



STAFF REPORT

Wellen Park Downtown Tract 6 & 9

Replat

From: Sherry Willette-Grondin, Planner III

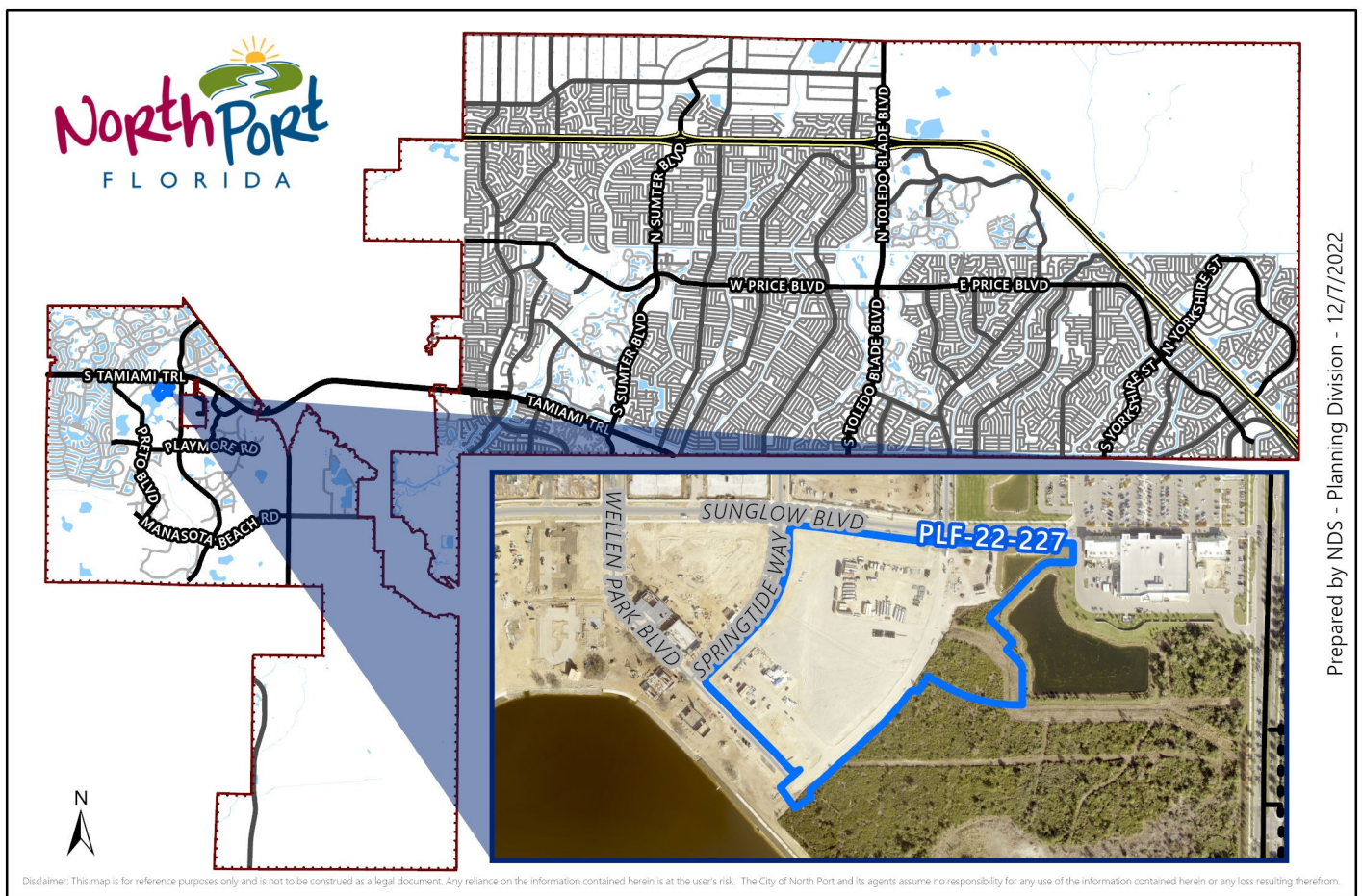
Thru: Lori Barnes, AICP, CPM, Planning & Zoning Division Manager

Thru: Alaina Ray, AICP, Neighborhood Development Services Director

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

Thru: A. Jerome Fletcher II, ICMA-CM, MPA, City Manager

Date: January 5, 2023



Prepared by NDS - Planning Division - 12/7/2022

PROJECT:	PLF-22-227, Wellen Park Downtown Tract 6 & 9 (QUASI-JUDICIAL)
REQUEST:	Approval of Wellen Park Downtown Tract 6 & 9 Replat
APPLICANT:	John Luczynski on behalf of Main Street Ranchlands LLLP
OWNER:	Main Street Ranchlands LLLP
LOCATION:	Within Village D; North of Wellen Park Blvd, South of Sunglow Blvd and East of Springtide Way (Section 32, Township 39 South, Range 20 East, North Port, Florida.)
PROPERTY SIZE:	± 15.4494 Acres

