

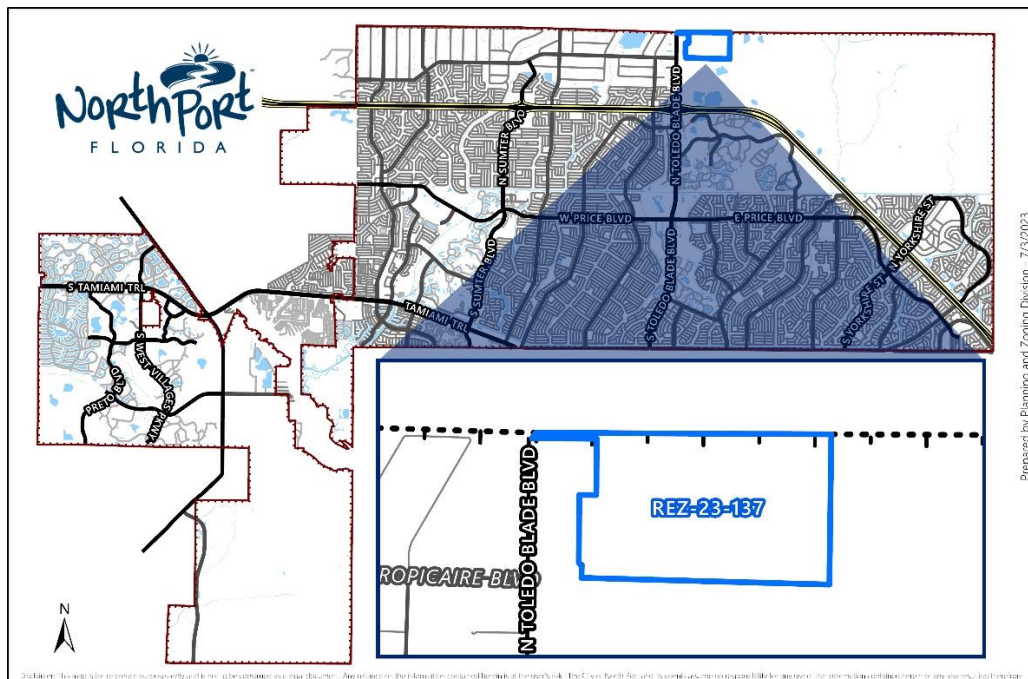


STAFF REPORT

Ordinance No. 2024-05

Toledo Blade 320 – Residential Multi-Family (RMF)

- From:** Carl Bengé, AICP, Planner III
- Thru:** Hank Flores, AICP, CFM, Planning & Zoning Manager
- Thru:** Lori Barnes, AICP, CPM, Development Services, Assistant Director
- Thru:** Alaina Ray, AICP, Development Services Director
- Thru:** Jason Yarborough, ICMA-CM, Deputy City Manager
- Thru:** A. Jerome Fletcher II, ICMA-CM, MPA, City Manager
- Date:** February 1, 2024



PROJECT:	Toledo Blade 320 Residential Multi-Family (RMF), REZ-23-137
REQUEST:	Approval of Ordinance No. 2024-05, rezoning ± 262.34 acres from No Zoning Designation (NZD) to Residential Multi-Family (RMF).
APPLICANT:	Kenrick Gallander, AICP – RWA, Inc (Exhibit A, Affidavit)
OWNERS:	Deluxeton North Port LLC (Exhibit B, Warranty Deed)
LOCATION:	Located on the east side of Toledo Blade Boulevard, approximately one-mile north of Interstate 75 (PID # 1091-00-1000).
PROPERTY SIZE:	± 262.34 acres

I. BACKGROUND

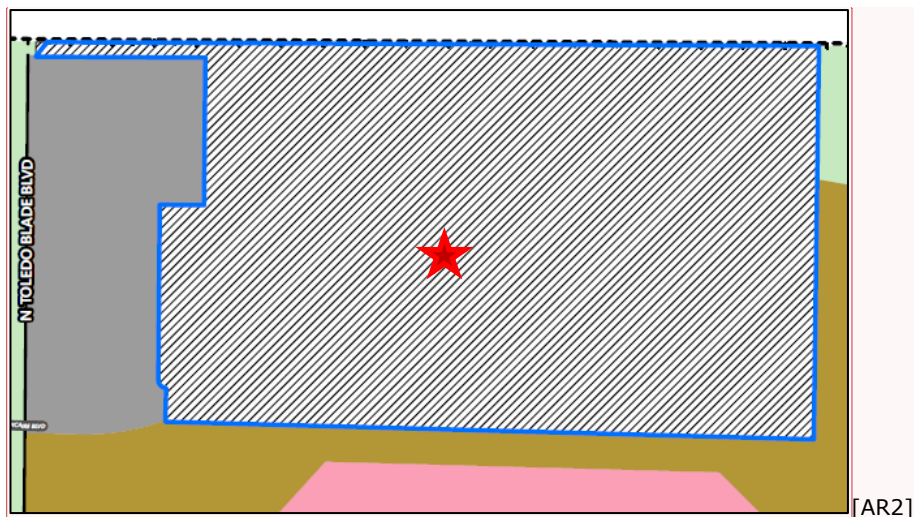
On June 16, 2023, the Planning & Zoning Division received from Kenrick Gallander, an agent for the property owner Deluxeton North Port LLC, a Rezone (REZ) petition to rezone a ± 262.34-acre property generally located on the east side of Toledo Blade Boulevard and north of I-75 (PID 1091-00-1000) from No Zoning Designation (NZD) to Residential Multi-Family.

There is no description of NZD zoning within the Unified Land Development Code (ULDC). The current NZD zoning does not comply with the future land use (FLU) placed on the parcel through CPA-22-247, which established a High-Density Residential (HDR) future land use on this portion of the property. Per Florida Statute 163.3202(1), the City must enforce land development regulations that are consistent with the City's Comprehensive Plan and Unified Land Development Code (ULDC). This requires the City to allow rezoning of the property within one (1) year of the FLU change to allow the property to come into compliance with its current High-Density Residential FLU.

The applicant has rezoned an approximate 55-acre portion of this parcel for industrial uses fronting along Toledo Blade Boulevard, which satisfies this requirement on that portion of land; however, the remaining portion needs a zoning designation. The proposed rezone to RMF would correct the inconsistency of the current NZD with the Comprehensive Plan by rezoning the remainder of the parcel to a zoning designation that is consistent with the High-Density Residential Future Land Use.

The subject property is part of a larger parcel that fronts an arterial road (S. Toledo Blade Boulevard) approximately 1 mile north of I-75.

A mixture of zoning districts currently exists in the immediate surrounding area, including Agricultural (AG), Industrial (ILW), Village (V), and Planned Community Development (PCD). [AR1] While the properties abutting the subject site have an AG and Village zoning district, PCD is located approximately 250 feet to the south.



II. PETITION

REZONE

Petition REZ-23-137 proposes a Rezone, changing the zoning of the ±262.34-acre property from No Zoning Designation (Nzd) to Residential Multi-Family (RMF). **(See Zoning Map attached as Exhibit C).** The implementing ordinance to amend the Zoning Map is Ordinance No. 2024-05 **(Exhibit D).**

III. NEIGHBORHOOD MEETING

In compliance with Section 53-5.E. of the Unified Land Development Code, the applicant held a neighborhood meeting on August 10, 2023, at 5:30 PM at the Morgan Family Center located at 6207 W Price Blvd, North Port, Florida 34291. The meeting documents, including the public notice, are attached as **Exhibit E.**

IV. REVIEW PROCESS

A pre-application meeting for the project was held on December 7, 2022 (PRE-22-220). REZ-23-137 was processed for management review. No reviewing department issued comments.

The City Attorney's Office reviewed and approved the proposed Ordinance 2024-05 as to form and correctness.

V. DATA & ANALYSIS

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

FLORIDA STATUTES

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

The notice requirements under this Statute have been met and are detailed in Section VI of this Staff Report.

Staff concludes that the petition for rezoning is consistent with the requirements of § 166.041(3)(a) regarding ordinances that change the zoning map designation of a parcel of land.

Future Land Use Element, Goal 1

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

Objective 1: Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives, and policies contained within this plan, and the community character.

Policy 1.1: High-Density Residential – These lands are designated for high-density residential areas with an emphasis on multi-family use (maximum of 15.0 residential units per gross acre excluding bonuses, incentives, or transfer of development rights).

Staff Findings: The location on the east side of Toledo Blade Boulevard and adjacent to future Light Industrial development provides is suitable for RMF zoning and enables economic benefits to be realized by providing diversified housing products close to an employment center. RMF will also allow a more clustered development type enabling greater buffering and preservation to reduce the impact on the surrounding areas than a solely single-family detached development.

The FLU of this portion of the property was recently changed from Agricultural, Estates to High-Density Residential. The High-Density Residential FLU allows the RMF product the applicant will develop. Currently, the NZD zoning is not consistent with the recently approved Future Land Use. Rezoning the property to RMF would bring the subject parcel into compliance with the City's Comprehensive Plan and ULDC.

Additionally, developments on a property with an RMF zoning designation require review through the Major Site and Development process, which provides the City with greater control and higher requirements than single-family development for the preservation of trees, native species, and habitat to facilitate the enjoyment of natural and man-made resources.

Staff concludes that the proposed RMF zoning is consistent with Future Land Use Element Goal 1, Objective 1, and Policy 1.1.

Future Land Use, Policy 4.2: Encourage the development of neighborhoods that provide safe vehicular and non-vehicular access and

mobility, as well as convenient walkability and connectivity to parks, civic areas, schools, Activity Centers, and adjacent neighborhoods. Such connectivity may be achieved via the following transportation alternatives:

- Bridges (including vehicular and/or pedestrian only);
- Roadways;
- Sidewalks;
- Bikeways;
- Fitness trails;
- Golf cart paths; and,
- Blueways.

Staff Findings: This portion of the parcel is currently zoned "No Zoning Designation (NZD)," which does not allow any development. The development on this portion of the parcel requires a change in zoning. Rezoning this parcel to RMF would not only allow this portion of the parcel to comply with the FLU map, Comprehensive Plan, and the ULDC, but also allow future development petitions that could address and meet the standards found in Policy 4.2.

Staff concludes that the proposed RMF zoning is consistent with Future Land Use Policy 4.2.

**COMPREHENSIVE
PLAN**

Transportation Element, Policy 4.4: The City shall continue to implement its Unified Land Development Code to provide adequate access management controls to limit the proliferation of commercial and residential driveways along arterial and collector roadways. Current platted lots with direct access to arterial and collector roadways may continue to develop.

Objective 5: The City shall promote the development of an integrated bicycle/pedestrian/multi-use pathway system.

