



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final Planning & Zoning Advisory Board

Thursday, June 16, 2022

9:00 AM

City Hall Room 244

1. CALL TO ORDER

Vice Chair Hester called the meeting to order at 9:17 a.m.

Vice Chair Hester noted the delay in starting the meeting was due to waiting for a quorum.

2. ROLL CALL

Present: 4 - Vice Chair Nita Hester, Kenneth Maturo, Carolann Palm-Abramoff and Jose Irizarry

Absent: 2 - Chair James Sawyer and Phillip Ludos

Also Present

Assistant City Attorney Margaret T. Roberts, Planner III Sherry Willette-Grondin, Planner II Noah Fossick, Planner I Sam Hudson, Sarasota County School Board Representative Diane Cominotti, and Recording Secretary Susan Hale.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Board.

4. PUBLIC COMMENT

Lois Rose: Planning and Zoning Advisory Board evening meeting.

5. APPROVAL OF MINUTES

- A. [22-2958](#) Approval of Minutes for the May 19, 2022 Planning and Zoning Advisory Board Meeting.

A motion was made by Board Member Irizarry, seconded by Board Member Maturo, to approve the Minutes as presented. The motion carried by the following vote:

Yes: 4 - Vice Chair Hester, Board Member Maturo, Board Member Palm-Abramoff and Board Member Irizarry

Absent: 2 - Chair Sawyer and Board Member Ludos

6. PUBLIC HEARING

- A. [VAC-22-092](#) Resolution 2022-R-38, The Property Owners, Patrick and Michelle Ireland, are Requesting the City of North Port Grant a Vacation of a Portion of the

Platted Rear 10-foot Maintenance Easements on Lots 3, 4, 18, and 19, Block 822, Nineteenth Addition to Port Charlotte Subdivision to Construct a Pool and Cabana.(QUASI JUDICIAL)

Vice Chair Hester introduced the item.

Ms. Hale swore in all those wishing to provide testimony.

Board Members reported having no ex parte communications.

There were no aggrieved or adversely affected persons.

Patrick Ireland, Property Owner, being duly sworn, was present for questions but had no presentation to make.

Mr. Hudson, being duly sworn, provided an overview including a title correction, utilities review, and staff approval.

There were no rebuttals from the Applicant or Staff.

There was no public comment.

Discussion ensued regarding a Scrivener's error in Staff Report, and no response from utility agencies indicating no objection.

There were no closing arguments from Staff or the Applicant.

Vice Chair Hester closed the public hearing and requested a motion.

A motion was made by Board Member Palm-Abramoff, seconded by Board Member Maturo, to recommend approval to the City Commission of Resolution No. 2022-R-38 as presented. The motion carried by the following vote:

Yes: 2 - Board Member Maturo and Board Member Irizarry

No: 2 - Vice Chair Hester and Board Member Palm-Abramoff

Absent: 2 - Chair Sawyer and Board Member Ludos

- B.** [REZ-21-335](#) Ordinance 2022-06, Rezone of 15.64 Acres from "Commercial General" (CG) to "Planned Community Development" (PCD) Located Northwest of I-75 and Toledo Blade Boulevard (QUASI-JUDICIAL)

Vice Chair Hester introduced the item.

Ms. Hale swore in all those wishing to provide testimony.

Chair Hester noted the rezone request was continued from the April 7, 2022 Planning and Zoning Advisory Board Meeting, the Applicant was present while Public Comment was held and acknowledged the public's right to comment on this item at that time, and Public Comment was heard but a Public Hearing was not held and no evidence was placed on the record for this item. Board Members were reminded when making a recommendation to the City Commission that the Board only consider evidence presented for the record during this hearing.

Board Members Maturo, Palm-Abramoff and Irizarry reported having no ex parte communications. Vice Chair Hester noted she was approached by an individual who wished to discuss Item No. REZ-21-335 and DMP-21-334, and she referred them to the Planning and Zoning Division.

There were no aggrieved or adversely affected persons.

Jackson Boone, on behalf of I-75 INTERCHANGETHIRTYTWO LLC and INTERCHANGE THIRTY-TWO INC, being duly sworn, provided an overview including property map, surrounding landmarks, requested land use change, consistency with the Unified Land Development Code (ULDC), and requested approval by the Board.

Mr. Fossick, being duly sworn, provided a review of the petition including required neighborhood notifications and meetings, legal advertisements, City Directors' and City Attorney review, consistency with Florida Statutes, the City's Comprehensive Plan and the ULDC, and Staff's recommendation.

