



STAFF REPORT

Ordinance No. 2022-06 Rezone—Toledo Blade Flats

From: Noah Fossick, Planner II

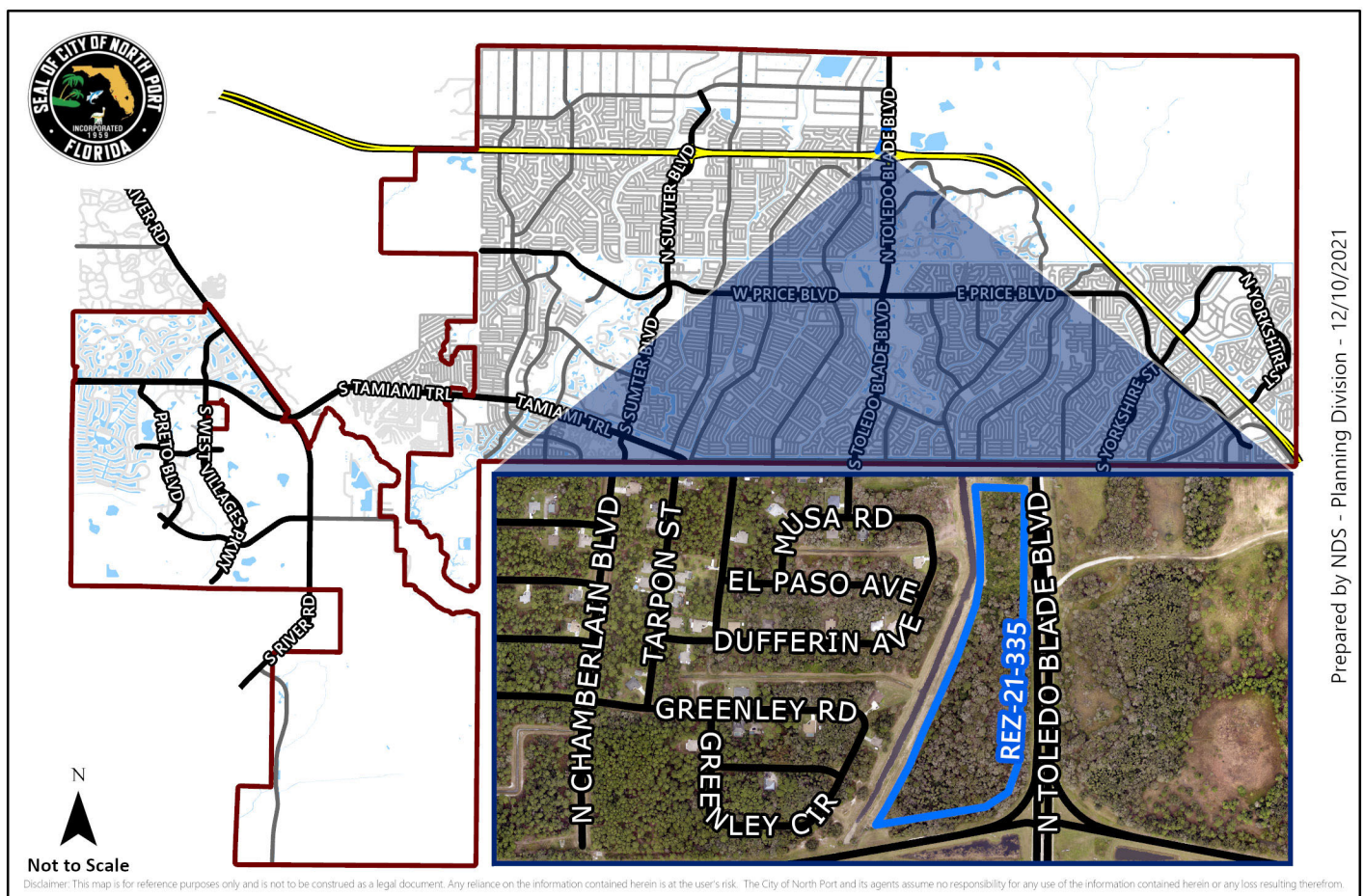
Thru: Lori Barnes, AICP, CPM, Planning and Zoning Division Manager

Thru: Alaina Ray, AICP, Neighborhood Development Services Director

Thru: Jason Yarborough, ICMA-CM, Assistant City Manager

Thru: A. Jerome Fletcher II, City Manager

Date: March 7, 2022



PROJECT: Toledo Blade Flats, REZ-21-335

REQUEST: Consideration of Rezone Application from Commercial General (CG) District to Planned Community Development (PCD) District

APPLICANT: Jeffrey A. Boone, Esq. (**Exhibit A**)

OWNERS: I-75 INTERCHANGETHIRTYTWO LLC and INTERCHANGE THIRTY-TWO INC.

LOCATION: Located at the northeast corner of I-75 and Toledo Blade Blvd. (PID 0959-00-1000)

PROPERTY SIZE: ± 15.64 acres

I. BACKGROUND

Jeffrey A. Boone, on behalf of I-75 INTERCHANGETHIRTYTWO LLC and INTERCHANGE THIRTY-TWO INC, has formally submitted a Rezone application to the City of North Port to Rezone a ± 15.64 acre site zoned Commercial General (“CG”) to Planned Community Development (“PCD”). The surrounding properties are zoned Agriculture (“AG”) to the north, Residential Single Family (“RSF-2”) to the west across the drainage right-of-way (Creighton Waterway), CG to the south, and PCD to the east across Toledo Blade Boulevard and I-75. The subject parcel has a Future Land Use of Activity Center—being located in Activity Center Four (“AC4”).

II. PETITION

The applicant is petitioning the City to change the zoning of the property to allow a high-density residential development on the site.

REZONE

The applicant is proposing to rezone the property to implement the Future Land Use of Activity Center. The property is currently zoned Commercial General and is proposed to be rezoned to Planned Community Development (**Exhibit B**). The rezone proposal is implemented through **Ordinance No. 2022-06** as attached in **Exhibit B**.

III. NEIGHBORHOOD MEETING

Pursuant to Section 53-5.E. of the Unified Land Development Code, the applicant held a neighborhood meeting on February 7, 2022, at 5:00 PM virtually on Zoom. The meeting documents, including public notice, are attached as **Exhibit C**.

IV. REVIEW PROCESS

A pre-application meeting for the project was August 11, 2021. The petition for the Rezone was processed for management review and distributed to all Directors, of which no objection was received.

The proposed ordinance for the Rezone petition has been reviewed and approved as to form and correctness by the City Attorney's Office.