Staff Findings: The proposed RMF zoning requires any development to be reviewed through the Major Site and Development (MAS) process, which would result in better management practices to control access to S. Toledo Blade Boulevard, which is an arterial road. The MAS also includes a review of all pedestrian and bicycle pathways to ensure connectivity to the immediate surrounding areas.

Staff concludes that the proposed RMF zoning is consistent with the Transportation Element, Policy 4.4 and Objective 5.

**COMPREHENSIVE
PLAN**

Housing Element Goal 1

To promote the preservation and development of high-quality, balanced, and diverse housing options for persons of all income levels throughout the

City of North Port.

Goal 1: To promote the preservation and development of high-quality, balanced, and diverse housing options for persons of all income levels throughout the City of North Port.

Objective 1: To provide a variety of housing types and affordability levels to accommodate the present and future housing needs of North Port residents.

Policy 1.2: Designate on the Future Land Use Map, additional acreage for medium/high density residential use in areas serviced or planned for potable water and wastewater facilities.

Policy 1.3: The City shall continue to encourage private sector efforts through the provision of incentives in the Unified Land Development Code to construct housing alternatives to the single family detached dwelling unit.

Policy 1.7: Accommodate the production of a diversity of type and price of housing through the land use and zoning process to encourage a broad range of housing opportunities, including single/multi-family, owner/rental, and permanent/seasonal, to meet the community's residential and economic needs.

Policy 1.9: Consistent with the Future Land Use Element and the Capital Improvement Element, housing should be located within areas where supporting infrastructure is available or planned including: public transit, schools, parks, emergency services, hurricane shelters and utilities.

Objective 6: Increase efforts to balance social, economic and environmental considerations in housing sustainability.

Staff Findings: Currently, there are 441.622 acres of RMF zoning in the City of North Port, which is only 0.66% of the total zoning acreage throughout the City. The proposed RMF designation on this portion of the subject property would provide for a diverse housing type in an area that, at the development, will have transportation, water, and wastewater facilities, as well as schools, parks, and other essential services. Approval of this Rezone would allow for the construction of housing alternatives to single-family attached homes and help the city provide a broad range of housing opportunities.

Staff concludes that the proposed RMF zoning is consistent with the Housing Element Goal 1, Objective 1, and Policies 1.2, 1.3, 1.7, 1.9, and Objective 6.

**COMPREHENSIVE
PLAN**

Economic Development Element, Goal 5: Achieve an Economically Stable Community with a Superior Quality of Life

Policy 5.1.1: Expand urban, sub-urban and neighborhood infill development and redevelopment housing options that support the workforce by planning for development near employment and transportation centers.

Policy 5.1.2: Expand housing options that support the local workforce by planning for development near employment and transportation centers.

Policy 5.1.3: Promote policies and activities that support the quality of life of our targeted workforce.

Staff Findings: The proposed RMF zoning may provide housing opportunities that support the workforce in the area with access to transportation centers such as Toledo Blade Boulevard and I-75. The RMF zoning may allow for more affordable and lower-maintenance options for residents than those provided by single-family detached dwellings.

Staff concludes that the proposed RMF zoning is consistent with the Economic Development Element Goal 5, Policies 5.1.1, 5.1.2, and 5.1.3.

ULDC

Chapter 1—General Provisions, Article IV.—Rezoning, Section 1-33.— Rezoning. Unified Land Development Code (ULDC) Section 1-33 details submission requirements for a Rezoning application.

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

Staff concludes that the proposed RMF zoning is consistent with the Section 1-33 of the Unified Land Development Code.

ULDC

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

E. Nature and requirements of Planning and Zoning Advisory Board report. (1) When pertaining to the rezoning of land, the report and recommendations of the Planning and Zoning Advisory Board to the City Commission required by Sec. 1-33 shall show that the Planning and Zoning Advisory Board has studied and considered the proposed change in relation to the following, where applicable:

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

Applicant Findings: The proposed RMF rezone application will implement the proposed High-Density Residential land use and is consistent with the city's Comprehensive Plan

Staff Findings: Staff find this petition is consistent with the goals, objectives, and policies of the Comprehensive Plan. Please see Comprehensive Plan Analysis on Pages 3-10 of this Staff Report.

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

ULDC

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

Applicant Findings: The proposed change is compatible with the existing land use pattern.

Staff Findings: This parcel was the subject of a Comprehensive Plan Amendment – Large (CPAL), CPAL-22-247, which changed the future land use designation from Agricultural, Estates to High-Density Residential (HDR). The proposed zoning change would permit a mixture of residential product types with a density of up to 15 dwelling units per acre. Based on wetlands surveys, the final number of units may be constrained.

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

ULDC

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

Applicant Findings: The proposed change will not lead to the creation of an isolated unrelated district as the property use would remain residential.

Staff Findings: There is a mixture of zoning districts in the surrounding area, including Agricultural (AG), Light Industrial (ILW) Village (V), and Planned Community Development (PCD). The abutting properties within North Port city limits ILW_[AR3] and V. PCD zoning is also located

approximately 300 feet to the south, with allowed uses including industrial, commercial, office, and multi-family. The ULDC requires buffering and compatibility standards to minimize any incompatibilities between uses.

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

ULDC

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

Applicant Findings: Adequate public facilities are available to serve the site consistent with the established levels of service.

Staff Findings: No concurrency/level of service issues were identified during the management review of the proposed rezoning. Further concurrency review will be conducted based on the possible impacts of the development at the time of the Major Site and Development Plan review.

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

ULDC

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

Applicant Findings: No response. Note, from staff the required narrative responses under Section 1-33 are inconsistent with the required findings in Sec. 1-12.E

Staff Findings: RMF zoning may complement the surrounding properties by providing housing options for new industrial, commercial, or office workforces for the neighboring industrial, commercial, and other non-residential uses.

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

ULDC

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

Applicant Findings: The need to provide a more diverse mix of housing products in the City makes the change necessary.

Staff Findings: The subject property is a portion of a ±318.89-acre tract. Currently, this ±262.34 portion of the parcel has an NZD designation, which renders the parcel unusable and inconsistent with the City's Comprehensive Plan. The Future Land Use (FLU) of the parcel was recently changed from Agricultural, Estates to High-Density Residential, which allows the Residential Multi-Family (RMF) zoning district.

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

ULDC

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

Applicant Findings: The proposed zoning change from no city-designated zoning district to RMF will not adversely influence living conditions in the neighborhood. The city's Unified Land Development Code and the appropriately established site development regulations addressing minimum buffering, landscaping, setbacks, building heights, open space/preserve areas, and the appropriate clustered site design will ensure the internal and external conditions of the future development will be compatible and complementary to neighborhoods in the adjacent area. Therefore, the proposed project will not negatively affect the health, safety, and welfare of the community. Additionally, the proposed uses are compatible with the existing and planned surrounding uses/development.

Staff Findings: The proposed rezoning would allow the parcel to be developed. Any proposed development of this parcel will meet ULDC site regulations, such as setbacks, buffering, open space, etc., to reduce potential impacts to surrounding areas. Future petitions will be required to provide traffic and environmental studies indicating the effects and possible improvements if triggered by development.

Staff concludes that the proposed RMF zoning is consistent with ULDC Sec. 1-12.E.(1).(g).

ULDC

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

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

Staff Findings: The proposed rezone does not have a direct influence on traffic congestion or public safety. The RMF zoning would allow for

the development of the property for 900 dwelling units as proposed by the applicant. Per the Institute of Transportation Engineers Trip Generation Manual 11th Edition, multi-family uses generate an average of 6.74 weekday trips per unit compared to single-family uses, which generate an average of 9.43-weekday trips per unit. Single-family units generate higher trip numbers per unit due to a variety of factors including higher occupancy counts per unit and service trips (lawn maintenance, repair companies).

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

ULDC

(i) Whether the proposed change will create a drainage problem.

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

Staff Findings: The proposed Rezone alone does not affect drainage. The ULDC requires stormwater management systems for new development wherein the post-development runoff cannot exceed predevelopment runoff. At the time of the Major Site and Development review, a full stormwater analysis for the development will be reviewed and required to meet the standards of the City's Stormwater Engineer before the issuance of any development orders.

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

ULDC

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

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

Staff Findings: The proposed RMF zoning district would allow for an increase in the maximum building height from 0 feet to 70 feet. However, there is no evidence that the increased building height would reduce light and air or solar access to adjacent areas. Furthermore, development on the site will be required to comply with minimum buffering, setbacks, and open space. A compliance and compatibility review will be conducted at the time of the Development Master Plan/Major Site and Development Plan review.

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

ULDC

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

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

Staff Findings: Staff reviewed the historical just (market) value of several single-family home sites that are adjacent to existing RMF development and found no evidence that property values were impacted by the RMF zoning. Furthermore, a Cambridge study has shown, "Despite invidious assumptions about multi-family housing, census data for 2000 show that working communities with multi-family dwellings have higher house values than other types of working communities. The average value of owner-occupied houses was highest in working communities with the most multi-family units. Among working communities, the high multi-family areas had the highest home values, the mixed-stock areas the next highest, and the single-family areas had the lowest." ("America's Working Communities and the Impact of Multi-family Housing," Cambridge, MA: Joint Center for Housing Studies, 2004, p. 17).

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

ULDC

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

Applicant Findings: The proposed change will not be a deterrent to the improvement or development of adjacent properties.

Staff Findings: It is not expected that the proposed rezoning would be a deterrent to the improvement or development of adjacent property.

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

ULDC

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

Applicant Findings: The proposed change will not constitute a grant of special privilege.

Staff Findings: The proposed rezoning does not grant any special privileges to the owner. The parcel needs to be rezoned in order for the property to be in compliance with the recent future land use map

amendment. Not allowing the property to be rezoned to the requested zoning may be viewed as a taking by not allowing the rezoning to occur to come into compliance with the City’s Comprehensive Plan.

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

ULDC

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

Applicant Findings: Given the current market demands, growing population, and need to improvements to the city’s vital infrastructure as indicated in the city’s Comprehensive Plan, developing the site within the existing zoning and use limitation is neither economically feasible nor desirable to the citizens of North Port. The city has indicated a need for developments which complement the city’s desire to improve housing diversity and expand accessibility to its vital infrastructure. Developing this property under the existing zoning will not provide the desired benefits to the city, public services, and infrastructure to the area.

Staff Findings: Currently, the subject property has a No Zoning Designation (NZD), which has no permitted uses in our ULDC. Any use or development of the subject property requires a rezoning. Without rezoning the parcel, nothing can be done on-site other than uses allowed under the Right to Farm Act.

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

ULDC

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

Applicant Finding: The proposed change to zone the subject property to RMF is not out of scale with the character of the surrounding neighborhood. Through the appropriate site design, implementation of adequate buffering, landscaping, setbacks, height, and other site design elements, the proposed project will help ensure the future Toledo Blade 320 residential development is compatible and consistent with the current and future trends/character of both the external and internal surrounding neighborhoods.

