

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: *R2011-0002 - Rezoning on 10 acres MOL from A5 to CH to bring the property into compliance with the Future Land Use Map - T.P. Jr. & Betty Caruthers - US 301/Oxford

REQUESTED ACTION: **Approve Rezoning R2011-0002**

Work Session (Report Only) **DATE OF MEETING:** 2/22/2011
 Regular Meeting Special Meeting

CONTRACT: N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____
 Annual **FUNDING SOURCE:** _____
 Capital **EXPENDITURE ACCOUNT:** _____
 N/A

HISTORY/FACTS/ISSUES:

The applicant is requesting a rezoning on 10 acres MOL from A5 to CH to bring the property into compliance with the Future Land Use Map.

The Zoning & Adjustment Board held a public hearing on February 7, 2011, and recommended approval. (11-0).

ZAB cases:

- 1) Kenneth & Cynthia Williams - R2011-0003
 - 2) T.P. Jr. & Betty Caruthers - SS2011-0001
 - 3) T.P. Jr. & Betty Caruthers - R2011-0002***
 - 4) Sunshine Village MH & RV Community - R2011-0001
 - 5) James Jr. & Barbara Shelley/Compost USA - C2010-0001
-

The subject property is approximately 52.37 located on the east side of US 301, which is comprised of a mix of commercial and agricultural uses. Properties located to the north and south of the subject property have an Agriculture and Commercial Future Land Uses and Heavy Commercial (CH), Agriculture (A5), and Rural Residential (RR) zonings. Properties located to the west of the subject property have Agriculture, Commercial, and Municipality Future Land Uses and Light Commercial (C2), Heavy Commercial (CH), and Municipality zonings.

Currently, there is a church, a residence, and a cell tower on the property.

The general character of the area surrounding and within the local vicinity of the subject property is commercial and agricultural.

The property is located in an area of the county where there are established commercial uses.

DIVISION OF PLANNING & DEVELOPMENT STAFF CONCLUSIONS:

Staff deems the application sufficient and in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval.

Notices Sent: 12 In favor: 1 In opposition: 0

Zoning & Adjustment Board Recommendation: Approved (11-0)

Board of County Commissioners:



SUMTER COUNTY ZONING AND ADJUSTMENT BOARD

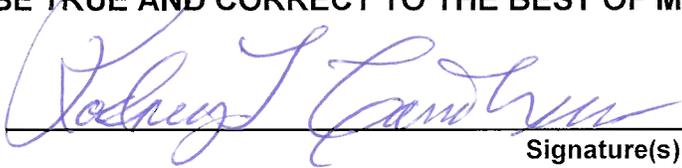
910 N. Main Street, Suite 301, Bushnell, FL 33513
Tel. (352) 793-0270 Fax (352) 793-0274

