



## NEIGHBORHOOD DEVELOPMENT SERVICES DEPARTMENT

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*Planning Division*

### STAFF REPORT

#### Islandwalk at the West Villages Phase 4

Final Plat for Phase 4 Islandwalk consisting of 228 single family detached homes and 32 single family attached homes.

**(PLF-16-119)**

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**To:** Jonathan R. Lewis, ICMA-CM, City Manager

**Thru:** Scott Williams, Neighborhood Development Services Director  
Michele Norton, AICP, Planning Manager

**From:** Jim McAllister, Project Planner

**Date:** September 12, 2016

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#### I. GENERAL INFORMATION

**Project:** Petition No. PLF-16-119, Islandwalk Phase 4 Final Plat

**Request:** Approval of Islandwalk Phase 4 Final Plat

**Applicant:** Michael Woolery (**Exhibit A1, Affidavit**)

**Owner(s):** DiVosta Homes, LP, Pulte Group, Inc. (**Exhibit A2, Warranty Deed/Title Opinion**)

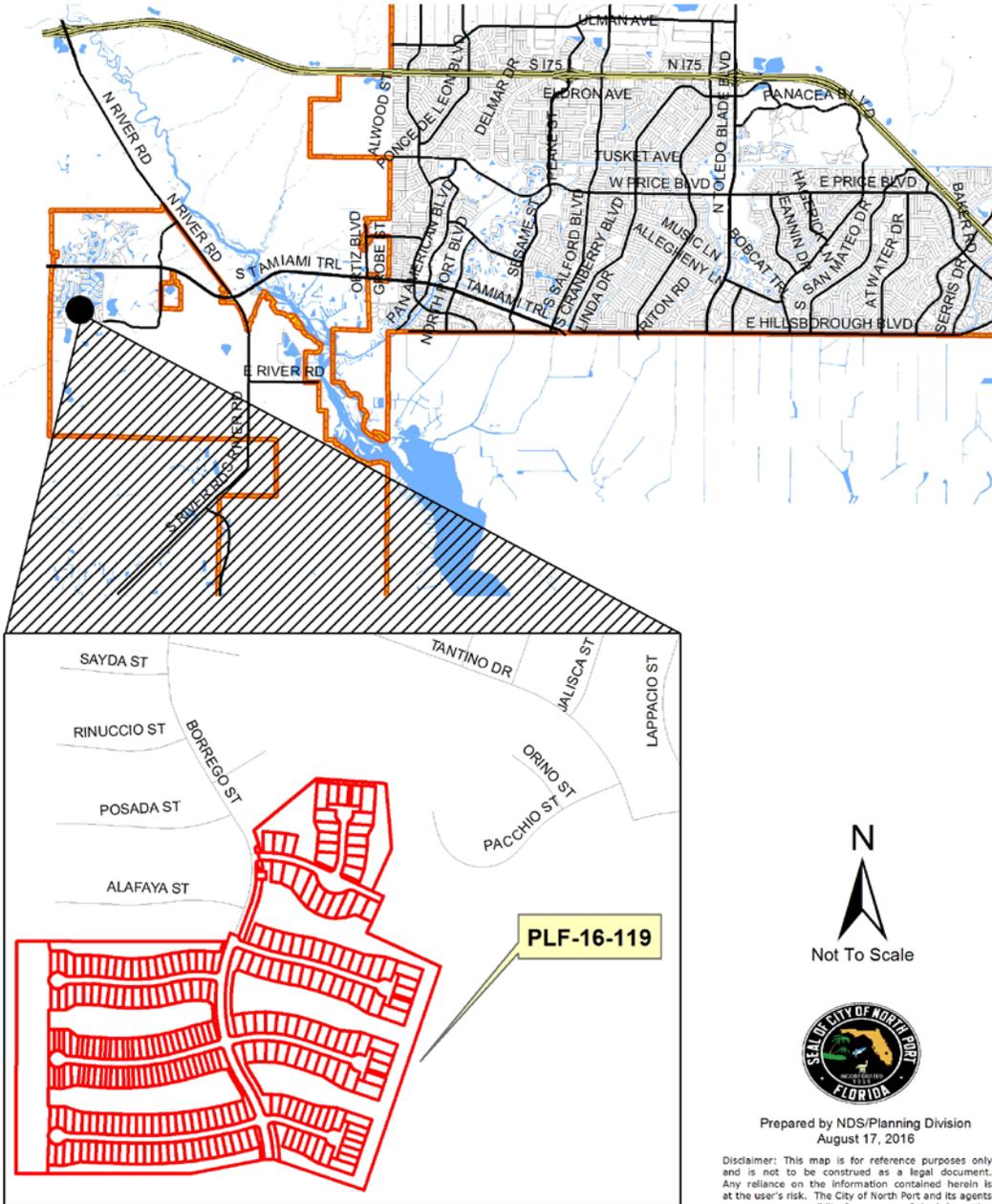
**Location:** South of Tamiami Trail, west of River Road, and East of the city limits of the West Villages in Section 31, Township 39S, Range 20E, and Township 40S and Range 20E.

