



Flash Investors -South River Rd-US 41
Voluntary Annexation (Petition No. ANX-23-175)
Ordinance No. 2024-03

STAFF REPORT

From: Austin Grubb, AICP, Planner III

Thru: Hank Flores, AICP, CFM, Planning and Zoning Manager

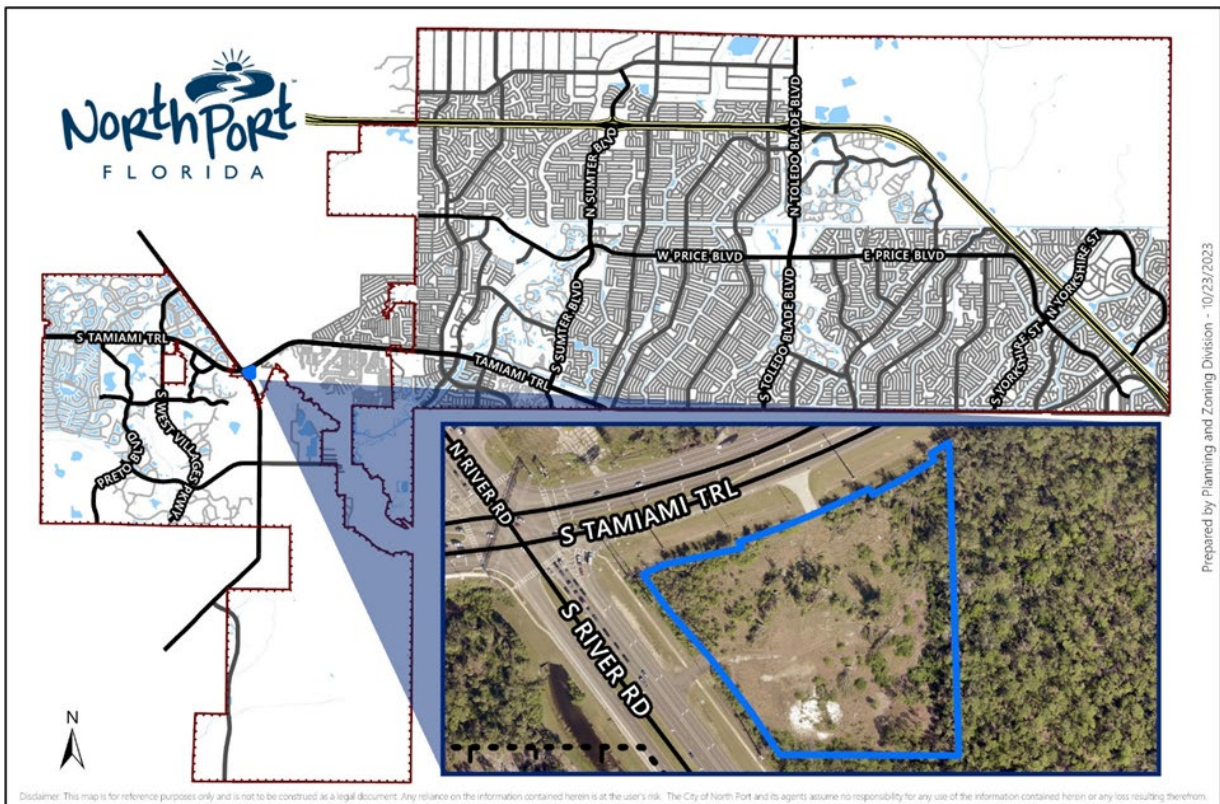
Thru: Lori Barnes, AICP, CPM, Development Services Assistant Director

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: January 18, 2024



Prepared by Planning and Zoning Division - 10/23/2023

PROJECT:	Flash Investors LLC ANX-23-175
REQUEST:	Approval of Ordinance No. 2024-03, voluntary annexation into the City of North Port
APPLICANT:	Flash Investors, LLC; Jackson Boone Esq. (Agent) (Exhibit A, Affidavit)
OWNERS:	Flash Investors LLC (Exhibit B, Warranty Deed)
LOCATION:	Located at the southeast corner of Tamiami Trail (US-41) and east of South River Road (PID # 0788030001).
PROPERTY SIZE:	± 6.89 acres

I. BACKGROUND

Flash Investors, LLC (Property Owner) formally submitted to the City of North Port a petition for voluntary annexation for a ± 6.89-acre property located at the southeast corner of the intersection of South River Road and Tamiami Trail (U.S. 41). The property currently has the Sarasota County zoning designation of Commercial Intensive (CI) and the Sarasota County future land use designation of "Rural." The CI zoning designation allows for up to 9 dwelling units per acre, however, based on the Rural future land use designation, density is restricted to 1 dwelling unit per 5 acres and commercial uses are not expressly permitted.

The property and surrounding lands are within the City's Future Annexation Area, meaning it has been designated to be considered for annexation. It is bordered to the west by River Road, to the north by US 41 Tamiami Trail, and to the south/east by unincorporated Sarasota County. The City has recently received several annexation applications for properties at or near the U.S. 41/River Road intersection.

Following the annexation of the property into the City boundary, any petition to change the future land use of the property would first have to go through Sarasota County approvals following the County Charter, as there is no longer an active Joint Planning Agreement between the City of North Port and Sarasota County. Once the assignment of the future land use process with the County is complete, the property owner is then required to submit to the City of North Port applications for a comprehensive plan amendment and a rezoning to apply both the City of North Port future land use designation of Activity Center and a zoning designation of Planned Community Development (PCD) to develop the property.

