SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: *SS2011-0010 · Small Scale Comprehensive Plan Amendment on 10 acres to change the Future Land Use from Agriculture to Commercial · Lake Warehouse & Storage Wildwood, LLC - SR44/Wildwood (ZAB recommends approval)

REQUESTED ACTION: **Approve Small Scale Amendment SS2011-0010**

☐ Work Session (Report Only) **DATE OF MEETING:** 11/22/2011
☒ 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 Small Scale Comprehensive Plan Amendment on 10 acres to change the Future Land Use from Agriculture to Commercial.

The Zoning & Adjustment Board held a public hearing on November 7, 2011, and recommended approval. (5-0)

ZAB cases:
1) Christy & Bobby Causey - R2011-0030
2) Donald & Keith Jones - R2011-0031
3) Keith & Tracy Jones - R2011-0034
4) Lake Warehouse & Storage Wildwood, LLC - SS2011-0010***
5) Lake Warehouse & Storage Wildwood, LLC - R2011-0032
6) Cedar Crossings, Inc - SS2011-0011
7) Cedar Crossings, Inc - R2011-0033

SMALL SCALE SUMTER COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION

DATE: October 24, 2011

CASE NUMBER: SS2011-0010

APPLICANT: Morgan Booth

OWNER: Lake Warehouse & Storage Wildwood, LLC

LEGAL DESCRIPTION: Sec 12, Twp. 19S, Rng. 22E Comm at W ¼ cor run N 358 5' to POB cont N 1347 63' S 37°39'33" E 653 88' S 830.37' W 400' to POB

ELEMENTS Future Land Use Map and Future Land Use Element

PROPOSED CHANGE:

Current Future Land Use Designation	Acres	Proposed Future Land Use Designation
Agriculture	10 acres	Commercial

GENERAL DESCRIPTION AND BACKGROUND

This application request is for a Small Scale Future Land Use amendment from Agriculture to Commercial, expansion of the Urban Development Area (UDA) boundary to include the subject property, and rezoning from C2, non-vested to Heavy Commercial The subject property consists of one ten-acre parcel within the Wildwood area of unincorporated Sumter County. It is located on the south side of SR 44 approximately 7/10 miles west of CR 219. The subject property is currently vacant It was utilized in 2008 as a temporary asphalt plant and retains improvements (i.e. fencing, access drive, and grading) associated with that use. This land use amendment application is concurrent with rezoning application R2011-0032. See Attachment 1 for project location.

SURROUNDING LAND USE AND ZONING

Adjacent Property	Future Land Use Map Designations	Zoning	Current Use
North	Industrial	C2	Vacant/pasture
East	Commercial	C2	Vacant
South	Commercial	C2	Vacant
West	Agriculture	A5/non-vested C2	Vacant

The subject property is located within the Florida Crossroads Industrial Activity Center. The Florida Crossroads Industrial Activity Center is recognized locally and regionally as a major future employment activity center (Sumter County Evaluation and Appraisal Report, 2010; Comprehensive Economic Development Strategy for the Withlacoochee Region, 2001; and Sumter County Strategic Economic Development Plan, 2010) The proposed Commercial Future Land Use designation is consistent with the function of the activity center.

LAND USE SUITABILITY

Urban Sprawl
The subject property is located within the Florida Crossroads Industrial Activity Center The proposed amendment does not display the sprawl indicators as identified in Florida Statutes Chapter 163.3177 9(a) and meets four of the sprawl test criteria in Florida Statutes Chapter 163.3177 9(b).

Environmental Resources
The subject property has been highly altered for previous use as a temporary asphalt plant. There is little native vegetation remaining on site, no wetlands, and it is not located within the 100-year floodplain.

Historic Resources
The subject property has been highly altered by prior uses and is unlikely to contain historic resources. This location does not appear on the Master Site File of Historic Resources.

Population and Housing
The proposed amendment will not affect the supply of housing.

CONCURRENCY ANALYSIS

Traffic Services
Concurrent with this amendment, Sumter County is considering a text amendment to the Sumter County Comprehensive Plan to delete concurrency requirements for transportation. Future development of the subject property may result in changes in the volume and type of traffic on SR 44. Potential traffic impacts and access management will be addressed at the time of development.

