



STAFF REPORT

Neighborhood Development Services
Planning Division

RaceTrac Talon Bay

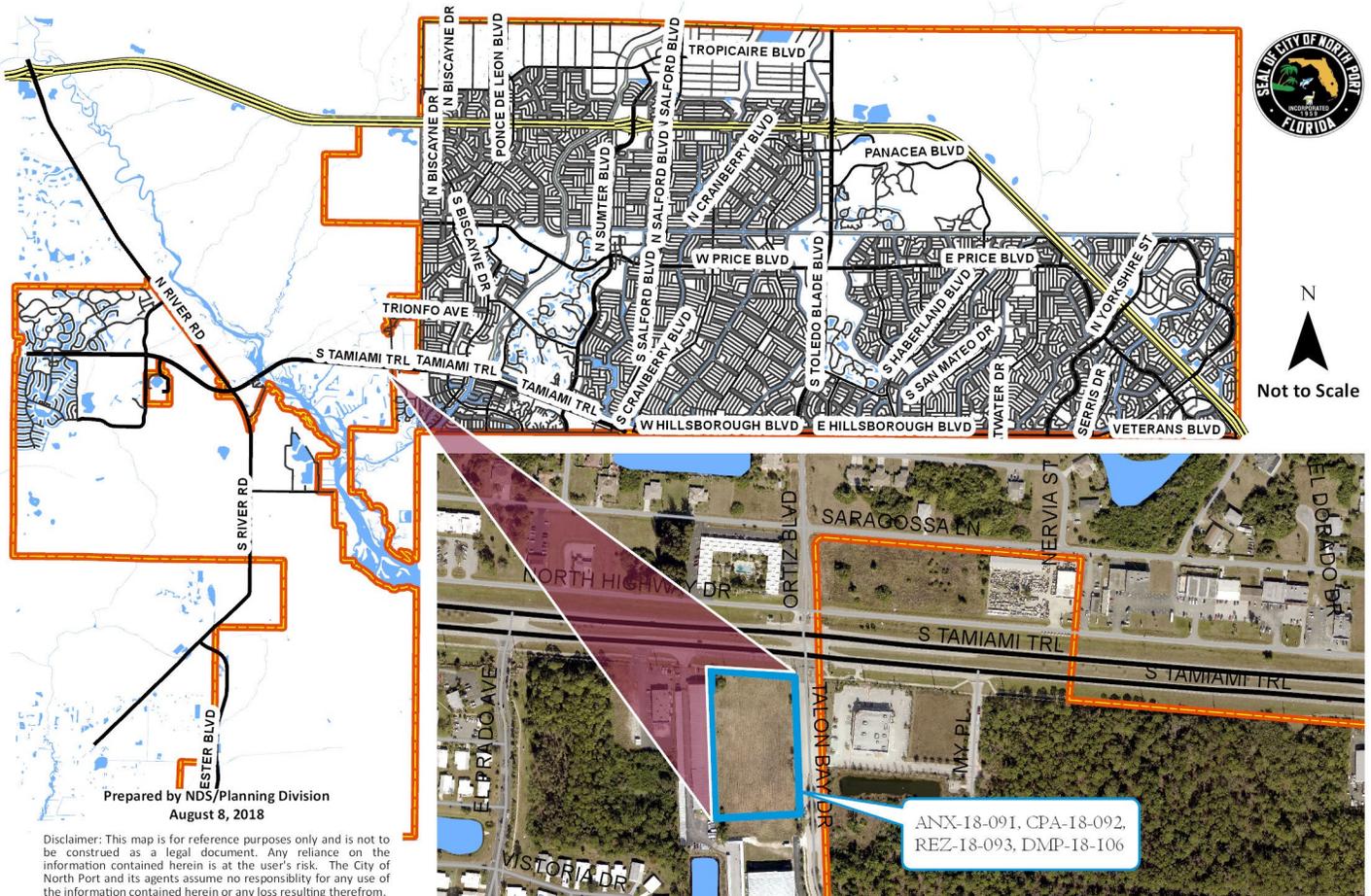
Annexation, Comprehensive Plan Amendment,
Rezone, Development Master Plan

To: City Commission

From: Alison Christie, Planner
Nicole Galehouse, AICP, Senior Planner

Thru: Frank Miles, MPA, Director, Neighborhood
Development Services

Date: August 7, 2018, **amended September 12, 2018**



Prepared by NDS/Planning Division
August 8, 2018

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PROJECT:	ANX-18-091; CPA-18-092; REZ-18-093; DMP-18-106
REQUEST:	Approval of RaceTrac Talon Bay petitions for Annexation, Comprehensive Plan Amendment, Rezoning, & Development Master Plan.
APPLICANT:	Brian Thornton, on behalf of RaceTrac Petroleum (Exhibit A-1, Affidavit)
OWNER:	Patriot Self Storage #1—Tamiami Trail North (Exhibit A-2, Warranty Deed)
LOCATION:	A ±3.00 acre parcel located at 12580 South Tamiami Trail at the corner of Talon Bay Drive and South Tamiami Trail
PROPERTY SIZE:	±3.00 acres

I. BACKGROUND

Brian Thornton, Vice President of Real Estate and Engineering of RaceTrac Petroleum Inc., on behalf of Patriot Self-Storage #1–Tamiami Trail North, property owner, formally submitted to the City of North Port four petitions for a ± 3.00 acre property including a voluntary Annexation, Comprehensive Plan Amendment, Rezone, and Development Master Plan. The subject property is located at the southwest corner of the intersection of US 41 and Talon Bay Drive, which is the main entrance into the Talon Bay subdivision. The property is at the eastern edge of an extension of unincorporated Sarasota County that bisects the City of North Port from north to south along the Myakka River. The property is bordered on three sides with unincorporated Sarasota County Commercial General zoning, with an existing self-storage facility to the south and west and the Warm Mineral Springs Motel to the north across US 41. A vacant commercial building is located to the east in the City's Planned Community Development (PCD) zoning designation.

The subject property is currently located within unincorporated Sarasota County with a zoning designation of Commercial General and future land use designations of Commercial Corridor and Medium Density Residential. It is currently vacant and undeveloped. The property is within the City of North Port's 'Future Annexation Overlay' designated on the Future Land Use Map (**Exhibit B**).

II. PETITIONS

The applicant is petitioning the City to allow development of a 5,500 square-foot retail convenience store with self-service fueling pumps along US 41 as Phase 1 of the development. A future small parcel commercial development on the remaining property is proposed as a second phase of development as depicted on the Development Master Plan (**Exhibit C**). In order to accomplish this goal, the applicant has submitted four concurrent petitions as follows:

- Annexation (ANX-18-091)
- Small Scale Comprehensive Plan Amendment (CPA-18-092)
- Rezone (REZ-18-093)
- Development Master Plan (DMP-18-106)

ANNEXATION

RaceTrac Petroleum Inc. is requesting a voluntary annexation of a ± 3.00 acre property located at 12580 S. Tamiami Trail, at the southwest corner of S. Tamiami Trail (US 41) and Talon Bay Drive. The applicant filed the application for annexation to the Neighborhood Development Services Department, Planning Division on May 1, 2018. The voluntary annexation proposal is implemented through Ordinance No. 2018-25.

COMPREHENSIVE PLAN AMENDMENT

The applicant is also requesting a Small Scale Comprehensive Plan amendment to assign land use within the City of North Port. The property is currently within unincorporated Sarasota County and is split between two County future land use designations of 'Commercial Corridor' and 'Medium Density Residential.' The property is currently shown on the City of North Port Future Land Use Map as 'Future Annexation Overlay' (**Exhibit B**). The applicant is proposing a City Future Land Use designation of 'Activity Center' (**Exhibit D**). The Small Scale Future Land Use Map amendment proposal is implemented through Ordinance No. 2018-26.

REZONE

The third petition proposes to rezone the subject property to implement the Future Land Use of 'Activity Center.' The property is currently zoned with the unincorporated Sarasota

County designation of Commercial General. The applicant is proposing a rezone to the City of North Port designation of 'Planned Community Development (PCD)' (**Exhibit E**). The rezone proposal is implemented through Ordinance No. 2018-27.

DEVELOPMENT MASTER PLAN

Section 53-117 of the City of North Port Unified Land Development Code (ULDC) states that a Development Master Plan (DMP) shall accompany any rezoning to Planned Community Development. This DMP for this property includes two phases of development. Phase 1 is construction of a 5,500 square foot retail convenience store with self service fueling pumps. Phase 2 is approximately 10,000 square feet of proposed future commercial development on the remaining portion of the site south of Phase 1.

III. REQUESTED WAIVERS

The applicant has requested a total of twelve waivers from the City's Unified Land Development Code as a part of their Development Master Plan submission.

Waiver #1 — The applicant is requesting modification from the ULDC Section 55-4.B(1)(a) requiring architectural standards to be consistent with those described for Mediterranea (Activity Center #1) in the Urban Design Standards Pattern Book to allow architecture described in the proposed elevations for the convenience store building and fuel canopy. The following modifications from the Urban Design Standards Pattern Book requirements include the following:

1. Absence of columns for the roof over-hangs at the building entrances.
2. Use of rectangular awnings in lieu of rounded awnings.

Applicant Justification — For RaceTrac, a significant aspect of their branding is consistency with the design of their sites and building within their developments. In an effort to be consistent with requirement of the Pattern Book, RaceTrac is proposing several design changes with its standard building architecture to be consistent with the Pattern Book including the following:

1. Articulation of the roof line— RaceTrac is proposing elevation articulation to its parapets at the two entrances that will create articulation to the roof line to make it more consistent with the intent of the Urban Design Standards Pattern Book.
2. Color of Corner V-groove Siding—Soften the siding with a tan color from the sealskin color proposed with its prototype.
3. Color of Awnings—Change its aluminum window awnings from bronze to red to be consistent with the Pattern Book.

Staff Response — Staff has worked with the applicant to come to a reasonable modification of the design criteria set forth in the Urban Design Standards Pattern Book and supports this waiver.

Waiver #2 — The applicant is requesting modifications from the ULDC Section 55-6 requiring bike racks and benches to be placed within 50 feet of each entrance, to allow a single bike rack to be placed within 50 feet of the proposed outdoor seating area of the store facing Talon Bay Drive.

Applicant Justification — The convenience store for RaceTrac is limited to a total of 5,500 square feet, which is fairly small compared to other retail uses. RaceTrac proposes multiple entrances to its stores in an effort to provide convenient access to its customers from the vehicular use areas. There are many examples of similar sized stores only providing one entrance. RaceTrac is also providing covered outdoor seating along the frontage of the building facing Talon Bay Drive. A single bike rack proposed within 50 feet of the outdoor seating area is sufficient to serve the store and its customers for the 5,500 square-foot store. The covered seating area is intended as a place for its customers to congregate on the property which would eliminate the need for a separate bench that would be intended for the same use.

Staff Response — **Staff concurs with the applicant justification and supports this waiver.**

Waiver #3 — The applicant is requesting modifications from the ULDC Section 55-4.B(1)(a) requiring site lighting to be consistent with Figure #1 on Page 28 of the Pattern Book, to allow the applicant's standard light fixtures.

Applicant Justification — RaceTrac provides two types of light fixtures on its sites. One type is the pedestrian level lighting presented in the building elevation that area painted bronze to be consistent with the architecture of the building. A second type is proposed within the vehicle use areas that are fully shielded light fixtures that protrude lighting down to illuminate the vehicle use areas without exposing adjacent properties to the site lighting. The vehicle use area light poles and fixtures are painted bronze to be consistent with the architecture and to provide a cohesive site design.

Staff Response — **Staff finds that the light fixtures requested by the applicant are a reasonable substitution and does not object to this waiver.**

Waiver #4 — The applicant is requesting modifications from the ULDC Section 55-4.B(1)(a) requiring balusters (decorative spindles) to be installed to separate outdoor seating areas from sidewalks or roadways in accordance with the Pattern Book, to allow an open, covered seating area to be provided adjacent to building.

Applicant Justification — RaceTrac is proposing to provide a covered outdoor seating area along the building frontage facing Talon Bay Drive. An outdoor seating area has become a feature RaceTrac provides with its new store prototypes. RaceTrac has experienced that an open seating area is more inviting for convenience store customers, where higher turnover volumes and shorter utilization times occur, than a traditional seating area for a use like a restaurant. RaceTrac is proposing bollards (short, vertical post) painted bronze to match the architecture between the parking area immediately adjacent to the outdoor seating area to provide a physical separation between the two uses. Bollards provide safety from the vehicle use area while allowing a more open floor plan and allows customers to pass through the area conveniently.

Staff Response — **Staff finds that the outdoor seating area provided by the applicants meets and exceeds the intent of the Urban Design Standards Pattern Book and supports this waiver.**

Waiver #5 — The applicant is requesting modifications from the ULDC Section 55-4.B(1)(a) requiring outdoor furniture, lighting, bollards, metals etc. to be painted green in accordance with the Pattern Book, to allow these elements of the site to be painted bronze, or similar color, consistent with the building architecture.

Applicant Justification — RaceTrac is proposing for the referenced items to be painted in a color that is consistent with the remainder of the architecture for the property. The standard green required of the Pattern Book would be inconsistent with the remaining architecture, and would be less aesthetically pleasing based on the color scheme for the rest of the site.

Staff Response — Staff finds that the proposed bronze color would not be competing with the standard green that is typically required and has no objection to this waiver.

Waiver #6 — The applicant is requesting a modification from the ULDC Section 55-4.B.(1.)(a.) requiring a courtyard setting for outdoor seating areas, to allow an open, covered seating area to be provided adjacent to building.