I. BACKGROUND

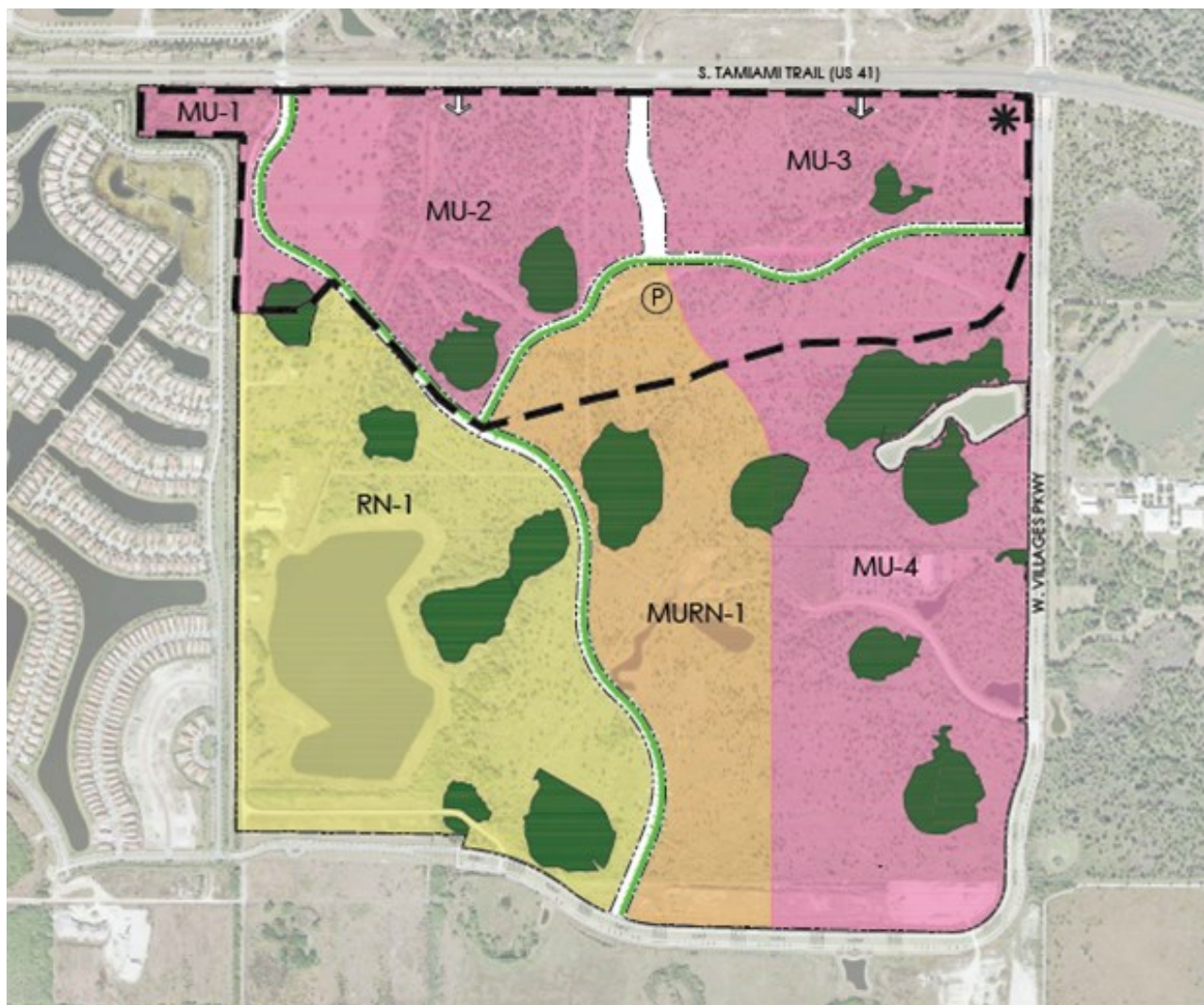
In 2020, the master Subdivision (SCP-20-050) and Infrastructure Plans (INF-20-051) for Wellen Park Downtown Phase I were approved by staff.

In October 2020, Commission approved the Wellen Park Downtown Phase I plat comprising 11 commercial lots and associated right-of-way and drainage. A revision to the subdivision plan to include the replatted area was approved by staff.

The purpose of the replat is to further subdivide Tract 6 into two additional tracts for a hotel and public parking. The boundary of Tract 9 is being reconfigured to align with the roadway. The portion of unplatted property located just south of Tract 9 is subdivided into Tract 12 and Tract 13 for future development. The portion of the Market Way extension approved under INF-22-136 is included in the replat. The total site contains approximately ± 15.4494 acres.

The site is located within the Village D, West Villages Improvement District, Wellen Park Downtown Phase I in the MU-3 (Mixed Use Area), as shown in Figure 1 below, South of Sunglow Blvd, North of Wellen Park Blvd, and East of Springtide Way.

The City has received a surety bond in the amount of \$328,361.94 for potable water and sanitary sewer.



II. STAFF ANALYSIS & FINDINGS

2021 FLORIDA STATUTES

Title XII MUNICIPALITIES, Chapter 177 LAND BOUNDARIES, Part I: PLATTING, Section 177.081 Dedication and approval.

(1) Prior to approval by the appropriate governing body, the plat shall be reviewed for conformity to this chapter by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs of which shall be borne by the legal entity offering the plat for recordation, and evidence of such review must be placed on such plat.

Findings: The final plat was reviewed and approved by the contracted City Surveyor for conformance with the Florida Statutes Chapter 177 Part I.

Conclusion: PLF-22-227 meets the State's requirements for City review and approval of plats.

COMPLIANCE WITH ULDC

Chapter 37-Subdivision Regulations, Article II-Procedures for Securing Approvals, Section 37-8 Plat Submission Requirements.

B. Conformity with approved subdivision plans. The plat shall incorporate all stipulations, easements, changes and modifications required to make the approved subdivision plan and infrastructure plan conform to these regulations.

Findings: The final plat was reviewed for conformance with the approved infrastructure plans for Village D Master Infrastructure (INF-22-136, SCP-22-137).