There were no rebuttals from the Applicant or Staff.

Public Comment:

Carmine Miranda: being duly sworn, expressed opposition of the rezone.

Frederick Greene: being duly sworn, expressed opposition to the rezone.

Donna Macey: being duly sworn, expressed opposition to the rezone.

Mike Cicak: being duly sworn, expressed opposition to the rezone.

Lois Rose: being duly sworn, expressed opposition to the rezone.

Tammy Wichers: being duly sworn, expressed opposition to the rezone.

Joshua Wichers: being duly sworn, expressed opposition to the rezone.

Susan Balmer: being duly sworn, expressed opposition to the rezone.

Craig Beal: being duly sworn, expressed opposition to the rezone.

Mary Jude Moffat: being duly sworn, expressed opposition to the rezone.

Richard Myers: being duly sworn, expressed opposition to the rezone.

Lisa Kurecki: being duly sworn, expressed opposition to the rezone.

Alan Kurecki: being duly sworn, expressed opposition to the rezone.

Cherri King: being duly sworn, expressed opposition to the rezone.

Kevin Moffat: being duly sworn, expressed opposition to the rezone.

Discussion ensued regarding commercial vacancy rate, rezone effects on Panacea Activity Center, and balancing commercial and residential.

Mr. Fossick spoke to the Planned Community Development (PCD), commercial development, and the Comprehensive Plan overriding the ULDC.

Discussion continued regarding the underlying zoning designations for Activity Centers.

Ms. Roberts spoke to zones consistency with the Comprehensive Plan.

Mr. Fossick addressed compatibility of a PCD zone, permitted use lists for Activity Center 4, and the Comprehensive Plan overriding the ULDC.

Ms. Roberts spoke to determining whether the Petition is consistent with the Comprehensive Plan and the ULDC.

Mr. Fossick noted the proposed rezone meets the requirements of the Comprehensive Plan, the ULDC, and Florida Statutes.

Ms. Roberts addressed the Board's duty to receive testimony from City Staff, the Applicant, and giving weight to Public Comment.

There were no closing arguments from Staff.

Mr. Boone provided closing arguments by addressing North Port Gardens Development of Regional Impact (DRI) property to the east of Toledo Blade Boulevard, examining the Activity Center as a whole, and the job growth grant for extending utilities.

Ms. Roberts spoke to City Code Chapter 2, Article III, Section 2-83 (4) identifying the factors under consideration.

Vice Chair Hester closed the public hearing and requested a motion from the Board.

A motion was made by Board Member Maturo, seconded by Board Member Palm-Abramoff, to recommend denial to the City Commission of Ordinance No. 2022-06, and find that, based on the competent substantial evidence the proposed Rezone does not comply with the Unified Land Development Code (ULDC), Section 1-33, and the City of North Port Comprehensive Plan, Future Land Use Goals 1 and 2, and Policy 2.21.

Discussion ensued regarding the participation of the public and concern that sufficient evidence was presented for approval of the petition.

The motion failed by the following vote:

Yes: 2 - Board Member Maturo and Board Member Irizarry

No: 2 - Vice Chair Hester and Board Member Palm-Abramoff

Absent: 2 - Chair Sawyer and Board Member Ludos

Vice Chair Hester passed the gavel to Board Member Maturo.

A motion was made by Vice Chair Hester, seconded by Board Member Palm-Abramoff, to recommend approval to the City Commission of Ordinance No. 2022-06 as presented. The motion carried by the following vote:

Yes: 3 - Vice Chair Hester, Board Member Palm-Abramoff and Board Member Irizarry

No: 1 - Board Member Maturo

Not Present: 1 - Board Member Ludos

Absent: 1 - Chair Sawyer

Board Member Maturo passed the gavel back to Vice Chair Hester.

C. [DMP-21-334](#) Development Master Plan, Toledo Blade Flats, DMP-21-334 located northwest of I-75 and Toledo Blade Boulevard (QUASI-JUDICIAL)

Vice Chair Hester introduced the item.

Ms. Hale swore in all those wishing to provide testimony.

Vice Chair Hester noted the Development Master Plan (DMP) request was continued from the April 7, 2022, Planning and Zoning Advisory Board meeting, the Applicant was present while Public Comment was held and acknowledged the public's right to comment on this item at that time, and Public Comment was heard but a Public Hearing was not held and no evidence was placed on the record for this item. Board Members were reminded when making a recommendation to the City Commission the Board only consider evidence presented for the record during this hearing.

