



Action Report
Planning & Zoning Advisory Board

Thursday, October 5, 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: 6 - Chair Nita Hester, Vice Chair Kenneth Maturo, Board Member Irizarry, Board Member Patricoski, Board Member Waugh and Board Member Baer

Absent: 1 - Board Member Ludos

Also Present:

Assistant City Attorney Margaret T. Roberts, Development Services Assistant Director Lori Barnes, Planner III Katherine Woellner, Planner III Carl Benge, and Assistant City Clerk Adrian Jimenez

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Linda Waugh.

4. PUBLIC COMMENT

There was no public comment.

Chair Hester requested to rearrange the order of agenda to hear Item B before Item A.

5. PUBLIC HEARING

B. Consideration of Petition No. DMA-23-001, The Woodlands Phase II. (QUASI-JUDICIAL)

Chair Hester introduced the item.

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

Board Members Patricoski, Board Member Irizarry, Vice Chair Maturo, and Board Member Baer reported having no ex parte communications.

Board Member Waugh reported a site visit and Chair Hester reported receiving a notice of public hearing.

There were no aggrieved or adversely affected persons.

Todd Mathes, P.E., Kimley-Horn and Associates, Inc., being duly sworn, provided an overview including location, aerial map, Activity Center 4, previous site construction,

proposed construction footage, multi-tenant product, two waiver request, sign package, city utilities, transportation, environmental, and design standard review completed.

Mr. Bengé, being duly sworn, provided an overview including overview, brief history, six waiver modifications, highlights, proposed site plan, compliance with Comprehensive Plan and Unified Land Development Code (ULDC).

Mr. Mathis provided a rebuttal regarding board and staff support and signage.

There was no rebuttal by Staff.

There was no public comment.

Discussion took place regarding uniqueness of property, sign location and amount, resident complaints, modification on sign requirements from the city, and removal of signs.

Becca Bond, P.E.; Kimley-Horn and Associates, Inc., being duly sworn, spoke to traffic study.

Discussion continued regarding sign location and size.

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 Waugh, seconded by Vice Chair Maturo, to recommend approval of Petition No. DMA-23-001 excluding modification request waiver three and find that based on the competent substantial evidence, the development master plan complies with the Unified Land Development Code. The motion carried by unanimous voice vote.

A. Consideration of Petition No. SPX-23-139 (Resolution No. 2023-R-52), Pocatella Avenue Multi-Family Special Exception (QUASI-JUDICIAL)

Chair Hester introduced the item.

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

Board Members reported having no ex parte communications.

Ms. Jimenez noted aggrieved parties James G. Murphy and Gary R. Thalman.

Peter Van Buskirk and Kelley Klepper, Kimley-Horn and Associates, Inc., being duly sworn, provided a presentation to include project overview, aerial map, special exceptions, Comprehensive Plan compliant, housing goal, economic development, Unified Land Development Code (ULDC) compliant, development concept plan, and staff review and recommendations.

Ms. Barnes, being duly sworn, provided a presentation to include overview, staff development review summary, Comprehensive Plan, future land use, professional office, transportation, housing and economic development element, objectives and policies, special exception findings, legal review, complying with public notice, and staff recommendations.

James G. Murphy , aggrieved party, being duly sworn, spoke to amount of single family homes, acreage, resubmitted designation, developers request, existing areas, adjacent properties, designated land uses, special exemptions, consulting agencies, workforce, required infrastructures, economy, tourism, luxury apartments, Wellen Park, amenities, conflict of interest, budgets, transparency, citizen expectations, comprehensive planning, and land conservation.

Gary R. Thalman, aggrieved party, being duly sworn, spoke to impact of project, re-purposing development, doubling density, meeting code requirements, special exemptions, previous Commission meeting, intense of proposed use, economic benefit, institutional alternatives, city benefits, office use impacts, workforce, North Port services, alternatives, and apartment concerns.

Mr. Van Buskirk provided a rebuttal regarding resident concerns, type of building, Comprehensive Plan, various uses, septic systems and wells, storm requirements, hurricane protection, acreage, supporting spaces, density, lack of non-residential, special exemptions, commercial components, and compliance with code.

Ms. Barnes provided a rebuttal regarding staffs role on recommendations, prior public hearings, economic benefits, public welfare, Comprehensive Plan, ULDC, tax exempts, and impact on surrounding properties.

Mr. Murphy, aggrieved party, provided a rebuttal regarding staff recommendations and concerns.

Mr. Thalman, aggrieved party, provided a rebuttal regarding applicant rebutting the facts.

Public Comment:

John Seepe, being duly sworn, expressed opposition to proposed Petition.

Kurt Loomis, being duly sworn, expressed opposition to proposed Petition.

Lynda Grother, being duly sworn, expressed opposition to proposed Petition.

