

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COUNTY COMMISSION CHAMBER
SARASOTA, FLORIDA**

9:00 a.m.

Nora Patterson, Chair, District 4
Shannon Staub, Vice Chair, District 3
Paul H. Mercier, District 1
Joseph A. Barbetta, District 2
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Paula Clintsman, Deputy Clerk
Spring Dickson, Deputy Clerk

INVOCATION

Rob Lewis, Planning and Development Services Executive Director

PLEDGE OF ALLEGIANCE

Commissioner Mercier

PUBLIC HEARINGS:

1. PLANNING AND DEVELOPMENT SERVICES

Note: No public input will be taken this date.

- A.** Public hearing continued from November 15, 2006, to consider a proposed Resolution, Comprehensive Plan Amendment No. RU-131, a petition by Judson Pankey, Agent, a privately-initiated revision to the Future Land Use Map (FLUM) to change the designation of a 276.32 acre \pm parcel located at the southwest corner of University Parkway and Interstate 75 (I-75) from CHI (Commercial Highway Interchange), Major Employment Center (MEC)/Interstate Regional Office Park (IROP), $\frac{1}{2}$ Village I Commercial Center, High Density Residential (>9 and <13 units/acre), to Regional Commercial Center, Village II Commercial Center and High Density Residential (>9 and <13 units/acre).
- B.** Public hearing continued from November 15, 2006, to consider proposed Ordinance No. 2006-080, a petition by Judson Pankey, Agent, a privately-initiated Substantial Deviation to a previously approved Development of Regional Impact (DRI), Sarasota Interstate Park of Commerce (SIPOC), a 276.32 acre \pm parcel located on the southwest quadrant of University Parkway and Interstate 75 (I-75).
- C.** Public hearing continued from November 15, 2006, to consider proposed Ordinance No. 2006-079, Rezone Petition No. 06-12, a petition by Judson Pankey, Agent, to rezone 276.32 acres \pm located on the southwest quadrant of University Parkway and Interstate 75 (I-75), from CHI (Commercial, Highway Interchange), CG (Commercial General), PCD (Planned Commerce Development), and PID (Planned Industrial District) to CG and RMF-3/PUD (Residential, Multi-Family, 13 units/1 acre/Planned Unit Development) zone districts with Special Exceptions.

1. **PLANNING AND DEVELOPMENT SERVICES** - Continued
- D. Public hearing continued from November 15, 2006, to consider a proposed Resolution, Special Exception Petition No. 1640, a petition by Judson Pankey, Agent, to allow six zone district modifications to the Development Concept Plan under CG (Commercial General), for the property located at the southwest corner of University Parkway and Interstate 75 (I-75).

Staff Presenters: County Administrator James Ley and Planning and Development Services Planning Director Anne McClung

Public Presenters: Peter Katz; Rick Hall; Randy Benderson, Director of Benderson Development, Inc.; Stefanos Polyzoides; and Jim Daisa of Kimley-Horn and Associates

RECESS: 10:55 a.m. - 11:00 a.m.

Public Presenters: (Continued) Dr. Henry Fishkind

11:29:25 Board Action: Continued the public hearings on Comprehensive Plan Amendment No. RU-131, proposed Ordinance Nos. 2006-080, 2006-079, and Special Exception Petition No. 1640, to January 23, 2007, at 9:00 a.m., or as soon thereafter as possible. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 11:29 a.m. - 1:30 p.m.

PUBLIC HEARINGS:

2. **PLANNING AND DEVELOPMENT SERVICES**
Public hearing to consider proposed Ordinance No. 2007-018, calling for a Special Election to consider a proposed Charter Amendment to the County Charter regarding land use designations outside the Urban Service Boundary Area.

Staff Presenter: County Attorney Stephen DeMarsh

Public Presenters: North Port City Commissioner Barbara Gross, North Port City Commissioner Jim Bulcher, Bill Earl, Sue Lang, Wade Matthews, and Robert Burreis

Item Submitted: A copy of a revised City of North Port version of the Joint Planning and Interlocal Service Boundary Agreement (JPISBA) dated January 8, 2007

4:03:06 Board Action: Recommended adding lines 575 through 579, on page 25 of the City of North Port's version to the proposed JPISBA as follows (additions shown as underlined text). Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

The City shall not be prohibited by the terms of this Agreement or otherwise from challenging future Sarasota County Charter amendments through judicial, administrative or appellate proceedings whether or not the Agreement remains in effect. Any such action by the City shall not constitute a material breach of the Agreement nor a dispute for resolution under paragraph 9.

2. PLANNING AND DEVELOPMENT SERVICES- Continued

4:36:05 Board Action: Continued the public hearing to January 24, 2007, at 1:30 p.m., or as soon thereafter as possible. Moved by Staub, seconded by Mercier, carried by a 4-1 vote; Barbetta voted "No."

Note: Oath/Signature Cards Filed for Record.

3. OTHER BUSINESS**A. PLANNING AND DEVELOPMENT SERVICES**

The Board reviewed the revised proposed Joint Planning and Interlocal Service Boundary Agreement (JPISBA) with the City of North Port.