Applicant Justification— RaceTrac is proposing to provide a covered outdoor seating area along the building frontage facing Talon Bay Drive. An outdoor seating area has become a feature RaceTrac provides with its new store prototypes. RaceTrac has experienced that an open seating area is more inviting for convenience store customers, where higher turnover volumes and shorter utilization times occur, than with a typical outdoor seating area for a use like a restaurant. RaceTrac is proposing bollards painted bronze to match the stores architecture between the parking area immediately adjacent to outdoor seating area to provide a physical separation between the two uses. Bollards provide its customers safety from the vehicle use area while allowing for an open floor plan that allows for them to pass through the area conveniently.

Staff Response — Staff finds that the outdoor seating area provided by the applicants meets and exceeds the intent of the Urban Design Standards Pattern Book and supports this waiver.

Waiver #7 — The applicant is requesting a modification from the ULDC Section 55-4.B.(1.)(a.) and the Urban Design Standards Pattern Book prohibiting outdoor storage within Activity Centers, to allow for the outdoor display and storage of ice and propane tanks only.

Applicant Justification — RaceTrac includes the sale of bagged ice and propane tanks as a part of its store offering. The storage of both products occurs in secured containers designed to accommodate each product that are located along the front and sides of the store. Propane is forbidden by law from being stored inside of the building. All sales of the products occur inside the store. The applicant is requesting to be allowed to store and display one ice storage container and two propane tank storage containers along the front of the store, and one additional ice storage container on the side of the store.

Staff Response — Propane tanks are permitted as outdoor storage per ULDC Section 53-240.AA.(8) in all other areas of the City. Staff recognizes the safety concerns associated with propane storage and supports this waiver. Staff also understands the space concerns of indoor ice storage, but recommends that this be limited to only one ice storage container on the outside of the building.

Waiver #8 — The applicant is requesting a modification from the ULDC Section 25-7 requiring wheel stops for each parking space, to allow raised non-mountable curb, or bollards in lieu of wheel stops.

Applicant Justification — The applicant is seeking relief from Section 25-7 requiring wheel stops in front of parking spaces to allow the use of raised curbing, or bollards, to be placed in front of the parking spaces. The use of bollards for parking spaces along the building protects the building and customers from wayward vehicles. Bollards are more visible to the driver and allow the driver to stop at the appropriate location without having to wait until the driver “bumps” into the parking bumpers. The bollards create less of a maintenance and tripping problem. Bollards are spaced 4-5 feet apart to ensure there is adequate room for ADA accessibility, and to allow for hand trucks to be able to gain access for store deliveries. Raised curbing is a common practice for parking spaces that abut landscape areas. They also eliminate the potential tripping hazard associated with the wheel stops.

Staff Response — Since the parking area proposed in the Development Master Plan does not include any parking aisles where traffic would be able to traverse freely, staff has no objection to this waiver.

Waiver #9 — The applicant is requesting a modification from the ULDC Section 59-5.B. requiring all new developments that exceed two hundred fifty thousand dollars (\$250,000) in construction value to a multi-family, mixed-use or commercial building to participate in the City's public art program, to allow RaceTrac to develop without participating in the fund.

Applicant Justification — RaceTrac is proposing to voluntarily annex into the City which will provide an increase of taxable value and utility fees for the City compared to developing within unincorporated Sarasota County as described in the Financial Impact Statement attached to the application. The annexation is providing a separate public benefit to the City by virtue of the increased tax revenue for the City.

Staff Response — The intent of Chapter 59—Public Art Regulations in the ULDC is to “ensure the commitment of the City to the aesthetic enrichment of the community through the private and public acquisition of works of art...” Many developers do not want to go through the process of placing art on site and choose instead to contribute to the City's art fund. This fund supports the provision of public art throughout the City. Each development within an Activity Center is required to meet one of these provisions. Staff does not support this waiver.

Waiver #10 — The applicant is requesting a modification from the ULDC Section 29-10.G.(4.) limiting signage area for the fuel canopy to the area determined by wall frontage area, to allow 55 square-foot RaceTrac logo signs to be installed on three faces of the fuel canopy as depicted in the elevation drawing for the fuel canopy. Additionally, RaceTrac is proposing a total of 12" of striping (blue and white) to run horizontally along the extents of each fuel canopy face which constitutes 25% of the canopy face.

Applicant Justification — RaceTrac Petroleum, Inc. is a business that caters to providing convenience to the traveling public. The applicant is proposing signage along the faces of the canopy that will be facing vehicles traveling along U.S. 41 as they approach the property from the east and west. U.S. 41 is a heavily travelled four-lane arterial with a posted speed of 45 MPH. Therefore, it's important for the signage to be proposed at an effective scale that allows for drivers to read and react to. Providing for signage that is effective in identifying the business at a distance and that gives ample time for drivers to safely navigate to the property will enhance safety for the public. The striping proposed on the canopy face is part of the corporate branding of RaceTrac that assists drivers with identifying the store as well.

Staff Response — Recent state legislation preempts municipalities from restricting the design, construction, or location of signage for the retail price of gasoline which prevents the signage from being clearly visible and legible to drivers (F.S. 553.79(20)(a)2.) Staff supports this waiver.

Waiver #11 — The applicant is requesting a modification from the ULDC Section 29-12.A.(1.) limiting signage area for the monument sign of a building with less than 150 feet of primary building frontage to 75 square feet of signage including the framing of the signage, to allow a total of 75 square feet of sign copy for the monument sign (100 square feet with framing) in accordance with the attached signage elevation drawing (**Exhibit C**). The land development code allows for up to 25' sign height. RaceTrac is proposing a maximum height of 20' in the attached elevation drawing (**Exhibit C**).

Applicant Justification — RaceTrac Petroleum, Inc. is a business that caters to providing convenience to the traveling public. The applicant is proposing signage along U.S. 41 that will be facing vehicles traveling along U.S. 41 as they approach the property from the east and west. U.S. 41 is a heavily travelled four-lane arterial with a posted speed of 45 MPH. Therefore, it's important for the signage to be proposed at an effective scale that allows for drivers to read and react to. Providing for signage that is effective in identifying the business at a distance that provides ample time for the drivers to safely navigate to the property will enhance safety for customers and the travelling public.

Staff Response — Recent state legislation preempts municipalities from restricting the design, construction, or location of signage for the retail price of gasoline which prevents the signage from being clearly visible and legible to drivers (F.S. 553.79(20)(a)2.) Staff supports this waiver.

Waiver #12 — The applicant is requesting a modification from the ULDC Section 37-F.2. restricting subdivisions from creating landlocked lots (subdivision (1)) and requires each lot to have access to a public or private street (subdivision (3)), to allow for the subdivision of the subject property into two parcels that will share a joint access connection to Talon Bay Drive.

Applicant Justification — The applicant is proposing a subdivision of the subject property that will result in Parcel 2 of the Development Master Plan not having direct access to the full-median opening and designated access connection point to Talon Bay Drive. The Development Master Plan describes how access will be shared between the two parcels with a cross-access easement recorded on Parcel 1 that will be to the benefit of Parcel 2 for access.

Staff Response — Staff reviewed this request in conjunction with the Public Works Engineering Division. Staff supports this waiver provided a condition of approval is applied to the property which provides a cross-access easement in perpetuity. This condition of approval is detailed in Section VII of this Staff Report.

IV. REVIEW PROCESS

CITY REVIEW

The petitions for the Voluntary Annexation, Comprehensive Plan Amendment, and Rezone were processed for management review and distributed to all Directors. The Utilities department approved with the condition that an approved utility developers agreement must be obtained before DEP and DOH permits will be issued. The Fire department responded that they had the capacity to serve. The Planning Division of Neighborhood Development Services approved the applications with conditions which were administrative in nature and were resolved on the final plans. A pre-application meeting for the Development Master Plan was held on May 23, 2018. When the formal petition was received, it was distributed through the Staff Development Review process. All departments reviewed and approved. All conditions of approval are detailed in Section VII of this staff report.

The proposed ordinances for the voluntary annexation, comprehensive plan amendment, and rezone petitions were all submitted to the City Attorney's Office and reviewed as to form and correctness.

COUNTY REVIEW

The proposal for annexation was sent to Sarasota County planning staff for review. Sarasota County staff has no objections to the City proceeding with these petitions (**Exhibit F**). A copy of the public notice and annexation Ordinance have been sent to the Sarasota County Commission pursuant to Florida Statutes 171.044(6). The Small Scale Comprehensive Plan Amendment will be transmitted to the State Planning Agency pursuant to the requirements of Florida Statutes 163.3187 after adoption.

PZAB August 16, 2018

The petitions were heard at the August 16, 2018 Planning and Zoning Advisory Board meeting. There was a discussion on waiver #7 regarding how many ice machines the applicant is allowed. There was also a discussion on waiver #9 regarding whether the applicant should be required to pay into the art fund as stipulated by the ULDC Sec. 59-5B.

The applicant presented they should receive this waiver as they spend more in construction costs than other businesses on underground infrastructure. The Planning and Zoning Advisory Board took the following actions at this meeting:

- Voted **UNANIMOUSLY** to recommend that the City Commission **APPROVE WITH CONDITIONS**, Ordinance 2018-25, Petition ANX-18-091, annexing the subject ± 3.00 acres into the City of North Port.
- Voted **UNANIMOUSLY** to recommend that the City Commission **APPROVE WITH CONDITIONS**, Ordinance 2018-26, Petition CPA-18-092, based on findings of consistency with the standards and intent of the adopted Comprehensive Plan and all applicable Florida Statutes.
- Voted **UNANIMOUSLY** to recommend that the City Commission **APPROVE WITH CONDITIONS**, Ordinance 2018-27, Petition REZ-18-093, based on staff findings that this project meets the requirements of the Comprehensive Plan, Unified Land Development Code, and all Federal, State and local regulations.
- Voted **UNANIMOUSLY** to recommend that the City Commission **APPROVE WITH CONDITIONS**, Petition DMP-18-106, RaceTrac Talon Bay with requested waivers except waiver #9.

V. DATA & ANALYSIS

FLORIDA STATUTES

FLA. STAT. § 171.044 Voluntary Annexation

The petition bears the signature of the property owner for the property to be annexed and does not create an enclave. Notice requirements pursuant to this section have been met and are detailed in Section VI of this Staff Report. **Staff finds that the petition for voluntary annexation is consistent with the requirements of §171.044.**

FLA. STAT. § 163.3187 Process for adoption of small-scale comprehensive plan amendment.

The development is less than 10 acres, the City has not exceeded a maximum of 120 acres of small-scale comprehensive plan amendments this calendar year, the amendment does not propose a text change to the goals, policies and objectives of the Comprehensive Plan, and the property is not located in an area of critical state concern. **Staff finds that the petition for a small-scale comprehensive plan amendment is consistent with the requirements of §163.3187.**

FLA. STAT. §166.041 Procedures for adoption of ordinances and resolutions

The notice requirements pursuant to this Statute have been met and are detailed in Section VI of this Staff Report. **Staff finds that the petition for rezoning is consistent with the requirements of §166.041(3)(a) and (c) regarding ordinances that change the actual zoning map designation of a parcel of land.**

COMPREHENSIVE PLAN

Future Land Use Policy 2.1.1

The applicant's Small Scale Comprehensive Plan Amendment seeks to amend the Future Land Use Map 2-7 in the Future Land Use Element to include the subject property in Activity

Center 1. Future Land Use Policy 2.1.1: AC#1 (US-41/Mediterranea) states "This activity center shall be established to provide for retail, office, commercial and limited light industrial uses. This long established commercial area provides services to the surrounding residential neighborhoods."

Staff finds that the proposed use of the subject property is commercial which is consistent with the above stated uses for the Activity Center future land use designation for Activity Center 1.

COMPLIANCE
WITH ULDC

Future Land Use Policy 2.1.7

The City has expressed its desire to enhance and diversify the City's tax base through voluntary annexation of property in Sarasota County located between Warm Mineral Springs and the eastern boundary of the West Villages Improvement District. Pursuant to Future Land Use Policy 2.1.7, these properties shall process a comprehensive plan amendment to request AC1 future land use and shall be zoned to PCD with a default zoning of CG. ***Staff finds that the applicant's petitions for Annexation, Small Scale Comprehensive Plan Amendment, and Rezone are consistent with this policy.***

Future Land Use Policy 2.1.13

This subject property lies within the Future Annexation Overlay on Map 2-7 and within the Potential Annexation Area #1C on Map 1. This indicates the City's desire to work with property owners in this area to voluntarily annex into the City. Future Land Use Policy 2.1.13 states "For the area shown on Map 1 in unincorporated Sarasota County, the City shall recommend, upon annexation, that the Future Land Use classification of Activity Center #1 be applied via a comprehensive plan amendment."

As the subject property lies within this identified area, staff finds that the proposed Small Scale Comprehensive Plan Amendment is consistent with the above policy.

Chapter 53—Zoning Regulations, Article I.—Map; Boundaries, Section 53-22.—Annexations.

