



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Draft Planning & Zoning Advisory Board

---

Thursday, April 6, 2023

9:00 AM

City Commission Chambers

---

### 1. CALL TO ORDER

Chair Hester called the meeting to order at 9:00 a.m.

### 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

### Also Present

### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Irizarry.

### 4. PUBLIC COMMENT

### 5. APPROVAL OF MINUTES

- A. [23-0598](#) Approve Minutes of the March 16, 2023 Planning and Zoning Advisory Board Meeting.

*A motion was made by Board Member Irizarry, seconded by Board Member Ludos, to approve the Minutes as presented. 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. [VAC-22-197](#) Consideration of Petition No. VAC-22-197, request to vacate a portion of the twenty-foot utility and drainage easement on the northeasterly boundary of Lot 16, Block 248,8th Addition to Port Charlotte Subdivision (QUASI-JUDICIAL)

Chair Hester announced the item.

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

There were no ex parte communications.

There were no aggrieved or adversely affected persons.

Hans Menzer of Flamingo Pool & Spa, Inc., on behalf of the property owners, being duly sworn, provided an overview including the location and proportions of the pool and

requested a vacation of the maintenance easement.

Mr. Bengé, being duly sworn, provided a review including location, impingement of pool deck, property acreage, square-footage amount requested, as-built review exposing the encroachment, compliance with Florida Statutes and the Unified Land Development Code (ULDC), and recommendation for approval.

There were no rebuttals from the Applicant or Staff.

There was no public comment.

Mr. Bengé spoke to lot line being curved and measurement taken from a straight line and confirmed the request being for the maintenance easement.

Ms. Barnes, being duly sworn, spoke to the commonality of using fill dirt for elevation, measurement inconsistencies, minimal intrusion allowances, purpose of maintenance easement, fences allowed along the property line, two legal notices being required, and administrative discretion granting variances.

Ms. Roberts spoke to the motion stating verification of proper notice.

There were no closing arguments from Staff or the Applicant.

Chair Hester closed the public hearing and entertained a motion.

***A motion was made by Board Member Ludos, seconded by Board Member Waugh, to recommend approval to the City Commission of Resolution No. 2023-R-30, upon verification regarding proper public newspaper notice as required by Florida Statute 177.101. 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. [VAC-23-020](#)** Consideration of Petition No. VAC-23-020, Request to Vacate a Portion of the Twenty (20) Foot Drainage Maintenance Easement on Lot 8, Block 160, 5th Addition to Port Charlotte Subdivision. (QUASI-JUDICIAL)

Chair Hester announced the item.

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

Board Member Baer disclosed a site visit.

Chair Hester, Vice Chair Maturo, Board Members Irizarry, Patricoski, and Waugh reported having no ex parte communication.

There were no aggrieved or adversely affected persons.

Property owner Thaddeus J. Szumilas, being duly sworn, provided an overview including area requested for shed, and utility easement encroachment.

Mr. Bengé, being duly sworn, provided an overview including location, acreage, compliance with Florida Statutes and the Unified Land Development Code (ULDC), and recommendation for approval.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Mr. Szumilas submitted a survey into evidence.

Board questions took place regarding the lot size, shed not being affixed to ground, permitting being the next step, no alternative location possible, age of home, and legal notice requirement.

There were no closing arguments from Staff or the Applicant.

Chair Hester closed the public hearing and entertained a motion.

***A motion was made by Board Member Ludos, seconded by Vice Chair Maturo, to recommend approval to the City Commission of Resolution No. 2023-R-31, upon verification regarding proper public newspaper notice as required by Florida Statute 177.101. The motion carried by the following vote:***

**Yes:** 6 - Chair Hester, Vice Chair Maturo, Board Member Ludos, Board Member Irizarry, Board Member Patricoski and Board Member Waugh

**No:** 1 - Board Member Baer

Board Member Baer dissented due to the ability to pull the shed in and reduce the impact on the easement.

Recess was taken from 9:32 a.m. to 9:36 a.m.

**7. GENERAL BUSINESS**

***Without objection, Chair Hester reordered the agenda to hear Item Nos. 23-0657 and 23-0658 next.***

**B. [23-0657](#)** Discussion and Possible Action Regarding the Recent Changes to the City's Advisory Board Attendance Policy.

Chair Hester announced the item.

Discussion ensued regarding additional absences, allowing the Board to determine excusable absences, and forwarding recommendations to the Commission.

***A motion was made by Board Member Irizarry, seconded by Board Member Patricoski, to send a letter to the City Commission to request an Amendment to Chapter 4 of the City Code, to allow excused absences without penalty for the Planning and Zoning Advisory Board Members. 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. [23-0658](#)** Discussion and Possible Action Regarding the Board Taking a Month Off.

Chair Hester announced the item.

Discussion ensued regarding reordering the meeting schedule and canceling the July 20, 2023 and August 3, 2023 Board meetings.

*A motion was made by Board Member Baer, seconded by Board Member Ludos, to cancel the July 20, 2023 and the August 3, 2023 Meetings of the Planning and Zoning Advisory Board. 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. [23-0596](#)** Discussion Regarding Chapter 3 Zoning of the Draft Unified Land Development Code (ULDC) Update

Chair Hester announced the item.

Ms. Woellner provided a review including updating approval timeline, district maps, Residential Estates (RE), Residential Low (R-1), Residential Medium (R2), Residential Multi-Family (R3), Manufactured Home Community (MH), Environmental Conservation (EC), Commercial (C), Government Use (GU), Industrial Light (I-1), Industrial Heavy (I-2), Mixed-Use Transitional (MX-1), Mixed-Use (MX-2), encroachments, bonuses and incentives, accessory uses and structures, conditional uses, and specific zoning standards.

Discussion ensued regarding a map of activity centers, industrial farming, permissible primary uses, bonuses and incentives, pocket parks, and expansion of Activity Centers.

Mr. Irizarry left the meeting at 10:23 a.m.

Ms. Ray spoke to commercial and residential percentages, Transportation and Utility Master Plans, City-owned undeveloped land, maximizing landmass, and "downtown" areas.

Board Questions took place regarding environmentally friendly designed commercial buildings, glazed window clarifications, structure terminology being expanded, and impervious surface ratios.

Ms. Barnes spoke to property maintenance easements and drainage easements.

Ms. Woellner spoke to screening outdoor storage on industrial/commercial parcels, storing vehicles on residential lots, trash receptacles for food vendors, the residential parking ordinance, electric vehicle charging stations, and pedestrian connectivity.

**8. UPDATES**

**A. [23-0552](#)** List of Future Agenda Items

Chair Hester announced the item.

Ms. Woellner spoke to updating the List of Agenda items.

**9. PUBLIC COMMENT**

There was no public comment.

**10. ADJOURNMENT**

Chair Hester adjourned the meeting at 11:06 a.m.

By: \_\_\_\_\_  
Nita Hester, Chair

Minutes approved on the \_\_\_ day of \_\_\_\_\_, 2023.