Mark Lamoureux, being duly sworn, expressed opposition to proposed Petition.

Deanna Lamoureux, being duly sworn, expressed opposition to proposed Petition.

Tammy Cline, being duly sworn, expressed supports the proposed Petition.

Justin Willis, being duly sworn, expressed opposition to proposed Petition.

Zia Butt, being duly sworn, expressed support to proposed Petition.

Saq Butt, being duly sworn, expressed support to proposed Petition.

Kris Donda, being duly sworn, expressed support to proposed Petition.

Michelle Bryan-Emis, being duly sworn, expressed support to proposed Petition.

Elizabeth Campbell, being duly sworn, expressed support to proposed Petition.

Discussion took place regarding statement of commissioners.

Ms. Roberts spoke on statement of commissioners and evidence presented.

Recess was taken to obtain order in the chambers from 10:58 a.m. until 11:05 a.m.

Ms. Waugh reported having an ex parte communication site visit.

Discussion continued regarding percentage of city Office, Professional, Institutional District (OPI), future development, density, future land use policy, meeting guidelines, acreage, proposed floor area, profits, cost of unit, housing and economic development

element, staff findings, building heights, traffic concerns, purpose and intent of an OPI, definition of residential uses, and amount of apartments.

Mr. Thalman, aggrieved party, provided a closing argument regarding purpose of dedicated land uses.

Mr. Murphy, aggrieved party, provided a closing argument regarding purpose of dedicated land uses.

Ms. Barnes provided a closing argument regarding staff report and evidence, consistent with Comprehensive Plan, special exemption requirements, OPI uses, and transportation impacts.

Mr. Klepper, applicant, provided a closing argument regarding OPI districts, series of analysis, third party reviews, workforce, transportation impacts, redesigning stormwaters, special exemptions, and consist with Comprehensive Plan.

Chair Hester closed the public hearing and requested a motion.

Chair Hester passed the gavel to Vice Chair Maturo.

A motion was made by Chair Hester, seconded by Board Member Waugh, to recommend approval of Resolution No. 2023-R-52, Petition No. SPX-23-139 and find that, based on the competent substantial evidence: granting the special exception will NOT adversely affect the public interest, health, safety and general welfare; the specific requirements in the schedule of district regulations governing the individual special exception have been met; and the 16 standards listed in Section 53-259(3) of the Unified Land Development Code have been met.

Discussion took place regarding neighborhood and transportation concerns, consistent with the Comprehensive Plan and the ULDC, adversely affected person impacts, and special exemptions.

The motion failed by the following vote:

Yes: 3 - Chair Hester, Board Member Waugh and Board Member Baer

No: 3 - Vice Chair Maturo, Board Member Irizarry and Board Member Patricoski

Absent: 1 - Board Member Ludos

Vice Chair Maturo passed the gavel back to Chair Hester.

A motion was made by Board Member Irizarry, seconded by Board Member Baer, to recommend approval of Resolution No. 2023-R-52 No. SPX-23-139 with the following conditions 1. reducing the number of residential and 2. increasing the OPI; and find that, based on the competent substantial evidence: granting the special exception will NOT adversely affect the public interest, health, safety and general welfare; the specific requirements in the schedule of district regulations governing the individual special exception have been met; and the 16 standards listed in Section 53-259(3) of the Unified Land Development Code have been met.

Ms. Roberts spoke to the Petition being presented and motion on the floor.

The motion failed by the following vote:

Yes: 2 - Board Member Irizarry and Board Member Baer

No: 4 - Chair Hester, Vice Chair Maturo, Board Member Patricoski and Board Member Waugh

Absent: 1 - Board Member Ludos

A motion was made by Board Member Baer, seconded by Vice Chair Maturo, to recommend denial of Resolution No. 2023-R-52, No. SPX-23-139 and find that, based on the competent substantial evidence: granting the special exception will adversely affect the public interest, health, safety and general welfare; all of the 16 standards listed in Section 53-259(3) of the Unified Land Development Code have NOT been met; and the density or intensity of the proposed use IS NOT consistent with the intended future use of the designated land use area in which the property is located, in accordance with the provisions of the Future Land Use Plan Map contained in the Comprehensive Plan.

Discussion took place regarding requirements and character of other uses.

The motion carried by the following vote:

Yes: 4 - Vice Chair Maturo, Board Member Irizarry, Board Member Patricoski and Board Member Baer

No: 2 - Chair Hester and Board Member Waugh

Absent: 1 - Board Member Ludos

Chair Hester dissented due to evidence of the applicant.

6. FUTURE AGENDA ITEMS

A. List of Future Agenda Items

There were no future agenda items.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURNMENT

Chair Hester adjourned the meeting at 12:03 p.m.

By: _____
Nita Hester, Chair