The annexation application was reviewed by staff and meets the requirements in ULDC Sec. 53-22 Annexations. A complete application packet was submitted to the Planning Division of Neighborhood Development Services in accordance with ULDC Sec. 53-22(D) and was reviewed by the Planning Division staff in accordance with ULDC Sec. 53-22(E). ***Staff finds that the petition for annexation complies with the ULDC.***

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

The rezone application was reviewed by staff in accordance with ULDC Chapter 1, Article IV Rezoning. A complete application packet was submitted to the Planning Division of Neighborhood Development Services in accordance with ULDC Sec. 1-33.E and was processed for review by the Planning Division staff in accordance with ULDC Sec. 1-33.D.

and F. All notice requirements pursuant to ULDC Sec. 1-33.G. have been met. The criteria from ULDC Sec. 1-33.E.(1) are addressed below by staff and the applicant. **Staff finds the petition for rezoning complies with the ULDC.**

Chapter 53—Zoning Regulations, Part 1.—General Provisions, Section 53-7—Development Master Plan Submission

A DMP is required on this site pursuant to ULDC Sec. 53-6 and ULDC Sec. 53-117. Since this petition includes a request to rezone to Planned Community Development, the DMP is required to accompany the rezone request rather than be done at a later time. A complete application packet was submitted to the Planning Division of Neighborhood Development Services in accordance with ULDC Sec. 53-7.C. The Planning Division reviewed and processed the application in accordance with ULDC Sec. 53-7.D. and E. Staff **finds that the development master plan complies with the ULDC.**

REZONE CRITERIA

a. Whether the proposed change would be consistent with the future land use map and the goals, objectives and policies of the Comprehensive Plan (See Comprehensive Plan - Future Land Use Element).

Staff Response: A Small Scale Comprehensive Plan Amendment application CPA-18-092 has been submitted concurrently with the application for rezone to re-designate the Future Land Use of the property as Activity Center. Pursuant to approval of the Small Scale Comprehensive Plan Amendment, the proposed Planned Community Development (PCD) zoning designation is consistent with the Comprehensive Plan as detailed on page 8 of this Staff Report.

Applicant response: Policy 2.1.1: AC#1 (US-41/ Meditteranea) - This Activity Center shall be established to provide for retail, office, commercial and limited light industrial uses. This long established commercial area provides services to the surrounding neighborhoods and to people using US 41.

The property is located within Potential Annexation Area #1C as described by Map 1 of the future land use element. The use of the property is commercial which is consistent with the stated uses for the Activity Center Future Land Use. The proposal provides the opportunity to provide commercial uses along a long established commercial corridor within the City to provide good and services to the surrounding residential neighborhoods. RaceTrac will provide goods and services to the surrounding neighborhoods and the travelling public.

Policy 2.1.13: For the area shown on Map 1 in unincorporated Sarasota County, the City shall recommend, upon annexation, that the Future Land Use classification of Activity Center # 1 be applied via a Comprehensive Plan amendment.

The property is located within Potential Annexation Area #1C as described by Map 1. The applicant has filed for a voluntary annexation and comprehensive plan amendment. The applicant desires a designation of Activity Center land use designation which is consistent with Policy 2.1.13.

Staff finds that upon approval of the associated petition for Small Scale Comprehensive Plan Amendment, this criterion has been met.

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

Staff Response: The properties to the south, west, and north of the subject property are part of unincorporated Sarasota County and zoned Commercial General. The property to the east is a part of the City of North Port and is zoned Planned Community Development. A Planned Community Development zoning designation is consistent with the surrounding land use pattern of commercial uses.

Applicant response: The subject property is located at the signalized intersection of U.S. 41, an arterial roadway, and Talon Bay Drive which is the main entrance to the Talon Bay residential subdivision. The property is located on the eastern edge of an extension of unincorporated Sarasota County that bisects the City from north to south generally along the Myakka River. To the property's west and south are existing self-storage facilities located in unincorporated Sarasota County. A vacant commercial use is located to the east in the City's Planned Community Development zoning category. Along the north side of U.S. 41, west of Talon Bay Drive, the properties are contained within a mixture of unincorporated Sarasota County zoning categories supporting commercial and residential uses. The property directly north of the subject property is zoned Commercial General in Sarasota County.

Staff finds this criterion has been met.

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

Staff Response: The subject property is surrounded by the Sarasota County zoning designation of Commercial General (CG) and the City of North Port zoning designation of Planned Community Development (PCD). The proposed change will not lead to the creation of an isolating zoning district unrelated to adjacent properties and nearby districts. The change from Sarasota County zoning of CG to City of North Port zoning of PCD does not change the commercial use of the property.

Applicant response: The subject property is located at the signalized intersection of U.S. 41 and Talon Bay Boulevard in an area that has been identified in Policy 2.1.1 of the City's Comprehensive Plan as a long established commercial corridor within the City to provide services to the surrounding neighborhood and to people using US 41. The property is surrounded by commercial uses. The proposed zoning for the property is Commercial General which is the zoning category of most of the properties along this segment of US 41 that are not zoned Planned Community Development. Both zoning categories provide for commercial uses along the corridor.

Staff finds this criterion has been met.

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.

Staff Response: The subject property is served by an existing permitted water management system that additionally serves the existing self-storage facilities to the south and west. The traffic impact statement indicates that US 41 is already functioning below the adopted level of service in this area, but that the development of the subject property will not have an impact on the projected level of service. The subject property has received a willingness to serve letter from the City of North Port Utilities Department. Upon annexation, pursuant to Future Land Use Policy 6.6.2, the

**REZONE CRITERIA
(continued)**

property will be eligible for urban services allowed by the Urban Service Boundary.

Applicant response: The property is served by adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan as follows:

1.) Drainage – The property is located in an existing permitted water management system that serves the self-storage facilities located to the west and south of the property. The water management system has been designed to accommodate this project for a 25 year, 24 hour storm event which is the adopted level of service of the City. The property is subject to SWFWMD permit #4418158.

2.) Roadway – The property is located along US 41, which is a principal arterial with an adopted Level of Service D. According to the Traffic Impact Statement, US 41 is projected to be operating at a Level of Service F with or without the proposed change. This is considered a pre-existing condition and is not a result of the proposed change. Within the City's Comprehensive Plan, US 41 is shown to be widened to six lanes. With six lanes, the projected future deficiency would be improved to meet the minimum acceptable level of service standards set by the City of North Port.

3.) Utilities - The property is located within the City's utility service boundary area and the City has indicated it has the ability to serve the property for water and sewer service based on the Letter of Availability dated January 24 2018.

Staff finds this criterion has been met.

e. Whether changed or changing conditions make the passage of the proposed zoning necessary.

Staff Response: The owner of the subject property, Patriot Self-Storage #1—Tamiami Trail North, entered into a Water and Wastewater Developer's Agreement with the City of North Port on March 24, 2008 in which they agreed to voluntarily annex into the City and development would connect to City utilities.

Applicant response: The property is subject to the Water and Wastewater Standard Developer's Agreement entered into by the City of North Port and Patriot Self Storage on March 24, 2008 in which the property owner agreed to voluntarily annex into the City of North Port, and development of the subject property would connect to the City's utilities for water and sewer service.

Staff finds this criterion has been met.

f. Whether the proposed change will adversely influence living conditions in the neighborhood.

Staff Response: The proposed change is from a Sarasota County zoning designation to a City of North Port zoning designation. The uses permitted on the property will not substantially change with the approval of this petition. Therefore, approval of this request will not adversely influence living conditions in the neighborhood.

Applicant response: The subject property is located along U.S. 41 in an area that has been identified in Policy 2.1.1 of the City's Comprehensive Plan as a long established commercial corridor within the City to provide services to the surrounding neighborhood and to people using US 41. The property is surrounded by commercial uses. The property is currently zoning Commercial General within unincorporated Sarasota County so there is an expectation that the property will be developed as a commercial use regardless of

this zoning change.

Staff finds this criterion has been met.

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

Staff Response: The traffic impact statement indicates that US 41 is already functioning below the adopted level of service in this area, but that the development of the subject property will not have an impact on the projected level of service. Staff has not identified any potential effects on public safety.

Applicant response: As demonstrated by the Traffic Impact Statement, with or without the proposed project, US 41 is projected to operate at a Level of Service F. This is considered a pre-existing condition that is not created by the project. Within the City City's Comprehensive Plan, US 41 is shown to be widened to six lanes. With six lanes, the projected future deficiency would be improved to meet the minimum acceptable level of service standards set by the City of North Port.

Staff finds this criterion has been met.

h. Whether the proposed change will create a drainage problem.

Staff Response: The subject property is served by an existing permitted water management system that additionally serves the self-storage facilities located to the south and west. It meets the adopted level of service of the City.

Applicant response: The property is located in an existing permitted water management system that serves the self-storage facilities located to the west and south of the property. The water management system has been designed to accommodate this project for a 25 year, 24 hour storm event which is the adopted level of service of the City. The property is subject to SWFWMD permit #4418158.

Staff finds this criterion has been met.

i. Whether the proposed change will seriously reduce light and air to adjacent areas.

Staff Response: The proposed change will not seriously reduce light and air to adjacent areas. Development of the subject property will be in accordance with all regulations in the City's Unified Land Development Code.

Applicant response: Development of the property will be in accordance to the Land Development Code in much the same way as other commercial properties along the US 41 corridor. There is nothing inherent to the proposed use that would seriously impact adjacent properties in regards to light and air.

Staff finds this criterion has been met.

j. Whether the proposed change will adversely affect property values in the adjacent areas.

Staff Response: As the subject property is currently zoned as Commercial General in unincorporated Sarasota County, property values have already taken into account that the property will have a commercial use. The proposed change to a zoning designation of Planned

Community Development will not adversely impact property values in adjacent areas.

Applicant response: The subject property is located in the Commercial General zoning category of unincorporated Sarasota County, so it's expected that a similar use will occur at this location regardless of whether it's zoned in Sarasota County or the City of North Port. Property values have already been determined accounting for a commercial use at the subject location. With the change, the City has a greater ability to affect how the use is developed by virtue of it being subject to its Land Development Code.

Staff finds this criterion has been met.

k. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Staff Response: The proposed change will not be a deterrent to the improvement or development of adjacent property. The subject property is surrounded by commercial uses and this proposed change would not affect the development of the surrounding similar uses. Construction on this site and extension of water and sewer services may actually make additional development more likely.

Applicant response: As previously described, the subject property is surrounded by existing commercial parcels along an established commercial corridor within the City. The subject property is likely to be developed as a commercial property whether it's commercially zoned in Sarasota County or the City of North Port. Changing to the City's Commercial General zoning category should have no bearing on the ability of adjacent properties to development in accordance with existing regulations.

Staff finds this criterion has been met.

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

Staff Response: Approval of this request will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Applicant response: The subject property is currently zoned Commercial General in Sarasota County and would be able to develop as a commercial development in accordance with County regulations. The change will result in the same property being developed as a commercial use in accordance with City of North Port regulations. This does not constitute a grant of special privilege to the owner as compared to public welfare.

Staff finds this criterion has been met.

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

Staff Response: The proposed change in zoning is required as there is a concurrent voluntary annexation petition. Once the property is annexed into the City, it will retain Sarasota County land use and zoning until such time as a rezone is approved by the City of North Port.

Applicant response: The zoning change is precipitated by the requested annexation as the property is subject to the Water and Wastewater Standard Developer's Agreement entered into by the City of North Port and Patriot Self Storage on March 24, 2008 in which

the property owner agreed to voluntarily annex into the City of North Port, and development of the subject property would connect to the City's utilities for water and sewer service. Existing zoning within Sarasota County would allow the same use but in accordance with Sarasota County regulations, instead of City of North Port regulations.

Staff finds this criterion has been met.

n. Whether the change suggested is out of scale with the character of the neighborhood.

Staff Response: The proposed change is consistent with the character of the neighborhood.

Applicant response: The proposed change is in character with the neighborhood and the adjacent properties which are commercial in nature. US 41 is a well-established commercial corridor within the City and the proposed change will allow the commercial use to be developed in accordance with the City of North Port regulations which will further protect the surrounding neighborhoods.

Staff finds this criterion has been met.

o. 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 it is 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.

Staff Response: There is no indication that the proposed change would cause a decrease in level of service or cause any adverse effects on the citizens of North Port. As previously mentioned, the property is served by an existing water management system and US 41 is projected to be operating at level of service F regardless of the proposed change.

Applicant response: The proposed uses do not cause a decrease in level of service, concurrency in any of the areas listed below as follows and, therefore, will have no adverse effects on the health, safety and welfare of the citizens of North Port:

1.) Drainage – The property is located in an existing permitted water management system that serves the self-storage facilities located to the west and south of the property. The water management system has been designed to accommodate this project for a 25 year, 24 hour storm event which is the adopted level of service of the City. The property is subject to SWFWMD permit #4418158.

2.) Roadway – The property is located along US 41, which is a principal arterial with an adopted Level of Service D. According to the Traffic Impact Statement, US 41 is projected to be operating at a Level of Service F with or without the proposed change. This is considered a pre-existing condition and is not a result of the proposed change. Within the City's Comprehensive Plan, US 41 is shown to be widened to six lanes. With six lanes, the projected future deficiency would be improved to meet the minimum acceptable level of service standards set by the City of North Port.

3.) Utilities - The property is located within the City's utility service boundary area and the City has indicated it has the ability to serve the property for water and sewer service based on the Letter of Availability dated January 24 2018.

4.) Recreational and Open Space – The property is currently zoned Commercial General in Sarasota County with an expectation that a similar commercial use would be

developed on the property were it not annexed into the City. The property is also located within Potential Annexation Area #1C as described by Map 1 of the Comprehensive Plan with an expectation the property will be commercial which is consistent with the stated uses for the Activity Center Future Land Use. The project is proposing 30% of the overall property as open space which is equivalent to the 30% open space requirement for Commercial General of the Sarasota County Land Development Code.