V. DATA & ANALYSIS

Staff has reviewed the proposed Development Master Plan for consistency with the Florida Statutes, the City's Comprehensive Plan, and the City's Unified Land Development Code (ULDC).

V. DATA & ANALYSIS (CONTINUED)

FLORIDA STATUTES

Florida Statutes § 166.041 Procedures for adoption of ordinances and resolutions.

The notice requirements pursuant to this Statute have been met and are detailed in Section V of this Staff Report.

Staff concludes that the petition for rezoning is consistent with the requirements of § 166.043(3)(a) and (c) regarding ordinances that change the zoning map designation of a parcel of land.

COMPREHENSIVE PLAN

Future Land Use Element, Goal 1

Ensure that the character and location of land uses maximize the potential for economic benefit and the enjoyment of natural and man-made resources by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.

Staff Findings: Activity Center #4 is intended to provide a mix of residential, commercial, office, and industrial uses. The majority of the Activity Center is zoned Planned Community Development ("PCD"). The subject parcel, Suncoast Technical College and its outparcels, and the parcels on the south side of North Cranberry Blvd between Creighton Waterway and Toledo Blade Blvd are the only parcels zoned Commercial General ("CG") within the Activity Center. The CG zoning removes the possibility for residential development as part of a mixed-use development on those parcels, where other parcels in the Activity Center are required such mixed-use. The Rezone petition would allow this parcel to be consistent with the standards of other parcels within the Activity Center.

A mixed-use development consisting of high density residential and retail is well-suited for the site along the arterial Toledo Blade Blvd and I-75, providing convenient access to the rest of the Activity Center, the City, and the Region. Furthermore, a mixed residential-retail development would be suitable to provide housing nearby to the North Port Park of Commerce, and the other commercial, industrial, and office spaces in the Activity Center, as well as retail opportunities to the nearby neighborhoods accessed via Tropicaire Blvd.

Last, a mixed-use development would provide a transition between the more intense commercial and industrial uses of the Activity Center and the existing low density residential in the neighborhood across the Creighton Waterway. The site features (the waterway and the existing Florida Power and Light easement) and the required setbacks and landscaping represent a significant buffer between the development

V. DATA & ANALYSIS (CONTINUED)

COMPREHENSIVE PLAN

and the adjacent neighborhood.

Staff concludes that the proposed Rezone is consistent with Future Land Use Element Goal 1.

Future Land Use Element, Goal 2

To promote an intense mixture of employment, goods and services, and residential uses in Activity Center; to promote a wide variety of residential and employment alternatives; to achieve the highest standards of quality in the urban environment; and to provide a balance and healthy tax base.

Staff Findings: Mixed-use developments provide additional housing options for the City's residents while also providing retail space. The City currently has a market need for multi-family units and there is currently only one existing high density residential site in the Activity Center. The proposed development would provide up to 224 units at a high access site adjacent to I-75 and Toledo Blade Boulevard. The site is conveniently nearby to the North Port Park of Commerce and the rest of Activity Center 4, which is one of the employment centers for the City. The location of the development site on an arterial and highway will provide residents convenient access to the resources of the Activity Center, the City, and the region. Planning and Zoning Staff is requiring a retail component (or other use other than residential) be provided to meet the intent of the PCD zoning and provide access to retail for the City's residents and visitors.

Staff concludes that the proposed Rezone is consistent with Future Land Use Element Goal 2, provided the applicant revises their Development Master Plan to include a retail component.

Future Land Use Element, Policy 2.21

To protect or mitigate the impact of Activity Center development upon viable wetlands or wetland systems, the City shall, at the time of initiation of PCD rezoning and approval of the Development Master Plan, work with the Applicant(s) to place the development in locations to ensure that incompatible uses are located outside of, and at the appropriate distance away from, the wetlands. The type, intensity, extent, distribution and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors which shall be considered when directing incompatible land uses away from wetlands. All proposed developments shall comply with, or exceed, the criteria for wetland protection of all appropriate local, state, or federal regulatory agencies. When no reasonable alternatives to avoid wetland impacts

V. DATA & ANALYSIS (CONTINUED)

COMPREHENSIVE PLAN

exist, mitigation shall be considered as one of the means to compensate for loss of wetland functions.

Staff Findings: The applicant submitted an Environmental Assessment from September 2021 that identified the wetland limits and attained approval from the Southwest Florida Water Management District (SWFWMD) through the issuance of Environmental Resource Permit 45341.000 on August 20, 2021. The delineation of the wetlands show three distinct wetlands on the property (two with two different wetland types). Two wetlands are anticipated to be mitigated; one at the north end of the property and one in the middle of the property just south of the access into the site. Approximately 2.59 acres of wetland are planned to be preserved. Any mitigation of these wetlands will require approval from the Florida Department of Environmental Protection and the Southwest Florida Water Management District.

Staff concludes that the proposed Rezone is consistent with Future Land Use Element Policy 2.4.21.

ULDC

Chapter 1—General Provisions, Article IV.—Rezoning, Section 1-33.—Rezoning.

Unified Land Development Code (ULDC) Section 1-33. details submission requirements for a Rezoning application.

Staff Findings: A complete application packet was submitted to the Planning & Zoning Division of Neighborhood Development Services in accordance with ULDC Sec. 1-33.E. and processed for review by Staff in accordance with ULDC Sec. 1-33.D. and F. The criteria for a Rezoning per ULDC Sec. 1-33.E.(1). Are addressed below by Staff and the applicant.

Staff concludes that the proposed Rezone is consistent with the Unified Land Development Code.

Chapter 1—General Provisions, Article II.—Administration of Unified Land Development Code, Section 1-12.—Amendments.

E. Nature and requirements of Planning and Zoning Advisory Board report. (1) When pertaining to the rezoning of land, the report and recommendations of the Planning and Zoning Advisory Board to the City Commission required by Sec. 1-29 above shall show that the Planning and Zoning Advisory Board has studied and considered the proposed change in relation to the following, where applicable:

(a) Whether the proposed change would be consistent with the adopted map series and goals, objectives and policies of the

V. DATA & ANALYSIS (CONTINUED)

ULDC

Comprehensive Plan.

Applicant Findings: The proposed change is consistent with the Future Land Use Map which required PCD zoning for properties with Future Land Use designations of Activity Center.