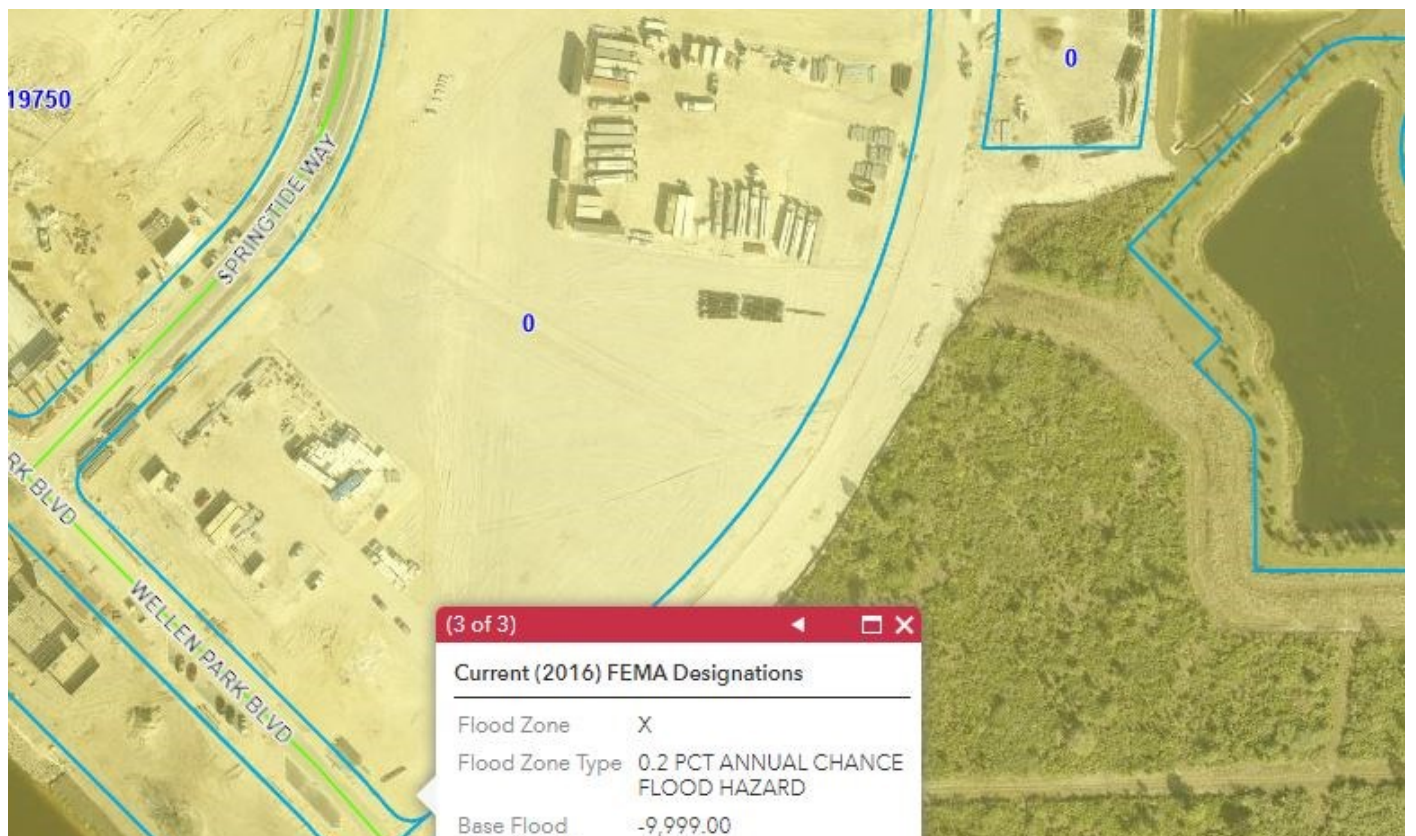
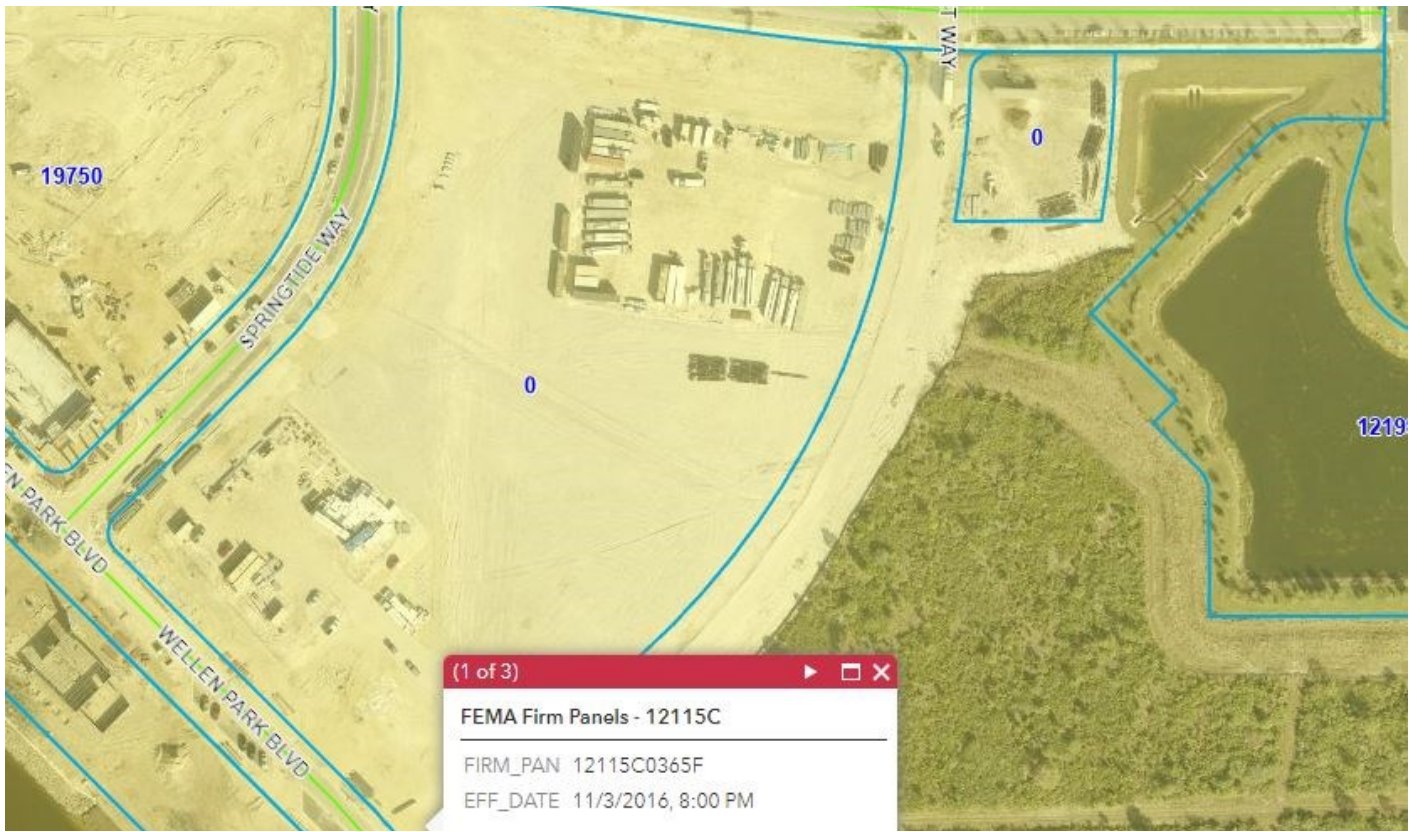
Conclusion: PLF-22-227 conforms with the ULDC.