**Property Size:** ± 105.289 acres

#### II. BACKGROUND

Heidt Design, LLC, on behalf of DiVosta Homes, LP, Pulte Group, Inc., seeks approval of a Final Plat for Islandwalk Phase 4 (**Exhibit B Plat**). Phase 4 is directly south of Phase 3D-1 which is located on Alafaya Drive just west of Borrego Street. At the Planning and Zoning Advisory Board meeting held September 1, 2016, the Board voted unanimously to recommend approval of this petition to the City Commission.

**City of North Port  
Location Map  
PLF-16-119 Islandwalk at West Villages, Phase 4 Plat**



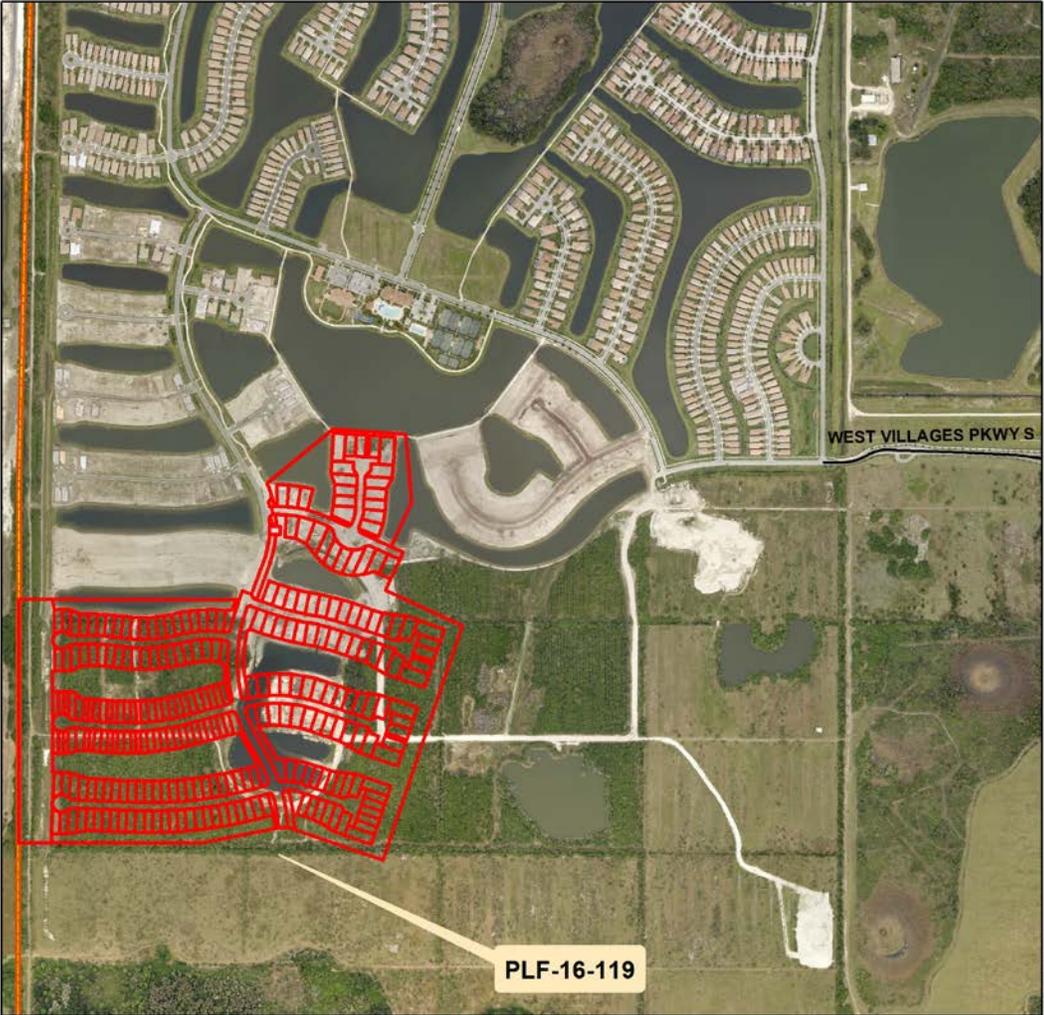
Prepared by NDS/Planning Division  
August 17, 2016

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.