The applicant has only submitted a petition to annex into the city voluntarily, at this time, and intends to submit petitions for a comprehensive plan amendment and rezone at a later date.

II. REVIEW PROCESS

When reviewing annexation petitions, the primary considerations are contiguity to the existing City boundaries, and the availability of urban services. The Management Team has reviewed the application, and all applicable departments reviewed and provided the comments listed below. It should be noted that the comments and conditions identified in the table below are relevant to future submittals related to the site development. Sarasota County was given a copy of all application materials for review and has not made any formal comments.

Staff Review Summary	
NDS- Building Arborist	No Objection
Finance	No Objection
Fire/Rescue	Meets Requirements with Conditions ⁱ
NDS-Planning and Zoning	No Objection
Parks and Recreation	No Objection
Public Works/P&Z Environmental	No Objection
Public Works Engineering	No Objection
Public Works Stormwater	No Objection
Public Works Solid Waste	No Objection
Utilities	Meets Requirements with Conditions ⁱⁱ

ⁱ Fire conditions: All proposed projects or developments shall comply with the Florida Fire Prevention Code (FFPC) and the City of North Port Unified Land Development Code (ULDC), Chapters 37 and 60, as outlined for formal submittal.

ⁱⁱ Utilities comments: The developer will be responsible for all the infrastructure necessary to serve the property.

III. DATA & ANALYSIS

FLORIDA STATUTES CHAPTER 171, PART I MUNICIPAL ANNEXATION OR CONTRACTION, SECTION 171.044 VOLUNTARY ANNEXATION

Owners of real property in an unincorporated area of a county contiguous to a municipality may petition the municipality to be annexed. Upon determination that the petition bears the signatures of all owners of the property in the area proposed to be annexed, the governing body may adopt a non-emergency ordinance. The notice shall be published for two consecutive weeks in a newspaper of general circulation. A copy of the notice must be provided via certified mail to the Board of County Commissioners at least 10 days prior to publishing.

Staff Findings: The voluntary annexation application bears the property owner's signature. Ordinance No. 2024-03 was advertised according to the above state statute requirements on January 2, 2024, and January 9, 2024. A copy of the notice was sent to the Sarasota County Board of County

Commissioners via certified mail on December 22, 2024 (**Exhibit E – Legal Advertisement, Exhibit C- Notice to County Commissioners**).

Staff concludes that the requirements of Chapter 171, Part I of the Florida Statutes, Section 171.044 have been met.

COMPREHENSIVE PLAN - CHAPTER 2 – FUTURE LAND USE

Future Land Use Policy 2.1.7: Encourages voluntary annexations in Sarasota County between Warm Mineral Springs and the eastern boundary of the West Village Improvement District (fka Thomas Ranch) to expand the City's tax base and Activity Center #1.

Staff Findings: The subject property is located within the voluntary annexation area described above in Sarasota County and would be expanding Activity Center #1 should it be annexed. This policy also outlines how the annexed property must be zoned. "Upon annexation, and after the amendment of the Comprehensive Plan, shall be zoned to PCD." Though a zoning designation is not proposed through a rezoning petition at this time, it will be required to be rezoned to Planned Community Development, consistent with this policy.

Staff concludes that the proposed annexation is consistent with Policy 2.1.7 of the Future Land Use Element of the Comprehensive Plan.

Future Land Use Policy 2.1.13: Policy 2.1.13 identifies potential annexation areas 1A, 1B, and 1C on Map 1. It also states that upon annexation, the City shall recommend a future land use designation of 'Activity Center 1' be applied through a comprehensive plan amendment.

Staff Findings: The subject property is located within potential annexation area 1B as identified on Map 1 in Policy 2.1.13. A comprehensive plan amendment is not currently proposed. At the time a comprehensive plan amendment is submitted for this property, it will be required to be consistent with this policy. Staff concludes that the proposed annexation is consistent with Policy 2.1.13 of the Future Land Use Element of the Comprehensive Plan.