ENVIRONMENTAL

A formal environmental survey has been completed on the site. All permits will be issued in accordance to State and Federal standards.

FLOOD ZONE

Flood Zone X (Areas of minimal flood hazard), According to Flood Insurance Rate Map No. 12115C0365F for Sarasota County, Community No. 120279, City of North Port, FL effective November 4, 2016.



III. RECOMMENDED MOTION

Staff recommends **APPROVAL** of Petition No. PLF-22-227, Wellen Park Downtown Tract 6 & 9 Replat :

I move to recommend approval of Petition No. PLF-22-227 as presented and find that based on the competent substantial evidence, the Plat complies with all regulations set forth in the Unified Land Development Code (ULDC) and Florida Statutes Chapter 177.

IV. ALTERNATIVE MOTIONS

Petition PLF-22-227 could be DENIED. If that were the case, new findings would need to be written to support that recommendation. The motion would be as follows:

I move to recommend denial of Petition No. PLF-22-227 and find that, based on the competent substantial evidence shows that the proposed Plat does not comply with the Unified Land Development Code (ULDC) and Florida Statutes Chapter 177.

V. PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board Public Hearing	January 5, 2023 9:00 AM or as soon thereafter
City Commission Public Hearing	January 24, 2023 6:00 PM or as soon thereafter

VI. EXHIBITS

A.	Map Gallery
B.	Affidavit
C.	Title Assurance
D.	City Surveyor's Approval



City of North Port

Prepared on 12/12/2022
by NDS / Planning Division

Exhibit A - Map Gallery

Aerial Location Map

PLF-22-227, Wellen Park Downtown (Tract 6 & 9) Replat



0 125 250 Feet

 Petition Boundary





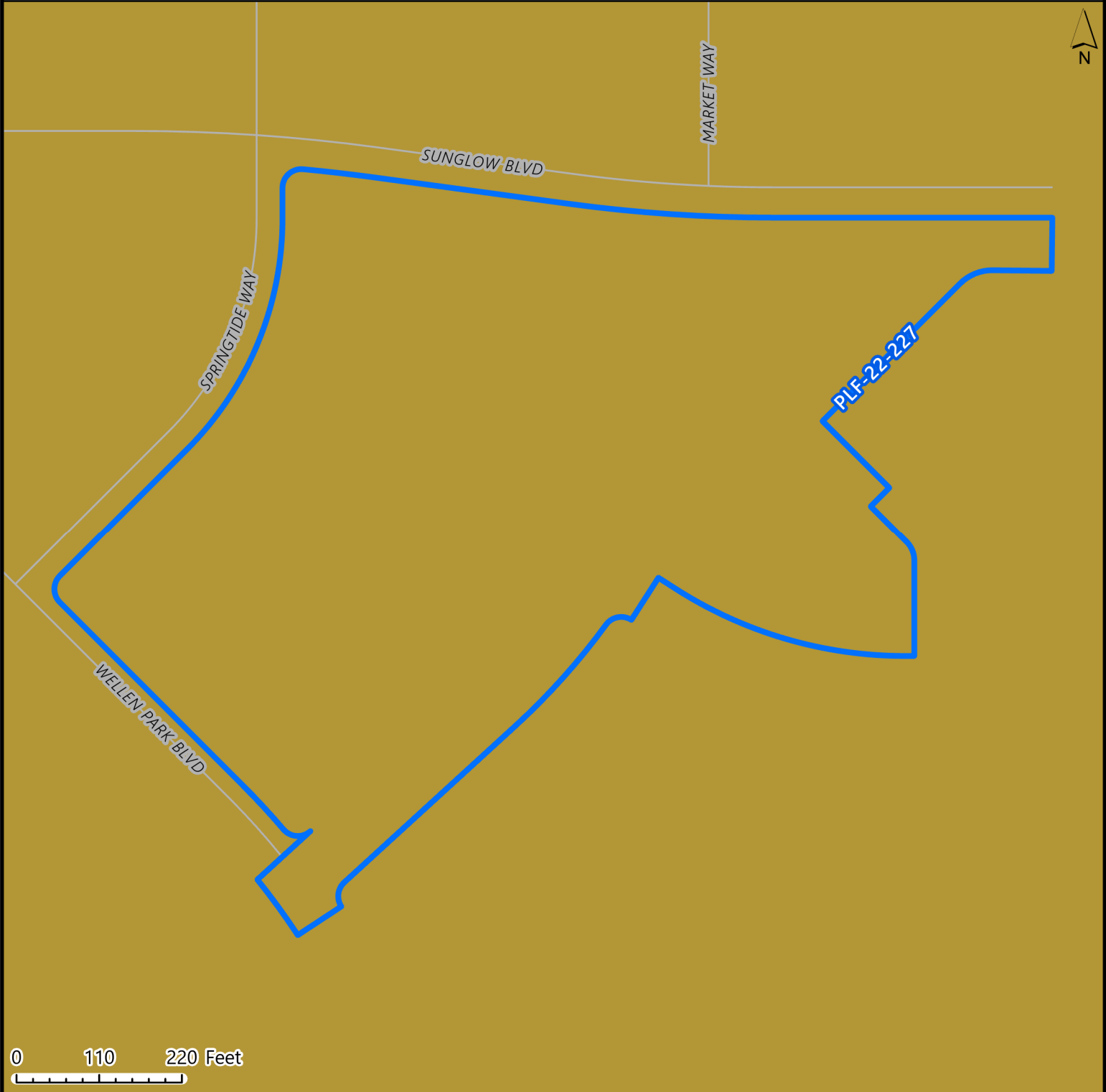
Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting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