Staff Findings: The current zoning of Community General ("CG") limits permitted uses at the site to only commercial and associated uses. The proposed Rezone would expand upon commercial and allow residential uses that would implement the intent of Activity Centers to be nodes of mixed-use development. Furthermore, the subject parcel is located at high potential site for mixed-use development, being adjacent to the arterial Toledo Blade Blvd and Interstate-75 ("I-75"). The proposed Rezone would align the site with most other properties in this Activity Center and others and further the intent of the Comprehensive Plan to have Activity Centers as mixed-use areas with various residential, commercial, and industrial uses.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(a).

(b) The relationship of the proposed change to the existing land use pattern.

Applicant Findings: The proposed change is consistent with the existing land use patterns which includes a mix of potential uses on mostly vacant properties.

Staff Findings: The proposed Rezone is consistent with adjacent land uses to the east and much of the Toledo Blade Blvd corridor. The rezone would not substantially change the land use pattern of the City.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(b).

(c) Whether the proposed change would lead to the creation of an isolated zoning unrelated to adjacent and nearby districts.

Applicant Findings: The proposed change will not lead to the creation of an isolated zoning unrelated to nearby districts.

Staff Findings: The site of the proposed Rezone is abutting properties zoned PCD to the east. The site would also be consistent with most of the zoning of the rest of Activity Center #4 should it be rezoned.

V. DATA & ANALYSIS (CONTINUED)

ULDC

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(c).

(d) The impact on the availability of adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan and as defined and implemented through the City's Concurrency Management System Regulations as set forth in Chapter 5 of this Unified Land Development Code.

Applicant Findings: Adequate public facilities are available to serve the site consistent with the City's adopted level of service standards

Staff Findings: The proposed zoning district, PCD, does not allow uses with disproportionately more demand on public facilities than the existing zoning district, CG. The applicant has submitted a Development Master Plan application in conjunction with this proposed change. With that application, the applicant has received a Letter of Willingness to Serve Water, Sewer and eventually Reclaimed Water from the City of North Port Utilities Department. Additionally, the City Engineer has reviewed and approved the project as to roadways and associated infrastructure. Last, with future formal plan submittals, a letter of school concurrency from the Sarasota County School Board will be required.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(d).

(e) Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Applicant Findings: The current zoning of the property, Commercial General (CG), is illogical given the location of the subject property within Activity Center # 4, and Comprehensive Plan policies which require PCD zoning for the properties located within Activity Centers.

Staff Findings: The site is zoned Commercial General which limits the permitted uses as compared to the properties in Activity Center #4 that are zoned Planned Community Development. The Activity Centers are intended to allow for a mix uses; however, Commercial General permits only commercial and retail uses. The current zoning will not allow for the site to include a mix of residential, whereby this site is well-suited for a mixed-use development of commercial/retail and high density residential (in the form of loft apartments or similar) as it is located at the intersection of vital transportation corridors; thus, the current zoning limitation on residential uses is illogical.

V. DATA & ANALYSIS (CONTINUED)

ULDC

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(e).

(f) Whether changed or changing conditions make the passage of the proposed amendment necessary.

Applicant Findings: The need for a mix of residential housing types to serve the needs of the community makes the proposed rezoning necessary.

Staff Findings: The proposed change is consistent with current housing shortages within the City, Region, and State and the current demand for commercial/retail within the City. The site is suited for a mixed use development based on the transportation systems available to the site.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(f).

(g) Whether the proposed change will adversely influence living conditions in the neighborhood.

Applicant Findings: The proposed change will not adversely influence living conditions in the neighborhood. The nearest residence to the site is approximately 150 to the west, separated by a drainage canal, with no common access points.

Staff Findings: The subject parcel is adequately buffered by the Creighton Waterway, an existing 40-foot Florida Power and Light ("FPL") easement, and requisite setbacks and landscape buffering from nearby neighborhood to the west. Additionally, there are no roadway connections that would redirect traffic into the nearby neighborhood. The property to the north is zoned Agriculture (AG) with a future land use of Agricultural, Estate; however, there is a 60-foot FPL easement and only approximately 124.5-feet of shared lot line. The adjacent properties across Toledo Blade Blvd are vacant and part of an existing entitlement known as the North Port Gardens Development of Regional Impact ("DRI"), which proposes a mix of residential, commercial, and office uses. This DRI is zoned Planned Community Development with a future land use of Activity Center matching that of the proposed Rezone. I-75 provides a significant buffer between land uses south; albeit, that the land uses to the south support this development with community, commercial, and potential employment benefits.

Staff concludes that the proposed Rezone is consistent with ULDC Sec.

V. DATA & ANALYSIS (CONTINUED)

ULDC

1-12.E.(1).(g).

(h) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

Applicant Findings: The proposed change will not create or excessively increase traffic congestions or otherwise affect public safety.

Staff Findings: Generally, the proposed Rezone would not permit a denser development as already possible within the Commercial General District. Additionally, any site plan approval would be subject to a Traffic Impact Statement and Traffic Impact Study. If these analyses show an increase in safety issues based on traffic, safety measures may be required in conjunction with the proposed development. With their Development Master Plan (DMP) application, the applicant has submitted a Traffic Impact Statement (TIS) and worked with the City Engineer to meet the code requirements for transportation impacts. The TIS has been accepted by the City Engineer as sufficient and the applicant will be required continued transportation analysis with future formal plan submittals.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(h).

(i) Whether the proposed change will create a drainage problem. The proposed change shall meet applicable State standards.

Applicant Findings: The proposed change will not create a drainage problem.

Staff Findings: Similar to subsection (h), the proposed zoning district, PCD, does not allow for more lot coverage than the existing zoning district, CG, thus no additional drainage provisions would be needed for a development in the proposed zoning than could be expected from a development in the existing zoning. Additionally, the site is well-positioned to utilize the adjacent Creighton Waterway to flow water offsite. The proposed Rezone has an adjoining application for a Development Master Plan. A Stormwater Analysis has been reviewed and accepted by the City's Stormwater Engineer and further design of the drainage and stormwater system will be completed with future formal submittals.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(i).

V. DATA & ANALYSIS (CONTINUED)

ULDC

(j) Whether the proposed change will seriously reduce light and air or solar access to adjacent area.

Applicant Findings: The proposed change will not seriously reduce light and air to adjacent areas.

Staff Findings: The proposed zoning district, PCD, does not allow for a building height greater than permitted in the current zoning district, CG. As mentioned previously, the site is well-buffered with the Creighton Waterway, a 40-foot FPL easement, and required setbacks and landscape buffering from adjacent lower-intensity land uses. The proposed change and accompanying Development Master Plan shows a 50-foot buffer from the property line, which provides an additional ten-feet (10') of landscaping beyond the site-specific features between the proposed structures and the adjacent properties to the west. Additionally, the proposed structures are beneath the maximum building height permit.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(j).