Staff Findings: The subject property is located in the northeastern most portion of the city. The portion of the parcel subject to the rezone is adjacent to Light Industrial (ILW) [AR4] and Village (including commercial, industrial, mixed-use and diverse housing types) zoning.

ULDC Sec. 53-147 permits one-and-two family homes in RMF zoning, showing that single-family and multi-family uses are compatible. Additionally, future development petitions on the site will be required to comply with minimum buffering, setbacks, and open space. A full compliance and compatibility review will be conducted at the time of the Development Master Plan/Major Site and Development Plan review.

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

ULDC

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

Applicant Findings: The proposed public services, facilities, and infrastructure associated with the development of this project will provide a public benefit to the residents of the community. The proposed development will be consistent with the adopted levels of service standards and will not adversely affect public safety.

Staff Findings: No concurrency/level of service issues were identified during the management review of the proposed Rezone. Furthermore, concurrency review will be conducted based on the actual development proposal's impacts anticipated at the time of the Major Site and Development Plan review.

Any development necessitates review through a Major Site and Development petition, through which preservation of trees, native species, and habitat will be required to ensure the enjoyment of natural and man-made resources. Other adequate sites for RMF are not available. Less than one percent (1%) of the City's land area has an RMF zoning designation (versus ±37% RSF). Additionally, because one-and-two-family development is permitted in RMF, several areas zoned RMF are actually developed as single-family residential, further reducing the land area available for multi-family development.

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

VI. PUBLIC NOTICE & HEARING SCHEDULE

PUBLIC NOTICE

Notice of the public hearings was mailed to the owner and property owners within a 1,320 feet radius of the subject property on January 16, 2024. The petition for rezoning was advertised in a newspaper of general circulation within the City of North Port on January 12, 2024, pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 7.01(c) of the Charter of the City of North Port, and Chapter 1, Article II., Section 1-12 of the City’s Unified Land Development Code (ULDC) as amended (**Exhibit F**)

VII. RECOMMENDED MOTIONS

PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board	February 1, 2024 9:00 AM or as soon thereafter
City Commission 1st Reading	February 27, 2024 6:00 PM or as soon thereafter
City Commission 2nd Reading	March 5, 2024 10:00 AM or as soon thereafter

PLANNING AND ZONING ADVISORY BOARD

The Planning & Zoning Division recommends that the Planning & Zoning Advisory Board recommend approval of REZ-23-137 and motion as follows:

I move to recommend approval of Ordinance No. 2024-05 and find that, based on the competent substantial evidence, the rezoning will not adversely affect the public interest, health, safety, and general welfare; and that the specific requirements in the City of North Port Comprehensive Plan, and the standards listed in Section 1-33.E(1) of the Unified Land Development Code have been met

CITY COMMISSION

The City Commission approve REZ-23-137 and motion as follows:

I move to approve Ordinance No. 2024-05 and find that, based on the competent substantial evidence, that the rezoning results in a _____ [insert one: “gain,”

"loss" or "no change to"] the net employment opportunities; the rezoning will not adversely affect the public interest, health, safety and general welfare; and the specific requirements in the City of North Port Comprehensive Plan, and the standards listed in Section 1-33.E(1) of the Unified Land Development Code have been met.

VIII. ALTERNATIVE MOTIONS

PLANNING AND ZONING ADVISORY BOARD

I move to recommend denial of Ordinance No. 2024-05, and find that based on the competent substantial evidence one or more of the requirements of the City of North Port Comprehensive Plan and Unified Land Development Code Section 1-33.E(1) have **NOT** been met, including:

[Select one or more WITH SUPPORTING REASONS:]

- (a) The proposed change **IS NOT** consistent with the future land use map and the goals, objectives, and policies of the City of North Port Comprehensive Plan.
- (b) The relationship of the proposed change to the existing land use pattern **IS**, in effect, adverse to the public interest, health, safety, and general welfare.
- (c) The proposed change **WOULD** lead to the creation of an isolated zoning unrelated to adjacent and nearby districts.
- (d) The impact on the availability of adequate public facilities **IS NOT** consistent with the level of service standards adopted in the City of North Port Comprehensive Plan and as defined and implemented through the City's Concurrency Management System Regulations as set forth in Chapter 5 of the Unified Land Development Code.
- (e) There **ARE NO** relevant changed or changing conditions that make the passage of the proposed zoning necessary.
- (f) The proposed change **WILL** adversely influence living conditions in the neighborhood.
- (g) The proposed change **WILL** create or excessively increase traffic congestion or otherwise affect public safety.
- (h) The proposed change **WILL** create a drainage problem.
- (i) The proposed change **WILL** seriously reduce light and air to adjacent areas.
- (j) The proposed change **WILL** adversely affect property values in the adjacent areas.
- (k) The proposed change **WILL** be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
- (l) The proposed change **WILL** constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
- (m) There **ARE NO** substantial reasons why the property cannot be used in accord with existing zoning.
- (n) The proposed change **IS** out of scale with the character of the neighborhood.
- (o) The proposed use **CAUSES** a decrease in level of service **and** 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** possible to find other adequate sites in the City for the proposed use in districts already permitting this use that would maintain the adopted level of service **and** concurrency levels as listed in Chapter 5, **or** adequate services for the health, safety and welfare of the citizens of North Port.

CITY COMMISSION

I move to deny Ordinance No. 2024-05, and find that based on the competent substantial evidence one or more of the requirements of the City of North Port Comprehensive Plan and Unified Land Development Code Section 1-33.E(1) have **NOT** been met, including:

[Select one or more WITH SUPPORTING REASONS:]

- (a) The proposed change **IS NOT** consistent with the future land use map and the goals, objectives, and policies of the City of North Port Comprehensive Plan.
- (b) The relationship of the proposed change to the existing land use pattern **IS**, in effect, adverse to the public interest, health, safety, and general welfare.
- (c) The proposed change **WOULD** lead to the creation of an isolated zoning unrelated to adjacent and nearby districts.
- (d) The impact on the availability of adequate public facilities **IS NOT** consistent with the level of service standards adopted in the City of North Port Comprehensive Plan and as defined and implemented through the City's Concurrency Management System Regulations as set forth in Chapter 5 of the Unified Land Development Code.
- (e) There **ARE NO** relevant changed or changing conditions that make the passage of the proposed zoning necessary.
- (f) The proposed change **WILL** adversely influence living conditions in the neighborhood.
- (g) The proposed change **WILL** create or excessively increase traffic congestion or otherwise affect public safety.
- (h) The proposed change **WILL** create a drainage problem.
- (i) The proposed change **WILL** seriously reduce light and air to adjacent areas.
- (j) The proposed change **WILL** adversely affect property values in the adjacent areas.
- (k) The proposed change **WILL** be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
- (l) The proposed change **WILL** constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
- (m) There **ARE NO** substantial reasons why the property cannot be used in accord with existing zoning.

- (n) The proposed change **IS** out of scale with the character of the neighborhood.
- (o) The proposed use **CAUSES** a decrease in level of service **and** 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** possible to find other adequate sites in the City for the proposed use in districts already permitting this use that would maintain the adopted level of service **and** concurrency levels as listed in Chapter 5, **or** adequate services for the health, safety and welfare of the citizens of North Port.

IX. EXHIBITS

A.	Affidavit
B.	Warranty Deed
C.	Zoning Map
D.	Ordinance No. 2024-05 with Exhibits
E.	Neighborhood Meeting Documents
F.	Legal Ad & Postcard

AFFIDAVIT

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

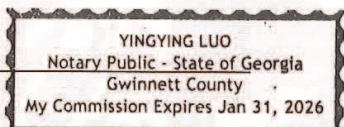
Sworn and subscribed before me this 22 day of Mar, 2023

[Signature] Xin Xue
Signature of Applicant or Authorized Agent Print Name and Title

STATE OF Georgia COUNTY OF Fulton

The foregoing instrument was acknowledged by me this 22 day of Mar, 2023, by Xin Xue who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



(Place Notary Seal Below)

AFFIDAVIT AUTHORIZATION FOR AGENT/APPLICANT

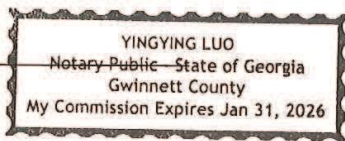
I, XIN XUE, property owner, hereby authorize Terry Brannon to act as Agent on our behalf to apply for this application on the property described as (legal description) _____

[Signature] 3/22/2023
Owner Date

STATE OF Georgia COUNTY OF Fulton

The foregoing instrument was acknowledged by me this 22 day of Mar, 2023, by Xin Xue who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



(Place Notary Seal Below)

AFFIDAVIT

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

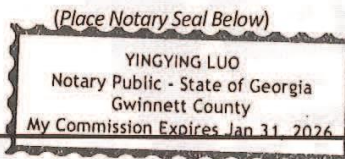
Sworn and subscribed before me this 22 day of Mar, 2023

Xin Xue
Signature of Applicant or Authorized Agent Print Name and Title

STATE OF Georgia COUNTY OF Fulton

The foregoing instrument was acknowledged by me this 22 day of Mar, 2023, by Xin Xue who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



AFFIDAVIT AUTHORIZATION FOR AGENT/APPLICANT

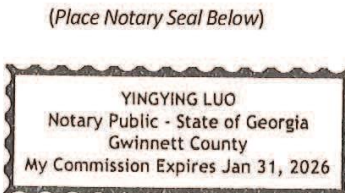
I, XIN XUE, property owner, hereby authorize Kenrick S. Gallander to act as Agent on our behalf to apply for this application on the property described as (legal description) _____

[Signature] 3/22/2023
Owner Date

STATE OF Georgia COUNTY OF Fulton

The foregoing instrument was acknowledged by me this 22 day of Mar, 2023, by Xin Xue who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



AFFIDAVIT

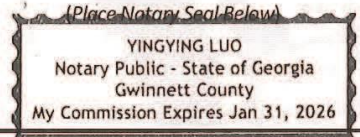
I (the undersigned), XIN XUE being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application,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

Sworn and subscribed before me this 22 day of Mar, 2023

[Signature] Xin Xue
Signature of Applicant or Authorized Agent Print Name and Title

STATE OF Georgia, COUNTY OF Fulton
The foregoing instrument was acknowledged by me this 22 day of Mar, 2023, by Xin Xue who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



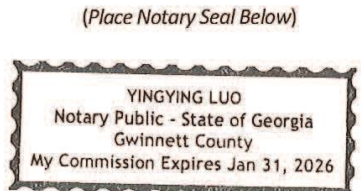
**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

I, XIN XUE, property owner, hereby authorize Jeffery Boone to act as Agent on our behalf to apply for this application on the property described as (legal description) _____

Xin Xue 3/22/2023
Owner Date

STATE OF Georgia, COUNTY OF Fulton
The foregoing instrument was acknowledged by me this 22 day of Mar, 2023, by Xin Xue who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



This instrument prepared by and return to:
J. Geoffrey Pflugner, Esq.
Icard, Merrill, Cullis, Timm,
Faren & Ginsburg, P.A.
8470 Enterprise Circle, Suite 201
Lakewood Ranch, FL 34202

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2023042804 5 PG(S)

3/16/2023 3:46 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 3000268

Doc Stamp-Deed: \$64,750.00

SPECIAL WARRANTY DEED

This Special Warranty Deed is made the 16 day of March, 2023, from **R & K ENTERPRISES OF NP, LLC**, a Florida limited liability company, whose address is 10231 Metro Parkway, Unit 205, Ft. Myers, Florida 33956 (hereinafter referred to as "Grantor"), to **DELUXETON NORTH PORT LLC**, a Georgia limited liability company, whose address is 5940 Respite Ct., Johns Creek, Georgia 30097 (hereinafter referred to as "Grantee").

