer;*
- 4. Section 25-7 to allow for the placement of bollards, instead of wheel stops, on every parking space.*

*Including the following conditions:*

- 1. The allowable flow from the site that can be discharged into Price Boulevard, cannot exceed the flow permitted in the drainage model that was approved by SWFMWD in Permit 43044411.000 issued February 13, 2020.*
- 2. The allowable flow from the site that can be discharged into Cranberry Boulevard, cannot exceed the existing condition flow into Cranberry Boulevard.*
- 3. The driveway connections to Price Boulevard and Cranberry Boulevard shall*



*have structural channeling devices to limit to right-in/right-out access.*

*4. The Price Boulevard driveway connection and storm drainage discharge connectivity may need to be revised to existing conditions of Price Boulevard, if the proposed development is constructed before the Price Boulevard Widening Project construction phase is completed. Refer to Stormwater Manager comments regarding stormwater discharge volume and flow rate in Condition 1.*

*5. The construction phase of the Price Boulevard Widening Project is anticipated to last several years from start to finish and the development shall expect associated business impacts.*

*The motion carried by the following vote:*

**Yes:** 4 - Chair Trolli, Board Member Nicastro, Board Member Metzger and Chair Nicholson

**No:** 2 - Vice Chair Lamade and Board Member Sawyer

**Absent:** 1 - Board Member Schneider

## **7. PUBLIC COMMENT**

There was no public comment.

## **8. ADJOURNMENT**

Chair Trolli adjourned the meeting at 1:00 p.m.

By: \_\_\_\_\_  
Nicholas Trolli, Chair

Minutes approved on the \_\_\_\_ day of \_\_\_\_\_, 2020.