Current Zoning

PLF-22-227, Wellen Park Downtown (Tract 6 & 9) Replat V, Village

-  Petition Boundary
-  (V) Village





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

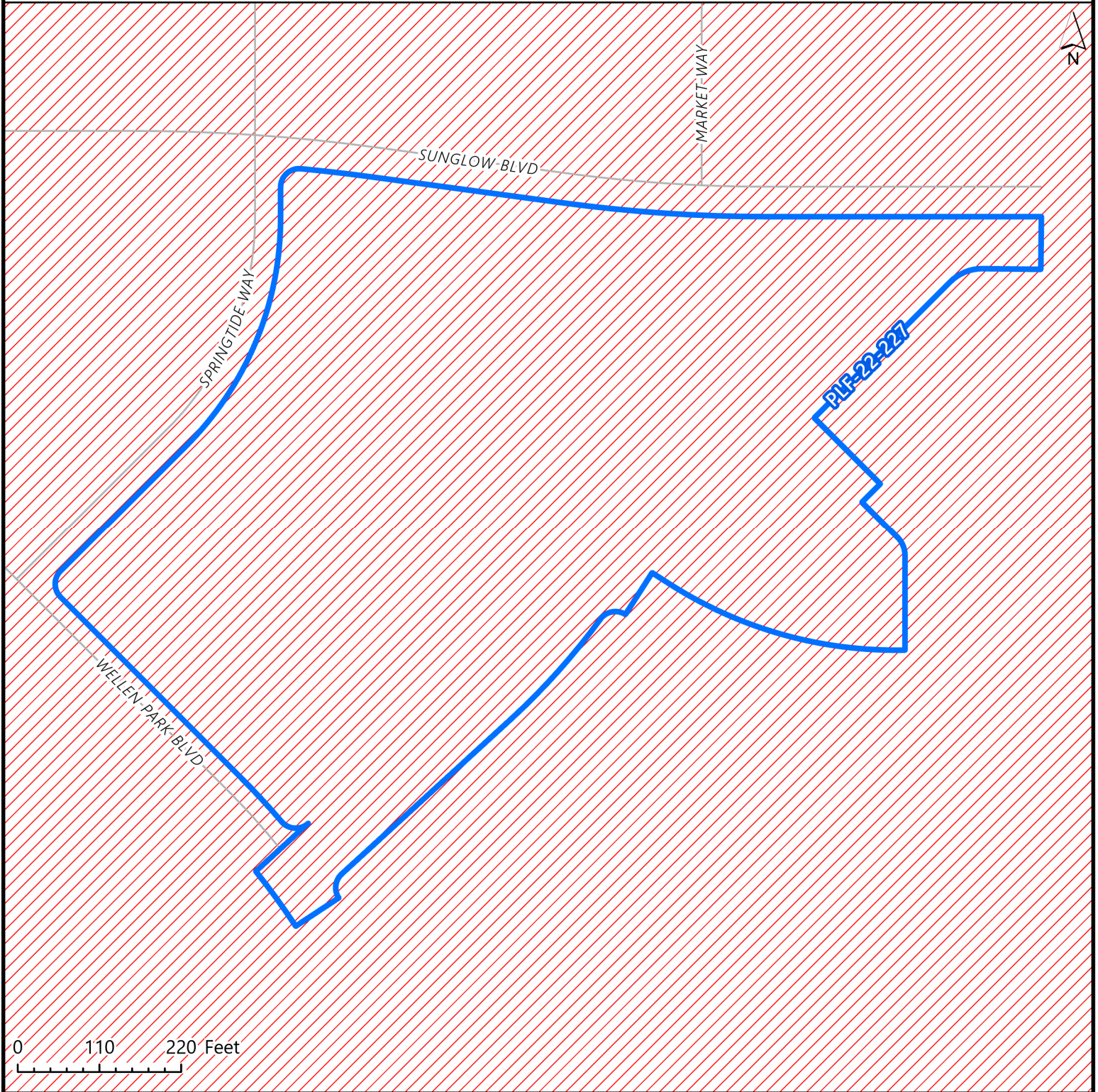
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Future Land Use