5.) Public schools – As a commercial use, the project has no impact on the level of service of public schools since commercial uses do not generate a greater demand on schools.

Staff finds this criterion has been met.

Staff finds that the rezone application complies with the ULDC.

CITY SERVICES & ENVIRONMENTAL

Water and sewer services will be provided by the City of North Port Utilities after completion and acceptance of a Utility Developers Agreement. If any modification is proposed to the standard agreement, the agreement will come to the City Commission for approval. The project is directly accessed from US 41, or Tamiami Trail, and by Talon Bay Drive. On the north side of US 41, Talon Bay Drive turns into Ortiz Boulevard.

Conservation

The site is not located within the Conservation Restricted Overlay. The environmental assessment provided by Flatwoods Consulting Group dated December 6, 2017 noted no protected species or their habits were identified on site. No gopher tortoises or their burrows were identified.

Flood Zone

X-500, Firm Panel 0370F, Community 125144

FISCAL IMPACT ANALYSIS

The analysis assumes a market value of \$210 per square foot at 88% of market value . The model shows that the development will be just below neutral for the first 5-years and will be fiscally neutral for the remaining period after that period of time with a net operating surplus of \$89,230 over 30 years **(Exhibit G)**.

VI. PUBLIC NOTICE & HEARING SCHEDULE

PUBLIC NOTICE

Notices of the public hearings were mailed to property owners within 1,320 feet of the subject property on July 31, 2018 **(Exhibit H)**. The petitions for Annexation, Small Scale Comprehensive Plan Amendment, and Rezoning were advertised in a newspaper of general circulation within the City of North Port on September 10, 2018 pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 9.01(b) 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 I)**. The petition for Annexation was advertised in a newspaper of general circulation within the City of North Port on

September 10, 2018 and September 17, 2018 pursuant to Section 171.044 of the Florida Statutes (**Exhibit J**); a copy of this notice was sent via certified mail to the Sarasota County Commission on August 29, 2018 (**Exhibit K**). A neighborhood meeting was held on August 2, 2018 at 6:00 p.m. at the Morgan Family Community Center (**Exhibit L**). At this time, staff has not received an public input concerning this petition for rezone.

PUBLIC HEARING SCHEDULE	Planning & Zoning Advisory Board Public Hearing	August 16, 2018 9:00 AM or as soon thereafter
	City Commission 1st Reading Public Hearing	September 25, 2018 6:00 PM or as soon thereafter
	City Commission 2nd Reading Public Hearing	October 9, 2018 1:00 PM or as soon thereafter

VII. CONDITIONS & SAFEGUARDS

The **Annexation, Small Scale Comprehensive Plan Amendment, and Rezone** were approved by management review with the following conditions:

1. An approved Utility Developer's Agreement must be obtained before DEP and DOH permits will be issued.

The **Development Master Plan** was approved by staff with the following conditions:

1. Platted ingress/egress needed for Parcel 2 to have beneficial use of driveway connection to the Talon Bay Drive full median opening adjacent to the site.
2. Need confirmation of US41 driveway connection before the Traffic Impact Statement can be accepted.
3. In the latter MAS SDR applications, please include a copy of the previously approved SWFWMD plans that shows the subject parcel included and the master stormwater system that serves this parcel.
4. Before 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.
5. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility Department for review and approval.
6. Irrigation systems shall be designed and constructed to meet reuse standards.
7. Provide the Utility Department with floor plans and plumbing risers for each individual unit so meter sizes and capacity fees can be calculated. Meter and Capacity fees shall be paid prior to issuance of the building permit.

8. 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.
9. A developer agreement shall be negotiated with the utility department and approved by the Utility Director and City Staff prior to DEP or DOH permits being signed and released.
10. In order to connect to the existing sanitary sewer stub out on the east side of Talon Bay Dr. a manhole will need to be installed on the east side, an 8" gravity sewer pipe will need to be installed under Talon Bay Dr. to the west side with another manhole being installed on the west side. Two sewer stub outs will need to be installed out of this manhole, one to the south portion and one to the portion with the proposed RaceTrac project.

IX. RECOMMENDED ACTION

Staff recommends that the City Commission:

1. **APPROVE WITH CONDITIONS** Ordinance 2018-25, Petition ANX-18-091, annexing the subject ±3.00 acres into the City of North Port.
2. **APPROVE WITH CONDITIONS** Ordinance 2018-26, Petition CPA-18-092, based on findings of consistency with the standards and intent of the adopted Comprehensive Plan and all applicable Florida Statutes.
3. **APPROVE WITH CONDITIONS** Ordinance 2018-27, Petition REZ-18-093, based on staff findings that this project meets the requirements of the Comprehensive Plan, Unified Land Development Code, and all Federal, State and local regulations.
4. **APPROVE WITH CONDITIONS** Petition DMP-18-106, RaceTrac Talon Bay with requested waivers except waiver #9.

X. EXHIBITS

A-1	Affidavit
A-2	Warranty Deed
B	Future Land Use Map
C	RaceTrac Development Master Plan
D	Future Land Use Map Change Exhibit
E	Zoning Map Change Exhibit
F	Letter from Sarasota County
G	Fiscal Impact Analysis
H	Adjacent Property Owner Notices
I	Public Notice for All Ordinances
J	Public Notice for Annexation
K	Letter to Sarasota County Commission
L	Neighborhood Meeting Documentation

AFFIDAVIT

I (the undersigned), Brian Thornton, V.P. of Real Estate and Engineering being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 15th day of January, 20 18

Brian Thornton
Signature of Applicant or Authorized Agent

Brian Thornton, V.P. of Real Estate and Engineering
Print Name and Title

SIGN HERE

STATE OF Georgia COUNTY OF Cobb

The foregoing instrument was acknowledged by me this 15th day of January, 20 18, by Brian Thornton who is personally known to me or has produced

_____ as identification, and who did/did not take an oath.

Kristina M Longfellow
Signature - Notary Public



**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

I (we), Patrol Self Storage #1 - Tamiami Trail NorthPort LLC, property owner(s), hereby authorize Racetrac Petroleum, Inc. to act as Agent/Applicant on our behalf to apply for this petition on the property described as (legal description) 12580 S. Tamiami Trail, North Port, FL, 34287

_____ See second sheet _____
Signature of Owner Date

SIGN HERE

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged by me this _____ day of _____, 20____, by _____ who is personally known to me or has produced

_____ as identification, and who did not take an oath. (Place Notary Seal Below)

Signature - Notary Public

AFFIDAVIT

I (the undersigned), Brian Thornton - VP of Real Estate & Engineering being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 _____ day of _____, 20____,

Signature of Applicant or Authorized Agent Brian Thornton - VP of Real Estate & Engineering
Print Name and Title

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged by me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ as identification, and who did/did not take an oath.

(Place Notary Seal Below)

Signature - Notary Public

**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

I (we), Patriot Self-Storage #1 - Tamiami Trail North Port LLC, property owner(s), hereby authorize RaceTrac Petroleum, Inc. to act as Agent/Applicant on our behalf to apply for this petition on the property described as (legal description) 12580 S. Tamiami Trail, North Port, FL 34287

[Handwritten Signature]

Signature of Owner

1/31/18

Date



STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 31st day of January, 2018, by Hal T. Perdue who is personally known to me or has produced Florida Drivers license as identification, and who did not take an oath.

[Handwritten Signature]
Signature - Notary Public



(Place Notary Seal Below)
Jimmy Pivas
State of Florida
My Commission Expires 09/07/2019
Commission No. FF 916128

8/1/2017 4:42 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2139498

Prepared By:

Doc Stamp-Deed: \$0.70

John A. Pappano, Esq.
Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, New York 14203

After Recording Return To:

John W. Fitzgibbon, Esq.
PASSCO Companies, LLC
2050 Main Street, Suite 650
Irvine, California 92614

_____[Space Above This Line For Recording Data]_____

SPECIAL WARRANTY DEED

THIS INDENTURE, made as of the 25th day of July, 2017, by LIFE STORAGE LP, formerly known as Sovran Acquisition Limited Partnership, whose address is 6467 Main Street, Buffalo, New York 14221 ("Grantor") to PATRIOT SELF STORAGE #1 - TAMIAMI TRAIL, NORTH PORT, LLC, whose address is 515 Oak Bay Drive, Osprey, Florida 34229, Attention: Perdw Investment Group I, LLC ("Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of Ten and More Dollars (\$10.00 and more), to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, hereby conveys, grants, bargains and transfers to Grantee, its successors and assigns forever, the real property (inclusive of the land and all buildings and improvements thereon) situate, lying, and being in the County of Sarasota, State of Florida, which real property is more particularly described in Exhibit A attached hereto ("Property").

AND GRANTOR does hereby warrant the title to the Property and will defend the same against all claims of all persons and entities whomsoever claiming by, through, or under Grantor, but not otherwise, subject to all matters of record, including any and all covenants, easements, rights of way, restrictions, encumbrances, real property taxes and assessments not yet due and payable, and any state of facts disclosed by a survey and/or inspection of the Property. Grantee accepts the Property in its "as is" condition.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed in its name as of the day and year first above written.

<p>Signed and sealed in the presence of:</p> <p><u>Christine Lucci</u> Signature of Witness</p> <p><u>Christine Lucci</u> Typed or Printed Name of Witness</p> <p><u>M. J. P.</u> Signature of Witness</p> <p><u>Michelle Tomasello</u> Typed or Printed Name of Witness</p>	<p>LIFE STORAGE LP</p> <p>By: LIFE STORAGE HOLDINGS, INC., its general partner</p> <p>By: <u>Michael J. P.</u> Name: <u>Michael J. P.</u> Title: <u>Vice President</u></p>
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STATE OF NEW YORK
COUNTY OF ERIE

The foregoing instrument was acknowledged before me this 25th day of July, 2017, by Michael J. Rogers the Vice President of Life Storage Holdings, Inc., general partner of Life Storage LP, on behalf of said entity who is personally known to me (or who has produced _____ as identification).

Melissa R. Zizzo

Printed/Typed Name: _____

Notary Public

My Commission Expires: _____

MELISSA R. ZIZZO
No. 01216311454
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Sept. 15, 2018