Potable Water & Sewer
This proposed amendment to the Sumter County Comprehensive Plan will have no affect on water distribution and wastewater treatment capacities. The City of Wildwood reports water and sewer is available along the north side of SR 44 across from the subject property While connection may not be economically viable at this time, the subject property will be required to connect to the water and sewer services when service is available on the south side of SR 44

Stormwater Drainage
All development must conform to County and Southwest Florida Water Management District regulations for stormwater systems.

INTERNAL CONSISTENCY

This proposed amendment will require amendments to the Sumter County Comprehensive Plan's Future Land Use Map of the Future Land Use Element.

Future Land Use Element
The proposed changes to the Future Land Use Element would reflect changes in the allocated inventory for Agricultural lands, which would decrease by 10 acres, and increase the allocated inventory of Commercial lands by ten acres.

Future Land Use Map
The proposed changes in the Future Land Use Map will change the designation of the subject property from Agriculture to Commercial and will move the UDA boundary to include the subject property Attachment 2 shows the change on the Future Land Use Map.

Expansion of the Urban Development Area boundary
Comprehensive Plan Policy 7 1.2.3 provides criteria under which the UDA boundary may be expanded. This application is consistent with those standards and the function of the UDA in focusing growth to areas appropriate for urbanization. Public infrastructure is currently available on the north side of SR 44 across from the subject site. The proposed expansion will not result in negative impacts on environmentally sensitive lands. Finally, the development benefits associated with UDA will compliment the proposed use of the subject property as a part of the Florida Crossroads Industrial Activity Center

PROPOSED AMENDMENT TO THE TEXT OF THE COMPREHENSIVE PLAN

This proposed amendment does not affect the text of the Comprehensive Plan.

PROPOSED AMENDMENT TO THE CAPITAL IMPROVEMENTS PLAN

This proposed amendment does not affect the Capital Improvements program as outlined in the Sumter County Comprehensive Plan.

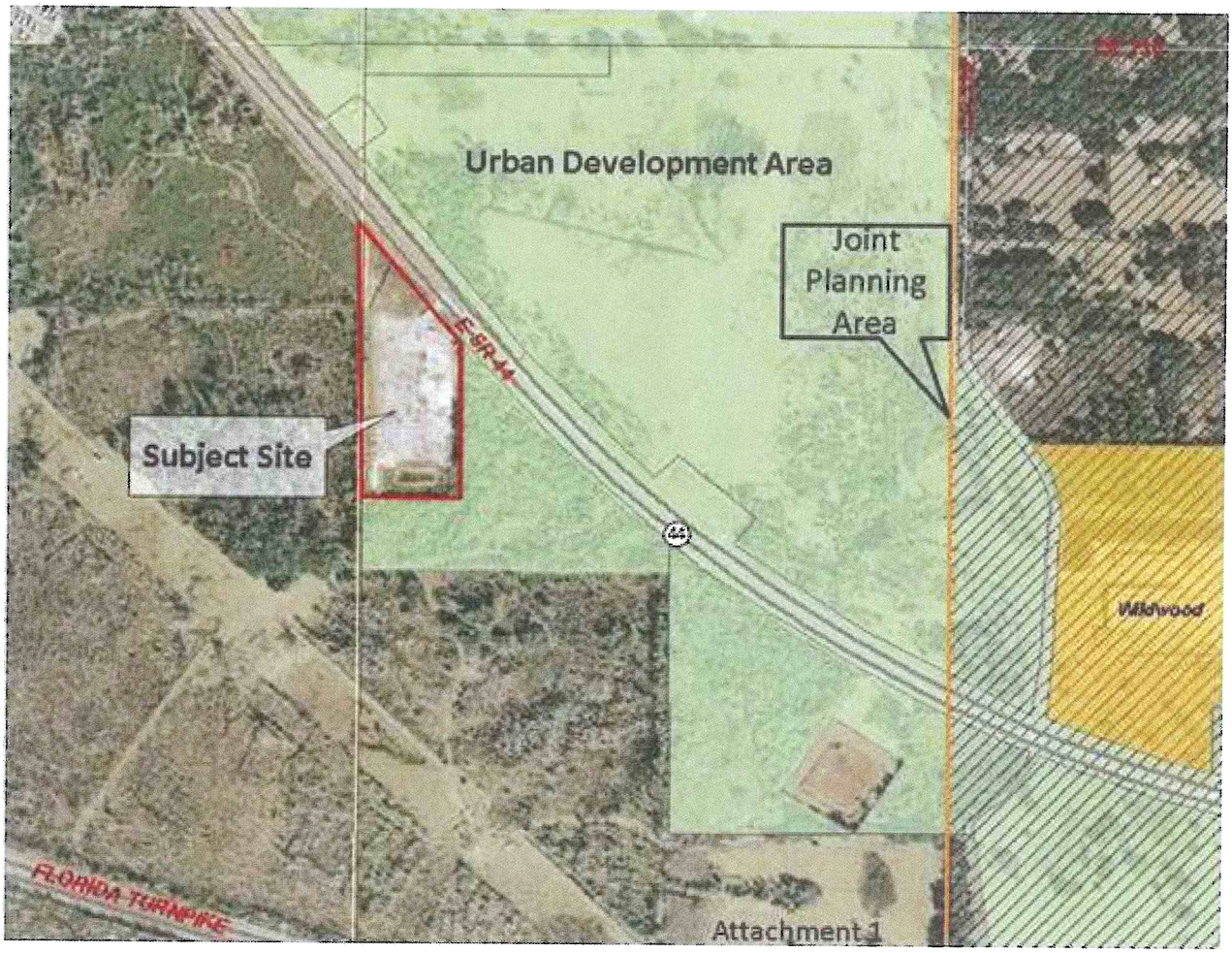
Notices Sent: 3 (In objection) 0 (In favor) 0