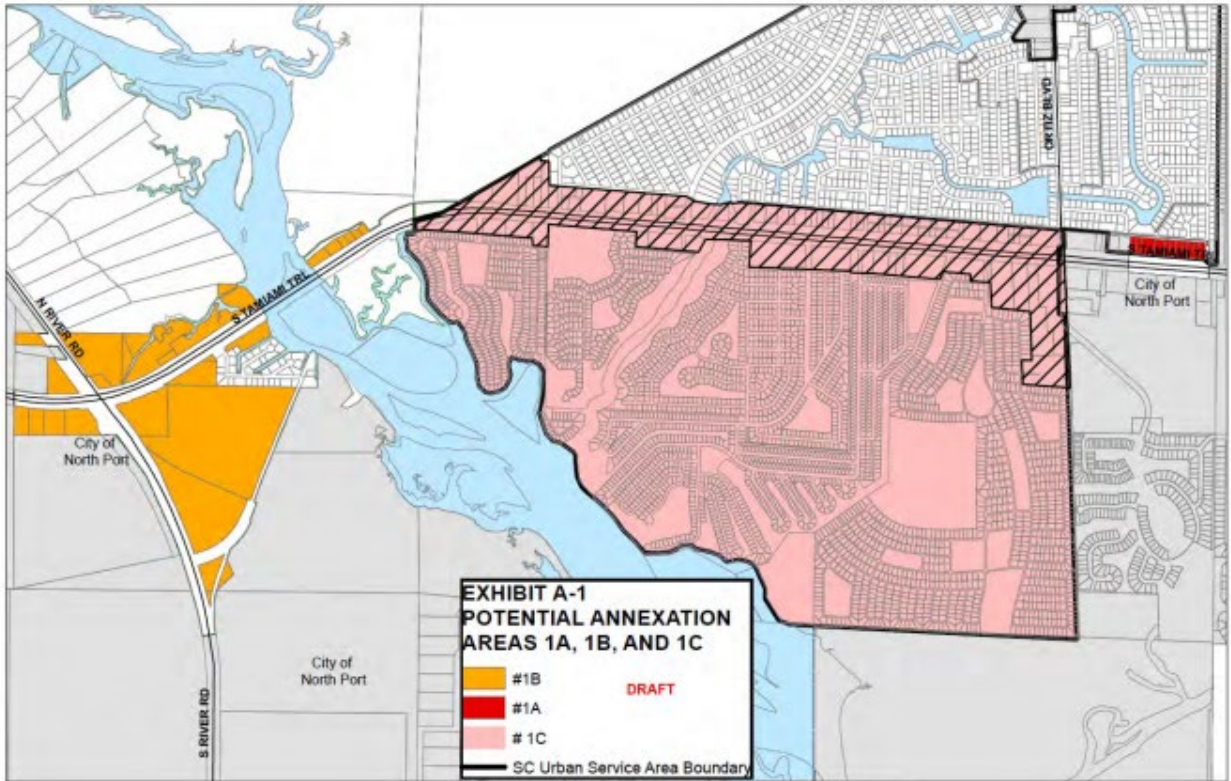


Figure 1-Potential Annexation Areas

Future Land Use Policy 6.6.2: Upon annexation of contiguous lands along US 41 as shown in Map 1 FLU Policy 2.1.13, the properties identified as Future Annexation Area/Future Urban Service Area Boundary will be eligible for urban services allowed by the USB.

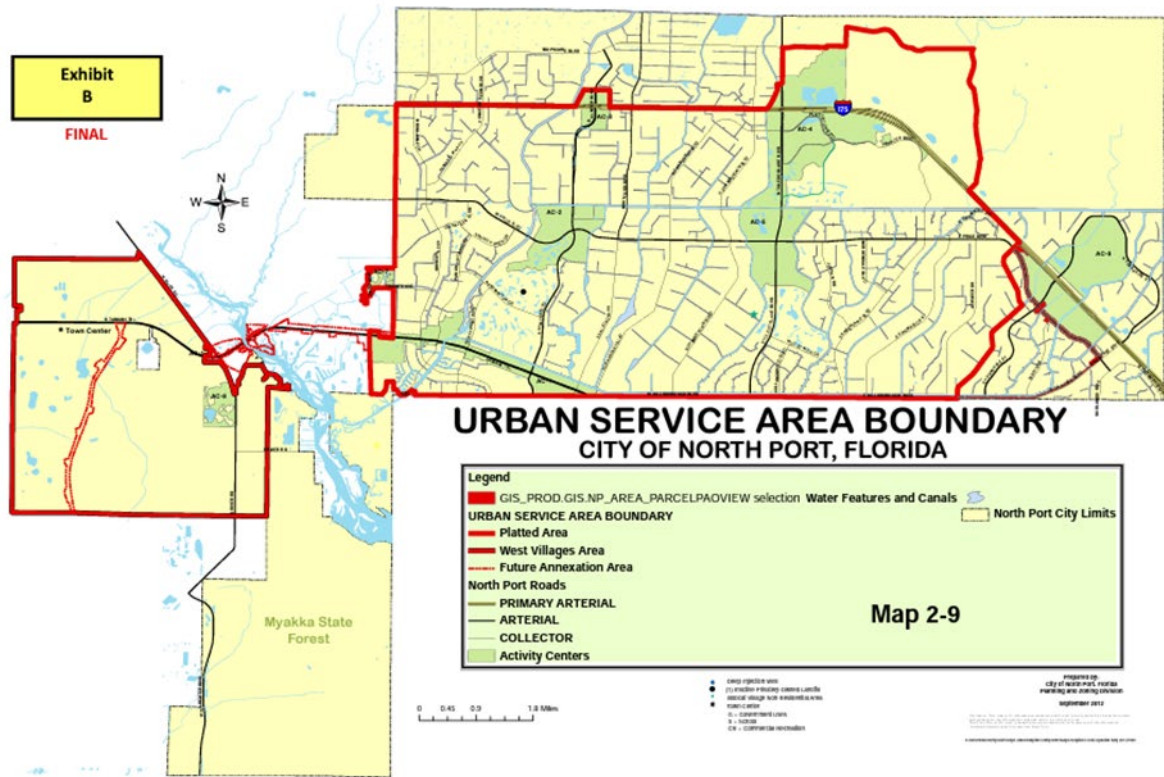


Figure 2 - Urban Service Area Boundary Map

Staff Findings: The subject property is located within the Urban Service Area Boundary per MAP 2-9. The Utilities Department has provided written confirmation through a willingness to serve letter that they have the capacity at both water and sewage treatment plants to provide City water and sewer to serve the development. In addition, the new Fire and Police substation is within 2 ½ miles and can serve the annexed property.

Staff concludes that the proposed annexation is consistent with Policy 6.6.2 of the Future Land Use Element of the Comprehensive Plan.