PLF-22-227, Wellen Park Downtown (Tract 6 & 9) Replat VILLAGE

-  Petition Boundary
-  VILLAGE



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

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AFFIDAVIT

I (the undersigned), JOHN E. LUCZYNSKI 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 12TH day of AUGUST, 2022

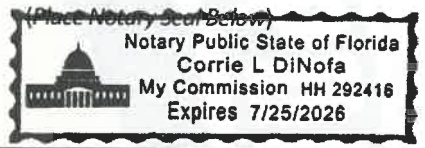
[Signature]
Signature of Applicant or Authorized Agent

JOHN E. LUCZYNSKI, SUP
Print Name and Title

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 12th day of August, 2022, by John E. Luczynski who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

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

Owner Date

STATE OF _____ COUNTY OF _____

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

(Place Notary Seal Below)

Signature - Notary Public

Exhibit C - Title Assurance
PLAT PROPERTY INFORMATION REPORT

Showing Information Required by F.S. 177.041 Prior to Platting Lands

Issuer: Attorneys' Title Fund Services, LLC and Williams Parker Harrison Dietz & Getzen, PLLC
Recipient: Manasota Beach Ranchlands, LLLP

Fund File Number: 1316668

Provided For: Williams Parker Harrison Dietz & Getzen, PLLC **Agent's File Reference:** Wellen Park
Downtown Tracts 6 & 9

Effective Date of Search: September 9, 2022 at 11:00 PM

Description of Real Property Situated in Sarasota County, Florida:

See Exhibit A

Record Title Vested in:

MAIN STREET RANCLANDS, LLLP, a Florida limited liability limited partnership, by Special Warranty Deed recorded in Instrument Number [2014062919](#) in favor of THOMAS RANCH LAND PARTNERS VILLAGE 2A, LLLP, a Florida limited liability limited partnership, and Certificate of Name Change recorded in Instrument Number [2015141233](#), and by Special Warranty Deed in favor of MAIN STREET RANCLANDS, LLLP, a Florida limited liability limited partnership, recorded in Instrument Number [2015141224](#), Public Records of Sarasota County, Florida.

Prepared Date: September 16, 2022

Attorneys' Title Fund Services, LLC

Prepared by: Peggy Frook, Senior Examiner

Phone Number: (800) 228-8137 x6604

Email Address: PFrook@TheFund.com

Exhibit C - Title Assurance
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The following mortgages are all the mortgages of record that have not been satisfied or released of record nor otherwise terminated by law:

1. Nothing Found

Other encumbrances affecting the title:

1. All matters contained on the Plat of WELLEN PARK DOWNTOWN PHASE 1, as recorded in Plat Book [54, Page 331](#), Public Records of Sarasota County, Florida.
2. Covenants, conditions, and restrictions contained in the Declaration of Covenants, Conditions, Easements, and Restrictions for Wellen Park Downtown recorded in Instrument Number [2020170396](#), Public Records of Sarasota County, Florida, which contain provisions creating easements and/or assessments.
3. Declaration of Covenants, Conditions, Easements and Restrictions recorded in Instrument Number [2004216589](#), as amended in Instrument Number [2005257191](#) and Instrument Number [2007018906](#) of the Public Records of Sarasota County, Florida, limited to provisions creating easements in paragraphs 5.1 and 5.3.
4. Declaration of Covenants, Conditions, Easements and Restrictions recorded in Instrument Number [2005197548](#) as amended under Instrument Number [2008099652](#) of the Public Records of Sarasota County, Florida, limited to provisions creating easements in paragraph 3.3.
5. 2019 Amended and Restated Utilities Agreement recorded in Instrument Number [2019125013](#), Public records of Sarasota County, Florida, which contain provisions creating easements, use restrictions, and charges in favor of the City of North Port.
6. Notice of Establishment of West Villages Improvement District, Declaration of Consent to Jurisdiction, Agreement between West Villages Improvement District and Fourth Quarter Properties XXXII, LLC, and other instruments pertaining to said District recorded in Instrument Number [2004223490](#), Instrument Number [2005023829](#), Instrument Number [2005032617](#), Instrument Number [2005149323](#), Instrument Number [2006023618](#), Instrument Number [2006023619](#), Instrument Number [2007048565](#), Instrument Number [2007086622](#), Instrument Number [2007086623](#), Instrument Number [2007176566](#), Instrument Number [2008055051](#), Instrument Number [2008055052](#), Instrument Number [2008055053](#), Instrument Number [2016034012](#), Instrument Number [2016036451](#), and Instrument Number [2016047842](#), Instrument Number [2016142210](#), Instrument Number [2016142211](#), Instrument Number [2016142212](#), Instrument Number [2016142213](#), Instrument Number [2016142214](#), Instrument Number [2016142215](#), Instrument Number [2016142216](#), Instrument Number [2016142217](#), Instrument Number [2017013324](#), Instrument Number [2017111575](#), Instrument Number [2017111576](#), Instrument Number [2017111577](#), Instrument Number [2017111578](#), Instrument Number [2017111579](#), Instrument Number [2017111580](#), Instrument Number [2017111581](#), Instrument Number [2017111582](#), Instrument Number [2017111583](#), Instrument Number [2017111584](#), Instrument Number [2017111585](#), Instrument Number [2018000839](#), Instrument Number [2018000840](#), Instrument Number [2018084717](#), Instrument Number [2018105750](#), Instrument Number [2018142894](#), Instrument Number [2018154491](#), Instrument Number [2018164671](#), Instrument Number [2019007882](#), Instrument Number [2022119302](#), Instrument Number [2022121327](#), and [2022121328](#), Public Records of Sarasota County, Florida.
7. Ordinance No. 2015-11 of the City of North Port (annexation), recorded in Instrument Number [2015066571](#), Public Records of Sarasota County, Florida.
8. Ordinance No. 2015-18 of the City of North Port (rezoning), recorded in Instrument Number [2015096413](#), Public Records of Sarasota County, Florida.