(k) Whether the proposed change will adversely affect property values in the adjacent areas.

Applicant Findings: The proposed change will not adversely affect property values in the adjacent areas.

Staff Findings: The site is buffered with the Creighton Waterway and a 40-foot FPL easement from properties to the west, is buffered by a 60-foot FPL easement from properties to the north, buffered by the right-of-way ("ROW") of I-75 from properties to the south, and is the future land use is in accordance with that of the properties across the Toledo Blade Blvd. ROW to the east. The proposed development provides a required 10-foot landscaping area within a 50-foot buffer from the property line between the development and the single-family neighborhood to the west. There are no vehicular connections between the site and the neighborhood to the west; thus, there should be no adverse affect to their property values. The other adjacent properties are vacant and this development may serve as a boon to influence development of those adjacent lots, improving their property values.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(k).

(l) Whether the proposed change will be a deterrent to the

V. DATA & ANALYSIS (CONTINUED)

ULDC

improvement or development of adjacent property in accord with existing regulations.

Applicant Findings: The proposed change will not be a deterrent to the improvement or development of adjacent property and, in fact, may spur improvement or development of adjacent property.

Staff Findings: The proposed Rezone provides the opportunity for development of mixed residential and commercial uses, which both provide end-users to other adjacent commercial developments and provide retail opportunities to nearby residents and others. The adjacent properties zoned PCD to the east may be more suitable for short-term development with potential end-users living nearby. Likewise, the proposed Rezone provides the adjacent properties to the south, west, and north potential retail options.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(l).

(m) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Applicant Findings: The proposed change will not constitute a grant of special privilege to the owner as contrasted with the public welfare.

Staff Findings: The proposed rezone and development would be consistent with other parcels in the same Activity Center and other Activity Centers. The owner would not have any special privilege or permitted uses beyond what is already currently permitted to most of the property owners within Activity Center #4.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(m).

(n) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Applicant Findings: The City's Comprehensive Plan and Zoning regulations require Planned Community Development (PCD) zoning for properties designated Activity Center.

Staff Findings: Per ULDC Section 53-102.A., the PCD zoning is intended to apply to all areas with a Future Land Use designation of Activity Center. As this property has a Future Land Use designation of Activity Center, it is intended to be zoned Planned Community Development

V. DATA & ANALYSIS (CONTINUED)

ULDC

per the ULDC.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(n).

(o) Whether the change suggested is out of scale with the character of the neighborhood.

Applicant Findings: The proposed change is not out of scale with the character of the neighborhood.

Staff Findings: The proposed Rezone is in an unbuilt and mainly vacant area of the City. The adjacent properties to the north and east are vacant. The neighborhood south of I-75 is built with similar intensity uses including the Suncoast Technical College (a civic use) and its associated commercial outparcels (currently vacant). The neighborhood across Creighton Waterway to the west is sufficiently buffered a 40-foot FPL easement, the waterway, and all site-specific building setbacks and landscaped buffers required.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(o).

(p) Whether the use causes a decrease in level of service, concurrency in any area listed in Chapter 5, or causes adverse effects on the health, safety and welfare of the citizens of North Port and its impossible to find other adequate sites in the City for the proposed use in districts already permitting such use that would maintain the adopted level of service, concurrency levels as listed in Chapter 5 or adequate services for the health, safety and welfare of the citizens of North Port.

Applicant Findings: The proposed rezoning will not cause a decrease in level of service, or cause adverse effects on the health safety and welfare of the Citizens of North Port.

Staff Findings: The proposed zoning district, PCD, and the existing district, CG follow the same development review process for site planning including review of the development's impact to and demand on the transportation and stormwater systems, City Utilities, and all other relevant services. With the proposed Rezone and the accompanying Development Master Plan, a letter from the City's Utilities Department has shown willingness to serve water, wastewater, and reclaimed water. The Development Master Plan has been reviewed by the City Engineer for its traffic impacts through the

V. DATA & ANALYSIS (CONTINUED)

ULDC

required Traffic Impact Statement and has been approved. With future plan submittals, further review will be given to ensure that the level of service will be maintained.

Staff concludes that the proposed Rezone is consistent with ULDC Sec. 1-12.E.(1).(p).

VI. PUBLIC NOTICE & HEARING SCHEDULE

PUBLIC NOTICE

Notice of the public hearings were mailed to the owner and property owners within a 1,320 feet radius of the subject property on February 18, 2022 **(Exhibit C)**. The petition for a Rezone was advertised in a newspaper of general circulation within the City of North Port on February 25, 2022 pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 7.01(c) of the Charter of the City of North Port, and Chapter 1, Article II., Section 1-12 of the City's Unified Land Development Code (ULDC) as amended **(Exhibit D)**.

PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board	April 7, 2022 9:00 AM or as soon thereafter
City Commission 1st Reading	April 26, 2022 6:00 PM or as soon thereafter
City Commission 2nd Reading	May 10, 2022 10:00 AM or as soon thereafter

VII. RECOMMENDED MOTION

The Planning & Zoning Division recommends that the Planning & Zoning Advisory Board recommend approval of REZ-21-335 and motion as follows:

I move to recommend approval of Ordinance No. 2022-06, Petition REZ-21-335, and find that, based on competent substantial evidence, the Rezoning meets the standards in Florida Statutes § 166.041, the City of North Port's Comprehensive Plan, and Section 1-33 of the Unified Land Development Code.

VIII. ALTERNATIVE MOTIONS

1. **DENIAL** of Ordinance No. 2022-06, Petition REZ-21-335, Toledo Blade Flats.

I move to recommend denial of Ordinance No. 2022-06, Petition REZ-21-335, and find that, based on the competent substantial evidence:

- The proposed Rezoning **DOES NOT COMPLY** with the City of North Port Comprehensive Plan, the zoning regulations, and other sections of the Unified Land Development Code and other laws, ordinances, and regulations. [insert section#]

IX. EXHIBITS

A.	Affidavit and Warranty Deed
B.	Ordinance No. 2022-06
C.	Notice of Public Hearing
D.	Legal Advertisement

Exhibit A

AFFIDAVIT

I (the undersigned), Jeffery A. Boone, Esq. being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and accurate to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be processed or hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I authorize City of North Port staff and agents to visit the site as necessary for proper review of this application. If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.