Staff Presenters: Planning and Development Services Planning Director Anne McClung, Community Services Interim Executive Director Larry Arnold, County Attorney Stephen DeMarsh, Assistant County Attorney Gary Oldehoff, and Environmental Services Water Resources General Manager Theresa Connor

Item submitted: A revised copy of the proposed JPISBA with the City of North Port, dated January 12, 2007

1:42:10 Board Action: Recommended to revise the language on line 60, on page 3 of the proposed JPISBA as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text). Recommended by Thaxton and Staub, without objection.

WHEREAS, ~~the agreement of the County~~ the County agrees to waive rights to contest future annexations within a defined geographic area, pursuant to the conditions provided herein, and ~~shall not to~~ shall not to propose or promote any Charter amendment that negates the terms and conditions of this Agreement; ~~is a material inducement to the City to enter into this Agreement;~~ and

1:47:00 Board Action: Recommended to revise the words "Chapter 171" to "Chapter 171.031(13)(2006)" on line 118, on page 5 of the proposed JPISBA. Recommended by Staub, without objection.

2:05:35 Board Action: Recommended to revise the word "of" to the word "from" in Section (d), line 205, on page 9, of the proposed JPISBA. Recommended by Staub, without objection.

2:06:01 Board Action: Recommended to revise the words "West Villages Development" to the words "West Villages Improvement District" in Section (e), line 208, on page 9 of the proposed JPISBA. Recommended by Staub, without objection.

2:10:29 Board Action: Recommended to add the word "written" before the word "notice" on lines 306 and 320, on page 14 of the proposed JPISBA. Recommended by Staub, without objection.

2:15:21 Board Action: Recommended to revise the language, to read "Any concurrency approval will incorporate the results of reviews by both parties." on line 354, on page 16 of the proposed JPISBA. Recommended by Staub, without objection.

2:20:08 Board Action: Recommended to revise the word "study" to the words "Utility Agreement" on lines 357, 360, and 362, on page 16, of the proposed JPISBA. Recommended by Staub, without objection.

3. OTHER BUSINESS - Continued**A. PLANNING AND DEVELOPMENT SERVICES** - Continued

2:25:20 Board Action: Requested to revise the word "proportional" to the word "equal" in Section C, line 378, on page 19 of the proposed JPISBA. Moved by Staub, seconded by Thaxton, carried by a 4-1 vote; Mercier voted "No."

2:43:04 Board Action: Requested to substitute the language in Section K, lines 405 through 410, on page on 18 of the proposed JPISBA as follows (additions shown as underlined text). Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Both the City and the County agree to respect the land use compatibility principle of each jurisdiction during the review of each zoning petition for any parcel located within the Potential Annexation . . .

2:46:13 Board Action: Requested to revise the language in Section N, lines 426 through 432, on page 19 of the proposed JPISBA as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text). Requested by Staub, without objection.

. . . to finalize ~~an~~ a transportation master plan study within twelve (12) months thereafter, and if necessary a longer time frame shall be agreed to by both Parties, which ~~may~~ should create a transportation master plan which includes but is not limited to a traffic origin and destination study. If the study is not completed within twelve (12) months and the Parties cannot agree on a longer time frame, failure to complete the study shall not constitute a material breach of the Agreement. The Parties will ~~proportionately~~ equally fund the master plan.

2:54:35 Board Action: Recommended to revise the language in Section M, lines 421 through 424, on page 19 of the proposed JPISBA as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text). Requested by Staub, without objection.

During the process for adoption of the overlay to be included in the City's Comprehensive Plan pursuant to Paragraph 6.A., above, the Parties will review and analyze the ~~distribution of County revenues to the City and the financial contribution of the City~~ received by the County from the taxpayers within the City.

2:56:18 Board Action: Requested to revise the language in Section P, lines 435 through 437, on page 19 of the proposed JPISBA as follows (additions shown as underlined text). Requested by Staub, without objection.

The parties agree that in order to protect the limited, valuable natural and financial resources that exist within the region, development must proceed in a sustainable manner. Sustainability measures such as green building with Florida Green Building Coalition (FGBC) and LEED (Leadership in Energy and Environmental Design) certification will be encouraged for all new development. Moved by Staub, seconded by Patterson, carried by a 5-0 vote.

3. OTHER BUSINESS - Continued

A. PLANNING AND DEVELOPMENT SERVICES - Continued

3:06:05 Board Action: Deleted lines 443 through 449 and the underlined portion of line 450, in Section Q on page 20 of the proposed JPISBA as follows (deletions shown as ~~strikethrough~~ text). Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

~~At the end of the 5 year period, the Parties agree to meet in joint session to consider potential land use changes to these areas if the properties are annexed. No increase in density or intensity above the current land use designations shall occur unless a carrying capacity study of the portion of the Lemon Bay Watershed which encompasses parcels designated as the Thomas Ranch Westerly Five Sections and Easterly Section demonstrates in the opinion of the Parties that an increase is justified. Unless and until the properties are annexed, and regardless of whether the study of the parcels has been completed, the County may . . .~~

(3:21:27)

MEETING ADJOURNED: 4:36 p.m.

MINUTES APPROVED: _____

Chair