Unified Land Development Code (ULDC) Chapter 53—Zoning Regulations, Article 1—Map; Boundaries, Section 22—Annexations

ULDC Sec. 53-22 stipulates that annexations shall be by non-emergency ordinance and must meet Florida Statutes Chapter 171. As the annexation would change the City boundaries, this change must be reflected on the Official Zoning Map. The section also lists submission requirements for a complete annexation application packet and the review and public hearing processes.

Staff Findings: The annexation petition was submitted to the City and reviewed for sufficiency to ensure all appropriate supporting documents were included. Following the review process, the Planning and Zoning

Advisory Board and City Commission will hear the annexation ordinance. Notification of the annexation petition was sent to the Sarasota County Board of County Commissioners and advertised weekly for two consecutive weeks. In addition, notice was sent to property owners within 1,320 feet of the subject property.

Staff concludes that the proposed annexation is consistent with ULDC Sec. 53-22.

IV. FISCAL IMPACT ANALYSIS

The end use of the land is unknown; therefore, staff has completed a fiscal impact statement based upon annexation of vacant land. Using fiscal trends for other vacant PCD parcels in Activity Center 1, the first-year net impact is \$12,606 with a 10 percent increase forecasted for the next 5 years. The total impact over five years is \$76,959.

V. PUBLIC NOTICE & HEARING SCHEDULE

The hearings were advertised in a newspaper of general circulation within the City of North Port on January 2, 2024, and January 9, 2024, under the provisions of Section 171.044(6), Florida Statutes, 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.

Notices of the public hearings were mailed to property owners within 1,320 feet of the subject property on December 22, 2023

The Sarasota County Board of County Commissioners has been notified, in compliance with Florida State Statutes Chapter 171, of the City of North Port's intent to annex the subject parcel into the City.

Public Hearing Dates	
Planning & Zoning Advisory Board Public Hearing	January 18, 2024 9:00 AM or soon thereafter
City Commission Public Hearing First Reading	February 13, 2024 6:00 PM or soon thereafter
City Commission Public Hearing Second Reading	February 27, 2024 10:00 AM or soon thereafter

VI. RECOMMENDED MOTION

The Planning & Zoning Division recommends that the Planning & Zoning Advisory Board recommend approval of Petition No. ANX-23-175, Flash Investors LLC, voluntary Annexation via Ordinance No. 2024-03 and find that based on competent substantial evidence, the petition for voluntary annexation complies with the Florida Statutes Chapter 171, City of North Port Comprehensive Plan and the Unified Land Development Code.

VII. ALTERNATIVE MOTION

DENY ANX-23-175, Flash Investors LLC, Voluntary Annexation

I move to recommend the denial of Petition ANX-23-175, Flash Investors LLC, Voluntary Annexation via Ordinance No. 2024-03, and find that based on competent substantial evidence, the petition for voluntary annexation does not comply with the Florida Statutes Chapter 171, City of North Port Comprehensive Plan and the Unified Land Development Code.

VIII. EXHIBITS

A. Ownership Affidavit

B. Warranty Deed

C. Annexation Ordinance 2024-03

D. Notice to Sarasota County Commissioners

E. Business Impact Estimate

F. Published Legal Notice

G. Utility Service Letter

H. Survey Plat

EXHIBIT A

AFFIDAVIT

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

Sworn and subscribed before me this 20th day of July, 2023

[Signature] Jackson Boone, Esq; Agent
Signature of Applicant or Authorized Agent Print Name and Title

STATE OF FLORIDA COUNTY OF SARASOTA

The foregoing instrument was acknowledged by me this 20th day of July, 2023, by JACKSON R. BOONE who is personally known to me or has produced NA as identification.

[Signature]
Signature - Notary Public



AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I, Flash Investors, LLC, property owner, hereby authorize Jackson Boone, Esq. to act as Agent on our behalf to apply for this application on the property described as (legal description) please see attached.

[Signature]
Elizabeth Beattie, as Authorized Representative of Flash Investors, LLC Date 1-27-2023

STATE OF Florida COUNTY OF Essex

The foregoing instrument was acknowledged by me this 27th day of January, 2023, by Elizabeth Beattie who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public

(Place Notary Seal Below)



EXHIBIT B

1, Record 44.00
Doc 25,760.00

Return. 056
BOONE, BOONE, BOONE, KODA & FROOK, P.A.
ATTORNEYS AT LAW
P. O. BOX 1596
VENICE, FLORIDA 34284-1596

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2012043965 5 PGS
2012 APR 09 02:26 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
KONESS Receipt#1486600
Doc Stamp-Deed: 25,760.00



Prepared by and return to:

Jeffrey F. Montgomery, Esq.
Cushing, Morris, Armbruster & Montgomery, LLP
191 Peachtree Street, N.E.
Suite 4500
Atlanta, Georgia 30303

SPECIAL WARRANTY DEED

THIS INDENTURE is made and entered into as of April 4th, 2012, by and between **FOURTH QUARTER PROPERTIES 103, LLC**, a Georgia limited liability company (hereinafter referred to as "Grantor"), having an address of 45 Ansley Drive, Newnan, Georgia 30263, and **FLASH INVESTORS, LLC**, a Georgia limited liability company (hereinafter referred to as "Grantee"), having an address of 200 Ashford Center North, Suite 210, Atlanta, Georgia 30338.

WITNESSETH:

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, its successors and assigns, all that tract or parcel of land lying and being in Sarasota County, Florida, and being more fully described in **Exhibit "A,"** attached hereto and made a part hereof by reference (the "**Property**").