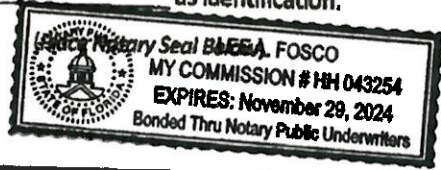
Sworn and subscribed before me this 4th day of NOVEMBER, 20 21

Signature of Applicant or Authorized Agent [Signature] (Agent) JEFFERY A. BOONE, AGENT
Print Name and Title

STATE OF FLORIDA COUNTY OF SARASOTA

The foregoing instrument was acknowledged by me this 4th day of NOVEMBER, 20 21, by JEFFERY A. BOONE who is personally known to me or has produced NA as identification.

Signature - Notary Public [Signature]



AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT

I, Carlo J. Lorico, Manager, I-75 Interchange thirtytwo, and President, Interchange Thirty-two, Inc, property owner, hereby authorize Jeffery A. Boone, Esq. to act as Agent on our behalf to apply for this application on the property described as (legal description) See attached survey

Owner [Signature] Date 10/14/21

STATE OF FLORIDA COUNTY OF SARASOTA

The foregoing instrument was acknowledged by me this 14th day of OCTOBER, 20 21, by CARLO LORICCO who is personally known to me or has produced FLORIDA DL as identification.

Signature - Notary Public [Signature]

(Place Notary Seal Below)




Exhibit A

PREPARED BY AND RETURN TO:

Robert J. Norton
Attorney at Law
1881 Manzana Avenue
Punta Gorda, Florida 33950

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2019102990 2 PG(S)
July 29, 2019 02:27:28 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

Doc Stamp-Deed \$0.70


General Warranty Deed

By this INDENTURE, made this 19th day of July, 2019, Grantor, Interchange Thirty-Two, Inc., (a Florida corporation whose address is 182 Island Circle, Sarasota, FL 34242) hereinafter called the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, remise, release, convey, and confirm an undivided 60% interest unto I-75 INTERCHANGETHIRTYTWO, LLC, a Florida Limited Liability Company, and also an undivided 40% interest unto Interchange Thirty-Two, Inc., a Florida corporation as tenants in common with each other with interest as aforesaid, (whose common address is 182 Island Circle, Sarasota, FL 34242) of the real property located in Sarasota County, Florida, as described on the attached Exhibit "A", attached hereto and made a part hereof.

THIS DEED IS GIVEN WITH OUT THE BENEFIT OF SEARCH AND EXAMINATION OF TITLE.

Grantor covenants the above described property is not his/her/their homestead property, nor is it contiguous or adjacent to any homestead property owned by the Grantor.

SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS OF RECORD AND TAXES FOR THE CURRENT YEAR.

Parcel ID Number: 0959001000

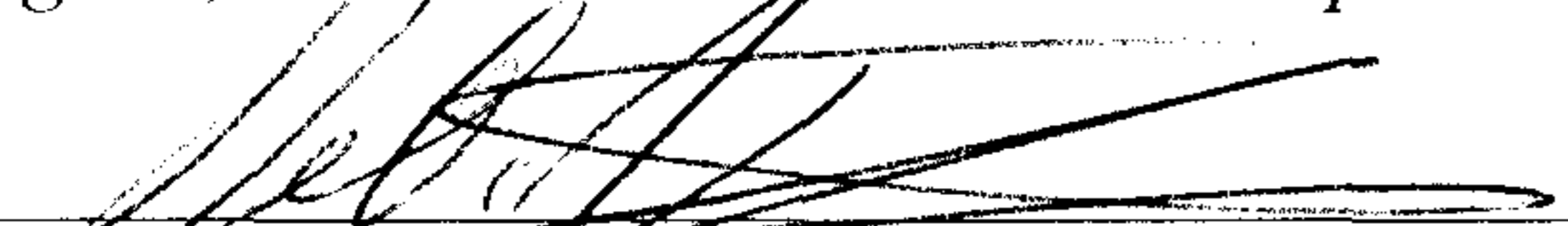
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.


And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2018.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

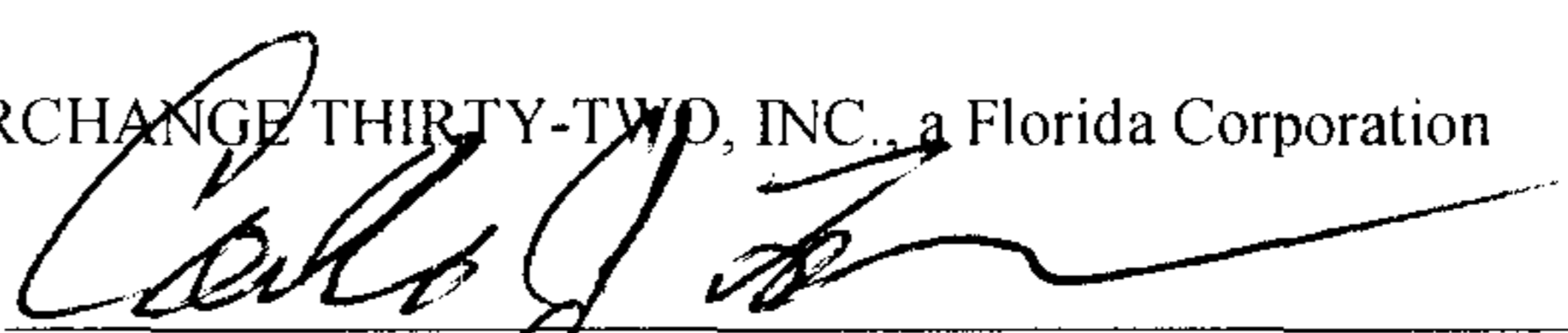
Signed, sealed and delivered in our presence:



First Witness Signature
Witness Printed Name Robert J. Norton

 **Jan Jennings**

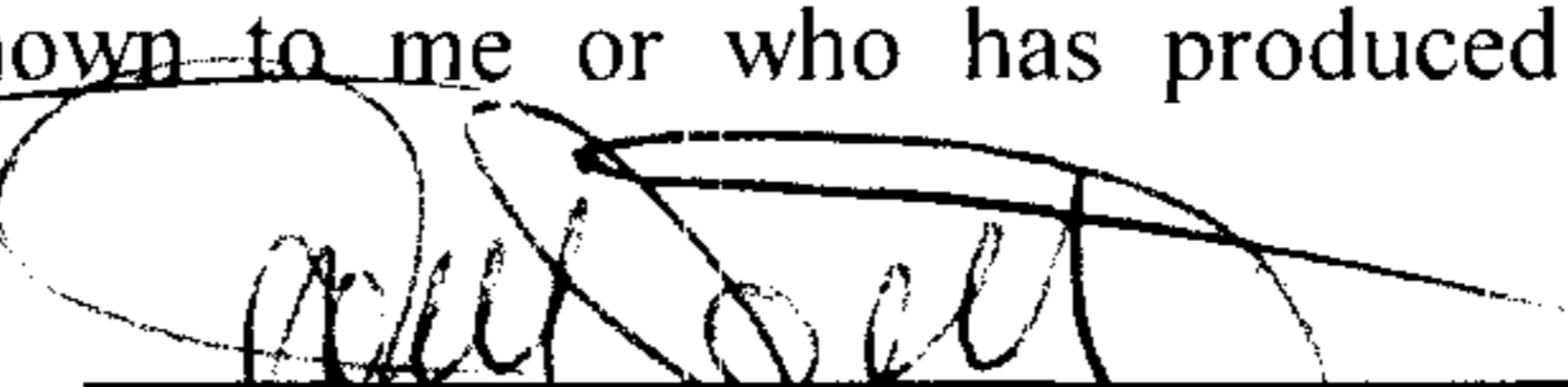
Second Witness Signature
Witness Printed Name

INTERCHANGE THIRTY-TWO, INC., a Florida Corporation
BY:  (Seal)
Carlo J. LoRicco, President
Address: 701 JC Center Court, Unit 7, Port Charlotte, FL 33954

(Seal)
Address:

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me this 19 day of July, 2019, by Carlo J. LoRicco, President of Interchange Thirty-Two, Inc., a Florida corporation, who is/are personally known to me or who has produced _____ as identification.



Notary Public State of Florida
Print Name: **Jan Jennings**
My Commission Expires: _____



Exhibit A

EXHIBIT "A"

LEGAL DESCRIPTION:

A PORTION OF SECTION 12, TOWNSHIP 39 S, RANGE 21 E., SARASOTA COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 12; RUN S 00°21'20" W, ALONG THE EAST LINE OF SAID SECTION 12 FOR 605.54 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING CONTINUE S 00°21' 20" W ALONG SAID EAST LINE FOR 562.25 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE INTERSECTION OF INTERSTATE 75 (STATE ROAD 93) AND TOLEDO BLADE BOULEVARD (STATE ROAD #39); THENCE RUN ALONG THE LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID INTERSTATE 75 AND TOLEDO BLADE BOULEVARD THE FOLLOWING EIGHT COURSES: N 89°03'38" W FOR 111.79 FEET; S 00°56'22" W FOR 197.89 FEET; S 09°17'48" W FOR 103.21 FEET; S 03°31'10" W FOR 577.62 FEET; S 20°03'42" W FOR 141.55 FEET; S 58°19'12" W FOR 141.55 FEET; THENCE S 77°26'50" W FOR 227.87 FEET; S 80°26'01" W FOR 373.97 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF CREIGHTON WATERWAY AS DESCRIBED IN OFFICIAL RECORD BOOK 2357 AT PAGE 382, OF THE PUBLIC RECORDS OF SARASOTA COUNTY; THENCE RUN ALONG THE SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING SIX COURSES: N 35°56'31" E FOR 35.62 FEET TO A POINT OF CURVATURE; THENCE RUN ALONG THE ARC OF THE CURVE TO THE LEFT OF RADIUS 550.00 FEET (DELTA 09°47'12") (CHORD BEARING N 31°02'55" E) (CHORD 93.83 FEET) FOR 93.94 FEET TO A POINT OF TANGENCY; N 26°09'19" E FOR 526.93 FEET; N 22°53'53" E FOR 710.53 FEET TO A POINT OF CURVATURE; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 350.00 FEET (DELTA 30°38'08") (CHORD BEARING N 07°34'49" E) (CHORD 184.92 FEET) FOR 187.15 FEET TO A POINT OF TANGENCY; N 07°44'15" W FOR 350.06 FEET TO THE SOUTH LINE OF TRACT "H" OF THE SECOND ADDITION TO NORTH PORT CHARLOTTE ESTATES AS RECORDED IN PLAT BOOK 19, PAGES 44, 44A-44O, OF SAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTH LINE OF SAID TRACT "H" S 89°23'00" E FOR 374.58 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 12, TOWNSHIP 39 SOUTH, RANGE 21 EAST, SARASOTA COUNTY, FLORIDA, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION 12, TOWNSHIP 39 SOUTH, RANGE 21 EAST, SARASOTA COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID SECTION, SOUTH 00° 21'20" WEST, A DISTANCE OF 605.54 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE CHOCTAW BOULEVARD RIGHT-OF-WAY. THENCE NORTH 89°23'00" WEST ALONG THE SOUTH RIGHT-OF-WAY OF CHOCTAW BOULEVARD, A DISTANCE OF 100.00 FEET; THENCE SOUTH 01°33'28" WEST, TO THE NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE 75, (STATE ROAD 93) AND TOLEDO BLADE BOULEVARD (STATE ROAD #39), A DISTANCE OF 561.69 FEET; THENCE SOUTH 89°03'38" EAST TO ITS INTERSECTION WITH THE EAST LINE OF SECTION 12, TOWNSHIP 39 SOUTH, RANGE 21 EAST, A DISTANCE OF 111.79 FEET; THENCE NORTH 01° 21'20" EAST ALONG THE SAID EAST LINE, A DISTANCE OF 562.25 FEET TO THE POINT OF BEGINNING.



City of North Port

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REZONING ± 15.64 ACRES LOCATED IN SECTION 12, TOWNSHIP 39 S, RANGE 21 E OF SARASOTA COUNTY AND FURTHER DESCRIBED IN INSTRUMENT NO. 2019102990 IN THE OFFICIAL RECORDS OF SARASOTA COUNTY, FROM COMMERCIAL GENERAL DISTRICT (CG) CLASSIFICATION TO PLANNED COMMUNITY DEVELOPMENT DISTRICT (PCD) CLASSIFICATION; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR FINDINGS; PROVIDING FOR FILING OF APPROVED DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, Petition REZ-21-335 (“Petition”) requests that the subject property be rezoned; and

2
3 **WHEREAS**, the public notice requirements provided in Florida Statutes Chapter 166 and the Unified Land
4 Development Code have been adhered to and satisfied; and

5
6 **WHEREAS**, the Planning and Zoning Advisory Board considered the Petition at a public hearing on April 7,
7 2022 and made its recommendation to the City Commission; and

8
9 **WHEREAS**, the City Commission held properly-noticed public hearings at first and second reading of this
10 ordinance, at which time all interested parties had an opportunity to appear and be heard, and the City
11 Commission considered all relevant evidence presented, as well as the Planning and Zoning Advisory
12 Board’s recommendation; and

13
14 **WHEREAS**, the City Commission finds that competent substantial evidence supports the findings and
15 actions herein.