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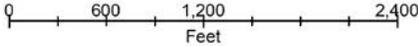
# AERIAL

## PLF-16-119 Islandwalk at West Villages, Phase 4 Plat



Aerial Source: Sarasota County 2016 Aerial

- Legend**
- PLF-16-119
  - City Boundary

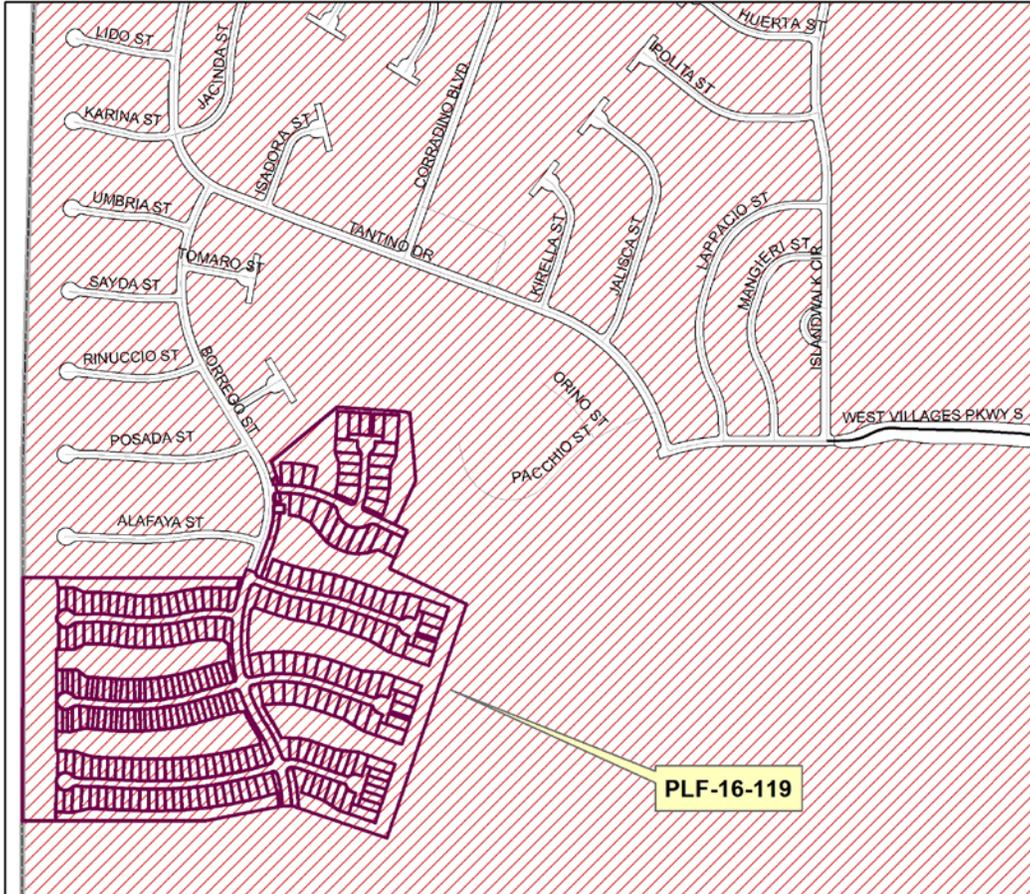


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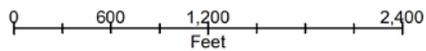
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## FUTURE LAND USE PLF-16-119 Islandwalk at West Villages, Phase 4 Plat



- |                            |  |
|----------------------------|--|
| AGRICULTURAL, ESTATES      | UTILITY INDUSTRIAL CORRIDOR                        |
| LOW DENSITY RESIDENTIAL    | CONSERVATION (TDR SENDING ZONE)                    |
| MEDIUM DENSITY RESIDENTIAL | RECREATION/OPEN SPACE (TDR SENDING ZONE)           |
| HIGH DENSITY RESIDENTIAL   | PUBLIC   |
| PROFESSIONAL OFFICE        | ACTIVITY CENTER (TDR RECEIVING ZONE - EXCEPT AC-3) |
| COMMERCIAL                 | VILLAGE  |
| INDUSTRIAL                 | PLF-16-119   |