Grantor, in consideration of the sum of Ten and No/100 (\$10.00) Dollars and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, conveys, remises, releases and transfers to Grantee the following described real property in Sarasota County, Florida:

See attached Exhibit A

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements, taxes for the year 2023 and all subsequent years, and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

Grantor hereby covenants and warrants that the Property is vacant and unimproved and is not the homestead of any person nor is the Property contiguous, adjacent, or in close proximity to any homestead real property.

Grantor hereby covenants with Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey said Property without the joinder of any other person; and that the Grantor does hereby warrant and defend the title to the Property against the lawful claims of all persons claiming by, through, and under Grantor.

[Signatures on Following Pages]

IN WITNESS WHEREOF, the said Grantor has hercunto excuted this deed on the day and year first above written.

GRANTOR:

R & K Enterprises of NP, LLC, a Florida limited liability company

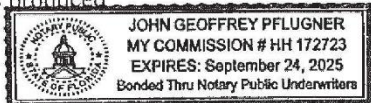
By: [Signature]
Chris Bryson, as Manager

Signed, sealed and delivered in the presence of:

[Signature]
Print Name: _____
[Signature]
Print Name: **Deborah K. Martin**

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 8th day of March, 2023, by Chris Bryson, as Manager of R & K Enterprises of NP, a Florida limited liability company, who is personally known to me or who has produced _____ as identification.



[Signature]
Notary Public, State of Florida
Print Name: _____
(Seal)

My Commission Expires:

EXHIBIT "A"
("Legal Description")

PARCEL A:

North 1/2 of Section 6, Township 39 South, Range 22 East, Sarasota County, Florida, being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 6, Thence North 89 °42 '25 ° West along the North line of the North 1/2 of Section 6, a distance of 2655.22 feet to the Northeast corner of the Northwest Quarter of Section 6; thence run North 89° 42 ' 12 ' West, along the North line of the North 1/2 of Section 6, a distance of 2855.22 feet to the Northwest corner of Section 6; thence run South 00° 30' 07" West along the West line of Section 6, a distance of 2548.44 feet to the Southwest Corner of the North 1/2 of Section 6, thence run South 88° 26'46" East, a distance of 5299.99 feet to the Southeast Corner of the North 1/2 of Section 6, thence run, North 00° 44' 41" East, along the East line of Section 6, a distance of 2664.96 feet to the Northeast corner of Section 6, Township 39 South, Range 22 East, Sarasota County, Florida being the POINT OF BEGINNING Source of Description: Survey prepared by A L Van Buskirk, dated 4/7/00, Project No 99-857.

TOGETHER WITH AND SUBJECT TO THAT 100-foot wide easement for ingress, egress and utilities over, across and through portion of the North 1/2 of Section 4, the North 1/2 of Section 5, and the North' 1/2, of Section 6, Township 39 South, Range 22 East, Sarasota County, Florida, said easement lying 50 feet on each side and continuous with the following described centerline.

Commence at the Northwest corner of said Section 6, thence South 00°30'07" West along the west line of Section 6 a distance of 2498.43 feet to the POINT OF BEGINNING of said centerline, thence South 88°26'46" East a distance of 871.74 feet, thence North 72°30'11" East a distance of 92.72 feet to the point of curvature of a curve to the left having a radius of 500.00 feet, a central angle of 17°04'05", the chord of which bears North 63°58'09" East and a chord distance of 148.40 feet; thence along the arc of said curve a distance of 148.95 feet to the point of tangency; thence North 55°26'07" East a distance of 155.43 feet to the point of curvature of a curve to the left having a radius of 1000.00 feet, a central angle of 8°58'01", the chord of which bears North 50°57'06" East and a chord distance of 156.34 feet; thence along the arc of said curve a distance of 156.50 feet to the point of tangency, thence North 46°28'06" East a distance of 132.96 feet to the point of curvature of a curve to the left having a radius of 1000.00 feet, a central angle of 15°18'27", the chord of which bears North 38°48'52" East and a chord distance of 288.37 feet, thence along the arc of said curve a distance of 267.17 feet to the point of tangency, thence North 31°09'39" East a distance of 916.90 feet to the point of curvature of a curve to the right having a radius of 1000.00 feet, a central angle of 44°22'31", the chord of which bears North 53°20'55" East and a chord distance of 755.28 feet; thence along the arc of said curve a distance of 774.50 feet to the point of compound curvature of a curve to the right having a radius of 600.00 feet, a central angle of 48°54'13", the chord of which bears South 81°00'43" East and a chord distance of 477.57 feet, thence along the arc of said curve a distance of 491.17 feet to the point of tangency; thence South 57°33'36" East a distance of 294.45 feet to the point of curvature of a curve to the left having a radius of 1000.00 feet, a central angle of 49°39'20", the chord of which bears South 82°23'16" East and a chord distance of 839.78 feet, thence along the arc of said curve a distance of 866.65 feet to the point of tangency, thence North 72°47'04" East a distance of 187.48 feet to the point of curvature of a curve to the right having a radius of 2000.00 feet, a central angle of 27°00'27", the chord of which bears North 86°17'18" East and a chord distance of 934.04 feet, thence along the arc of said curve a distance of 942.74 feet to the point of tangency; thence South 80°12'29"

East a distance of 2116.26 feet to the point of curvature of a curve to the left having a radius of 1000.00 feet, a central angle of 25°59'20", the chord of which bears North 86°47'52" East and a chord distance of 449.71 feet, thence along the arc of said curve a distance of 453.59 feet to the point of tangency, thence North 73°48'12" East a distance of 348.80 feet to the point of curvature of a curve to the right having a radius of 1000.00 feet, a central angle of 71° 05'17", the chord of which bears South 70°39'10" East and a chord distance of 1162.66 feet, thence along the arc of said curve a distance of 1240.72 feet to the point of tangency: thence South 35°06'31" East a distance of 852.30 feet to the point of curvature of a curve to the left having a radius of 900.00 feet, a central angle of 54°11'59", the chord of which bears South 62°12'31" East and a chord distance of 819.98 feet, thence along the arc of said curve a distance of 851.37 feet to the point of tangency: thence South 89°18'31" East a distance of 425.08 feet to the point of curvature of a curve to the left having a radius of 1000.00 feet, a central angle of 46°52'46", the chord of which bears North 67°15'06" East and a chord distance of 795.57 feet; thence along the arc of said curve a distance of 818.20 feet to the point of reverse curvature of a curve to the right having a radius of 1500.00 feet, a central angle of 49°42'34", the chord of which bears North 88°40'00" East and a chord distance of 1260.96 feet, thence along the arc of said curve a distance of 1301.39 feet to the point of tangency, thence South 86°28'43" East a distance of 659.10 feet to the point of curvature of a curve to the left having a radius of 700.00 feet, a central angle of 40°39'47", the chord of which bears North 73°11'24" East and a chord distance of 486.43 feet, thence along the arc of said curve a distance of 496.79 feet to the point of tangency; thence North 52°51'30" East a distance of 87.36 feet to the point of curvature of a curve to the right having a radius of 700.00 feet, a central angle of 42°43'39", the chord of which bears North 74°13'20" East and a chord distance of 510.00 feet; thence along the arc of said curve a distance of 522.02 feet to the point of tangency, thence South 84°24'50" East a distance of 175.45 feet to the point of curvature of a curve to the right having a radius of 900.00 feet, a central angle of 66°42'46", the chord of which bears South 51°03'27" East and a chord distance of 989.72 feet, thence along the arc of said curve a distance of 1047.92 feet to the point of tangency, thence South 17°42'04" East a distance of 364.70 feet to the point of curvature of a curve to the left having a radius of 500.00 feet, a central angle of 15°18'05", the chord of which bears South 25°21'07" East and a chord distance of 133.13 feet; thence along the arc of said curve a distance of 133.53 feet to the point of tangency; thence South 89°49'42" East a distance of 254.91 feet to the east line of the aforesaid Section 4 and the POINT OF TERMINATION of said centerline.

PARCEL B:

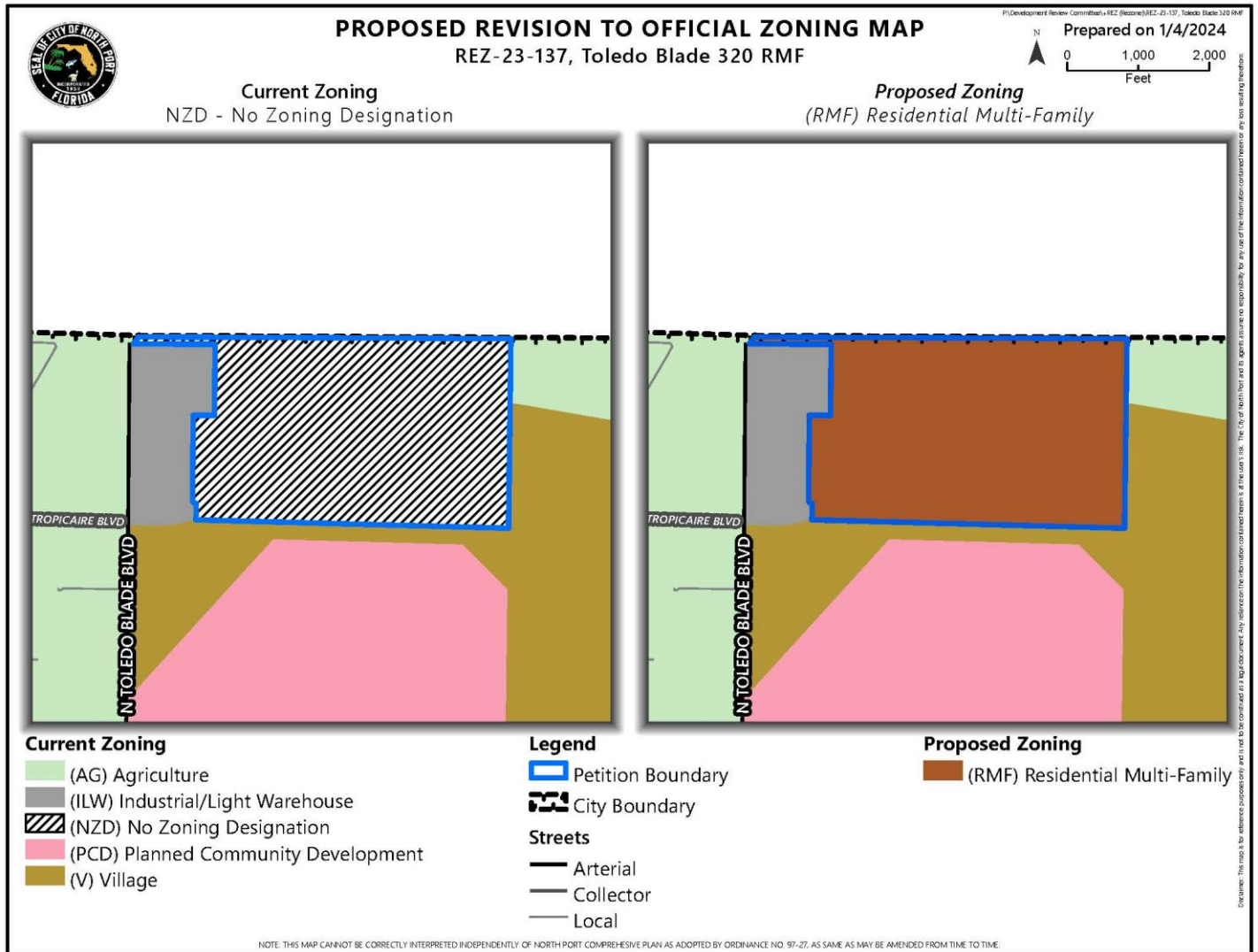
A portion of Section 6, Township 39 South, Range 22 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 6; thence South 00°30'07" West along the West line of Section 6 a distance of 2548.44 feet to the Southwest corner of the North half of said Section 6 and the Point of Beginning; thence 88°26'46" East, along the South line of said North half a distance of 877.49 feet to an intersection with a non-tangent curve concave to the North having a radius of 1630.00 feet; thence Southwesterly along said curve to the right through a central angle of 20°33'29", an arc distance of 584.85 feet (chord = 581.72 feet bearing South 81°16'29" West) to the end of said curve and a point on the line lying 103.82 feet South of and parallel with said South line of the North half; thence North 88°26'46" west along said parallel line a distance of 303.20 feet to the aforesaid West line of Section 6; thence North 00°30'07" East along said West line a distance of 103.82 feet to the Point of Beginning.

LESS AND EXCEPT THEREFROM THAT PART OF THE ABOVE DESCRIBED LAND CONVEYED TO SARASOTA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY WARRANTY DEED RECORDED AT OFFICIAL RECORDS INSTRUMENT NUMBER 2015033509, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

That part of the Northwest Quarter (1/4) of Section 6, Township 39 South, Range 22 East, Sarasota County, Florida, being more particularly described as follows:

Begin at the Northwest corner of said Section 6; thence run S.89°42'24"E. along the North line of said Section 6 for a distance of 75.00 feet; thence run S.37°17'44"W. for a distance of 125.22 feet to the intersection with the West line of said Section 6; thence run N.00°30'01 'W. along said West line for a distance of 100.00 feet to the Point of Beginning.





City of North Port

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REZONING ± 265 ACRES LOCATED EAST OF TOLEDO BLADE BOULEVARD APPROXIMATELY 1 MILE NORTH OF I-75 IN SECTION 6, TOWNSHIP 39 SOUTH, RANGE 22 EAST OF SARASOTA COUNTY AND FURTHER DESCRIBED IN INSTRUMENT NO. 2023042804 IN OFFICIAL RECORDS OF SARASOTA COUNTY, FROM NO ZONING DESIGNATION DISTRICT (NZD) CLASSIFICATION TO RESIDENTIAL MULTI-FAMILY DISTRICT (RMF) CLASSIFICATION; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR FINDINGS; PROVIDING FOR FILING OF APPROVED DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the subject property is currently zoned as No Zoning Designation (NZD), which is inconsistent with the Future Land Use classification; and

WHEREAS, Petition REZ-22-237 (“Petition”) requests that the subject property be rezoned; and

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

WHEREAS, the Planning and Zoning Advisory Board considered the Petition at a public hearing on February 1, 2024, and made its recommendation to the City Commission; and

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

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:
SECTION 1 – FINDINGS**

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

25 1.02 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required
26 because this ordinance is enacted to implement Part II of Florida Statutes Chapter 163, relating
27 to growth policy, county and municipal planning, and land development regulation, including
28 zoning, development orders, development agreements, and development permits.
29

30 1.03 Pursuant to Section 14 of Chapter 2023-304, Laws of Florida, this amendment to the Official
31 Zoning Map is not more restrictive or burdensome than current regulations.
32

33 1.04 The associated application was initiated by a private party other than the City of North Port. The
34 property that is the subject of the application is owned by the initiating private party.
35

36 **SECTION 2 – REZONING**
37

38 2.01 The City Commission hereby changes the zoning classification of ± 265-acre area located at
39 Section 6, Township 39 South, Range 22 East of Sarasota County and further described in
40 Instrument No. 2023042804 in the Official Records of Sarasota County as shown on the boundary
41 survey attached as “Exhibit A,” currently zoned No Zoning Designation District (NZD) to Residential
42 Multi-Family District (RMF) for the parcel.
43

44 2.02 The City Commission approves the revised Official Zoning Map, attached as “Exhibit B,” reflecting
45 the zoning change approved in this ordinance.
46

47 **SECTION 3 – FILING OF APPROVED DOCUMENTS**
48

49 3.01 The City Clerk is directed to place in the City Clerk’s files an updated Official Zoning Map in
50 accordance with the requirements of Sections 53-14, 53-16, and 53-17 of the Unified Land
51 Development Code.
52

53 3.02 The City Clerk is directed to file a certified copy of this ordinance with the Clerk of the Circuit Court
54 in and for Sarasota County, Florida in accordance with the requirements of Section 1-36 of the
55 Unified Land Development Code.
56

57 **SECTION 4 – CONFLICTS**
58

59 4.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in
60 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.
61

62 **SECTION 5 – SEVERABILITY**
63

64 5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
65 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
66 deemed a separate, distinct, and independent provision and will not affect the validity of the
67 remaining portions of the ordinance.
68

69 **SECTION 6 – EFFECTIVE DATE**
70

71 6.01 This ordinance takes effect immediately upon adoption.

72 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public
73 session on _____, 2024.

74

75 ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in
76 public session on _____, 2024.

77

78

CITY OF NORTH PORT, FLORIDA

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ALICE WHITE
MAYOR

82

83

84

85 ATTEST

86

87

88

HEATHER FAUST, MMC
CITY CLERK

89

90

91

92 APPROVED AS TO FORM AND CORRECTNESS

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94

95

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY

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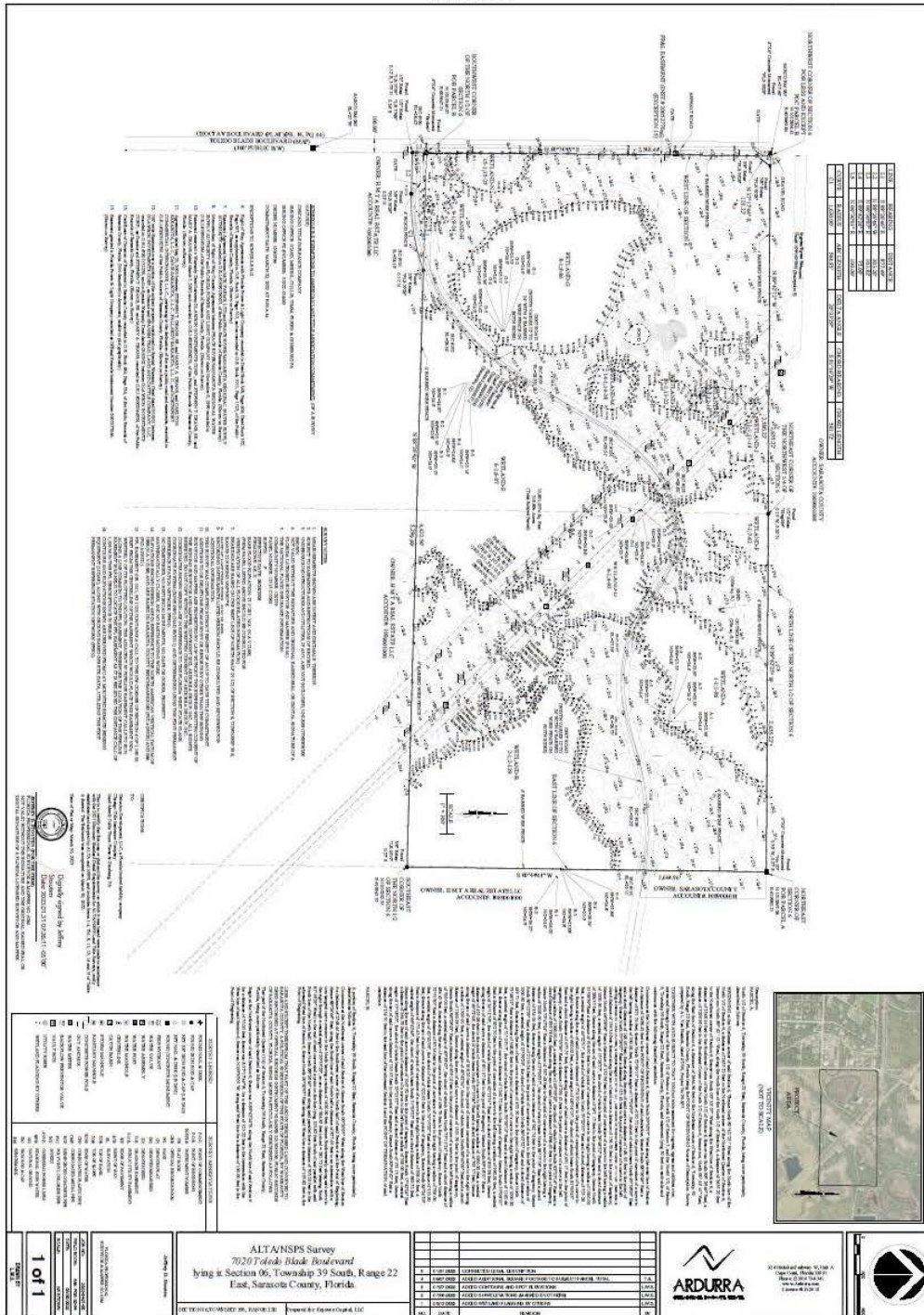
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Exhibit A