16
17 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

18
19 **SECTION 1 – FINDINGS**

20
21 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.

22
23 1.02 The City Commission finds this ordinance to be consistent with the adopted North Port
24 Comprehensive Plan and Unified Land Development Code.

25
26 1.03 All exhibits attached to this ordinance are incorporated in this ordinance by reference.

27

28 **SECTION 2 – REZONING**

29

30 2.01 The City Commission hereby changes the zoning classification of the ± 15.64 acre area located in
31 Section 12, Township 39 S, Range 21 E of Sarasota County and further described in Instrument
32 No. 2019102990 in the official records of Sarasota County and as shown on the boundary survey
33 attached as “Exhibit A,” currently zoned Commercial General District (CG), to Planned Community
34 Development District (PCD).

35

36 2.02 The City Commission approves the revised Official Zoning Map, attached as “Exhibit B,” reflecting
37 the zoning change approved in this ordinance.

38

SECTION 3 – FILING OF APPROVED DOCUMENTS

3.01 Upon this ordinance taking effect, the City Clerk is directed to file a copy of this ordinance with
the Clerk of the Circuit Court for Sarasota County, Florida and with the Florida Department of
State.

3.02 Upon this ordinance taking effect, the City Clerk is directed to place in the City Clerk’s files an
updated Official Zoning Map in accordance with the requirements of Sections 53-14, 53-16, and
53-17 of the Unified Land Development Code.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
deemed a separate, distinct, and independent provision and will not affect the validity of the
remaining portions of the ordinance.

SECTION 5 – CONFLICTS

5.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in
whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public
session on _____, 2022.

ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in
public session on _____, 2022.

39

40

CITY OF NORTH PORT, FLORIDA

41

42

43

PETE EMRICH

44

MAYOR

45

46

47 ATTEST

48

49

50

51 _____
HEATHER TAYLOR, MMC
52 CITY CLERK

53

54

55 APPROVED AS TO FORM AND CORRECTNESS

56

57

58

59 _____
AMBER L. SLAYTON
60 CITY ATTORNEY

Exhibit A



AT2 utility
engineers
2022-06-06
KIMLEY-HORN AND ASSOCIATES, INC.

SECTION 12, TOWNSHIP 39 SOUTH, RANGE 21 EAST SARASOTA COUNTY, FL	COUNTY:	SARASOTA	DWS DATE:	10-4-2021	REVISION	DATE	FOR:	KIMLEY-HORN AND ASSOCIATES, INC.
	PROJECT NUMBER:	210905	SURVEY DATE:	10-12-2021				
DWS NUMBER:	210905 BNDT	CHECKED BY:	STS					

Exhibit B

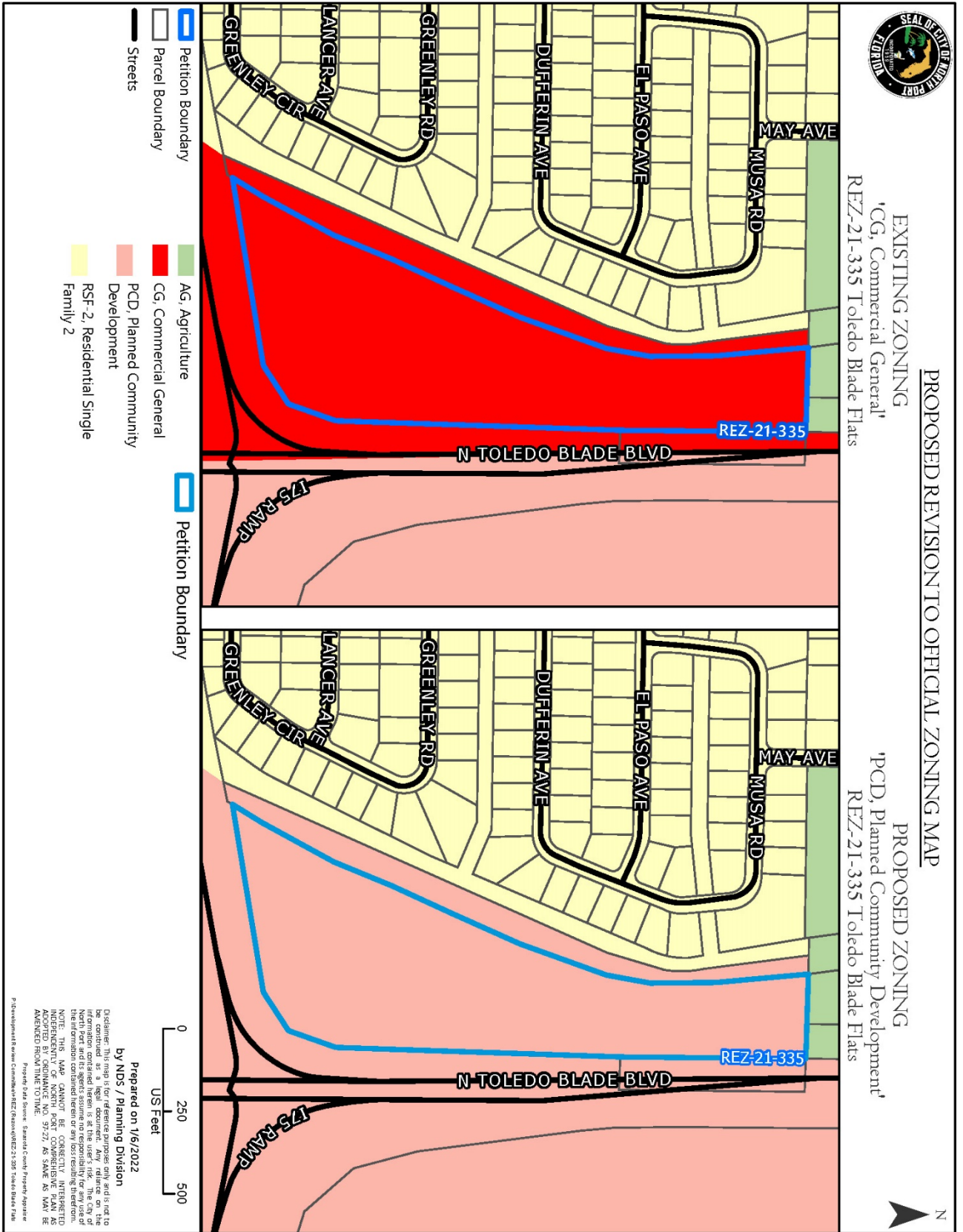


Exhibit C



City of North Port
Neighborhood Development Services
Planning & Zoning Division
4970 City Hall Boulevard
North Port, FL 34286

PUBLIC NOTICE - CITY OF NORTH PORT NOTICE OF PUBLIC HEARINGS FOR ORDINANCE NUMBER 2022-06

NOTICE IS HEREBY GIVEN, pursuant to Chapter 1, Article II., Section 1-33.G.(2) of the Unified Land Development Code of the City of North Port, Florida that the City of North Port proposes to adopt Ordinance No. 2022-06, rezoning (changing the permitted use of) ±15.64 acres from “Commercial General (CG) Designation” to “Planned Community Development (PCD) Designation” of Parcel 0959-00-1000 at the northwest corner of I-75 and Toledo Blade Blvd.