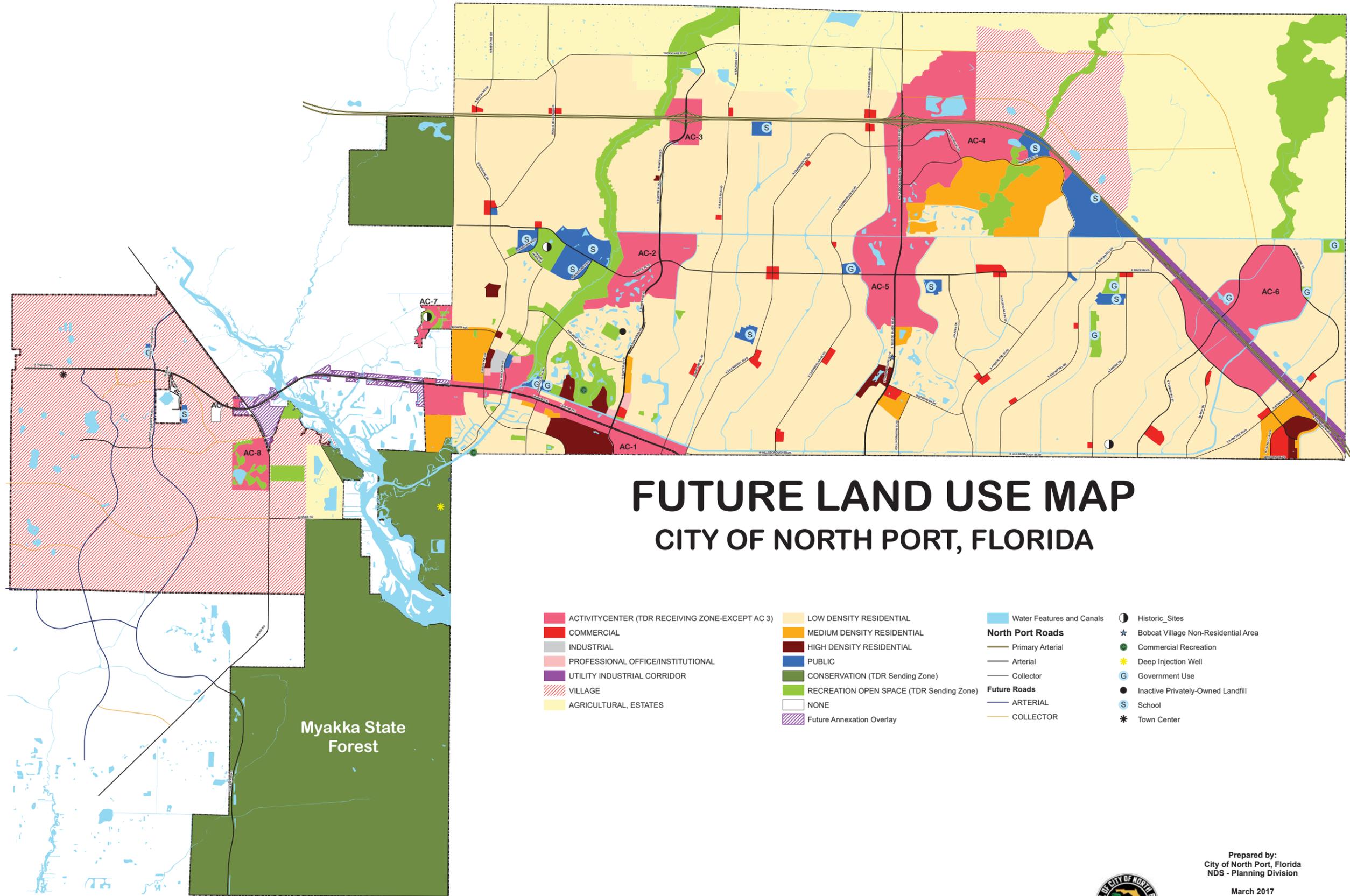
EXHIBIT A TO DEED

Legal Description

VACANT PARCEL

A parcel of land lying in Section 36, Township 39 South, Range 20 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said section 36; run thence along the East boundary of said Section 36, S. 00°34'40"W., 2695.17 feet; thence N.89°25'20"W., 689.72 feet; thence N.00°34'40"E., 200.00 feet; thence N.89°25'20"W., 147.55 feet to a point on a curve; thence 456.92 feet along the arc of a curve to the left having a radius of 440.00 feet and a delta angle of 59°29'55" (chord bearing N.19°23'32"W, 436.66 feet to a point of tangency; thence N.49°08'30"W., 1145.91 feet to a point of curvature; thence 213.49 feet along the arc of a curve to the right having a radius of 259.19 feet and a delta angle of 47°11'37" (chord bearing N.25°32'41"W., 207.51 feet; thence N.86°03'20"W., 80.55 feet to a point on the West right-of-way line of Ortiz Boulevard; thence along said West right-of-way line of Ortiz Boulevard the following four (4) courses: 1) S.02°47'35"E., 9.45 feet to a point of curvature; 2) run 237.80 feet along the arc of a curve to the left having a radius of 339.19 feet and a delta angle of 40°10'09" (chord bearing S.22°52'39"E., 232.96 feet) 3) continue along the same curve 41.59 feet along the arc of a curve to the left having a radius of 339.19 feet and a delta angle of 7°01'29" (chord bearing of S.46°26'28"E., 41.56 feet to a point of tangency; 4) S.49°57'12"E., 183.21 feet; thence S.87°14'25"W., 163.11 feet; thence S.02°45'35"E., 149.68 feet; thence S.87°16'15"W., 487.20 feet along the North line of O.R. 1964, Page 2682; thence N.02°46'04"W., 1200.01 feet (1200.00 feet per deed) to a point on the South right-of-way line of Tamiami Trail (U.S. Highway 41); thence along said South right-of-way line of Tamiami Trail (U.S. Highway 41), S.86°03'20"E., 134.37 feet to the POINT OF BEGINNING; thence continue along the said South right-of-way line of Tamiami Trail (U.S. Highway 41), S.86°03'20"E., 275.50 feet to the intersection with the West right-of-way line of Ortiz Boulevard ; thence along said West right-of-way line of Ortiz Boulevard, S.02°46'29"E., 453.88 feet; thence S.87°13'31"W., 278.61 feet; thence N.02°46'29"W., 416.88 feet; thence N.87°13'31"E., 5.00 feet; thence N.02°46'29"W., 69.23 feet to the POINT OF BEGINNING.



FUTURE LAND USE MAP

CITY OF NORTH PORT, FLORIDA

- | | | | |
|---|--|--|---|
| ACTIVITYCENTER (TDR RECEIVING ZONE-EXCEPT AC 3) | LOW DENSITY RESIDENTIAL | Water Features and Canals | Historic_Sites |
| COMMERCIAL | MEDIUM DENSITY RESIDENTIAL | North Port Roads | Bobcat Village Non-Residential Area |
| INDUSTRIAL | HIGH DENSITY RESIDENTIAL | Primary Arterial | Commercial Recreation |
| PROFESSIONAL OFFICE/INSTITUTIONAL | PUBLIC | Arterial | Deep Injection Well |
| UTILITY INDUSTRIAL CORRIDOR | CONSERVATION (TDR Sending Zone) | Collector | Government Use |
| VILLAGE | RECREATION OPEN SPACE (TDR Sending Zone) | Future Roads | Inactive Privately-Owned Landfill |
| AGRICULTURAL, ESTATES | NONE | ARTERIAL | School |
| | Future Annexation Overlay | COLLECTOR | Town Center |

Myakka State Forest



0 1 2 4 Miles



Prepared by:
City of North Port, Florida
NDS - Planning Division

March 2017

Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting there from.

P:\PZ\Shared\Comprehensive Plan EAR 2015-

75 SF Monument Sign - 32" & 20" LED

*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.

STAMPED, SEALED ENGINEERING REQUIRED
FOUNDATION INFORMATION PROVIDED BY RACETRAC.
MANUFACTURER RESPONSIBILITY FOR HAVING A LICENSED
ENGINEER VALIDATE FOUNDATION DESIGN PRIOR TO INSTALL

QTY: (1)
 Double Faced

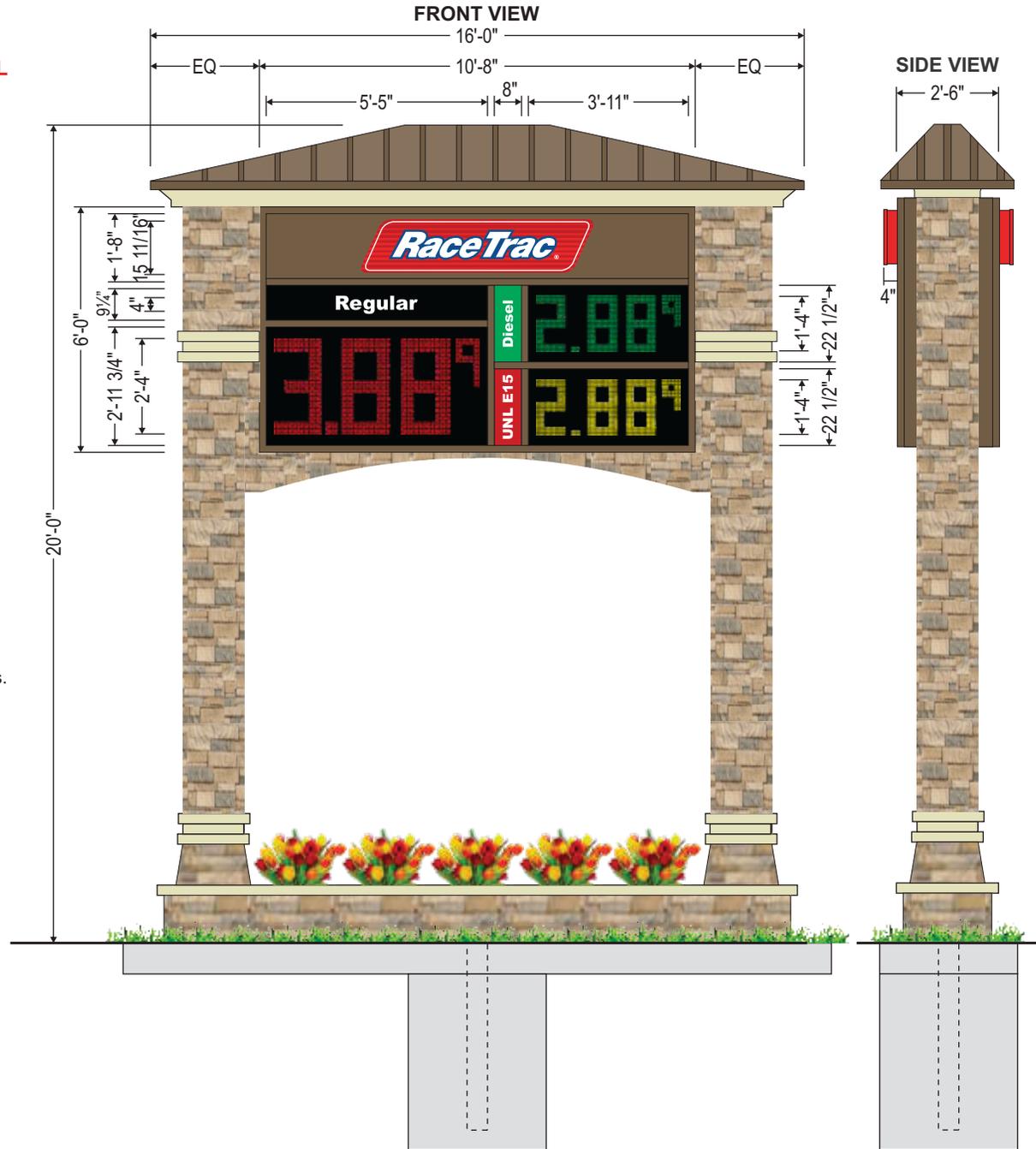
SPECIFICATIONS:

- Logo panel: Aluminum panel painted C3-Bronze w/ parallelogram mounted to surface. Parallelogram to be channel letter-type construction w/.177" thick polycarbonate face panels w/ 2nd surface applied translucent graphics. Parallelogram copy to be digitally printed red background stripes & white border w/ blue area of logo graphic also printed. Cabinet & trim cap to match C1-Red.
- "Regular" Product Panel: C6-Black-1st Surface Applied Vinyl.
 Copy to be Reverse Cut From Vinyl to Show White.
- "Diesel" Product Panel: C7-Vivid Green-1st Surface Applied Vinyl.
 Copy to be Reverse Cut From Vinyl to Show White.
- "UNL E15" Product Panel: C9-Coral Red-1st Surface Applied Vinyl.
 Copy to be Reverse Cut From Vinyl to Show White.

Interior Illumination: Sloan Sign Box II LED. Powered by Low Voltage Power Supplies. Behind Fuel Grade Panels ONLY.
 Sign Frame: 2" x 2" x .25" Steel Tube w/ .063" Aluminum Cladding Painted C3-Bronze.
 Extruded Aluminum 1 1/2" Wide Divider Bars Installed to Retain Sign Panels.
 Face Dividers & Retainer to be Painted C3-Bronze & .
 Sign Support: Internal Steel Pipe Support to be Welded to Steel Saddle Bracket at Top & Bottom of Sign Frame. External Steel Sign Support to Meet Building & Local Sign Codes. Size of Steel & Footing as Required Per Site Requirements.