Exhibit C - Title Assurance
PLAT PROPERTY INFORMATION REPORT

Fund File Number: 1316668

9. Recorded Notice of Environmental Resource Permit recorded in Instrument Number [2018070339](#), Public Records of Sarasota County, Florida.
10. Agreement Relating to Additional Wastewater Capacity for West Villages recorded in Instrument Number [2018010761](#), Public Records of Sarasota County, Florida.
11. Restrictive Covenant recorded in Instrument Number [2018128694](#), Public Records of Sarasota County, Florida.
12. Irrigation Water Supply Agreement recorded in Instrument Number [2018159052](#), First Amendment to Irrigation Water Supply Agreement recorded in Instrument Number [2021205095](#), and Second Amendment to Irrigation Water Supply Agreement recorded in Instrument Number [2022123786](#), Public Records of Sarasota County, Florida.
13. City of North Port, Florida/Fourth Quarter Properties XXXII, LLC Water and Wastewater System Interim Ordinance No. 07-14 of the City of North Port (annexation) recorded in Instrument Number [2007085538](#), Public Records of Sarasota County, Florida.
14. City of North Port, Florida and Sarasota County Public Hospital Board Water and Wastewater System Standard Developer's Agreement recorded in Instrument Number [2007089003](#), Public Records of Sarasota County, Florida.
15. Pre-Annexation Agreement by and between the City of North Port, Florida and Sarasota County Public Hospital Board recorded in Instrument Number [2007089004](#), Public Records of Sarasota County, Florida.
16. Interlocal Agreement between the City of North Port, Florida, Sarasota County, Florida and the Sarasota County Public Hospital Board recorded in Instrument Number [2007089005](#), Public Records of Sarasota County, Florida.
17. Interlocal Agreement between the City of North Port, Florida, Sarasota County, Florida and the Sarasota County Public Hospital Board recorded in Instrument Number [2007104251](#), Public Records of Sarasota County, Florida.
18. Recorded Notice of Environmental Resource Permit recorded in Instrument Number [2018126427](#), Public Records of Sarasota County, Florida.
19. West Villages Developer Agreement (Post Annexation) recorded in Instrument Number [2020042302](#); together with Joinder and Consent recorded in Instrument Number [2020042589](#), Public Records of Sarasota County, Florida.
20. Memorandum of Agreement for West Villages Developer Agreement (Post Annexation) and Joinder and Consent recorded in Instrument Number [2020042654](#), Public Records of Sarasota County, Florida.
21. Declaration of Restrictive Covenants and Rights recorded in Instrument Number [2021153734](#), Public Records of Sarasota County, Florida.
22. Easement to Florida Power & Light Company recorded in Instrument Number [2021180603](#), Public Records of Sarasota County, Florida.
23. Any liens created or levied pursuant to West Villages Improvement District.
24. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded November 2, 2021, under Instrument Number [2021198861](#), Public Records of Sarasota County, Florida.
25. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded November 2, 2021, under Instrument Number [2021198862](#), Public Records of Sarasota County, Florida.

Exhibit C - Title Assurance
PLAT PROPERTY INFORMATION REPORT

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26. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded November 2, 2021, under Instrument Number [2021198863](#), Public Records of Sarasota County, Florida.
27. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded November 2, 2021, under Instrument Number [2021198864](#), Public Records of Sarasota County, Florida.
28. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded November 2, 2021, under Instrument Number [2021198865](#), Public Records of Sarasota County, Florida.
29. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded May 18, 2022, under Instrument Number [2022085673](#), Public Records of Sarasota County, Florida.
30. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded May 27, 2022, under Instrument Number [2022090825](#), Public Records of Sarasota County, Florida.
31. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded May 27, 2022, under Instrument Number [2022090826](#), Public Records of Sarasota County, Florida.
32. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded May 27, 2022, under Instrument Number [2022090827](#), Public Records of Sarasota County, Florida.
33. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded September 1, 2022, under Instrument Number [2022143755](#), Public Records of Sarasota County, Florida.
34. NOTE: Most of the above-listed Notices of Commencement do not contain legal descriptions.

This search is provided pursuant to the requirements of section 177.041, F.S. for the uses and purposes specifically stated therein and is not to be used as the basis for issuance of an insurance commitment and/or policy.

The information contained herein is furnished for information only.