A Public Hearing will be held before the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) on **Thursday, April 7, 2022 at 9:00 a.m.** in the **City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286.**

A Public Hearing for the first reading of Ordinance No. 2022-06 will be held before the North Port City Commission in Commission Chambers on **Tuesday, April 26, 2022 at 6:00 p.m.**, in the **City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286.** The second and final reading will be held before the North Port City Commission in Commission Chambers at a date to be determined to consider enactment of Ordinance No. 2022-06.

«NAME1»
«NAME_ADD2»
«NAME_ADD3»
«NAME_ADD4»
«NAME_ADD5»
«CITY», «STATE», «ZIP»
«COUNTRY»

PUBLIC NOTICE - CITY OF NORTH PORT NOTICE OF PUBLIC HEARINGS FOR ORDINANCE NUMBER 2022-06

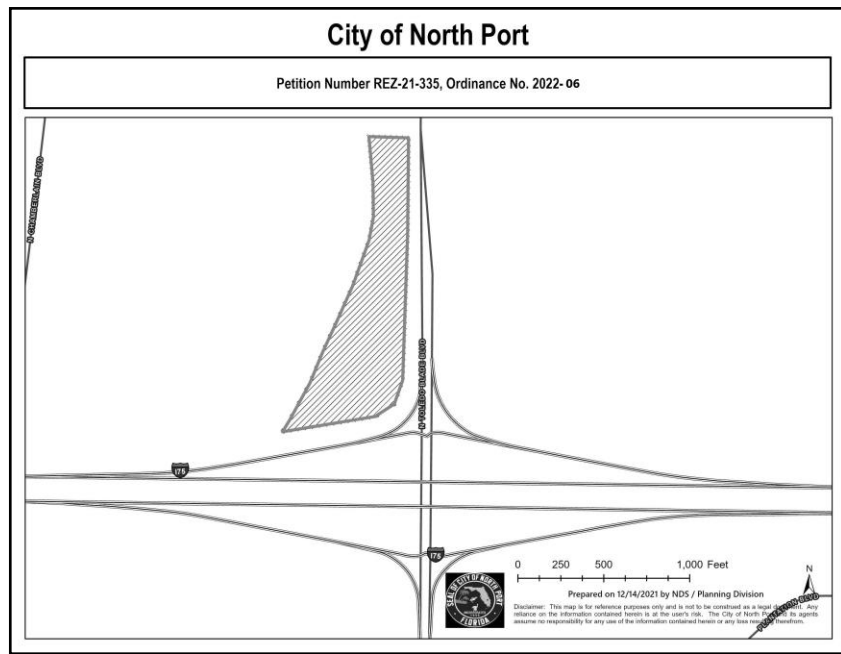
NOTICE IS HEREBY GIVEN, pursuant to Chapters 166 and 163 of the Florida Statutes, Section 9.01(b) of the Charter of the City of North Port, Florida that the City of North Port proposes to adopt Ordinance 2022-06 rezoning (changing the permitted use of) ±15.64 acres from “Commercial General” (CG) to “Planned Community Development” (PCD) designation.

Public Hearings will be held before the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) on **April 7, 2022, at 9:00 a.m.** in the **City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286.**

A Public Hearing for the first reading of Ordinance 2022-06 will be held before the North Port City Commission in **City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286** on **Tuesday, April 26, 2022, at 6:00 p.m.**, The second and final reading will be held before the North Port City Commission in Commission Chambers on a date to be determined to consider enactment of Ordinance No. 2022-06.

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REZONING ± 15.64 ACRES LOCATED IN SECTION 12, TOWNSHIP 39 S, RANGE 21 E OF SARASOTA COUNTY AND FURTHER DESCRIBED IN INSTRUMENT NO. 2019102990 IN THE OFFICIAL RECORDS OF SARASOTA COUNTY, FROM COMMERCIAL GENERAL DISTRICT (CG) CLASSIFICATION TO PLANNED COMMUNITY DEVELOPMENT DISTRICT (PCD) CLASSIFICATION; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR FINDINGS; PROVIDING FOR FILING OF APPROVED DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.



Note: Proposed Ordinance No. 2022-06.

All interested parties are invited to appear and be heard in respect to these Ordinances at the public hearings in the City Hall Commission Chambers. Written comments filed with the City Commission will be heard and considered and will be made a matter of public record at the meeting. These public hearings may be continued from time to time as announced at the hearings, as may be found necessary. The files pertinent to Ordinance 2022-06, REZ-21-335 may be inspected by the public at the Neighborhood Development Services Department, Planning Division, and in the City of North Port City Clerk’s Office, 4970 City Hall Boulevard, North Port, Florida 34286, during regular business hours.

NO STENOGRAPHIC RECORD BY A CERTIFIED COURT REPORTER IS MADE OF THESE MEETINGS. ACCORDINGLY, ANY PERSON WHO MAY SEEK TO APPEAL A DECISION INVOLVING THE MATTERS NOTICED HEREIN WILL BE RESPONSIBLE FOR MAKING A VERBATIM RECORD OF THE TESTIMONY AND EVIDENCE AT THESE MEETINGS UPON WHICH ANY APPEAL IS TO BE BASED (SEE F.S.S. 286.0105).

NOTE: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK’S OFFICE 48 HOURS IN ADVANCE OF THE MEETING (SEE F.S.S. 286.26).

NONDISCRIMINATION: The City of North Port does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status in administration of its programs, activities or services.

AMERICAN WITH DISABILITIES ACT OF 1990 - The North Port City Hall is wheelchair accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking area. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

/s/
Heather Taylor, MMC City Clerk

Exhibit D