Project No: R2011-0002

Application: 12/7/2010 SCO

Parent Project: SS2011-0001

REZONING

PROJECT TYPE REZONING		PROJECT SUBTYPE COMMERCIAL		PROJECT DESCRIPTION REZONE 10 ACRES MOL	
OWNER CARUTHERS, T P JR & BETTY G			ADDRESS PO BOX 97 OXFORD, FL 34484		PHONE 352
AGENT/APPLICANT RODNEY CARUTHERS			ADDRESS 1960 CR 202 OXFORD, FL 34484		PHONE (352) 303-5930
PARCEL # D17=052	SEC/TWP/RNG 171823	GENERAL LOCATION OXFORD AREA		DIRECTIONS TO PROPERTY US 301 APPROX 1/4 MILE N OF CR 214 ON THE E SIDE OF THE ROAD.	
Property Address 11203 N US 301, Oxford, FL 34484					
PARCEL SIZE 52.37 ACRES MOL		F.L.U. COMM		LEGAL DESCRIPTION BEG 460 FT N OF SW COR RUN N 1872.15 FT THENCE E TO W/LY R/W OF SAL RR S 12 DEG 02 MIN 45 SEC E ALONG SAID RW 1916.45 FW 1647.7 FT TO POB LESS COMM AT NW COR OF SW 1/4 OF SW 1/4 RUN S175 FT TO POB RUN E 450 FT S 729.25 FT W 450 FT N <i>to POB</i>	
PRESENT ZONING A5 & CH		PRESENT USE COMM & AG			
REQUESTED REZONING REZONE 10 ACRES MOL FROM A5 TO CH		REZONED ACREAGE 10 ACRES MOL		REZONED LEGAL DESCRIPTION FROM THE SW COR RUN N 460' E 450' TO POB N 40' E 3 62' N 585.02' E 698.54' S 625' W 698.94' TO POB	
ABUTTING PROPERTY ZONING/USE F.L.U.	NORTH A5/VACANT COMM	EAST A5/RES COMM	SOUTH RR, A5, CH/MH, VACANT AG/COMM	WEST CH, CITY, C2/STOR, OFFICE CITY, COMM, AG	
<p>As owner/agent, I agree to post the hearing plaques within 24 hours on the property's road frontage at the corners and at 300' intervals between. I understand any action on my application will be governed by Sumter County's Comprehensive Plan and Development Code, and my payment of the non-refundable application fee will not influence the decision made on this application.</p>					
<p>UNDER PENALTIES OF PERJURY, I DECLARE THE ABOVE INFORMATION THAT I HAVE GIVEN TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p>					
 Signature(s)					December 7, 2010 Date
<p>A Public Hearing before the Zoning and Adjustment Board will be held on the date indicated below in the Sumter County Courthouse, Bushnell, FL. This application will be heard at the time indicated below. Your appearance or representation at this hearing is required, and lack of same will cause your application to be disposed of according to the policy adopted by the Board of County Commissioners. The recommendation of the Zoning and Adjustment Board on this request will be presented to the Board of County Commissioners at a Public Hearing to be held at the date/time indicated below in the Sumter County Courthouse, Bushnell, FL, room number indicated below.</p>					
Zoning and Adjustment Board		2/7/2011 6:30 PM	Room: Colony Cottage Rec. Center	Action: _____	
County Commission Meeting		2/22/2011 5:30 PM	Room: Colony Cottage Rec. Center	Action: _____	

NOTICES SENT 12

RECEIVED IN FAVOR 1

RECEIVED OBJECTING 0

Please Note: In preparation of the application, county zoning staff will visit the site to take photographs. This will be done in county-marked vehicles. Generally, staff will take photographs from the roadway or easement, and will not come on site unless access requires it.

or deeds to secure debt, and may from time to time collect and cancel any of said notes, mortgages, security interests, or deeds to secure debt.

IP-000 **(B) Tangible personal property transactions.** To lease, sell, mortgage, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of, and to accept, take, receive, and possess any personal property whatsoever, tangible or intangible, or interest thereto, on such terms and conditions, and under such covenants, as my Agent shall deem proper; and to maintain, repair, improve, manage, insure, rent, lease, sell, convey, subject to liens or mortgages, or to take any other security interests in said property which are recognized under the Uniform Commercial Code as adopted at that time under the laws of the State of Florida or any applicable state, or otherwise hypothecate (pledge), and in any way or manner deal with all or any part of any real or personal property whatsoever, tangible or intangible, or any interest therein, that I own at the time of execution or may thereafter acquire, under such terms and conditions, and under such covenants, as my Agent shall deem proper

_____ **(C) Stock and bond transactions.** To purchase, sell, exchange, surrender, assign, redeem, vote at any meeting, or otherwise transfer any and all shares of stock, bonds, or other securities in any business, association, corporation, partnership, or other legal entity, whether private or public, now or hereafter belonging to me.

_____ **(D) Commodity and option transactions.** To buy, sell, exchange, assign, convey, settle and exercise commodities futures contracts and call and put options on stocks and stock indices traded on a regulated options exchange and collect and receipt for all proceeds of any such transactions, establish or continue option accounts for the principal with any securities or futures broker; and, in general, exercise all powers with respect to commodities and options which the principal could if present and under no disability

_____ **(E) Banking and other financial institution transactions.** To make, receive, sign, endorse, execute, acknowledge, deliver and possess checks, drafts, bills of exchange, letters of credit, notes, stock certificates, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of deposit of banks, savings and loans, credit unions, or other institutions or associations. To pay all sums of money, at any time or times, that may hereafter be owing by me upon any account, bill of exchange, check, draft, purchase, contract, note, or trade acceptance made, executed, endorsed, accepted, and delivered by me or for me in my name, by my Agent. To borrow from time to time such sums of money as my Agent may deem proper and execute promissory notes, security deeds or agreements, financing statements, or other security instruments in such form as the lender may request and renew said notes and security instruments from time to time in whole or in part. To have free access at any time or times to any safe deposit box or vault to which I might have access.