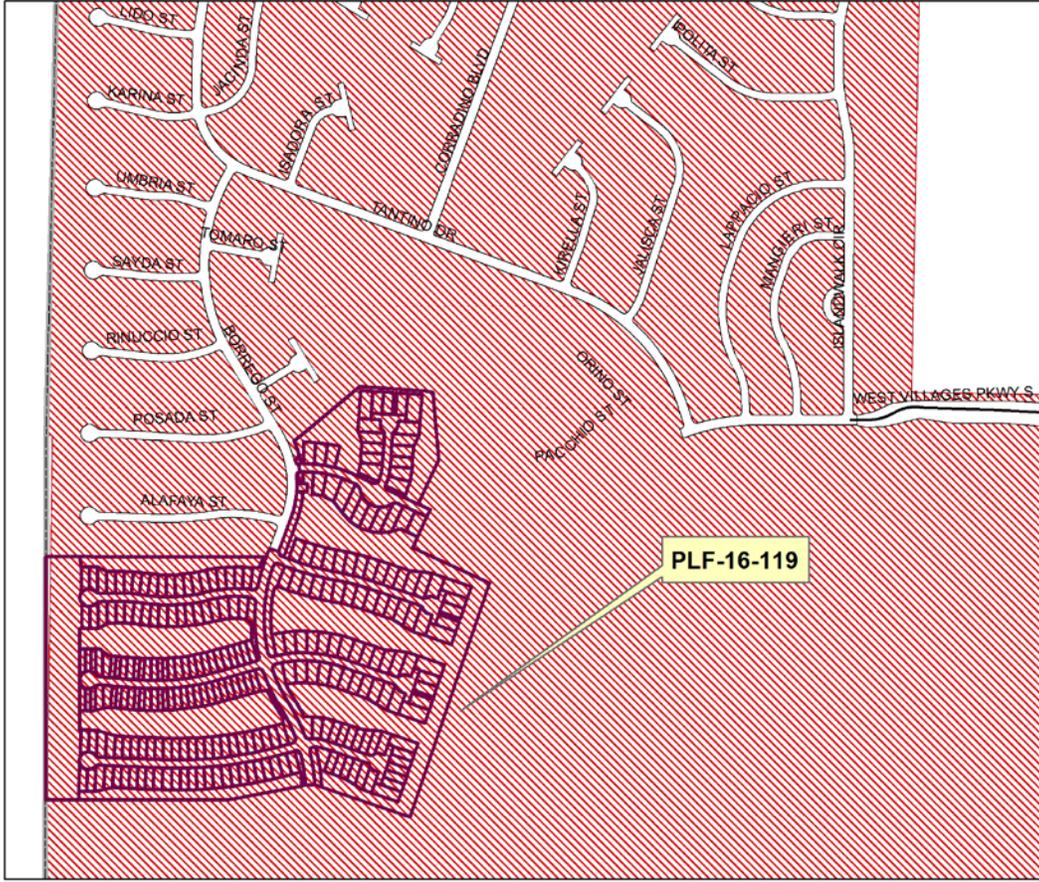
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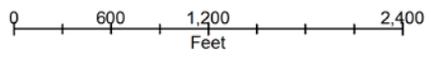
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NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENTLY OF THE CITY OF NORTH PORT COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 97-27, AS SAME MAY BE AMENDED FROM TIME TO TIME.

**CURRENT ZONING**  
**PLF-16-119 Islandwalk at West Villages, Phase 4 Plat**  
**'Village (V)'**



AC-7 - Activity Center 7	AG - Agriculture	PCD - Planned Community Development
CLR - Commercial Redevelopment Low Impact	CD - Conservation District	RSF-2 - Residential Single Family 2
V - Village	ROS - Recreation/Open Space	RSF-3 - Residential Single Family 3
CGS - Commercial General S	GU - Government Use	RMF - Residential Multi-Family
NC-HI - Neighborhood Commercial-High Intensity	ILW - Industrial/Light Warehouse	RMH - Residential Manufactured Housing
NC-LI - Neighborhood Commercial-Low Intensity	CG - Commercial General	RTF - Residential Two Family
ComRec - Commercial/Recreation	OPI - Office/Professional/Institutional	NZD - No Zoning Designation
	UIC - Utility Industrial Corridor	PLF-16-119



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 August 17, 2016

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Staff recommends that the City Commission **APPROVE** Petition No. PLF-16-119, Islandwalk Final Plat of Phase 4 based on Staff's findings that this petition is consistent with the adopted Comprehensive Plan and complies with all regulations set forth in the Unified Land Development Code (ULDC) and Florida Statutes Chapter 177.