Zoning & Adjustment Board Recommendation: Approval (5-0)

Board of County Commissioners Recommendation:

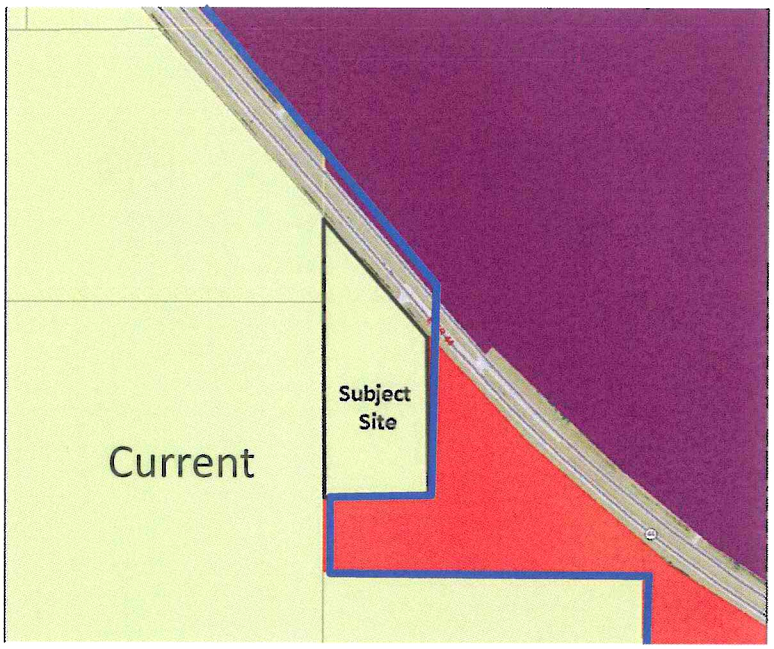
Attachment 1

Project Location

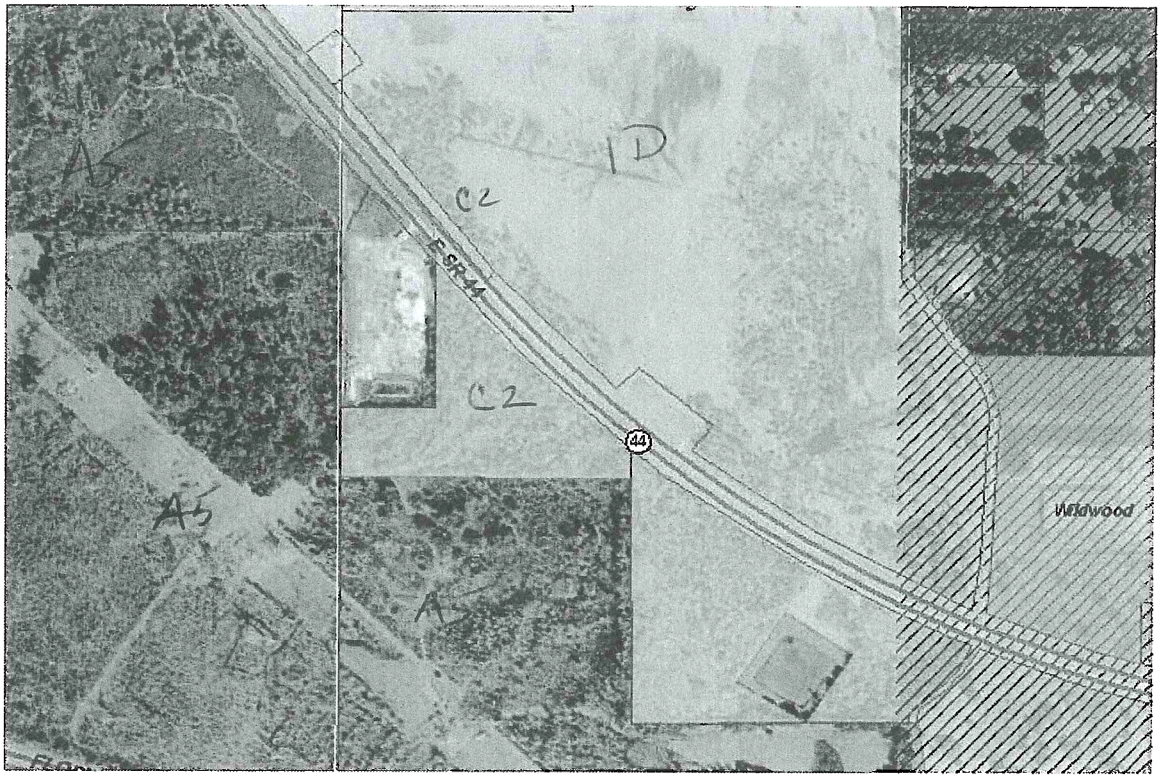


Attachment 2

Future Land Use Map



Industrial
Commercial
Agriculture
Urban Development Area boundary


A5
ID
C2
E SR 44
C2
44
A5
A5
Wildwood

Attachment 3

URBAN SPRAWL ANALYSIS

The Community Planning Act (Florida Statutes Chapter 163) requires future land use amendments include an analysis to determine whether the proposed amendment contributes to urban sprawl. The proposed land use amendment does not display the sprawl indicators as identified in Florida Statutes Chapter 163 3177 9.a and listed below

I. Promotes, allows, or designates for development substantially areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses. **The proposed amendment is located in Florida Crossroads Industrial Activity Center near existing commercial and industrial properties.**

II. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development **The subject property is not located in a rural area distant from urban development. It is located near the City of Wildwood within the Florida Crossroads Industrial Activity Center. Florida Crossroads Industrial Activity Center is recognized locally and regionally as a major future employment activity center (Sumter County Evaluation and Appraisal Report, 2010; Comprehensive Economic Development Strategy for the Withlacoochee Region, 2009; and Sumter County Strategic Economic Development Plan, 2010).**

III. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments. **The proposed commercial land use is not linear or isolated in nature. The property is located within the Florida Crossroads Industrial Activity Center and is adjacent to other commercial and industrial properties.**

IV. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems. **The subject property has been highly impacted by previous uses as a staging area for construction projects. There is no significant native vegetation on site.**

V. Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils. **The subject property is surrounded on three sides by commercial and industrial properties. Agricultural uses of those properties are transitional in nature.**

VI. Fails to maximize use of existing public facilities and services. **The subject property is in the City of Wildwood's utility service area. Future development will be required to connect to public utilities as they become available.**

VII. Fails to maximize use of future public facilities and services. **The subject property is in the City of Wildwood's utility service area. Future development will be required to connect to public utilities as they become available.**

VIII. Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government. **The property is located within the Florida Crossroads Industrial Activity Center and is adjacent to other commercial and industrial properties. Expansion of public water and sewer service throughout the area will be efficient and cost-effective.**

IX. Fails to provide a clear separation between rural and urban land uses. **The property is located within the Florida Crossroads Industrial Activity Center. Use of activity centers improves the separation between rural and urban land uses by focusing development into areas with infrastructure.**

X. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities. **The proposed land use change does not discourage infill development or redevelopment. It is a small expansion of an existing activity center.**

XI. Fails to encourage a functional mix of uses. **The proposed project will encourage a functional mix of uses by contributing to the commercial and industrial mixture of land uses within an Activity Center.**

XII. Results in poor accessibility among linked or related land uses. **The proposed land use amendment will not affect the accessibility of adjacent lands.**

XIII. Results in the loss of significant amounts of functional open space. **The subject property is fenced and highly impacted by prior uses. It does not provide functional open space for the near-by community.**

Further, a future land use amendment is required to meet four or more criteria listed in F.S 163 3177 9.b The proposed land use amendment meets the following four listed criteria.