_____ **(F) Business operating transactions.** To conduct, engage in, and otherwise transact the affairs of any and all lawful business ventures of whatever nature or kind that I may now or hereafter be involved in. To organize or continue and conduct any business which term includes, without limitation, any farming, manufacturing, service, mining, retailing or other type of business operation in any form, whether as a proprietorship, joint venture, partnership, corporation, trust or other legal entity; operate, buy, sell, expand, contract, terminate or liquidate any business; direct, control, supervise, manage or participate in the operation of any business and engage, compensate and discharge business managers, employees, agents,

attorneys, accountants and consultants, and, in general, exercise all powers with respect to business interests and operations which the principal could if present and under no disability

_____ **(G) Insurance and annuity transactions.** To exercise or perform any act, power, duty, right, or obligation, in regard to any contract of life, accident, health, disability, liability, or other type of insurance or any combination of insurance; and to procure new or additional contracts of insurance for me and to designate the beneficiary of same; provided, however, that my Agent cannot designate himself or herself as beneficiary of any such insurance contracts.

_____ **(H) Estate, trust, and other beneficiary transactions.** To accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover any legacy, bequest, devise, gift or other property interest or payment due or payable to or for the principal; assert any interest in and exercise any power over any trust, estate or property subject to fiduciary control; establish a revocable trust solely for the benefit of the principal that terminates at the death of the principal and is then distributable to the legal representative of the estate of the principal; and, in general, exercise all powers with respect to estates and trusts which the principal could exercise if present and under no disability; provided, however, that the Agent may not make or change a will and may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the Agent unless specific authority to that end is given.

_____ **(I) Claims and litigation.** To commence, prosecute, discontinue, or defend all actions or other legal proceedings touching my property, real or personal, or any part thereof, or touching any matter in which I or my property, real or personal, may be in any way concerned To defend, settle, adjust, make allowances, compound, submit to arbitration, and compromise all accounts, reckonings, claims, and demands whatsoever that now are, or hereafter shall be, pending between me and any person, firm, corporation, or other legal entity, in such manner and in all respects as my Agent shall deem proper

_____ **(J) Personal and family maintenance.** To hire accountants, attorneys at law, consultants, clerks, physicians, nurses, agents, servants, workmen, and others and to remove them, and to appoint others in their place, and to pay and allow the persons so employed such salaries, wages, or other remunerations, as my Agent shall deem proper

_____ **(K) Benefits from Social Security, Medicare, Medicaid, or other governmental programs, or military service.** To prepare, sign and file any claim or application for Social Security, unemployment or military service benefits; sue for, settle or abandon any claims to any benefit or assistance under any federal, state, local or foreign statute or regulation; control, deposit to any account, collect, receipt for, and take title to and hold all benefits under any Social Security, unemployment, military service or other state, federal, local or foreign statute or regulation, and, in general, exercise all powers with respect to Social Security, unemployment, military service, and governmental benefits, including but not limited to Medicare and Medicaid, which the principal could exercise if present and under no disability

_____ **(L) Retirement plan transactions.** To contribute to, withdraw from and deposit funds in any type of retirement plan (which term includes, without limitation, any tax qualified or nonqualified pension, profit sharing, stock bonus, employee savings and other retirement plan, individual retirement account, deferred compensation plan and any other type of employee benefit plan), select and change payment options for the principal under any retirement plan;

make rollover contributions from any retirement plan to other retirement plans or individual retirement accounts, exercise all investment powers available under any type of self-directed retirement plan; and, in general, exercise all powers with respect to retirement plans and retirement plan account balances which the principal could if present and under no disability

_____ **(M) Tax matters.** To prepare, to make elections, to execute and to file all tax, social security, unemployment insurance, and informational returns required by the laws of the United States, or of any state or subdivision thereof, or of any foreign government; to prepare, to execute, and to file all other papers and instruments which the Agent shall think to be desirable or necessary for safeguarding of me against excess or illegal taxation or against penalties imposed for claimed violation of any law or other governmental regulation, and to pay, to compromise, or to contest or to apply for refunds in connection with any taxes or assessments for which I am or may be liable.