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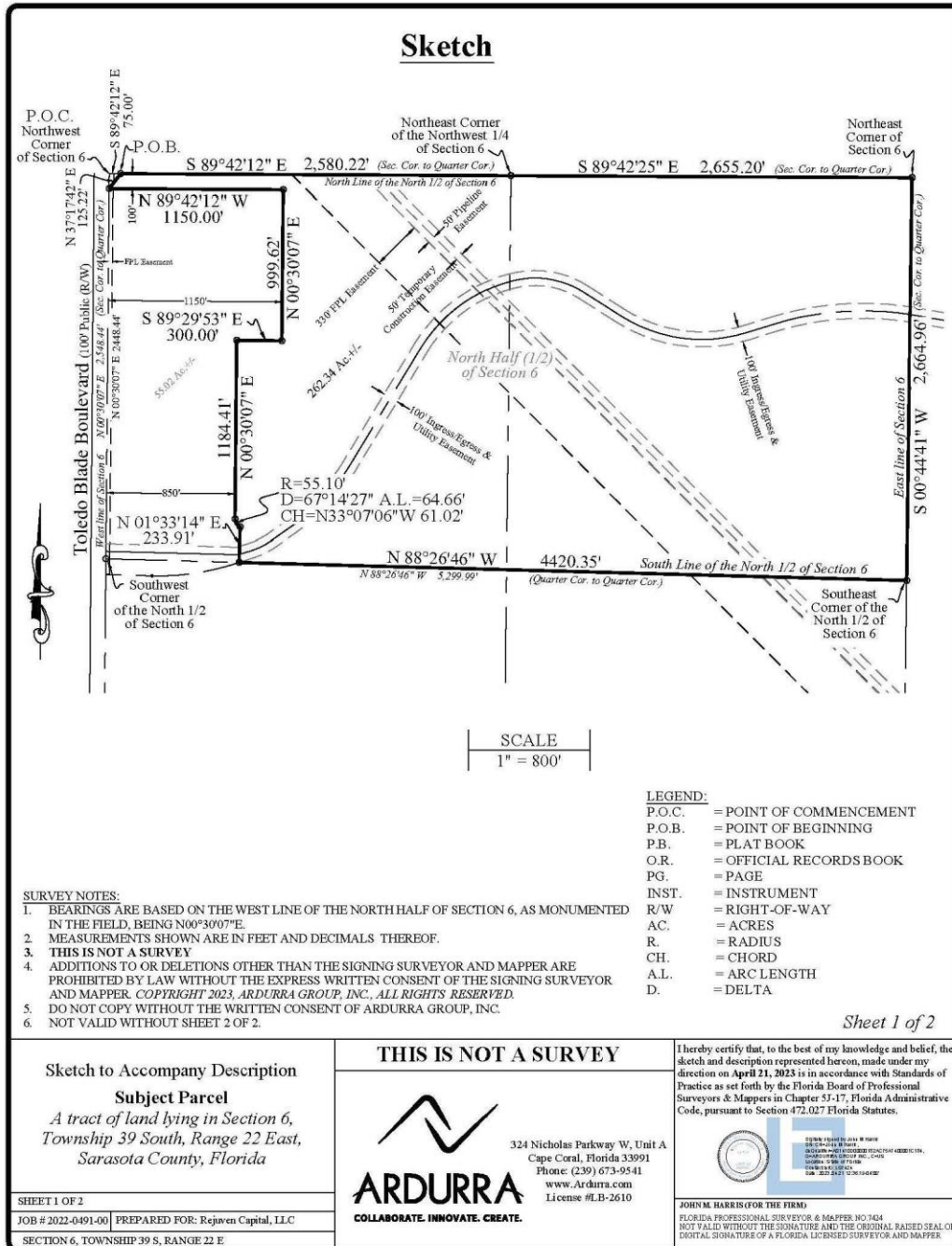


Exhibit A

Description

Subject Parcel Description:

A tract or parcel of land lying in Section 6, Township 39 South, Range 22 East, Sarasota County, Florida, being more particularly described as follows:

Commencing at the Northwest Corner of Section 6, Township 39 South, Range 22 East run S89°42'12"E, along the North line of the Northwest Quarter of said Section 6 for a distance of 75.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue S89°42'12"E, along the North line of the Northwest Quarter of said Section for a distance of 2,580.22 feet to the Northeast Quarter Corner of said Section; thence run S89°42'25"E, along the North line of the Northeast Quarter of said Section for a distance of 2,655.20 feet to the Northeast Corner of said Section 6; thence run S00°44'41"W, along the East line of said section for a distance of 2,664.96 feet to the East Quarter Corner of said Section 6; thence run N88°26'46"W, along the South line of the North 1/2 of said Section 6 for a distance of 4,420.35 feet; thence run N01°33'14"E, for a distance of 233.91 feet to a point being 233.91 feet (as measured on a perpendicular) Northerly of the South line of the North 1/2 of said Section 6, also being a point on a non-tangent curve; thence run 55.10 feet along the arc of a curve to the right of radius 55.10 feet, concave to the Northeast, having a delta of 67°14'27", a chord bearing of N33°07'06"W, and a chord length of 61.02 feet to a point of tangency; thence run N00°30'07"E, parallel with (as measured on a perpendicular) and 850.00 feet easterly of the West line of said Section for a distance of 1,184.41 feet; thence run S89°29'53"E, for a distance of 300.00 feet; thence run N00°30'07"E, along a line parallel with (as measured on a perpendicular) and 1150.00 feet Easterly of the West line of the North 1/2 of Section 6 for a distance of 999.62 feet; thence run N89°42'12"W, along a line parallel with (as measured on a perpendicular) and 100.00 feet Southerly of the North line of the Northwest Quarter of Section 6 for a distance of 1,150.00 feet to an intersection with the West line of the Northwest Quarter of said Section; thence run N37°17'42"E, for a distance of 125.22 feet to the POINT OF BEGINNING.

Said parcel contains 262.34+/- acres


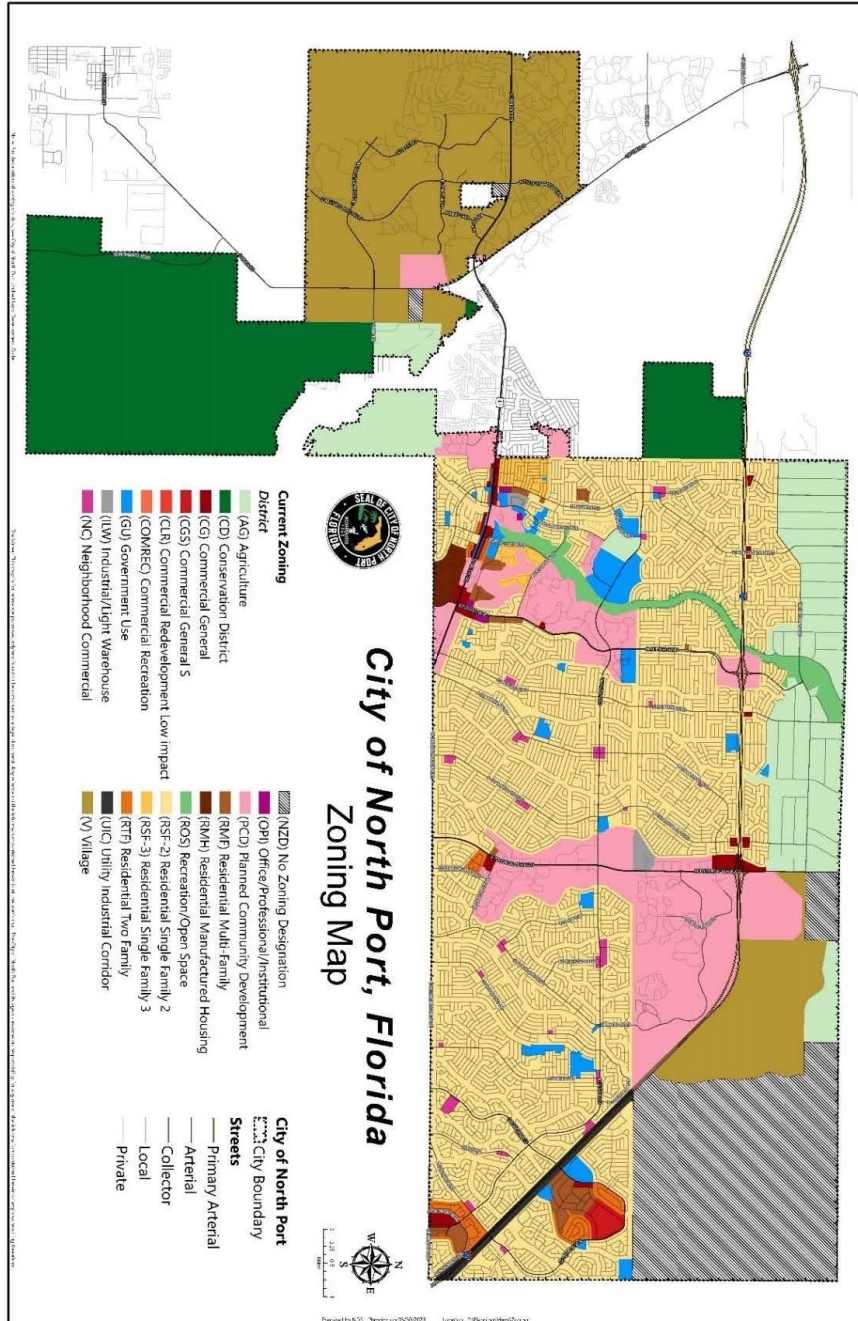
<p>THIS IS NOT A SURVEY</p>	<p>Description to Accompany Sketch Subject Parcel <i>A tract of land lying in Section 6, Township 39 South, Range 22 East, Sarasota County, Florida</i></p>	<p><i>Not Valid without Sheet 1 of 2</i></p>
<p><i>Sheet 2 of 2</i></p>	 <p>324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #L.B-2610</p> <p>ARDURRA COLLABORATE. INNOVATE. CREATE.</p>	<p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on February 24, 2023 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 55-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p><i>See Sheet 1 of 2 for Signature and Seal</i></p>
<p>JOB # 2022-0491-00 PREPARED FOR: Rejuven Capital, LLC SECTION 6, TOWNSHIP 39 S, RANGE 22 E</p>	<p>JOHN M. HARRIS FOR THE FIRM FLORIDA PROFESSIONAL SURVEYOR & MAPPER: NO TAG NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>	