(1) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on that protects natural resources and ecosystems. **The subject property has been highly impacted by previous use as a construction staging area and contains very little native vegetation. This application directs development to an area that does not have an adverse impact on natural resources.**

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services. **The property is located within the Florida Crossroads Industrial Activity Center and is adjacent to other commercial and industrial properties. Expansion of public water and sewer service to the subject property will be efficient and cost-effective.**

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit. **The subject property is located within the Florida Crossroads Industrial Activity Center. Use of activity centers promotes compact commercial and industrial development that will provide economic opportunities to surrounding residential communities. Florida**

Crossroads Industrial Activity Center will promote a mixture of land uses that will support future multimodal and transit opportunities.

(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area. **The subject property is located within the Florida Crossroads Industrial Activity Center. The Florida Crossroads Industrial Activity Center will provide a mixture of nonresidential land uses that will provide economic opportunities to surrounding residential communities.**

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: SS2011-0010
Application 10/4/2011 KHO

SMALL SCALE

PROJECT TYPE	PROJECT SUBTYPE	PROJECT DESCRIPTION
SMALL SCALE		Small Scale Land Use Change

OWNER	ADDRESS	PHONE
LAKE, WAREHOUSE & STORAGE, WILD	880 N BAY RD 0 MT DORA, FL 32757	(352) 383-6525
AGENT/APPLICANT	**ADDRESS**	**PHONE**
Morgan Booth	,	(352) 516-8799

PARCEL #	SEC/TWP/RNG	GENERAL LOCATION	DIRECTIONS TO PROPERTY
F12=076	121922	Wildwood	N ON US 301. W ON SR 44. THE PROPERTY IS LOCATED APPROX 7/10 MILES W OF CR 219 ON THE SW/LY SIDE OF THE RD.
Property Address: 2175 E SR 44, Wildwood, FL 34785			

PARCEL SIZE	F.L.U.	LEGAL DESCRIPTION
10 Acres MOL	AG	COMM AT W1/4 COR RUN N 358.5 FT TO POB CONT N 1347.63 FT THENCE S 37 DEG 39 MIN 33 SEC E 653.88 FT THENCE S 830.37 FT W400 FT TO POB
PRESENT ZONING	**PRESENT USE**	
Non-Vested C2	Vacant	

REQUESTED USE	ACREAGE TO BE UTILIZED	LEGAL DESCRIPTION TO BE UTILIZED
Small Scale Land Use Change on 10 Acres MOL from AG to Comm	10 Acres MOL	Same as above

ABUTTING PROPERTY	NORTH	EAST	SOUTH	WEST
ZONING/USE	C2=Vacant	C2=Vacant	C2=Vacant	Non-Vested C2
F.L.U.	ID	Comm ~~& AG~~	Comm ~~& AG~~	AG

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.

FEES	Amount	Payment
Comprehensive Plan Amend. -Small Scal	2,900.00	C 10844
Recording Fees	0.00	
Postage Fee	0 00	
$100 Legal Ad Fee	100.00	C 10844
TOTAL	**$3,000.00**	

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.

Morgan Booth
Signature(s)

October 4, 2011
Date

A Public Hearing before the Zoning and Adjustment Board will be held on the date inidcated 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.

Zoning and Adjustment Board	**11/7/2011 6:30 PM**	**Room: Colony Cottage Rec. Center**	**Action:** _____
County Commission Meeting	**11/22/2011 5:30 PM**	**Room: Colony Cottage Rec. Center**	**Action:** _____

NOTICES SENT	RECEIVED IN FAVOR	RECEIVED OBJECTING
4	0	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.

SUMTER COUNTY ORDINANCE 2011-_____

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE SUMTER COUNTY COMPREHENSIVE PLAN THROUGH THE SMALL SCALE LAND USE AMENDMENT PROCESS; SETTING FORTH THE AUTHORITY FOR SMALL SCALE AMENDMENT OF THE COMPREHENSIVE PLAN FUTURE LAND USE MAP; SETTING FORTH THE PURPOSE AND INTENT OF THE AMENDMENTS; PROVIDING FOR INTERPRETATION; PROVIDING FOR PROVISIONS, SEVERABILITY AND APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, EFFECTIVE DATE AND ADOPTION.