**ALTERNATIVES**

1. Deny the request.
2. Continue the item for further discussion.

**IV. SITE INFORMATION**

**Land Use**

**Adopted Future Land Use Map Designation:** Village

**Adopted Zoning Map Designation:** Village

**Existing Land Use(s):** Vacant

**Surrounding Land Uses:**

Direction	Existing Land Uses	Future Land Use Map Designation	Zoning Map Designation
North	Village	<b>Village</b>	Village
South	Village	<b>Village</b>	Village
West	Sarasota National (Residential)	<b>Semi-Rural</b>	Residential Estates
East	Village	<b>Village</b>	Village

**Services and Facilities**

**Potable Water or Well:** City of North Port Utilities

**Sanitary Sewer or Septic:** City of North Port Utilities

**Transportation:** U.S. 41, West Villages Parkway

**Environmental**

**Conservation:** The subject site is not located in any recognized City of North Port Conservation Restricted Overlay Zones.

**Flood Zone:** Not in FEMA Hazardous Flood Zone

**Wildlife:** Not within a Conservation Restricted Zone

**V. STAFF ANALYSIS**

Islandwalk Phase 4 consists of 228 single family detached homes and 32 single family attached homes (**Exhibit B**). Subdivision (SCP-15-124) and Infrastructure (INF-15-125) plans were approved by City Staff on December 15, 2015 for Phase 4 and the City is in receipt of the corresponding Surety Bond for Phase 4 in the amount of \$3,633,596.76.

**VI. REVIEW PROCESS**

City of North Port staff has reviewed the Final Plat in addition to the City Surveyor. No issues were found.

**VII. PUBLIC HEARING SCHEDULE**

**Planning and Zoning Advisory Board  
Public Hearing**

September 1, 2016  
9:00 AM or as soon  
thereafter

**City Commission  
Public Hearing**

September 27, 2016  
10:00 AM or as soon  
thereafter

**Exhibit A1**  
**AFFIDAVIT**

I (the undersigned), Michael Woolery 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 28<sup>th</sup> day of MARCH, 2016

Michael Woolery

Signature of Applicant or Authorized Agent

Michael Woolery, Land Development Manager

Print Name and Title

STATE OF FLORIDA

COUNTY OF SANASOTA

The foregoing instrument was acknowledged by me this 28<sup>th</sup> day of MARCH, 2016, by

MICHAEL WOOLERY

who is personally known to me or has produced

\_\_\_\_\_ as identification, and who

did/did not take an oath.

Heather Rambo

Signature - Notary Public

(Place Notary Seal Below)



**AFFIDAVIT**  
**AUTHORIZATION FOR AGENT/APPLICANT**

I (we), Divosta Homes, L.P., property owner(s),

hereby authorize Heidt Design, LLC to act as Agent/Applicant on our behalf

to apply for this petition on the property described as (legal description) \_\_\_\_\_

Michael Woolery

Signature of Owner

3/28/16

Date

STATE OF FLORIDA

COUNTY OF SANASOTA

The foregoing instrument was acknowledged by me this 28<sup>th</sup> day of MARCH, 2016, by

MICHAEL WOOLERY

who is personally known to me or has produced

\_\_\_\_\_ as identification, and who did

not take an oath.