Sloan Sign Box II
 LED Interior Illumination

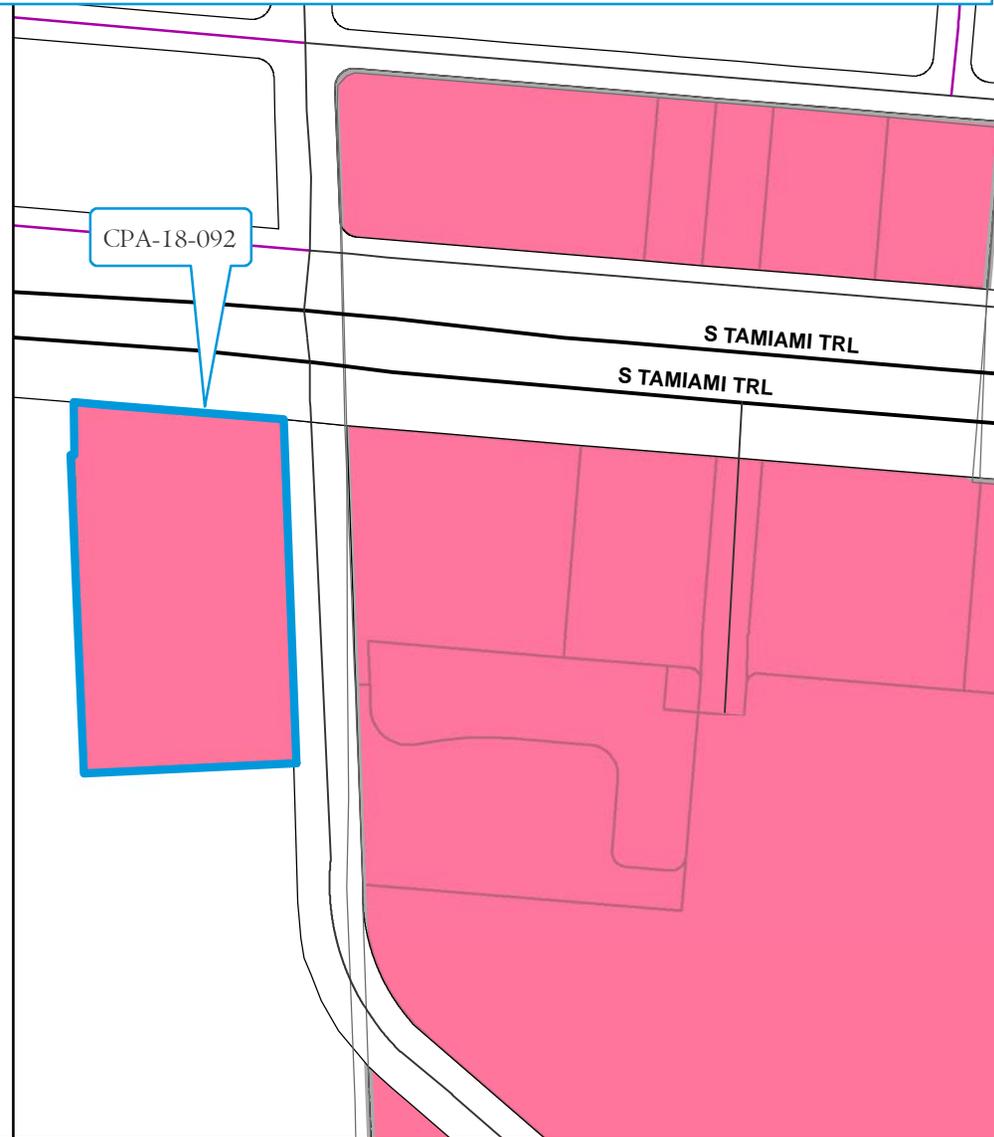
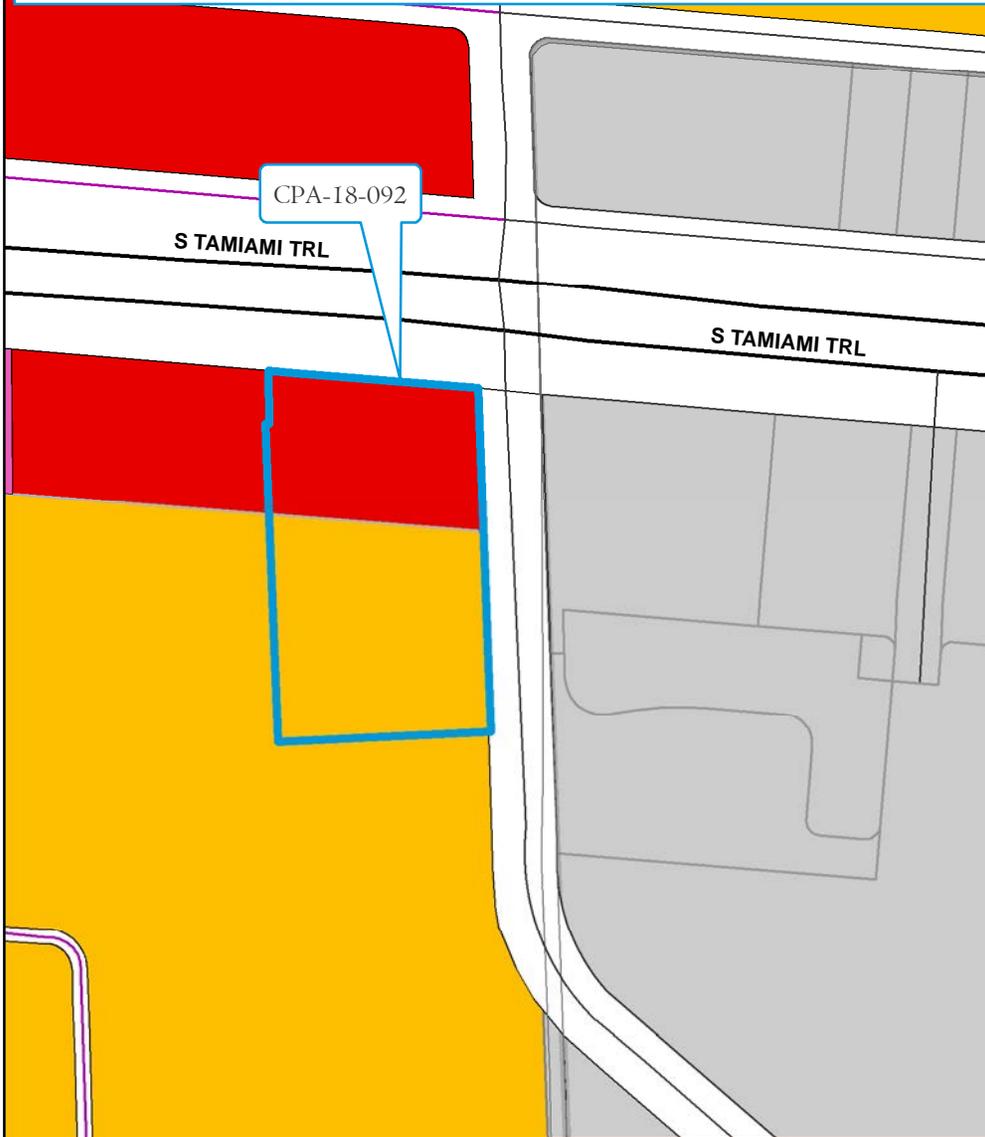


GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

EXISTING SARASOTA COUNTY FUTURE LAND USE
'Commercial Corridor' and 'Medium Density Residential'
CPA-18-092

Exhibit D

PROPOSED FUTURE LAND USE
'Activity Center'
CPA-18-092 RaceTrac Talon Bay



- Legend**
- CPA-18-092
 - North Port City Boundary
 - RURAL
 - MAJOR EMPLOYMENT CENTER - MEC
 - LOW DENSITY RESIDENTIAL: Less Than 2 DU_s/ACRE
 - MAJOR GOVERNMENT USES
 - MODERATE DENSITY RESIDENTIAL: BETWEEN 2 AND 5 DU_s/ACRE
 - PUBLIC CONSERVATION/PRESERVATION
 - MEDIUM DENSITY RESIDENTIAL: BETWEEN 5 AND 9 DU_s/ACRE
 - COMMERCIAL CORRIDOR
 - INCORPORATED AREA
 - HIGH DENSITY RESIDENTIAL: BETWEEN 9 AND 13 DU_s/ACRE
 - LIGHT OFFICE
 - WATER
 - SEMI-RURAL
 - OFFICE/MULTI-FAMILY RESIDENTIAL AREA AND CORRIDOR
 - COMMERCIAL HIGHWAY INTERCHANGE

- Legend**
- CPA-18-092
 - North Port City Boundary
 - INDUSTRIAL
 - UTILITY INDUSTRIAL CORRIDOR
 - AGRICULTURAL ESTATES
 - CONSERVATION (TDR SENDING ZONE)
 - LOW DENSITY RESIDENTIAL
 - RECREATION/OPEN SPACE (TDR SENDING ZONE)
 - MEDIUM DENSITY RESIDENTIAL
 - PUBLIC
 - HIGH DENSITY RESIDENTIAL
 - ACTIVITY CENTER (TDR RECEIVING ZONE - EXCEPT AC-3)
 - PROFESSIONAL OFFICE
 - VILLAGE
 - COMMERCIAL



NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENTLY OF NORTH PORT



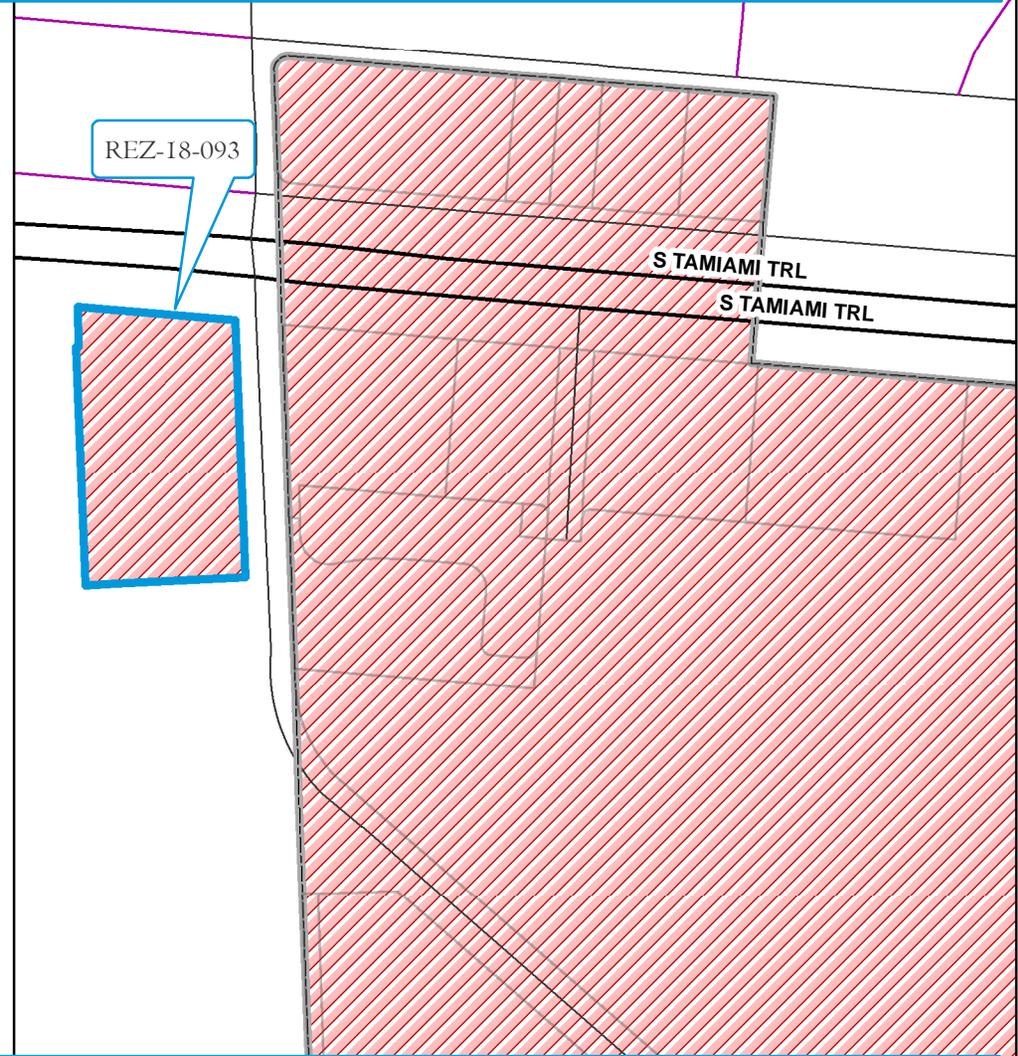
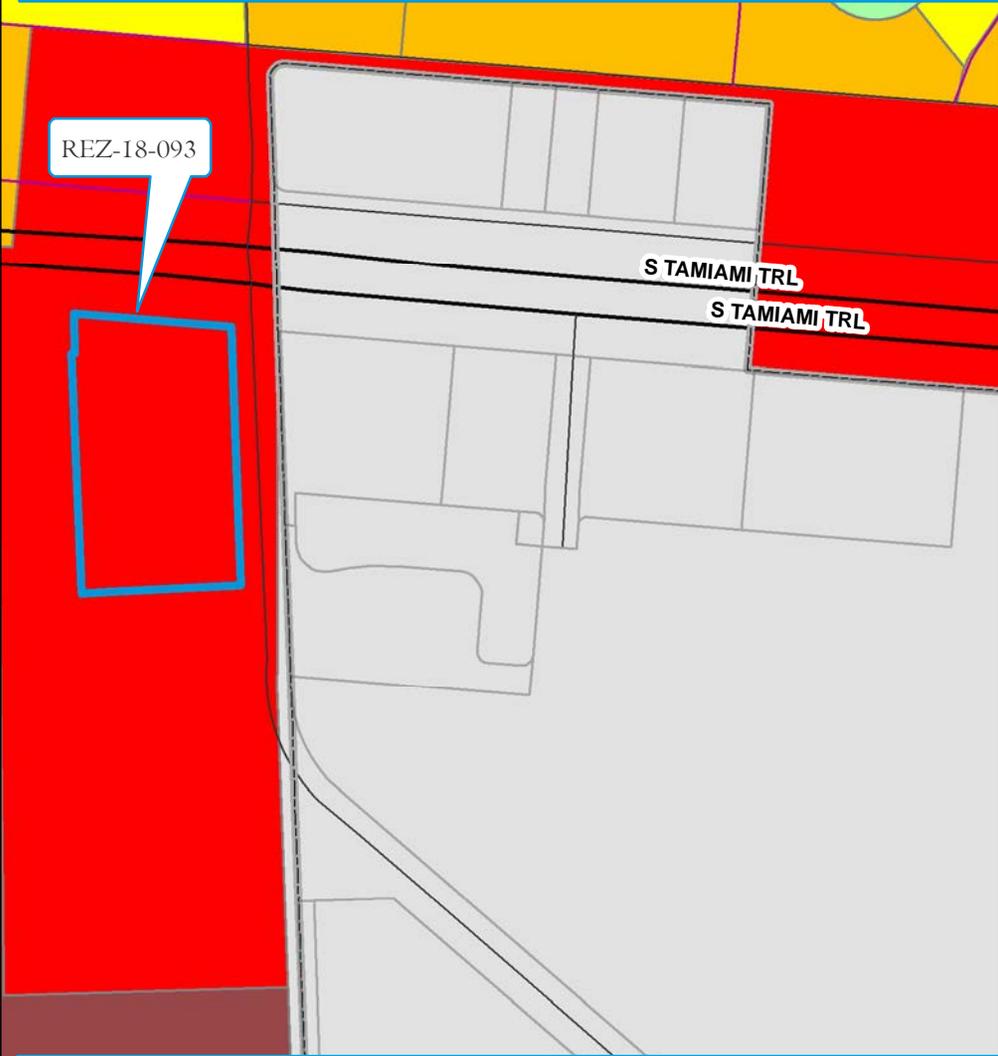
Prepared by NDS/Planning Division
June 8, 2018

Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's discretion.
Property Data Source: Sarasota County Property Appraiser

EXISTING SARASOTA COUNTY ZONING
'Commercial General (CG)'
REZ-18-093 RaceTrac Talon Bay

Exhibit E

PROPOSED ZONING
'Planned Community Development (PCD)'
REZ-18-093 RaceTrac Talon Bay



Legend

- REZ-18-093
- North Port City Boundary
- CG (Commercial, General)
- MP (Marine Park)
- RMF-1/(Residential, Multi-Family, 6 units/acre/
- RMF-2 (Residential, Multi-Family, 9 units/acre)
- RMF-3 (Residential, Multi-Family 13 units/acre)
- RMF-4 (Residential, Multi-Family, 18 units/acre)
- RMH (Residential, Mobile Home, 5 units/acre)
- RSF-3 (Residential, Single Family, 4.5 units/acre)
- CITY OF NORTH PORT

Legend

- REZ-18-093
- North Port City Boundary
- Zoning Classifications
- AC-7 - Activity Center 7
- CLR - Commercial Redevelopment Low Impact
- V - Village
- CGS - Commercial General S
- NC-HI - Neighborhood Commercial-High Intensity
- NC-LI - Neighborhood Commercial-Low Intensity
- ComRec - Commercial/Recreation
- AG - Agriculture
- CD - Conservation District
- ROS - Recreation/Open Space
- GU - Government Use
- ILW - Industrial/Light Warehouse
- CG - Commercial General
- OPI - Office/Professional/Institutional
- UIC - Utility Industrial Corridor
- PCD - Planned Community Development
- RSF-2 - Residential Single Family 2
- RSF-3 - Residential Single Family 3
- RMF - Residential Multi-Family
- RMH - Residential Manufactured Housing
- RTF - Residential Two Family
- NZD - No Zoning Designation



NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENTLY OF NORTH PORT COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 97-27, AS SAME AMY BE AMENDED FROM TIME TO TIME.