Board Members Maturo, Palm-Abramoff and Irizarry reported having no ex parte communications. Vice Chair Hester noted she was approached by an individual who wished to discuss this item, and she referred them to the Planning and Zoning Division.

There were no aggrieved or adversely affected persons.

Jackson Boone, on behalf of I-75 INTERCHANGETHIRTYTWO LLC and INTERCHANGE THIRTY-TWO INC, being duly sworn, provided a brief overview including their disagreement with Staff's position pertaining to the non-residential component, property location and boundaries, Development Master Plan (DMP) components, complex elevations, design standards, stormwater retention ponds, wetlands, access points, transportation analysis, City water and sewer, no protected species, surrounding setbacks, Florida Power and Light (FPL) easement, landscape buffer, waiver requests, and commercial property to the east.

Mr. Fossick, being duly sworn, provided an overview including location, community meetings, waiver requests, the DMP not consistent with Unified Land Development Code (ULDC) or the Comprehensive Plan, no integrated uses, commercial fiscal impact vs. residential fiscal impact, water and sewer, and Staff 's recommendation.

There was no rebuttal from Applicant.

Mr. Fossick provided a rebuttal, speaking to mixed components in the Activity Center.

PUBLIC COMMENT:

Lois Rose: being duly sworn, expressed opposition to the petition.

Tammy Wichers: being duly sworn, expressed opposition to the petition.

Josh Wichers: being duly sworn, expressed opposition to the petition.

Susan Volmer: being duly sworn, expressed opposition to the petition.

Craig Beal: being duly sworn, expressed opposition to the petition.

Mary Jude Moffat: being duly sworn, expressed opposition to the petition.

Lisa Kurecki: being duly sworn, expressed opposition to the petition.

Allan Kurecki: being duly sworn, expressed opposition to the petition.

Kevin Moffat: being duly sworn, expressed opposition to the petition.

Vice Chair Hester noted Board Members were present at the April 7, 2022 meeting.

Mr. Boone spoke to market demand for the property, no sidewalk connectivity, development a small part of the Activity Center, proposed wetlands, and a pool being the only amenity.

Sina Ebrahimi, Civil Engineer Kimley-Horn and Associates, being duly sworn, addressed the drainage runoff mitigation, stormwater directed away from the wetlands, and wetland jurisdictional requirements.

Mr. Fossick provided closing arguments regarding building elevations being approved at the Urban Designs Standards Review stage of development.

Mr. Boone provided closing arguments and spoke to having provided sufficient evidence for approval for the development.

Vice Chair Hester closed the Public Hearing and requested a motion from the Board.

A motion was made by Board Member Maturo, seconded by Board Member Irizarry, to recommend denial to the City Commission of Petition No. DMP-21-334, and find that, based on the competent substantial evidence the proposed Development Master Plan does not comply with the Unified Land Development Code (ULDC), Section 53-102, and the City of North Port Comprehensive Plan, Future Land Use Goal 2, Policies 2.4.1 and 2.4.3.

Discussion ensued regarding commercial development needs within the City and the abundance of residential areas, the Strategic Plan, residential developments within the Activity Center, and commercial component being vital to the City's growth.

The motion carried by the following vote:

Yes: 4 - Vice Chair Hester, Board Member Maturo, Board Member Palm-Abramoff and Board Member Irizarry

Absent: 2 - Chair Sawyer and Board Member Ludos

7. FUTURE AGENDA ITEMS

Future agenda items include the school board's ex-officio member's role on the Board and whether this Board may change the date/time of a Board meeting.

Ms. Roberts spoke to the email confirmation regarding the Board changing times.

There was a consensus regarding two future items to include the Ex Officio School Board Member's role on the Planning and Zoning Advisory Board (PZAB), and a legal opinion regarding the correct process for the PZAB to schedule a night

meeting.

8. PUBLIC COMMENT

Tammy Wichers: concern regarding the next stage of the DMP process.

Mr. Fossick: spoke to Commission's hearing schedule for the rezone and DMP issues.

Mary Jude Moffat: understanding the review process.

Ms. Roberts summarized the process of a quasi-judicial hearing.

Richard Meyers: the horizontal land buffer.

Frederick Green: devaluation of residential property.

9. ADJOURNMENT

Vice Chair Hester adjourned the meeting at 12:11 p.m.

By: _____
James Sawyer, Chair

Minutes approved on the ____ day of _____, 2022.