Tax Parcel Identification #: 0788-03-0001.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, and easements which are more fully described in the **Exhibit "B,"** attached hereto and made a part hereof by reference, and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any, affecting the Property (the "**Permitted Exceptions**").

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

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with Grantee that it is lawfully seized of the Property in fee simple; that it has good, right and lawful authority to sell and convey the Property; that it hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, except for claims arising under or pursuant to the Permitted Exceptions.

[Signatures appear on the following page]

IN WITNESS WHEREOF, Grantor has signed and sealed these presents as of the date first set forth above.

GRANTOR:

Signed, sealed and delivered in the presence of:

FOURTH QUARTER PROPERTIES 103, LLC, a Georgia limited liability company

Deborah Mathis
Print Name: Deborah Mathis

By: [Signature] (SEAL)
Name: Stanley E. Thomas
Title: Manager

Lynne Wright
Print Name: Lynne Wright

STATE OF GEORGIA
COUNTY OF COWETA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Stanley E. Thomas, Manager of Fourth Quarter Properties 103, LLC, a Georgia limited liability company, under authority duly vested in him/her by said company. He/she is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of April, 2012.

[Signature]
NOTARY PUBLIC
Deidra R Willis
Typed, printed or stamped name of Notary
My Commission Expires: 10/09/12
(Notary Stamp or Seal)



EXHIBIT C



City of North Port

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ANNEXING ± 6.89 ACRES OF REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF SARASOTA COUNTY, FLORIDA AND CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF NORTH PORT, FLORIDA; REDEFINING THE BOUNDARY LINES OF THE CITY OF NORTH PORT TO INCLUDE THIS PROPERTY; PROVIDING FOR FINDINGS; PROVIDING FOR ANNEXATION; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR ASSESSMENT AND TAXATION; PROVIDING FOR FILING OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 22, 2023, Jackson Boone, Esq., of the Boone Law Firm, in its capacity as agent of Flash Investors, LLC ("Petitioner"), submitted Petition No. ANX 23-175 for the voluntary annexation of certain real property into the corporate limits of the City of North Port, Florida (the "Petition"). The Petition is attached as "Exhibit A" and bears the signature of the property owner; and

WHEREAS, the Petition relates to ± 6.89 acres of real property, identified in the legal description and boundary survey attached as "Exhibit B" (the "Property"); and

WHEREAS, the location of the Property is identified on the map attached as "Exhibit C"; and

WHEREAS, in compliance with Section 53-22.E(1) of the Unified Land Development Code ("ULDC"), the City has prepared a fiscal impact analysis, attached as "Exhibit D"; and

WHEREAS, the Planning and Zoning Advisory Board, designated as the local planning agency, held a properly noticed public hearing on February 1, 2024 to receive public comment on the subject matter of this ordinance and to make its recommendation to the City Commission; and

WHEREAS, the City Commission of the City of North Port held properly noticed public hearings at first and second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory Board and the administrative report, and to receive public comment on the subject matter of this ordinance; and

WHEREAS, the City Commission determined that its action serves the public health, safety, and welfare of the citizens of the City of North Port, Florida.

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.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City's website on or before the date the newspaper published notice of this ordinance's final reading.
- 1.03 The City Commission makes the following additional findings:
- a. The Property is wholly located in an unincorporated area of Sarasota County, is contiguous to the boundaries of the City of North Port, and is reasonably compact.
 - b. Annexing the Property will not result in the creation of enclaves.
 - c. The City is equipped to extend urban services to the Property on the date of annexation on substantially the same basis and in the same manner as those services provided within the municipality prior to annexation.
 - d. The City is equipped to supply municipal water and sewer services to the Property so that, when services are provided, property owners can secure public water and sewer service according to the City's policies for extending water and sewer lines to individual lots or subdivisions.
 - e. The Petition and the Property meet all requirements of Florida Statutes Chapter 171 pertaining to voluntary annexations.
 - f. The Petition and the Property meet all requirements of ULDC Section 53-22 pertaining to annexations.
 - g. All procedural and notice requirements mandated by state law; the Code of the City of North Port, Florida; and the ULDC have been followed and satisfied.
- 1.04 All identified exhibits are incorporated in this ordinance by reference.

SECTION 2 – ANNEXATION AND OFFICIAL ZONING MAP

- 2.01 The City Commission approves the Petition to voluntarily annex the Property. The Property is hereby annexed into the corporate limits of the City of North Port, Florida and the boundary lines of the City are hereby redefined to include the Property.
- 2.02 The Property is designated as Future Annexation Area on the City of North Port's Comprehensive Plan Future Land Use Map. The Property will be designated a land use on the City's Comprehensive Plan Future Land Use Map at a later date, and the map will be redefined to include the Property at that time.

- 2.03 The City Commission approves the amendment to the City's Official Zoning Map revised Official Zoning Map, attached as "Exhibit E," incorporating the Property with a zoning designation of "No Zoning Designation."

SECTION 3 – ASSESSMENT AND TAXATION

- 3.01 The City will assess and tax the Property as permitted under the law as of the effective date of this ordinance.

SECTION 4 – FILING OF DOCUMENTS

- 4.01 Upon this ordinance taking effect, the City Clerk is directed to place in the City Clerk's files an updated Official Zoning Map in accordance with the requirements of ULDC Sections 53-14, 53-16, and 53-17, with the State of Florida's Office of Economic and Demographic Research specifying the population census effect and the affected land area, with Petitioner paying all related filing costs.