_____ **(N) ALL OF THE POWERS LISTED ABOVE. YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).**

SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT

That part of the sw corner of Section 17, Township 18 South, Range 23 East, Sumter County, Florida:

From the southwest corner of Section 17. Township 18 South, Range 23 East, Sumter County, Florida run N 0002'46" E,

a distance of 460.00 feet; thence S 8942'56" E, a distance of 450.00, to the Point of Beginning of the following described

parcel; from said Point of Beginning, run N 0002'46" E, a distance of 40'; thence S 8942'56" E, a distance

of 3.62 feet, to a point that is S 0016'08" E, 1.08 feet, from a four (4) inch square concrete monument

with disk marked LB 1723; thence S 8942'56" E, a distance of 698.54 feet; thence S 0002'46" W, a distance

of 625.00 feet; thence N 8942'56" W, a distance of 698.94 feet, to the Point of Beginning and end of this description

Area described contains 10.00 acres

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED

THIS POWER OF ATTORNEY SHALL BE CONSTRUED AS A GENERAL DURABLE POWER OF ATTORNEY AND SHALL CONTINUE TO BE EFFECTIVE EVEN IF I BECOME DISABLED, INCAPACITATED, OR INCOMPETENT

YOUR AGENT WILL HAVE AUTHORITY TO EMPLOY OTHER PERSONS AS NECESSARY TO ENABLE THE AGENT TO PROPERLY EXERCISE THE POWERS GRANTED IN THIS FORM, BUT YOUR AGENT WILL HAVE TO MAKE ALL DISCRETIONARY DECISIONS.

(YOUR AGENT WILL BE ENTITLED TO REIMBURSEMENT FOR ALL REASONABLE EXPENSES INCURRED IN ACTING UNDER THIS POWER OF ATTORNEY STRIKE OUT THE NEXT SENTENCE IF YOU DO NOT WANT YOUR AGENT TO ALSO BE ENTITLED TO REASONABLE COMPENSATION FOR SERVICES AS AGENT)

Right to Compensation. My Agent shall be entitled to reasonable compensation for services rendered as agent under this power of attorney

(IF YOU WISH TO NAME SUCCESSOR AGENTS, INSERT THE NAME(S) AND ADDRESS(ES) OF SUCH SUCCESSOR(S) IN THE FOLLOWING PARAGRAPH.)

Successor Agent. If any Agent named by me shall die, become incompetent, resign or refuse to accept the office of Agent, I name the following (each to act alone and successively, in the order named) as successor(s) to such Agent:

Rodney CARUTHERS
1960 CR 202 Oxford FL

Choice of Law. THIS POWER OF ATTORNEY WILL BE GOVERNED BY THE LAWS OF THE STATE OF FLORIDA WITHOUT REGARD FOR CONFLICTS OF LAWS PRINCIPLES. IT WAS EXECUTED IN THE STATE OF FLORIDA AND IS INTENDED TO BE VALID IN ALL JURISDICTIONS OF THE UNITED STATES OF AMERICA AND ALL FOREIGN NATIONS.

I am fully informed as to all the contents of this form and understand the full import of this grant of powers to my Agent.

I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party learns of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney

Signed this 7th day of October, 2010

Betty B. Caruthers
[Your Signature]

J P Caruthers

STATEMENT OF WITNESS

On the date written above, the principal declared to me in my presence that this instrument is his general durable power of attorney and that he or she had willingly signed or directed another to sign for him or her, and that he or she executed it as his or her free and voluntary act for the purposes therein expressed.

