



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Action Report

### Planning & Zoning Advisory Board

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Thursday, March 16, 2023

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, Phillip Ludos, Jose Irizarry, Michael T. Patricoski, Linda J. Waugh and Frank J. Baer

#### 3. PLEDGE OF ALLEGIANCE

#### 4. PUBLIC COMMENT

#### 5. APPROVAL OF MINUTES

- A. [23-0547](#) Approve Minutes of the March 2, 2023 Planning and Zoning Advisory Board Meeting.

*A motion was made by Board Member Ludos, seconded by Board Member Waugh, to correct the Minutes to reflect Vice Chair Maturo seconded the motion, and to correct the word "basis" which was misspelled during the Assistant City Attorney Roberts' presentation. The motion carried by the following vote:*

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

*A motion was made by Board Member Ludos, seconded by Board Member Waugh, to amend the March 2, 2023 Agenda to conform to the Minutes, stating No. 22-3845 was Quasi-Judicial Training. The motion carried by the following vote:*

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

#### 6. PUBLIC HEARING

- A. [DMP-22-084](#) Consideration of Petition No. DMP-22-084, The Waters at North Port Development Master Plan (QUASI-JUDICIAL)

*A motion was made by Board Member Ludos, seconded by Board Member Irizarry, to find Petition No. DMP-22-084, consistent with the City of North Port Comprehensive Plan and the Unified Land Development Code (ULDC) Sections 53 and 55, based on competent substantial evidence as presented; and recommend that the City Commission approve the Petition with the waivers and conditions:*

**Waiver:**

*1. To allow for the reduced setbacks of twenty-five (25) feet around the northern and eastern property line.*

2. To allow for twenty (20) foot minimum buffer to the perimeter which abuts existing single-family recorded lots or drainage area.

**Conditions:**

1. A gopher tortoise survey was done in September 2021. The immediate gopher tortoise burrow area was subject to unauthorized clearing/land disturbance by heavy equipment in Feb-Mar 2022. A disturbed site permit from Florida Fish and Wildlife Conservation Commission (FWC) is required. Please submit the FWC disturbed site permit and copy of the disturbed site permit application.

2. Site visit performed by City of North Port staff in March/April 2022 found that there appears to be additional gopher tortoise burrows not indicated in the Sept 2021 wildlife report, therefore an additional 100% survey gopher tortoise of all suitable gopher tortoise habitat will be required within 90-days from the proposed start of land clearing. Additionally, gopher tortoises disturbed by unauthorized land disturbance in Feb-Mar 2022 may have relocated to other areas of the property. The gopher tortoise survey shall be performed per FWC Gopher Tortoise Permitting Guidelines for the site. All gopher burrows found on-site must be avoided with the required 25-foot 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.

3. Please submit a survey delineating the wetland(s) jurisdictional boundary and the 25-ft wetland buffer and include the Normal Pool elevation (NP) and Seasonal High Water Elevation (SHWE). The site should be designed to reduce the impact to wetlands and associated 25-foot buffer to the maximum extent practicable. This information should also be included on the master drainage plans. If any wetlands and wetland buffers are proposed to be impacted, please provide the following:

a. A copy of the approved Environmental Resource Permit (ERP). Will also need a permit under Section 404 of the Clean Water Act (CWA) issued by either a U.S. Army Corps of Engineers (USACE) or Florida Department of Environmental Protection (FDEP), depending on the location of the project. 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.

b. Please show using clear hatchings and provide an area tabulation, any impacts to the 25-foot of wetland buffer and the buffer compensation areas provided.

c. Please include the hydroperiod analysis for the mean annual storm for all onsite and adjacent wetlands and show that the proposed development does not impact the hydroperiod significantly.

4. Hydrant and Fire Department Connection (FDC) locations must meet the Unified Land Development Code ULDC, Chapter 60-8 & 60-9; placement of hydrant for the FDC must be on the same side of street or place the FDC on the same side as the hydrant to meet the requirements. This requirement shall be called out on all infrastructure, subdivision construction, and civil plans for compliance.

5. Provide adequate pedestrian access throughout development. No internal sidewalks are currently shown on plan. The design of these sidewalks can be determined during the detailed site plans for the Major Site and Development (MAS) application.

6. At least five (5) dumpster corrals will be the required for the complex's volume. Include the dumpster corral detail sheet with the Major Site and Development Plan.

7. Provide a place for the storage of bulk garbage items. This may be an additional corral area separate from the required dumpster corrals or provide a designated

area marked for residents to place bulk garbage items. The location must be accessible to drivers to pull up next to and collect the bulk items.

8. The future detailed design of the stormwater management system must meet all requirements in the City of North Port Unified Land Development Code (ULDC) Stormwater Regulations.

9. Before Florida Department of Environmental Protection (FDEP) permits will be signed, North Port Utilities requires the following:

a. 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.

b. One engineer certified (sealed) estimate for the cost of utility construction.

c. 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.

10. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utilities Department for review and approval.

11. Irrigation systems shall be designed and constructed to meet reuse standards.

12. 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.

13. A developer agreement shall be negotiated with the Utilities Department and approved by the Utilities Director and City Staff prior to DEP or Department of Health (DOH) permits being signed and released.

*The motion carried by the following vote:*

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

**B. [DMP-22-118](#) Consideration of Petition No. DMP-22-118, North Port 0010 Development Master Plan (QUASI-JUDICIAL)**

*A motion was made by Board Member Waugh, seconded by Board Member Ludos, I move to find Petition No. DMP-22-118, consistent with the City of North Port Comprehensive Plan and the Unified Land Development Code (ULDC) Sections 53 and 55, based on competent substantial evidence as presented; and recommend that the City Commission approve the Petition with conditions.*

**Conditions:**

1. A 100% gopher tortoise survey was done on April 19, 2022, and 65 gopher tortoise burrows were located. An additional 100% gopher tortoise survey will be required within 90-days from the proposed start of land clearing. The gopher tortoise survey shall be performed per Florida Fish and Wildlife Conservation Commission (FWC) Gopher Tortoise Permitting Guidelines for the site.

a. All gopher tortoise burrows found on-site must be avoided with the required 25 ft radius.

b. 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 prior to issuing a Notice to Proceed (NTP).

c. 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. The summary After Action Report will be required prior to issuing a Notice to Proceed (NTP).

d. 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.*

*e. Immediately following relocation the gopher tortoise agent shall evaluate the need for installation of a well-constructed silt fence to prevent gopher tortoise reentry.*

*2. Provide a copy of the approved Environmental Resource Permit (ERP). The permit 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 before requesting a Notice to Proceed (NTP).*

*3. Two (2) additional Fire Hydrants shall be placed along Live/Work roadway to meet the requirement set forth in the Florida Fire Prevention Code, 7th edition (NFPA-1 Fire Code, 2018 Edition), § 1:18.4.5.3, Table 1:18.4.5.2.1 and § 1:18.5. Fire hydrants in multi-family (three or more attached units), commercial and industrial subdivisions shall be spaced no more than 400-feet apart and capable of delivering fire flows as outlined therein.*

*4. The Hydrant for the Fire Department Connection (FDC) shall meet the Unified Land Development Code (ULDC), Chapter 60-8 & 60-9; placement of hydrant for the FDC shall be on the same side of street or place the FDC on the same side as the hydrant to meet the requirements.*

*5. The future detailed design of the stormwater management system must meet all requirements in the City of North Port Unified Land Development Code (ULDC) Stormwater Regulations. Detailed stormwater quality treatment calculations, water quantity attenuation analysis and floodplain impact and compensation analysis must be provided in the later Staff Development Review (SDR) applications. If the later stormwater analysis shows additional pond footprint is needed, a Development Master Plan Amendment (DMA) may be needed.*

*6. Before Florida Department of Environmental Protection (FDEP) permits will be signed, North Port Utilities requires the following:*

*a. 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.*

*b. One engineer certified (sealed) estimate for the cost of utility construction.*

*c. 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.*

*7. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utilities Department for review and approval.*

*8. Water lines shall be pigged prior to chlorination and pressure testing.*

*9. Irrigation systems shall be designed and constructed to meet reuse standards.*

*10. Provide the Utilities 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 be paid prior to issuance of the building permit.*

*11. 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.*

*The motion carried by the following vote:*

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

**C.** [PLF-22-273](#) Consideration of Petition No. PLF-22-273, Preto Blvd South Extension

(QUASI-JUDICIAL)

*A motion was made by Vice Chair Maturo, seconded by Board Member Baer, to recommend approval to the Commission of Petition No. PLF-22-273, as presented, and find that based on the competent substantial evidence, the Plat complies with all regulations set forth in the Unified Land Development Code (ULDC) and Florida Statutes Chapter 177. The motion carried by the following vote:*

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

**D. [PLF-22-241](#)** Consideration of Petition No. PLF-22-241, Wellen Park Village E Tract 5 Replat (QUASI-JUDICIAL)

*A motion was made by Board Member Baer, seconded by Board Member Irizarry, to recommend approval to the Commission of Petition No. PLF-22-241, as presented, and find that based on the competent substantial evidence, the Plat complies with all regulations set forth in the Unified Land Development Code (ULDC) and Florida Statutes Chapter 177. The motion carried by the following vote:*

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

**7. FUTURE AGENDA ITEMS**

**A. [23-0553](#)** Running List of Future Agenda Items

*There was a consensus to have these items for discussion at the next meeting: 1. A review of the Commission discussion regarding the Planning and Zoning Advisory Board's absences, 2. To receive traffic information at the Development Master Plan (DMP) stage of development, 3. Having July or August as a hiatus, 4. A discussion regarding setbacks in Planned Development Community (PCD).*

**8. PUBLIC COMMENT**

**9. ADJOURNMENT**