This report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

Exhibit C - Title Assurance
PLAT PROPERTY INFORMATION REPORT

Exhibit A

Fund File Number: 1316668

A tract of land including Tract 6 and 9 of Wellen Park Downtown Phase 1, recorded in Plat Book [54, Page 331](#) of the Public Records of Sarasota County, Florida, lying in Section 32, Township 39 South, Range 20 East, Sarasota County, Florida, being more particularly described as follows:

Begin at the northeast corner of Tract 9 of Wellen Park Downtown Phase 1, recorded in Plat Book [54, Page 331](#) of the Public Records of Sarasota County, Florida; thence N.90°00'00"E. along the southerly line of Sunglow Boulevard (Tract 300, Wellen Park Downtown Phase 1), a distance of 279.87 feet to the westerly line of West Villages Marketplace recorded in Plat Book [53, Page 140](#) of said Public Records; the following nine (9) calls are along said westerly line of West Villages Marketplace: (1) thence S.00°39'33"W., a distance of 70.89 feet; (2) thence N.89°20'27"W., a distance of 78.39 feet to a point of curvature of a curve to the left having a radius of 60.64 feet and a central angle of 45°39'33"; (3) thence Westerly along the arc of said curve, a distance of 48.33 feet, to the point of tangency of said curve; (4) thence S.45°00'00"W., a distance of 258.71 feet; (5) thence S.45°00'00"E., a distance of 125.66 feet; (6) thence S.45°00'00"W., a distance of 35.00 feet; (7) thence S.45°00'00"E., a distance of 67.52 feet to a point of curvature of a curve to the right having a radius of 35.00 feet and a central angle of 45°00'00"; (8) thence Southeasterly along the arc of said curve, a distance of 27.49 feet, to the point of tangency of said curve; (9) thence S.00°00'00"E., a distance of 127.32 feet; thence S.90°00'00"W., a distance of 11.97 feet to a point of curvature of a curve to the right having a radius of 566.67 feet and a central angle of 32°40'30"; thence Westerly along the arc of said curve, a distance of 323.16 feet, to the point of tangency of said curve; thence N.57°19'30"W., a distance of 26.71 feet; thence S.32°40'28"W., a distance of 66.66 feet to the point of curvature of a non-tangent curve to the left, having a radius of 25.00 feet and a central angle of 86°27'46"; thence Westerly along the arc of said curve, a distance of 37.73 feet, said curve having a chord bearing and distance of S.79°26'37"W., 34.25 feet, to the point of curvature of a reverse curve to the right having a radius of 920.33 feet and a central angle of 11°10'17"; thence Southwesterly along the arc of said curve, a distance of 179.44 feet, to the point of tangency of said curve; thence S.47°34'21"W., a distance of 309.89 feet to a point of curvature of a curve to the left having a radius of 25.00 feet and a central angle of 80°52'36"; thence Southerly along the arc of said curve, a distance of 35.29 feet, to the end of said curve; thence S.56°41'45"W. along a line non-tangent to said curve, a distance of 69.33 feet to the point of curvature of a non-tangent curve to the left, having a radius of 954.67 feet and a central angle of 05°28'47"; thence Northwesterly along the arc of said curve, a distance of 91.30 feet, said curve having a chord bearing and distance of N.36°02'39"W., 91.27 feet, to the end of said curve; thence N.47°34'21"E. along the southeasterly line of Wellen Park Boulevard (Tract 300, Wellen Park Downtown Phase 1), a distance of 95.65 feet to the point of curvature of a non-tangent curve to the right, having a radius of 25.00 feet and a central angle of 91°56'55"; the following eleven (11) calls are along the boundary of Tract 6 of said Wellen Park Downtown Phase 1: (1) thence Westerly along the arc of said curve, a distance of 40.12 feet, said curve having a chord bearing and distance of N.86°27'12"W., 35.95 feet, to the point of curvature of a reverse curve to the left having a radius of 1,024.00 feet and a central angle of 04°31'16"; (2) thence Northwesterly along the arc of said curve, a distance of 80.80 feet, to the point of tangency of said curve; (3) thence N.45°00'00"W., a distance of 343.14 feet to a point of curvature of a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00"; (4) thence Northerly along the arc of said curve, a distance of 39.27 feet, to the point of tangency of said curve; (5) thence N.45°00'00"E., a distance of 239.29 feet to a point of curvature of a curve to the left having a radius of 433.33 feet and a central angle of 45°00'00"; (6) thence Northeasterly along the arc of said curve, a distance of 340.34 feet, to the point of tangency of said curve; (7) thence N.00°00'00"E., a distance of 41.32 feet to a point of curvature of a curve to the right having a radius of 25.00 feet and a central angle of 95°25'21"; (8) thence Northeasterly along the arc of said curve, a distance of 41.64 feet, to the point of curvature of a compound curve to the right having a radius of 2,359.67 feet and a central angle of 02°18'09"; (9) thence Easterly along the arc of said curve, a distance of 94.83 feet, to the point of tangency of said curve; (10) thence S.82°16'29"E., a distance of 260.87 feet to a point of curvature of a curve to the left having a radius of 2,040.33 feet and a central angle of 07°43'31"; (11) thence Easterly along the arc of said curve and along the southerly line of Sunglow Boulevard (Tract 300, Wellen Park Downtown Phase 1) and along the north line of abovementioned Tract 9, a distance of 275.10 feet, to the point of tangency of said curve; thence N.90°00'00"E., a distance of 89.89 feet to the POINT OF BEGINNING.

Exhibit D - City Surveyor Approval

From: [Alan Fish](#)
To: [Sherry Willette](#)
Cc: [Joy McRae-Fox](#); "[Jasper, Joe](#)"
Subject: [EXTERNAL] Wellen Park Down Tracts 6 & 9 Replat
Date: Friday, December 2, 2022 11:45:20 AM



Sherry,

I have performed a second review of the above referenced plat received Dec. 1, 2022 and found the plat to now be in conformance with Chapter 177, Part One, Florida Statutes.

Alan K. Fish, PSM
Van Buskirk & Fish, Surveying & Mapping, Inc.
12450 S. Tamiami Trail, Unit D
North Port, FL. 34287
Ph-941 426 0681