William H. Shore Jr. [Signature of Witness #1]
WILLIAM H. SHORE, JR. [Printed or typed name of Witness #1]
PO Box 255 [Address of Witness #1, Line 1]
OXFORD, FL 34484 [Address of Witness #1, Line 2]

Terry Crenshaw [Signature of Witness #2]
Terry Crenshaw [Printed or typed name of Witness #2]
8771 CR 221 [Address of Witness #2, Line 1]
WILKESBORO, FL 34484 [Address of Witness #2, Line 2]

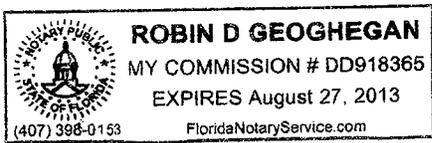
A Note About Selecting Witnesses: The agent (attorney-in-fact) may not also serve as a witness. Each witness must be present at the time that principal signs the Power of Attorney in front of the notary. Each witness must be a mentally competent adult. Witnesses should ideally reside close by, so that they will be easily accessible in the event they are one day needed to affirm this document's validity.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF Sumter

Sworn to (or affirmed) and subscribed before me this 7th day of October [month],
2010 [year] by Rodney Caruthers [name of principal]. The affiant is
[choose one:] personally known to me, or produced the following identification:

[Notary Seal, if any]:



Robin D Geoghegan
(Signature of Notarial Officer)

Notary Public for the State of Florida

My commission expires:
8-27-2013

ACKNOWLEDGMENT OF AGENT

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE
FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT

Rodney Caruthers
[Typed or Printed Name of Agent]

Rodney Caruthers
[Signature of Agent]

PREPARATION STATEMENT

This document was prepared by the following individual:

Rodney Caruthers
[Typed or Printed Name]

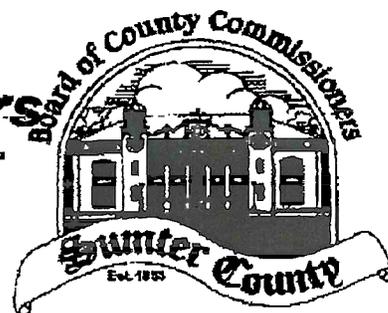
Rodney Caruthers
[Signature]

Board of County Commissioners

Division of Planning & Development

Planning Services

7375 Powell Rd, Suite 115 • Wildwood, FL 34785 • Phone (352) 689-4480 • FAX: (352) 689-4461
Website: <http://sumtercountyfl.gov/planning>



NOTICE OF PUBLIC HEARING

January 14, 2011

THE LAZARO BOUZA FAMILY, LIMIT
4370 SW 160TH AVE
MIAMI, FL 33185

To property owners whose property boundaries are within a distance of 150 feet of the outside perimeter of property in the name of Betty & T. P. Caruthers, Jr. This property is being considered for a land use change and a rezoning at a public hearing.

CASE# SS2011-0001 & R2011-0002 To change the land use on 10 acres MOI, from Agricultural to Commercial and rezone from A5 to CH (Heavy Commercial) which provides for harmonious retail and wholesale sales and services necessary to meet the general needs of the community, in which the principal activities are conducted both inside and outside of an enclosed structure.

A public hearing before the Zoning and Adjustment Board/Local Planning Agency will be held at Colony Cottage Recreation Center, 510 Colony Blvd, The Villages, Florida 32162 on Monday, February 7, 2011, at 6:30 p.m.

The property is located as follows: **Oxford:** The property is located on US 301 approximately ¼ mile north of CR 214 on the east side of the road.

The recommendations of the Zoning and Adjustment Board will be presented to the Sumter Board of County Commissioners at a public hearing to be held at Colony Cottage Recreation Center, Parlor Room, 510 Colony Boulevard, The Villages, Florida, on Tuesday, February 22, 2011, at 5:30 p.m.

Written comments submitted will be heard. Hearings may be continued from time to time as found necessary. Please return this form to: SUMTER COUNTY PLANNING DEPARTMENT, 7375 Powell Road, Ste. 115, Wildwood, FL 34785 Questions should be directed to the Planning Department at (352)689-4460.

X I approve of the above.
I do not approve of the above for the following reason(s): _____

Please return no later than: January 28, 2011 RE: CASE# SS2011-0001 & R2011-0002.