SECTION 5 – CONFLICTS

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

SECTION 6 – SEVERABILITY

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

SECTION 7 – EFFECTIVE DATE

- 7.01 This ordinance takes effect immediately upon adoption.

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

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

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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

EXHIBIT D



December 20, 2023
Sarasota County Board of Commissioners
Attention: Ron Cutsinger, Chairman of the Board
1660 Ringling Blvd
Sarasota, FL 34236

RE: Notification of Voluntary Annexation by the City of North Port (ANX-23-175)

Dear Commissioners:

Pursuant to Florida Statutes Chapter 171, this letter is provided to notify Sarasota County of the City of North Port's intent to annex one (1) parcel totaling 6.89± acres, contiguous to the City of North Port. A copy of the boundary survey and the legal description is attached. The Parcel ID Number is 0788030001.

A copy of the draft legal advertisement and the draft ordinance with Exhibits A through E is attached as well. At this time, the public hearings for this annexation are scheduled for January 18, 2024, at 9:00 a.m. (Planning and Zoning Advisory Board) and February 13, 2024, at 10:00 a.m. (City Commission) and second reading of the annexation ordinance on February 27, 2024, at 6:00 p.m.

Meetings are held in the North Port City Hall Commissions Chambers, 4970 City Hall Blvd. North Port, FL 34286. The notices for this annexation will be published on January 9, 2024, and January 16, 2024. All notices will be published in the *North Port Sun*.

If you have any questions or concern regarding this annexation, please contact me at 941-429-7156 or via email at aray@northportfl.gov.

Sincerely,
Austin Grubb AICP Planner III

A handwritten signature in cursive script that reads "Austin Grubb".

For: Alaina Ray, AICP, Development Services Director

Enc: Boundary Survey and Legal Description
 Draft Ordinance with Exhibits
 Draft Legal Advertisement
 Feasibility Analysis

EXHIBIT E

Ordinance No. 2024-03

EXHIBIT "E"



Business Impact Estimate

This Business Impact Estimate is provided in accordance with Florida Statutes Section 166.041(4).

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ANNEXING ± 6.89 ACRES OF REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF SARASOTA COUNTY, FLORIDA AND CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF NORTH PORT, FLORIDA; REDEFINING THE BOUNDARY LINES OF THE CITY OF NORTH PORT TO INCLUDE THIS PROPERTY; PROVIDING FOR FINDINGS; PROVIDING FOR ANNEXATION; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR ASSESSMENT AND TAXATION; PROVIDING FOR FILING OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

1. Summary of the proposed ordinance

This ordinance proposes the voluntary annexation of approximately 6.89± acres of certain contiguous real property into the corporate limits of the City of North Port, Florida in accordance with Florida Statutes Chapter 171 and the Unified Land Development Code Section 53-22.

The public purpose of the ordinance is to serve the health, safety, morals, and welfare of the citizens of the City of North Port, Florida. The property subject to this annexation request is vacant land. Annexation of the property is required for future connection to the City's water and wastewater utility upon development. Providing utility services to future business development of this site serves the public and ensures public health will be maintained. Annexation of the property into the City limits will enhance the short-term property value and diversify the City's tax base in the long-term as the property develops to its potential. Diversifying the tax base helps minimize the tax burden on residential property owners. Increased ad-valorem revenue to the City will supplement capital improvement projects to serve the community.

2. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any, including:

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

[This proposed ordinance imposes no direct compliance costs on businesses and imposes no new charges or fees on those businesses.

EXHIBIT "E"

3. The City's good faith estimate of the number of businesses likely to be impacted by the proposed ordinance.

None. The property is undeveloped. Annexation of the subject site will create contiguity for annexation of another property on the north side of US 41 that needs city water and sewer for future redevelopment.

4. Additional information the governing body deems useful, if any.

Annexation of the subject site has been anticipated by the North Port Comprehensive Plan since 2009. Annexation and future development of this site will add to the diversity of the City's tax base.

Shops/ from 10

Oak Street, the focus of the Arcadia Main Street Program. Numbers have dwindled of late. In some cases because of Hurricane Ian, but those once-empty shops have tucked something of a resurgence in diversity.

"There's so much new growth," said Tami Rudovick, manager of Glass Antique or Not. "If downtown has gotten a new breath of fresh air."

A new coffee shop featuring locally roasted beans is soon to open, a few boutiques have popped up and an arts and craft studio offers private parties and classes. A few new antique stores as well as a book store and a Friday farmers market have also landed on the street.

"Where a lot of younger generations eager to come in, who have fantastic ideas," said Rudovick. "Everybody to open up ways to bring tourists back to Arcadia, and we're expanding our hours, we're making more events downtown."

Glass Antique or Not recently reopened and celebrated its 20th anniversary after having to close due to damage from Hurricane Ian. The shop returned to business after a grant from T-Mobile allowed Arcadia Main Street to offer downtown business owners partial reimbursements for repair expenses.

Rudovick's mother and step-father, Algie and Welf Old-lukos, opened the store after visiting Arcadia and falling in love with its small-town charm. They

made the move from Miami once Algie retired, and she asked Rudovick to make the journey from Colorado to join her.

Another longtime staple in downtown Arcadia is Biggie & Biggie Antique Mall on the corner of South Monroe Avenue and West Oak Street. James Lee has owned the store for almost 12 years and just opened a second.

"If a lot of fun, and something we really enjoy," Lee said. "If I don't have it in either one of my stores, then I know somebody else does. If I don't spend your dollar here then go to another town."