Exhibit B



OCEANICA DE INVERSIONES S A
7A AV 5-62 SECTOR A-3SAN CRISTOBAL
ZONA 8
MIXCO 01057

1383 TROPICARE BLVD
NORTH PORT FL 34286

NEUMAN JOSEPH T
1668 TROPICARE BLVD
NORTH PORT FL 34286

HAYWARD DOUGLAS G
2021 IVOR AVE
NORTH PORT FL 34288-0853

BRYCH YURIY
3827 TONKIN DR
NORTH PORT FL 34287

CURRIE RANCH LIMITED PRSHIP
5815 N DALE MABRY HWY
TAMPA FL 33614-5605

JORGE JOSHUA
6449 N TOLEDO BLADE BLVD
NORTH PORT FL 34286

URBAN MICHELLE L
6633 N TOLEDO BLADE BLVD
NORTH PORT FL 34286-9156

SMIECH ANDREW J
6778 RAYMUR ST
NORTH PORT FL 34286

AGUILAR WALTER
720 JENNINGS AVENUE
WEST HEMPSTEAD NY 11552

HARNISH MARK (E LIFE EST)
1222 TROPICARE BLVD
NORTH PORT FL 34286

BESSIRE JENNIFER M
1470 NESTOR CT
NORTH PORT FL 34286-9159

MANISH AND SONAL KAPADIA
REVOCABLE TRUST
1669 TROPICARE BLVD
NORTH PORT FL 34286-9202

KENNETH LEVY REAL ESTATE HOLDINGS
LLC
22901 BAYSHORE RD
PUNTA GORDA FL 33950

EVANS MARK W
4030 OLIVE AVE
SARASOTA FL 34231-7608

DELUXETON NORTH PORT LLC
5940 RESPITE CT
JOHNS CREEK GA 30097

BOUCHARD PETER M
6470 RAYMUR ST
NORTH PORT FL 34286

DUGAN WILLIAM W
6686 RAYMUR ST
NORTH PORT FL 34286

6877 N TOLEDO BLADE BLVD
NORTH PORT FL 34286-9156

MABRY CARLTON & SONS
9430 SIDELL RD
SIDELL FL 34266-0031

MOUBSIRE BONNIE L
1235 NESTOR CT
NORTH PORT FL 34286-9159

1519 TROPICARE BLVD
NORTH PORT FL 34286

WEST COAST PLAZA PROPERTIES LLC
1926 CLOW CT
NORTH PORT FL 34286-9117

PATEL NISARG P
2505 HOBBLEBRUSH DR
NORTH PORT FL 34289

H M T A REAL ESTATE LLC
4524 SE 16TH PL STE 3
CAPE CORAL FL 33904-7475

THORPE DAVID K
6215 TOLEDO BLADE BLVD
NORTH PORT FL 34286

THOMAS SHANNON M
6574 RAYMUR ST
NORTH PORT FL 34286-9120

MOORE MARTIN
6735 TOLEDO BLADE BLVD
NORTH PORT FL 34286

FREED STEPHEN R
6939 N TOLEDO BLADE BLVD
NORTH PORT FL 34286-9156

MABRY CARLTON RANCH INC
9430 SIDELL RD
SIDELL FL 34266-0031

CARLTON SARASOTA LLC
C/O LEE F PALLARDY III 609 E JACKSON
ST STE 200
TAMPA FL 33602-4933

SARASOTA COUNTY
PO BOX 8
SARASOTA FL 34230-0008

WILLIAM G WELK REAL ESTATE TRUST
PO BOX 2312
BONITA SPRINGS FL 34133

BETHEL BAPTIST CHURCH OF NORTH
PORT INC
PO BOX 7259
NORTH PORT FL 34290-0259



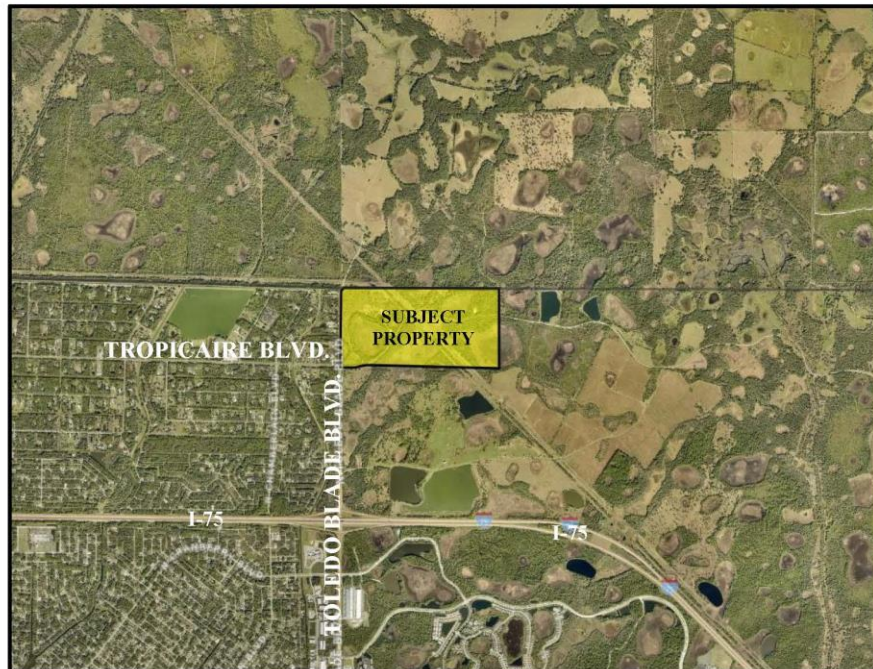
NEIGHBORHOOD MEETING NOTICE

Dear Resident:

A neighborhood meeting is being held to inform the surrounding community about a proposed development project in the City of North Port.

DATE & TIME: June 29th, 2023, at 5:00 p.m.
LOCATION: Shannon Staub Public Library
4675 Career Lane
North Port, FL 34289

The subject property is located approximately 0.5 miles northeast of the intersection of Toledo Blade Blvd and Tropicaire Blvd at 7020 Toledo Blade Blvd. North Port, FL34298.



The property owner is petitioning the City of North Port for a Comprehensive Plan Amendment and a Rezoning to allow for a light industrial and residential development.


All residents are welcome to attend the meeting to hear further details about the petitions and the proposed development.



MEMORANDUM

DATE: July 14, 2023

TO: Carl Bengé, Planner III
Development Services Department – Planning & Zoning Division

FROM: Ken Gallander, AICP
RWA Engineering 

PROJECT NAME: Toledo Blade 320 – CPA and Rezones

SUBJECT: Neighborhood Meeting Summary

A Neighborhood Meeting was held on June 29th, 2023, at 5:00pm at the Shannon Staub Library located at 4675 Career Ln, North Port, FL 34289.

Attendees:

- Ken Gallander, AICP RWA Engineering – Applicant’s Agent
- Blake Finnegan, AICP RWA Engineering – Applicant’s Agent
- Tim Roane, P.E., RWA Engineering – Applicant’s Agent
- Terry Brannon Deluxeton Homes LLC – Applicant and Owner’s Agent
- Jeffery Boone, Boone, Boone, & Boone, P.A. – Applicant’s Attorney
- Members of the public (Please see attached Sign-in Sheet)

Summary (started at approximately 5:05 p.m.):

Mr. Gallander introduced the project team and provided a brief background on the subject property. He then detailed the request of the applicant with regards to their applications, a comprehensive plan map amendment and concurrent rezone. The presentation concluded with Mr. Gallander outlining the project status and potential timeline for future public hearings that will be held for the project.

Questions/Comments Summary:

Mr. Gallander opened the floor to public input. Members of the public provided the following questions and/or comments:

Q: Where is the nearest wastewater treatment plant that will serve this project? Where will utilities come from?

A: Wastewater will depend on where the city wants to send it. Water will come from the water main that will be extended to our project. We can say that we have confirmed the City has sufficient capacity to serve this project.



Q: Are there any intentions of putting up any type of sound barriers?

A: We don't know at this time, but we will have to comply with city decibel limits.

Q: Who is the developer?

A: The developer is Deluxeton North Port LLC.

Q: What type of light industrial use is proposed?

A: We do not know for sure this information at this time; however, the uses will be strictly limited to what is allowed within the light industrial zoning designation.

Q: There are five residents that live directly across from this property on Toledo Blade that will be heavily affected by this.

A: We are working to ensure we comply with the code and will work with staff and city Commissioners to address these concerns.

Q: Where are constructions entrances going to be?

A: Primarily on McCall Ranch Road.

Q: The light industrial is planned to be finished by 2024?

A: Yes.

Q: What is proposed for light industrial right now?

A: We don't know at this time. However, some of the allowed and desired uses may be boat equipment manufacturers, car part distribution, technology manufacturers, if possible, etc.

Q: Where are the borders for Walton Preserve?

A: Map was pulled up on the overhead and shown the location with respect to Walton Preserve.

Q. I cannot fathom compatibility near a wildlife preserve – this has no business here in my opinion.

A: There will be measures in place to ensure compatibility with surrounding properties.

Q: Hypothetically, is there any issue that would arise that could seize development of this project, or is this a meeting just imposed on you by the city to have.

A: The purpose of this meeting is to let you all be aware of this project. It should be noted that if you're in a city as opposed to an unincorporated county, by state law, the growth is supposed to happen in cities. Cities were designed to be where the people are supposed to live. When near interstate interchange, the plan usually is to have this type of development. The purpose of this meeting is to understand what your concerns are and see what we can do to mitigate the issue. This along with other compatibility measures will be considered for this project. Some of the concerns are easier to address than others. We can tell you that there will be no smokestacks or steel cutting associated with heavy industrial use. We want you guys to understand what is going on.

Q: How can you control what kind of light industrial will come?

A: The light industrial zoning has approved uses under the ULDC. The use will have to be one listed within this section of the code.



Q: What is the name of the company that will develop the houses?

A: We will likely be developing the housing and someone else who specializes in industrial will likely develop that portion.

Q: What is the price range for the houses?

A: We can't say at this time. We can say there will be no low-income subsidized housing.

Q: Does the 3.4 dwelling units per acre include the wetlands?

A: Yes. We have clustered the development to result in as little impact as possible.

Q: I'm thinking about the people facing the light industrial. I'm wondering if Toledo Blade will have lots of trucks going along this road.

A: There will be a combination of cars and trucks for the first portion of the industrial development. Entrance and exit for the trucks will be south of future road for the residential.

Q: Where will those power lines go along Toledo Blade Blvd?

A: They will be relocated if needed.

Q: I'm worried about the lighting.

A: Generally, when these developments are done, the majority of space between the buildings will keep sound/light trapped. Buffering will also be considered. Lights will be permitted by the city and have to adhere to specific standards. We will work with them to ensure compatibility.

Q: You will have some significant wetland impacts for industrial portion; will you mitigate onsite?