Heather Rambo

Signature - Notary Public

(Place Notary Seal Below)



JUL 19 2016

## Exhibit A2

### TITLE OPINION

#### ISLANDWALK AT THE WEST VILLAGES, PHASE 4

This opinion is provided pursuant to Section 177.041, Florida Statutes, to:

City of North Port

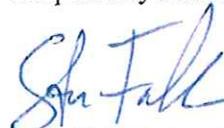
On this 15<sup>th</sup> day of July, 2016, I, Steven M. Falk, a licensed attorney authorized to practice in the State of Florida, reviewed a Title Search Report from Attorneys' Title Fund Services, LLC, #316683 dated May 25, 2016, with an effective date of May 17, 2016 at 11:00 p.m. ("Effective Date"), with respect to the real property described in the attached Exhibit "A", which is incorporated herein by reference, said land being located in Sarasota County, Florida ("Property"). Based solely upon my review of the Title Search Report and assuming the accuracy of the information contained therein, it is our opinion that as of the Effective Date:

The record title to the Property is vested in DiVosta Homes, L.P., a Delaware limited partnership

Said record title holder has a fee simple title thereto, subject, however to the following qualifications as of the Effective Date, as set forth on the attached Exhibit "B". Taxes due and payable for 2015 and the years prior to 2015 have been paid. There are no mortgages not satisfied or released nor otherwise terminated by law.

Not covered in this Title Opinion are: rights of parties under unrecorded purchase agreements, easements or leases, if any; and facts that might be disclosed by an accurate survey or personal inspection of the Property.

Respectfully submitted,



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Steven M. Falk, Esq.  
Florida Bar # 0930570  
Falk Law Firm, P.A.  
7400 Tamiami Trail North, Suite 103  
Naples, FL 34108  
(239) 596-8400

EXHIBIT "A"

**ISLANDWALK AT THE WEST VILLAGES, PHASE 4**

**DESCRIPTION:** A parcel of land lying in Section 31, Township 39 South, Range 20 East, and Section 6, Township 40 South, Range 20 East, all of Sarasota County, Florida, Also being a Replat of a portion of Tract "L-7" of ISLANDWALK AT THE WEST VILLAGES, PHASES 3A, 3B AND 3D-1 according the plat thereof as recorded in Plat Book 49, Pages 26 through 26M inclusive, of the Public Records of Sarasota County, Florida; and being more particularly described as follows:

**COMMENCE** at the Northwest corner of said Section 6, run thence along the North boundary of said Section 6, N.89°54'05"E., a distance of 1581.22 feet to the **POINT OF BEGINNING**; thence N.50°17'59"E., a distance of 464.16 feet to the Easterlymost corner of said Tract "L-7" of ISLANDWALK AT THE WEST VILLAGES, PHASES 3A, 3B AND 3D-1; thence S.86°05'47"E., a distance of 405.85 feet; thence S.80°22'43"E., a distance of 46.32 feet; thence S.04°54'31"E., a distance of 419.44 feet; thence S.24°45'02"W., a distance of 301.92 feet; thence S.65°14'58"E., a distance of 82.01 feet; thence S.24°45'02"W., a distance of 260.00 feet; thence S.65°14'58"E., a distance of 524.29 feet; thence S.18°47'46"W., a distance of 1400.00 feet; thence S.18°47'46"W., a distance of 129.59 feet; thence N.71°12'14"W., a distance of 621.89 feet; thence S.87°21'47"W., a distance of 60.00 feet; thence S.79°07'31"W., a distance of 488.26 feet; thence N.90°00'00"W., a distance of 1125.00 feet to a point on the West boundary of the aforesaid Section 6; thence along said West boundary, N.00°08'52"E., a distance of 1506.85 feet to the Southwest corner of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASES 3A, 3B AND 3D-1; thence along the South and East boundary of said ISLANDWALK AT THE WEST VILLAGES, PHASES 3A, 3B AND 3D-1 the following sixteen (16) courses: 1) S.89°51'08"E., a distance of 1361.30 feet; 2) N.20°05'53"E., a distance of 58.36 feet; 3) S.69°54'07"E., a distance of 60.00 feet; 4) N.20°05'53"E., a distance of 214.98 feet; 5) Northerly, 172.95 feet along the arc of a tangent curve to the left having a radius of 630.00 feet and a central angle of 15°43'45" (chord bearing N.12°14'00"E., 172.41 feet); 6) S.87°54'20"E., a distance of 65.50 feet; 7) N.02°05'40"E., a distance of 50.00 feet; 8) N.87°54'20"W., a distance of 45.48 feet; 9) N.00°59'33"W., a distance of 20.03 feet; 10) N.87°54'20"W., a distance of 10.02 feet; 11) Northerly, 46.91 feet along the arc of a non-tangent curve to the left having a radius of 640.00 feet and a central angle of 04°11'59" (chord bearing N.04°02'14"W., 46.90 feet); 12) Northeasterly, 15.56 feet along the arc of a non-tangent curve to the right having a radius of 25.00 feet and a central angle of 35°40'07" (chord bearing N.65°43'03"E., 15.31 feet); 13) N.10°34'57"W., a distance of 50.10 feet; 14) Westerly, 13.96 feet along the arc of a non-tangent curve to the right having a radius of 25.00 feet and a central angle of 31°59'26" (chord bearing N.81°22'22"W., 13.78 feet); 15) Northerly, 26.86 feet along the arc of a non-tangent curve to the left having a radius of 640.00 feet and a central angle of 02°24'17" (chord bearing N.12°33'35"W., 26.86 feet); 16) N.41°25'49"E., a distance of 36.15 feet to a point on the East boundary of Tract "B-8" of said ISLANDWALK AT THE WEST VILLAGES, PHASES 3A, 3B AND 3D-1; thence along said East boundary of Tract "B-8" of ISLANDWALK AT THE WEST VILLAGES, PHASES 3A, 3B AND 3D-1, Northerly, 93.12 feet along the arc of a non-tangent curve to the left having a radius of 670.00 feet and a central angle of 07°57'49" (chord bearing N.19°30'32"W., 93.05 feet); thence N.50°17'59"E., a distance of 63.36 feet to the **POINT OF BEGINNING**.