Prepared by NDS/Planning Division
June 8, 2018

Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Property Data Source: Sarasota County Property Appraiser

P:\Development Review Committee\REZ-Rezone\REZ-18-093\GIS-Maps\Zoning.mxd

Exhibit F



SARASOTA COUNTY

"Dedicated to Quality Service"

May 21, 2018

Mr. Scott Williams, Director
City of North Port Neighborhood Development Services
4970 City Hall Boulevard
North Port, FL 34286

RE: Annexation – PID 0791-07-0007 (Talon Bay Drive)

Dear Mr. Williams,

Thank you for sending us the information regarding the proposed annexation of the property noted above, which is located south of US 41 and west of Talon Bay Drive in Sarasota County. A review of the City application, as well as a review of the Sarasota County Charter requirements regarding land use designations on annexed lands was conducted by Planning staff in order to determine if any steps in the process would have to go through Sarasota County approvals based on whether the property was located within an area designated as "Urban Service Area" according to the provisions of the County Charter. This review found that the property in question was located within an area designated as "Urban Service Area" on the Sarasota County Future Land Use Map dated November 2006.

Based upon the fact that the property did fall within the Urban Service Area at the time that the Charter was approved, and based on similar findings with other similar petitions in the immediate vicinity, it is our determination that the petition does not have to receive any County approvals to move forward, and the petition can proceed as normal through the City of North Port processes

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Norton".

Michele Norton, AICP
Planning & Zoning Division Manager
Planning & Development Services
Sarasota County Government

Exhibit G

**CITY OF NORTH PORT, FLORIDA
DEVELOPMENT ECONOMIC AND FISCAL IMPACT MODEL
RaceTrac Talon Bay
SUMMARY OF ECONOMIC AND FISCAL IMPACTS**

I. OPERATING REVENUE IMPACT	<u>Years 1 - 5</u>	<u>Years 6 - 10</u>	<u>Years 11 - 15</u>	<u>Years 16 - 20</u>	<u>Years 21 - 25</u>	<u>Years 26 - 30</u>	<u>Years 1 - 30</u>
A. Ad Valorem Taxes	\$26,600	\$60,582	\$67,345	\$74,497	\$81,276	\$87,989	\$398,289
B. Other Taxes	\$6,497	\$13,427	\$13,427	\$13,427	\$13,427	\$13,427	\$73,634
C. Permits, Fees, & Special Assessments	\$7,505	\$15,510	\$15,510	\$15,510	\$15,510	\$15,510	\$85,055
D. Intergovernmental Revenue	\$8,869	\$18,329	\$18,329	\$18,329	\$18,329	\$18,329	\$100,516
E. Charges for Services	\$69,836	\$144,328	\$144,328	\$144,328	\$144,328	\$144,328	\$791,475
F. Fines & Forfeitures	\$133	\$275	\$275	\$275	\$275	\$275	\$1,511
G. Miscellaneous Income	\$1,305	\$2,696	\$2,696	\$2,696	\$2,696	\$2,696	\$14,786
TOTAL OPERATING REVENUE IMPACT	\$120,745	\$255,148	\$261,911	\$269,063	\$275,842	\$282,555	\$1,465,266
II. OPERATING EXPENDITURE IMPACT	<u>Years 1 - 5</u>	<u>Years 6 - 10</u>	<u>Years 11 - 15</u>	<u>Years 16 - 20</u>	<u>Years 21 - 25</u>	<u>Years 26 - 30</u>	<u>Years 1 - 30</u>
General Government	\$41,098	\$84,935	\$84,935	\$84,935	\$84,935	\$84,935	\$465,773
Economic Environment	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Physical Environment	\$7,658	\$15,826	\$15,826	\$15,826	\$15,826	\$15,826	\$86,786
Human Services	\$981	\$2,028	\$2,028	\$2,028	\$2,028	\$2,028	\$11,121
Transportation	\$16,161	\$33,400	\$33,400	\$33,400	\$33,400	\$33,400	\$183,163
Public Safety	\$40,842	\$84,406	\$84,406	\$84,406	\$84,406	\$84,406	\$462,872
Culture/Recreation	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Capital	\$14,675	\$30,329	\$30,329	\$30,329	\$30,329	\$30,329	\$166,320
Debt & Lease	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL OPERATING EXPENDITURE IMPACT	\$121,415	\$250,924	\$250,924	\$250,924	\$250,924	\$250,924	\$1,376,036
III. NET OPERATING SURPLUS/DEFICIT	<u>Years 1 - 5</u>	<u>Years 6 - 10</u>	<u>Years 11 - 15</u>	<u>Years 16 - 20</u>	<u>Years 21 - 25</u>	<u>Years 26 - 30</u>	<u>Years 1 - 30</u>
	-\$670	\$4,224	\$10,987	\$18,139	\$24,918	\$31,631	\$89,230
IV. AD VALOREM INCREMENTAL REVENUE	<u>Years 1 - 5</u>	<u>Years 6 - 10</u>	<u>Years 11 - 15</u>	<u>Years 16 - 20</u>	<u>Years 21 - 25</u>	<u>Years 26 - 30</u>	<u>Years 1 - 30</u>
	\$25,270	\$57,553	\$63,978	\$70,772	\$77,212	\$83,590	\$378,375
V. TOTAL IMPACT FEES	<u>Years 2 - 6</u>	<u>Years 7 - 11</u>	<u>Years 12 - 16</u>	<u>Years 17 - 21</u>	<u>Years 22 - 26</u>	<u>Years 27 - 31</u>	<u>Years 2 - 31</u>
Law Enforcement	\$4,216	\$0	\$0	\$0	\$0	\$0	\$4,216
Fire	\$4,480	\$0	\$0	\$0	\$0	\$0	\$4,480
Parks & Recreation	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transportation	\$50,078	\$0	\$0	\$0	\$0	\$0	\$50,078
Solid Waste	\$1,612	\$0	\$0	\$0	\$0	\$0	\$1,612
General Government	\$3,113	\$0	\$0	\$0	\$0	\$0	\$3,113
TOTAL IMPACT FEES	\$63,499	\$0	\$0	\$0	\$0	\$0	\$63,499
VI. UTILITY CONNECTION FEES	<u>Years 2 - 6</u>	<u>Years 7 - 11</u>	<u>Years 12 - 16</u>	<u>Years 17 - 21</u>	<u>Years 22 - 26</u>	<u>Years 27 - 31</u>	<u>Years 2 - 31</u>
Water	\$46,872	\$0	\$0	\$0	\$0	\$0	\$46,872
Wastewater	\$63,860	\$0	\$0	\$0	\$0	\$0	\$63,860
TOTAL CONNECTION FEES	\$110,732	\$0	\$0	\$0	\$0	\$0	\$110,732
VII. SUMMARY OF ANNUAL ECONOMIC IMPACTS (Output and Earnings in Current Dollars)	<u>Year 5</u>	<u>Year 10</u>	<u>Year 15</u>	<u>Year 20</u>	<u>Year 25</u>	<u>Year 30</u>	
Direct Output From Development	\$10,436,264	\$10,436,264	\$10,436,264	\$10,436,264	\$10,436,264	\$10,436,264	
Direct Employment From Development	39	39	39	39	39	39	
Direct Earnings From Development	\$1,311,145	\$1,311,145	\$1,311,145	\$1,311,145	\$1,311,145	\$1,311,145	
Indirect Output From Development	\$5,010,451	\$5,010,451	\$5,010,451	\$5,010,451	\$5,010,451	\$5,010,451	
Indirect Employment From Development	98	98	98	98	98	98	
Indirect Earnings From Development	\$2,505,397	\$2,505,397	\$2,505,397	\$2,505,397	\$2,505,397	\$2,505,397	
Total Output From Development	\$15,446,715	\$15,446,715	\$15,446,715	\$15,446,715	\$15,446,715	\$15,446,715	
Total Employment From Development	137	137	137	137	137	137	
Total Earnings From Development	\$3,816,542	\$3,816,542	\$3,816,542	\$3,816,542	\$3,816,542	\$3,816,542	

Note: If entire jurisdiction growth forecasts are used in scenario modeling, disregard indirect and total impact categories. For this case, direct impacts represent total impacts.

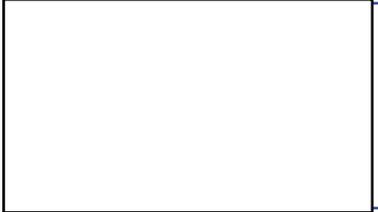
Exhibit H



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

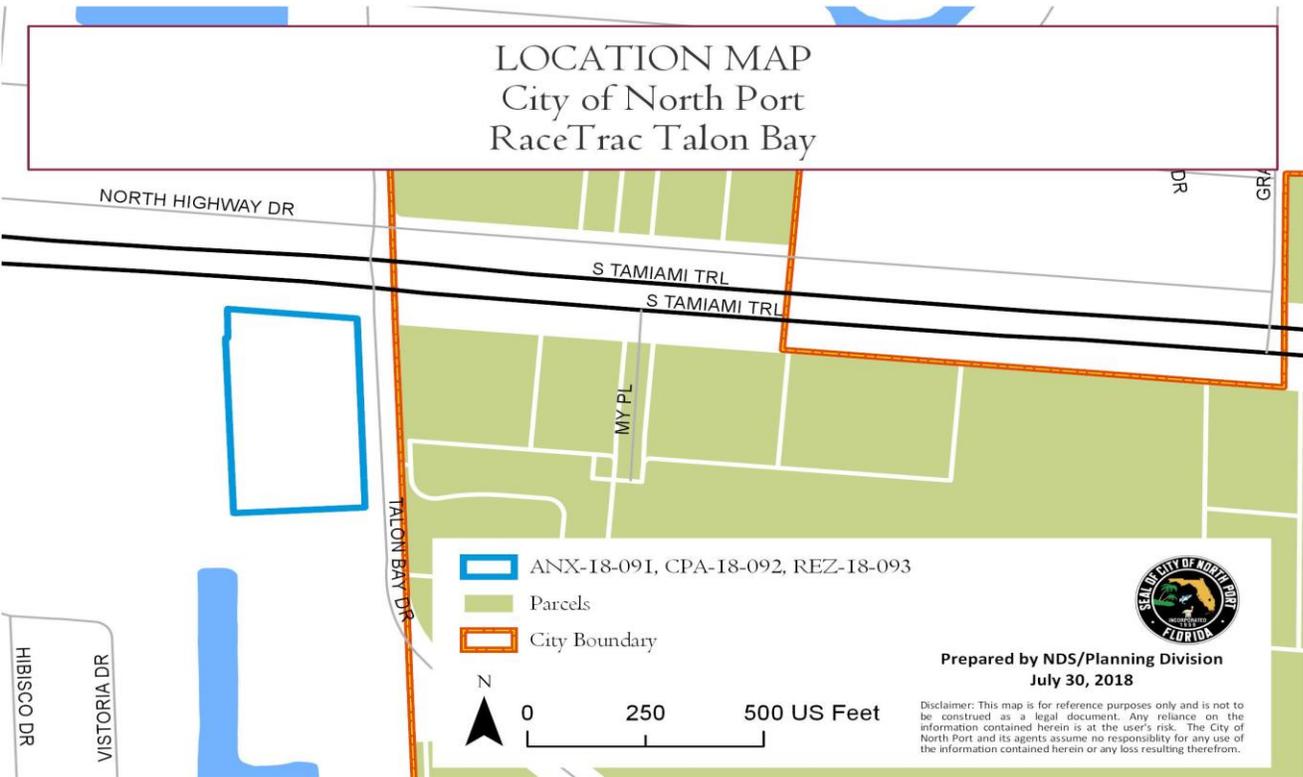
PUBLIC NOTICE - CITY OF NORTH PORT
NOTICE OF PUBLIC HEARINGS FOR ORDINANCE NUMBERS 2018-25, 2018-26 & 2018-27

NOTICE IS HEREBY GIVEN, pursuant to Sections 171.044 and 166.041 of the Florida Statutes and Chapter 53, Part 1, Article 1, Sec. 53-22.H. of the Unified Land Development Code (ULDC) that the City of North Port proposes to adopt Ordinance No. 2018-25, annexation of a certain portion of land within Sarasota County into the City of North Port, Florida; pursuant to Chapters 166 and 163 of the Florida Statutes and Section 9.01(b) of the Charter of the City of North Port, Florida that the City of North Port proposes to adopt Ordinance No. 2018-26, amending the Future Land Use Map 2-7 of the comprehensive plan, to change the designation of a ±3.00 acre parcel from the Sarasota County land use designation of Commercial Corridor and Medium Density Residential to the City of North Port future land use designation of Activity Center; and pursuant to Section 166.041(3)(a) of the Florida Statutes, Section 9.01(b) of the Charter of the City of North Port, Florida and Chapter 1, Article II, Section 1-12(c) of the Unified Land Development Code that the City of North Port proposes to adopt Ordinance 2018-27 rezoning (changing the permitted use of) ±3.00 acres from the Sarasota County Designation of Commercial General to the City of North Port Designation of Planned Community Development. The portion of land to be annexed into the boundaries of the City of North Port is depicted on the map as shown in this advertisement.