A: It is no longer possible to mitigate onsite. All mitigation will be at Myakka mitigation bank. The overall site consists of approximately 317 acres – 122 of which are wetlands. The proposed development has taken great consideration using a clustered design to not develop or impact these areas and thus preserve these wetlands and other environmentally sensitive lands.

Q: The majority of the property is in a flood plain. How are you going to prevent water from going to the residence?

A: That will come into the engineering design phase once we go through water management district approvals.

Q: Is there any part of the development that will be government subsidized?

A: No.

Q: Why can't the light industrial be towards the back?

A: This would be impractical for the trucks associated with these uses to get back and forth from that location.

Q: You mentioned a study indicating the need for light industrial. What about an office park for tech companies? This would be better. Tech jobs pay higher than light industrial.

A: There is a lot of competition for these types of high tech manufacturing jobs. Having the appropriate zoning in place to allow for light industrial and potentially tech uses will only increase the chances and provide more opportunities for companies that the City desires to have either start-up, expand, and/or relocate here.

Q: What are your plans for landscaping on Toledo Blade?

A: This will be addressed further down the road. We will work with the city to ensure compatibility.



Q: You mentioned there would be potential for high paying jobs. What is the percentage of light industrial to residential?

A: About 25%/75% is our estimate.

A: Many of us live here because we expected nothing to come here. Why would you put this here?

A: This is the 2nd fastest growing city in America. Growth in this area is inevitable.

Q: As a developer do you make more money in commercial or residential?

A: They are totally different and have different risks associated with them such as timing and market trends.

Q: How many residents vs how many jobs?

A: Approximately 1,000 residents and approximately 2,500 jobs

Q: When you clear everything, will there be any animals or trees left?

A: This project has a very large amount of conservation land and wetlands.

The meeting concluded at approximately 6:15 p.m.

PLEASE SIGN IN

TOLEDO BLADE
320

<u>NAME</u>	<u>ADDRESS</u>	<u>EMAIL/PHONE</u>
- JOAN HAYDEN	6895 ESTATES DR	
-	N. PORT	
- CAROLYN PRICE	6877 ^{TOLEDO} ^{BLADE}	CJ Price 1758 @VERIZON.NET
Peter + Joanna Bouchard	6490 Raymond	joanneandpeter@verizon.net 941 626-0902
Randy + Sue Balma	2272 Chyna	RSB2272@verizon.net
Tom Totmarz	5903 Berthelton	Ptotmarz47@comcast.net
Kim Peeler	6155 Tidwell St	kim.peeler@verizon.net
Terry Peeler	6155 Tidwell St	linpeeler2@verizon.net
Paul Mann	6065 Tidwell St	pmjeep13@gmail.com
ANNE VANDERSCHUUR	2029 TROPICANE BLVD	mom2mpr@yahoo.com
Lori Lohr	1777 Clow Ct.	Lsargent3@yahoo.com
DAN + Charlotte Anderson	2591 THymeway	205-478-8994
Simo + Catherine Tesk	1891 Tropicane Blvd	ctesla1@gmail.com
Andy + Kathy Smiedh	6778 Raymond St.	cate271@gmail.com
James Smith		
Joshua Wichers	1500 Musa Rd	jwichers11@gmail.com
Sandra Zimmerman	1766 Clow Ct	gkz123@yahoo.com
Paul - Alison	1702 6215 Toledo Blade	alisonh760@yahoo.
Bill Dugan	6686 Raymond St	
Dona Brink	3241 Elkem Ave	dbtotse@gmail.com 6077613487
Ron + Jennifer Nicol	1470 Nestor Ct	941-423-3998

Toledo Blade 320
COMPREHENSIVE PLAN MAP AMENDMENT &
CONVENTIONAL REZONE
CITY OF NORTH PORT - NEIGHBORHOOD MEETING
JUNE 29, 2023
5:00PM

Project Team:

- **Property Owner(s):**
 - Deluxeton North Port, LLC
- **Legal Counsel:**
 - Boone, Boone & Boone, P.A.
- **Primary Agent:**
 - RWA Engineering - Planning & Civil Engineering

Neighborhood Meeting:

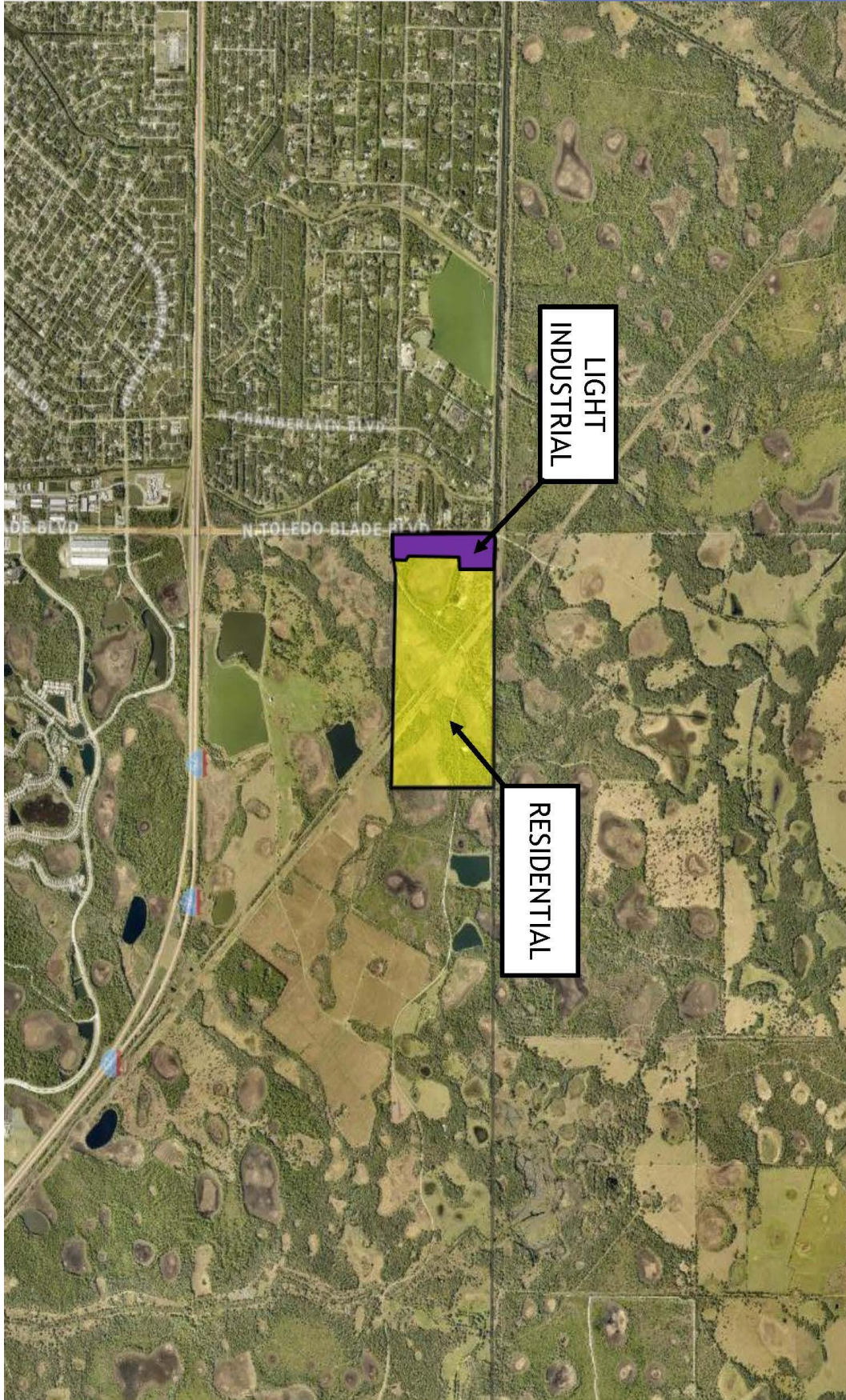
- Notify and inform the neighboring community about the project.
- Provide a general overview of the project.
- Allowing the public to ask questions and provide comments.

Subject Property:

- 1 Parcel; 318.89+/- acres
- Approximately 1 mile north of I-75 and Toledo Blade Boulevard
- Existing Future Land Use Map (FLUM) designation:
 - AGRICULTURAL, ESTATES
- Existing Zoning:
 - NO CITY ZONING DESIGNATION (NZD)
- Existing Use(s): Agriculture/Grazing

Project Requests:

- **Comprehensive Plan Map Amendment**
 - **AGRICULTURAL, ESTATES to High Density Residential (HDR) and Industrial (IN)**
- **Rezoning**
 - **NO CITY ZONING DESIGNATION (NZD) to Residential Multi-family (RMF) and Industrial Light Warehousing (ILW)**



Comprehensive Plan Map Amendment

- **Change from AGRICULTURAL ESTATES to (HDR) AND (IN)**
 - **HIGH DENSITY RESIDENTIAL (HDR) - 262.34+/- acres**
 - **Max Density: 15 dwelling units/acre**
 - **Proposed: Overall approx. 3.4 du/acre**
 - **INDUSTRIAL (IN) - 55.02+/- acres**
 - **Max Floor Area Ratio (FAR): 0.95 (Max. 2,396,671.2 SF)**
 - **Proposed: approx. 0.37 (900,000 SF)**
 - **NO heavy industrial**
 - **Light manufacturing, assembly, warehousing, and distribution**

Residential Multi-family (RMF) and Industrial Light Warehousing (ILW) Rezone

- From NZD to RMF and ILW
 - RESIDENTIAL MULTI-FAMILY (RMF)
 - Mix of single-family, townhomes/attached single-family, and multi-family residential
 - Max Density: Up to 3.43 dwelling units/acre (Max allowed under HDR: 15 dwelling units/acre)
 - INDUSTRIAL LIGHT WAREHOUSING (ILW)
 - Up to 900,000 SF of light industrial uses
 - NO heavy industrial uses

Toledo Blade 320 Project:

Opportunities & Benefits:

- The general location and timing are ideal for the rapidly growing Toledo Blade Blvd./I-75 corridor;
- The mix of housing options at varying price points to growing population;
- Light industrial uses supporting the city's economic development goals;
- Strengthen & diversify the City's overall tax base - increase non-residential uses;
- Improve and expand existing and planned utility infrastructure;
- No well or septic for development
- Land development design - open/public spaces and environmental preservation;
- Implementation of development standards to ensure compatibility with existing and future surrounding uses; and
- Improvements to infrastructure and inter-development connectivity.

Process and Timeline:

- Applications under concurrent review with City Staff
- HDR and IN Comp Plan Map Amendment & ILW and RMF Rezone:
 - Planning and Zoning Advisory Board (PZAB):
 - Public Hearing
 - City Commission Hearing:
 - Transmittal Hearing to State (CPA Only)
 - Public Hearing
- Estimated Timing to City Commission Meeting: 3-4 months.

Questions?