Lee and his wife, Star McLaughlin, love the thrill of the hunt, snagging a majority of their items from the Carolinas, Texas, Georgia, Tennessee and sometimes

online or from estate sales. They also have several vendors who rent space in their stores, bringing items from all over Southwest Florida.

Lee says he's enjoyed watching the downtown atmosphere change over the years, and the recent growth and increasing diversity is exciting.

Despite struggles during the pandemic and Hurricane Ian, he notes they've come back better and stronger.

Arcadia Main Street Wine Walk is among the new attractions. Selling out at 500 tickets, an increase from the previous two years, visitors gathered nearby to meander through the downtown shops while sipping and snacking from the Carolinas, Texas, Georgia, Tennessee and sometimes

Alkie Shilds, a Punta Gorda resident who attended the event.

"This way you can go into each one and kind of see what they have."

Shilds said this was her first time in Arcadia in several years, tagging along with a group of friends who attended the event last year.

Cheyenne Orsatti, one of those friends, travels from Punta Gorda regularly.

"It's not the Arcadia 10 years ago," Cauley said. "Yes, if you think you've seen Arcadia, you need to come back."

Sarah Owens is a reporter for the Community News Collaborative. Connect with her at @sarahowensfl.

Sue/ from 10

It was here that he owed the bar's longevity to his talent for storytelling, but his generosity played an even bigger part.

In 2019, Scottie passed away shortly after his 53rd birthday, a victim of the ALS (Lou Gehrig's disease) that had stolen his voice, along with his Scottish accent, years earlier. For eight years he hadn't made it back to the bar he loved.

Today, his good humor still lingers there, as old and new customers continue to gather at the place now owned by his daughter, Karen Harper.

Tim Carmel, who's likely been sitting at the bar longer than anybody else, remembers riding out Hurricane Charley there with Scottie and a downed officer.

"I loved this place," he said. "And a few years back, (managers Jennifer and Chris Wilson) transformed it into an exciting place that brought in many young people to mingle with the older ones."

John Palf and Andrea Powers, who moved to Punta Gorda in Cleveland area three years ago, found themselves welcomed into what Palf calls "a tight-knit little group that we were lucky to have found. Always pleasant, positive and really good people."

The couple felt so at home there that, as soon after Hurricane Ian, they got married at Scottie's Last Chance — fittingly enough, in what Palf calls "our second, last marriage."

"They nearly canceled because of the storm, but her manager Jennifer Wilson told them, 'No, the neighborhood needs a party!'"

Palf said, "They have parties for everything — birthdays, special events, celebrations of life and every anniversary of Scottie's opening."

This time of year the place is lit up like Christmas, with stockings hung bottle license plates, beer signs and yellow memorabilia from Scottie's home in Tiboule Island and his days at the saloon.

Knowing that the line between fun and tragedy can sometimes be thin, Scottie's has an especially big heart. If you need anything at all, they'll care for you like family.

Even after Hurricane Ian, the sturdy old saloon remained unscathed, so the crew looked up a generator to barbecue for the neighborhood.

Over the years they've given to the Salvation Army, Toys for Tots, Punta Gorda Backpacks for Kids, the Animal Welfare League and, of course, ALS Awareness for Bucket Challenge.

Every Thanksgiving and Christmas they support a family in need.

This Saturday, Jan. 6, from 1 to 5 p.m., should be their biggest benefit party of all.



PHOTO: THEODORE

Among Galina Cherkov's creations were dozens of flaky European pastries, which are still being baked at Delicious Pizza Gelato European Treats.

That's when the Scottie family will throw a 40th anniversary celebration.

Local rock band Beat or Famine will play, home-cooked pot luck will overflow, and there'll be raffle tickets and a 50-50 drawing, all in benefit of the ALS Association's Florida Chapter in Scottie's memory.

Scottie's Last Chance Saloon, 941-639-1005, 25354 Marion Avenue, Punta Gorda, is open 9 a.m. to 2 a.m. Monday to Friday 10 a.m. to 2 a.m. Saturday 10 a.m. to midnight Sunday. Beer, wine and cash only with an onsite ATM.

REMEMBERING GALINA

Almost exactly a year ago, Alex and Galina Cherkov opened Delicious Pizza Gelato European Treats, a pizza/pastry shop that quickly took Port Charlotte by storm with made-to-order pizzas that people swarmed was the best in town.

They also sold desserts from chocolate to flaky European pastries and crepes, gelato and sorbet.

The Russian-Ukrainian couple had been in the states for 27 years, during which Alex drove long-haul 18-wheelers until a chiropractor told him that career was over.

He retired, and they launched the cafe that he would later call their "last child together."

In early December Galina suffered a heart attack from which she would not recover.

Scarcely a week later, Alex passed. "I think you from the bottom of my heart for your support, prayers and kind thoughts, as they are helping our family greatly in getting through these difficult times. My dear friend, faithful partner and beautiful wife of 39 years passed peacefully on Friday, Dec. 9."

A week before Christmas, Alex announced that Delicious would reopen, writing "Although Galina is no longer with us physically, her inspiration



PHOTO BY LIA WALK

Bartender Casey Pierce welcomes everyone to Scottie's Last Chance Saloon.

chery left our shop full and everything I do. I hope to see you in these coming days and weeks so that we can keep her memory alive together. After all, she was most pleased when we

Monday to Saturday
Semi-restaurant and bar menu and recommendations to our Wide variety of beverages.

Delicious (5-85), 941-979-5377, 25354 Marion Ave., Port Charlotte, is open 10 a.m. to 6 or 7 p.m.