A Public Hearing was held before the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) on Thursday, August 16, 2018 at 9:00 a.m. in the City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286.

Public Hearings for the first readings of Ordinance 2018-25, Ordinance No. 2018-26 and Ordinance No. 2018-27 will be held before the North Port City Commission in Commission Chambers on Tuesday, September 25, 2018 at 6:00 p.m., The second and final readings will be held before the North Port City Commission in Commission Chambers on Tuesday, October 9, 2018 at 1:00 p.m., to consider enactment of Ordinance No. 2018-25, Ordinance No. 2018-26 and Ordinance No. 2018-27.



PUBLIC NOTICE - CITY OF NORTH PORT NOTICE OF PUBLIC HEARINGS FOR ORDINANCE NUMBERS 2018-26 & 2018-27

NOTICE IS HEREBY GIVEN, pursuant to Sections 171.044 and 166.041 of the Florida Statutes and Chapter 53, Part 1, Article 1, Sec. 53-22.H. of the Unified Land Development Code (ULDC) that the City of North Port proposes to adopt Ordinance No. 2018-26, amending the Future Land Use Map 2-7 of the comprehensive plan, to change the designation of a ±3.00 acre parcel from the Sarasota County land use designation of Commercial Corridor and Medium Density Residential to the City of North Port future land use designation of Activity Center; and pursuant to Section 166.041(3)(a) of the Florida Statutes, Section 9.01(b) of the Charter of the City of North Port, Florida and Chapter 1, Article II, Section 1-12(c) of the Unified Land Development Code that the City of North Port proposes to adopt Ordinance 2018-27 rezoning (changing the permitted use of) ±3.00 acres from the Sarasota County Designation of Commercial General to the City of North Port Designation of Planned Community Development. The portion of land to be annexed into the boundaries of the City of North Port is depicted on the map as shown in this advertisement.

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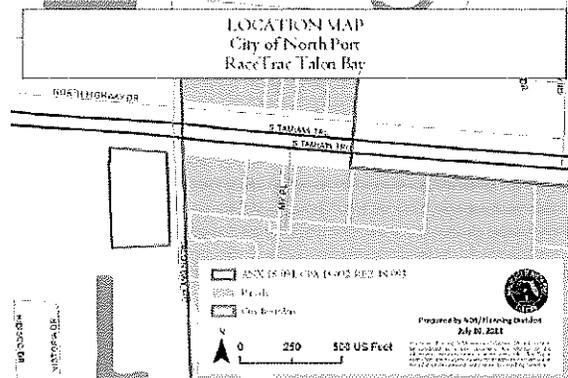
Public Hearings for the first readings of Ordinance No. 2018-26 and Ordinance No. 2018-27 will be held before the North Port City Commission in Commission Chambers on Tuesday, September 25, 2018 at 6:00 p.m.. The second and final readings will be held before the North Port City Commission in Commission Chambers on Tuesday, October 9, 2018 at 1:00 p.m., to consider enactment of Ordinance No. 2018-26 and Ordinance No. 2018-27.

ORDINANCE NO. 2018-26

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ADOPTING AMENDMENT CPA-18-092 TO THE FUTURE LAND USE MAP 2-7 OF THE COMPREHENSIVE PLAN, TO CHANGE THE DESIGNATION OF A ± 3.00 ACRE AREA LOCATED AT 12580 SOUTH TAMIAMI TRAIL AT THE INTERSECTION OF SOUTH TAMIAMI TRAIL AND TALON BAY DRIVE FROM THE SARASOTA COUNTY DESIGNATIONS OF COMMERCIAL CORRIDOR AND MEDIUM DENSITY RESIDENTIAL TO A CITY OF NORTH PORT ACTIVITY CENTER DESIGNATION; PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2018-27

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REZONING ± 3.00 ACRES LOCATED IN SECTION 36, TOWNSHIP 39 SOUTH, RANGE 20 EAST, AT THE INTERSECTION OF SOUTH TAMIAMI TRAIL AND TALON BAY DRIVE FROM THE SARASOTA COUNTY DESIGNATION OF COMMERCIAL GENERAL TO THE CITY OF NORTH PORT DESIGNATION OF PLANNED COMMUNITY DEVELOPMENT; PROVIDING FOR FINDINGS; PROVIDING FOR REZONING OF LANDS; PROVIDING FOR FILING OF ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.



Note: Proposed Ordinance No. 2018-26 and Ordinance No. 2018-27 (boundary of the subject property) is depicted on this map.

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 Ordinance No. 2018-26, CPA-18-092 and Ordinance No. 2018-27, REZ-18-093, 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.

Kathryn Peto
Interim City Clerk

Publish on Monday, September 10, 2018

nhp-3609CB-1



Exhibit K

August 29, 2018

Sarasota County Board of County Commissioners
1660 Ringling Boulevard
Sarasota, Florida 34236

Dear Commissioners:

The City of North Port received an application for a voluntary annexation from the property owner of PID# 0791-07-0007 located west of Talon Bay Drive in the unincorporated area of Sarasota County at 12580 South Tamiami Trail.

The current zoning for the parcel is Commercial General (CG). We envision a comparable zoning of Planned Community Development (PCD), with a land use of Activity Center #1. The PCD zoning will allow for residential, light-industrial, office professional, commercial, and government use development. The proposed use on this site is a RaceTrac convenience store with self-service fuel pumps.

This petition was heard on August 16, 2018 at 9:00 a.m. before the Planning and Zoning Advisory Board in City Hall located at 4970 City Hall Boulevard, North Port, 34286. The petition is scheduled to be heard for first reading before City Commission on September 25, 2018 at 6:00 p.m. and for second reading on October 9, 2018 at 1:00 p.m. also in City Hall.

As per *Florida Statutes* § 171.044(6), the public notice is attached for your reference, along with the proposed Ordinance No. 2018-25. This is the third notice that has been sent to Sarasota County regarding this petition. The hearing dates were postponed at the request of the applicant, and this letter is to provide an update on the dates of publication.

Please contact Nicole Galehouse at ngalehouse@cityofnorthport.com or 941-429-7098 if you have any questions.

Sincerely,

Frank Miles, MPA
Planning Division Manager



Achieve Anything

www.cityofnorthport.com

Planning and Zoning Division, 941.429.7156, 4970 City Hall Boulevard, North Port, FL 34286

Neighborhood Meeting for:

RaceTrac Petroleum, Inc., SW corner of U.S. 41 & Talon Bay Drive, North Port, Florida.

Date: Thursday, August 2, 2018

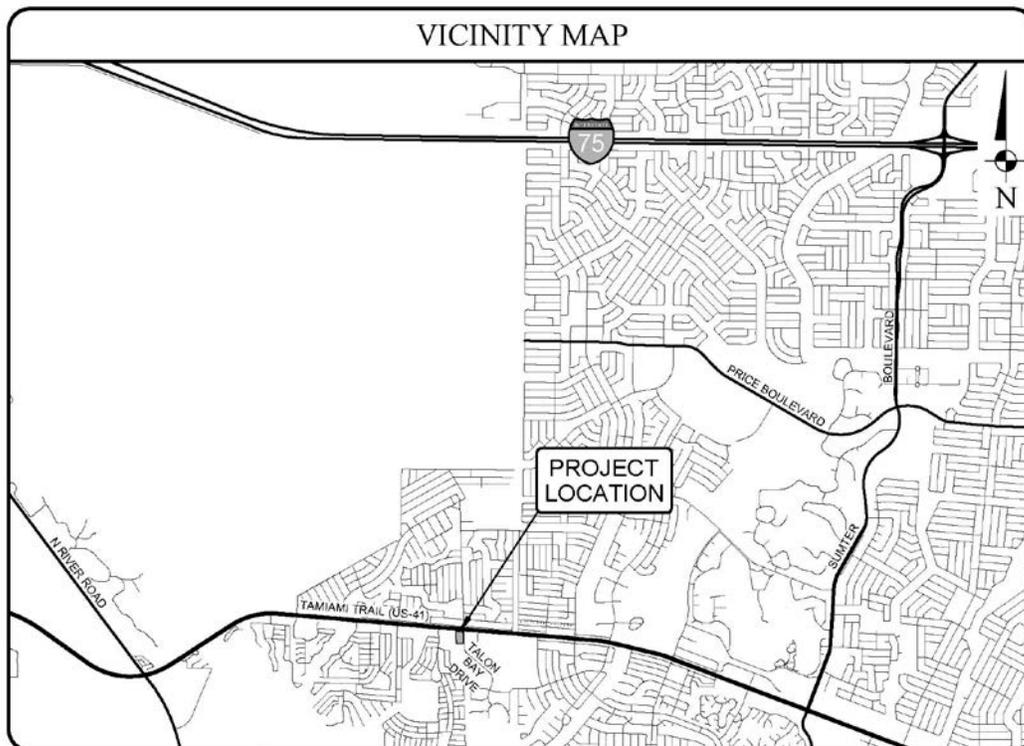
Time: 6:00 P.M.

Place: Morgan Family Community Center
6207 West Price Blvd.
North Port, FL 34291

Contact: Jon Janssen, Project Manager, RaceTrac Petroleum, Inc.: (678) 986-3240

RaceTrac Petroleum, Inc. will hold a neighborhood meeting to discuss its request to annex into the City of North Port, and develop a 5,500 SF convenience store with self-service fueling pumps on a portion of an existing undeveloped 3-acre property located at U.S. 41 and Talon Bay Drive. The property is currently zoned Commercial General in unincorporated Sarasota County which allows for the convenience, food, and beverage use. RaceTrac Petroleum, Inc. is requesting to be placed into the Planned Community Development zoning category in the City of North Port. The purpose of the meeting is to inform neighboring residents of the nature of the proposal, discuss the concept plan, and to seek comments. We look forward to seeing you at the meeting.

If you have any questions, please contact Jon Janssen at (678) 986-3240.



MEMORANDUM

NAME: Nicole Galehouse	FROM: Drew Fitzgerald
COMPANY: City of North Port	PROJECT NO.: 21450
DATE: August 3, 2018	PROJECT: Racetrac Talon Bay
CC:	REGARDING: NIM Meeting Minutes

A neighborhood information meeting was held on August 2nd at the Morgan Family Center to discuss with the notified residents Racetrac’s proposal to annex the subject property into the City, and rezone it to Planned Community Development (PCD) to allow construction of a 5,500 square-foot convenience store with self-service fueling pumps on Parcel 1 of the Development Master Plan, and up to 10,000 square feet of commercial uses on Parcel 2. A total of nine (9) people attended the meeting including Nicole Galehouse and Alison Christie from the City of North Port.

The meeting started at approximately 6:10 P.M. Jon Janssen, Engineering project manager for Racetrac, opened the meeting a description of what is being proposed for the property utilizing the Development Master Plan (attached) to describe the proposed development. Other exhibits presented to the attendees included a property aerial, proposed building elevation drawings, and elevation drawings of the fuel canopy. These exhibits are attached as well. After a brief description of the proposal, the meeting was opened to the attendees for questions as follows:

- One resident expressed an interested in the orientation of the site for Parcel 1 which contains the proposal convenience store with self-service fuel pumps. *It was explained that the building will face US 41 and the pumps will be between the building and U.S. 41.*
- Several residents spoke of traffic stacking from the Talon Bay Drive signalized intersection past their entrance into the La Casa Mobile Home Park on U.S. 41 during peak

Exhibit L

traffic times, and questioned how this project would affect it. *RaceTrac's representatives responded with findings from the Traffic Impact Statement, and how the use typically serves pass-by traffic as opposed to being a traffic generator that would increase the staking on U.S. 41.*

- Attendees asked why was it necessary for the proposed development to annex? *RaceTrac's representatives responded with an explanation of the Developer's Agreement that the current property owner entered into with the City that requires the subject property to be annexed into the City in order to connect to City utilities to serve the property. The application for annexation is in keeping with the requirements of the Developer's Agreement.*

- Residents of La Casa Mobile Home Park expressed concerns that they might be forced to annex in the future because the subject property is being annexed into the City which will put the mobile home park in closer proximity to the boundaries of the City of North Port.

- Residents of La Casa discussed amongst themselves the separation of the proposed development and their property. *RaceTrac's representatives responded that there is an intervening commercial use separating the subject property and La Casa, and there was roughly 500 feet between the proposed development and La Casa.*

- One resident of La Casa questioned security for their development. *RaceTrac responded with a description of the number of security cameras they use on the properties, and their encouragement of police presence.*

- Several attendees asked about plans to develop Parcel 2 of the Development Master Plan. *RaceTrac responded that there are no immediate plans for that parcel's development, but there would be roughly an acre available for its development in the future.*

- One attendee asked about an approximate opening date for the Racetrac store. *Racetrac's representatives responded that at its current pace, the store would be opened by the later part of 2019.*

Meeting adjourned at approximately 7:00 P.M.