Containing 105.289 acres, more or less.

EXHIBIT "B"

*Other Property Liens:*

1. Subject to all assessments levied by the Condominium/Homeowner Association.

*Restrictions/Easements:*

1. All matters contained on the Plat of Islandwalk at the West Villages, Phases 3A, 3B and 3D-1, as recorded in Plat Book 49, Page 26, Public Records of Sarasota County, Florida.
2. Covenants, conditions, and restrictions recorded in Instrument Number 2006016370, amended in Instrument Number 2013100589, and Supplemental Declaration recorded in Instrument Number 2007020688, Instrument Numbers 2013058061, 2008126860, Instrument Number 2013075637, 2015150900, and 2015007201, Public Records of Sarasota County, Florida, which contain provisions creating easements and/or assessments.
3. Grant of Easement to Comcast of West Florida, Inc. recorded in Instrument Number 2009119517, Public Records of Sarasota County, Florida.
4. Easements to Florida Power & Light Company recorded in O.R. Book 986, Page 905, Right of Way Agreement Consent Agreement recorded in Instrument Number 2006126669, Public Records of Sarasota County, Florida.
5. Notice of Establishment of the West Villages Improvement District and its Unit of Development No. 1 recorded in Instrument Number 2004223490, Notice of Establishment of the West Villages Improvement District and its Unit of Development No. 2 recorded in Instrument Number 2005023829, Declaration of Consent to Jurisdiction of West Villages Improvement District and to Imposition of Special Assessments recorded in Instrument Number 2005032617, Agreement between West Villages Improvement District and Fourth Quarter Properties XXXII, LLC recorded in Instrument Number 2005149323, Final Judgment Validating Bonds recorded in Instrument Number 2005160231, Notice of Promissory Note, Sale by the West Villages Improvement District and for Unit of Development No. 1 recorded in Instrument Number 2006023618, Notice of Bond Sale by the West Villages Improvement District for its Unit of Development No. 2 recorded in Instrument Number 2006023619, Notice by West Villages Improvement District of Bond Indebtedness for Unit of Development No. 3, in Instrument Number 2007086621, and Notice by West Villages Improvement District of Bond Indebtedness for Unit of Development No. 2, recorded in Instrument Number 2007086622, Public Records of Sarasota County, Florida.
6. Right of Reverter in favor of Florida Power and Light Company contained in Quit Claim Deed recorded in O.R. Book 1021, Page 1908, Public Records of Sarasota County, Florida.
7. Amended and Restated Utility Agreement recorded in Instrument Number 2007064870, Public Records of Sarasota County, Florida.
8. Grant of Easement to Comcast of West Florida, Inc. recorded in Instrument Number 2009121473, Public Records of Sarasota County, Florida. NOTE: no legal description attached.

9. City of North Port Ordinance No. 04-52 recorded in Instrument Number 2004208812, Public Records of Sarasota County, Florida.
10. Easement contained in instrument recorded under Instrument Number 2006130272, Public Records of Sarasota County, Florida.
11. Recorded Notice of Environmental Resource Permit recorded in Instrument Number 2015089172, Public Records of Sarasota County, Florida.