Amogopasta (congaree) — three perches (perch) 1.50, 4.00 — breadable (11-12), and 10.00 — pizza (perch) 1.50, including tip and beverage. Outstanding available = 0.

PUBLIC HEARING NOTICE OF INTENT TO CONSIDER ANNEXATION PETITION NO. ANX-23-175 ORDINANCE NO. 2024-03



NOTICE IS HEREBY GIVEN that the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) will hold a public hearing at 9:00 a.m. or shortly thereafter, on **Thursday, January 18, 2024** in the City Chambers located at 6075 City Hall Boulevard, North Port, Florida to consider and act upon **Annexation Petition No. ANX-23-175**, voluntary annexation of **4.36 acres of land** into the City of North Port.

NOTICE IS HEREBY GIVEN that the City Commission of the City of North Port will hold a first reading public hearing at 10:00 a.m. or shortly thereafter, on **Monday, February 12, 2024** and a second reading public hearing at 10:00 a.m. or shortly thereafter, on **Tuesday, February 27, 2024** in the City Chambers located at 6075 City Hall Boulevard, North Port, Florida to consider and act upon the adoption of the following proposed City Ordinance:

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ANNEXING 4.36 ACRES OF REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF SANDSOUTH COUNTY, FLORIDA AND CONTAINING TO THE EXISTING CITY LIMITS OF THE CITY OF NORTH PORT, FLORIDA, INCLUDING THE BOUNDARY LINES OF THE CITY OF NORTH PORT TO INCLUDE THIS PROPERTY, PROVIDING FOR ANNEXATION, INCLUDING THE BOUNDARY LINES, PROVIDING FOR ASSUMPTION AND TRANSFER, PROVIDING FOR FILING OF DOCUMENTS, PROVIDING FOR COMPLETION OF NECESSARY, AND PROVIDING AN EFFECTIVE DATE.



Note: Proposed ANX-23-175 (boundary of the area) depicted on the map. The site is generally located in the southeast corner of US 91 (Portman) Road and West Road. The proposed site contains 4.36 acres.

This notice is published pursuant to the requirements of Section 171.04M, Florida Annexation Florida Statutes, according to the publication of same shall be accomplished once a week for two (2) consecutive weeks prior to the meeting at which the above Ordinance is to be considered and acted upon. The proposed Ordinance will accomplish legal description by name and bounds as set in the Office of the City Clerk for inspection by the public between the hours of 8 a.m. to 4 p.m. Monday through Friday. The file number is ANX-23-175 as filed in the City of North Port Development Services Department, Planning & Zoning Division for inspection by the public between the hours of 8 a.m. to 4 p.m. Monday through Friday.

All interested parties may attend the meeting and be heard with respect to the proposed Ordinance.

This public hearing may be continued from time to time.

No descriptive record by a certified court reporter to make of these meetings. Accordingly, anyone seeking to appeal any decisions involving the matters set forth herein will be responsible for making a verbatim record of the testimony and evidence at these meetings upon which any appeal is to be based.

ANNEXATION WITH EXISTING LIMITS OF 1990. The North Port City Hall is interactive accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking lot. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

In Witness Whereof, I have hereunto set my hand and the seal of the City of North Port, Florida, on this 1st day of January, 2024.

City Clerk

Public: January 2, 2024 and January 6, 2024

EXHIBIT G



February 13, 2023

Peter T. Van Buskirk, P.E., AICP
Kimley-Horn
1412 Jackson Street, Suite 2
Ft. Myers, FL 33901

Willingness to Serve Water, Sewer and eventually Reclaimed Water

RE: Property at PID 0788-03-0001

Dear Mr. Van Buskirk:

As requested, the City of North Port Utilities Department is submitting this letter to inform you of Service Availability for the above referenced property.

This project is not within the City Limits; However, the parcel is within the City's anticipated or projected utility service area as well as the US 41 corridor service area and the City of North Port Utilities Department is willing to work with the Owner/Engineer to provide service to the project. The City is willing to provide water, sanitary sewer and eventually reclaimed water capacity to the project and currently has the capacity at its water treatment plant and sewage treatment plant for this project. The capacity will be made available at the time of payment for capacity, and if applicable may require contributions by the developer and/or the property owner. Although the City has capacity to serve this project, certain on-site and off-site utility improvements must be completed by the owner/developer and accepted by the City prior to water and wastewater service being available to this specific site.

In addition, because this property is in the County and outside City limits, in order for the City to provide water and sewer service the Owner/Engineer must provide a letter from Sarasota County Utilities acknowledging that the City of North Port may provide service to the subject parcel until such time that the property is annexed into the City limits. The letter shall be provided to the City of North Port Utility Department.

The City does not guarantee or reserve capacity to any project unless the owner/developer enters into a Utility Agreement with the City, which may require voluntary annexation into the City, and will require approval by the City Commission.

Before a building permit can be issued, an application for service, capacity fees, US 41 corridor surcharge recovery fee, and deposits will be required, and the builder must provide a plumbing plan, which is required on any non-residential structures to the City's Utility Department for calculation of appropriate capacity fees and meter size. The City will not release a building permit until the required fees have been paid.

Our staff looks forward to working with you in the future to further develop plans for your utility needs. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,
NORTH PORT UTILITIES
Michelle Tipp
Utilities Business Manager



Achieve Anything

www.cityofnorthport.com

North Port Utilities: 941.240.8000, 6644 W. Price Boulevard, North Port, FL 34291-4106

EXHIBIT H