WHEREAS, Section 163.3161 et. seq., Florida Statutes established the Community Planning Act; and

WHEREAS, Section 163.3187, Florida Statutes, allows small scale land use amendments to be made to the adopted Comprehensive Plan Future Land Use Map; and

WHEREAS, the Board of County Commissioners of Sumter County, Florida has adopted its Comprehensive Plan pursuant to the Act and has now determined that certain amendments to portions of the Future Land Use Map are needed; and

WHEREAS, the Board has provided for opportunity for written comments, public hearings after public notice, provisions for open discussion, communications programs, and consideration of and response to public comments concerning the proposed amendment to the Comprehensive Plan, and

WHEREAS, the County invited written comment and public participation at scheduled public hearings; and

WHEREAS, Ordinance No. 79-9 adopted by the Board of County Commissioners of Sumter County, Florida, on July 18, 1979, and

Ordinance No. 96-23 adopted by the Board of County Commissioners of Sumter County, Florida on December 16, 1996, designated the Sumter County Zoning and Adjustment Board as the Local Planning Agency for the unincorporated areas of Sumter County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, the Sumter County Local Planning Agency held a public hearing on the proposed Comprehensive Plan Future Land Use Map amendment on November 7, 2011, and considered the findings and advice of all interested parties submitting comments at the public hearing, and recommended approval of the amendment to the Board of County Commissioners of Sumter County; and

WHEREAS, the Board of County Commissioners of Sumter County held a public hearing on the proposed Comprehensive Plan Future Land Use Map amendment on November 22, 2011, and considered the findings and advice of all interested parties submitting comments at the public hearing, and the recommendations of the Local Planning Agency, and upon complete consideration and deliberation, approved the amendment to the Comprehensive Plan Future Land Use Map for adoption, and

WHEREAS, the Board of County Commissioners of Sumter County, Florida has determined that the adoption of the amendment to the Comprehensive Plan is in the best interests of the health, safety and welfare of the citizens of Sumter County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Authority.

This Ordinance is adopted in compliance with, and pursuant to the Community Planning Act, Section 163.3161, et. seq., Florida Statutes.

Section 2. Purpose and Intent.

It is hereby declared that the purpose and intent of the adopted amendment is to make the Comprehensive Plan better able to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources consistent with the public interest; overcome present handicaps; and deal effectively with future problems which may result from the use and development of land within the unincorporated areas of Sumter County, Florida. Specifically, the amendment changes a land use designation on the Future Land Use Map to General Commercial. The nature of this change is to provide land use to provide development consistent and complementary with the character of development within the surrounding properties and local area. The change allows the Future Land Use Map to depict land use designations capable of commercial development.

Section 3. Adoption of Amendments to Certain Elements of the Comprehensive Plan.

The Future Land Use Element and the Future Land Use Map of the Sumter County Comprehensive Plan are hereby amended as per the amendments attached hereto, and as amended, is the official Comprehensive Plan for the unincorporated area of Sumter County, Florida.

Section 4. Interpretation.

The language and provisions of this ordinance and the Comprehensive Plan, as amended, shall be construed in pari materia with Section 163.3161, et. seq., Florida Statutes. Definitions provided in Section 163.3161, et. seq., Florida Statutes as they apply to interpretation of this ordinance are incorporated herein by reference as the same may from time to time be amended.

Section 5. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason held by any court or other forum of

competent jurisdiction to be invalid, the validity of the remaining portions of this code shall continue in full force and effect.

Section 6. Effective Date.

This ordinance shall become effective as provided by law.

ADOPTED this **22nd** **day of** **November** **2011**

ATTEST: _____

_____

BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY

By: _____

Deputy Clerk

By: _____,

Don Burgess, Chair

ATTACHMENT A

PROPOSED SUMTER COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

FUTURE LAND USE AMENDMENT: Application SS2011-0011

The Future Land Use Map (FLUM) shall be amended to reflect a change in land use designation for the subject parcel. The subject parcel's current future land use designation, Low Density Residential, shall be changed to a General Commercial future land use designation on the FLUM

The parcel is described as follows.
Sec. 15, Twp 19S, Rng. 23E. Lots 6, 7 & 8 Blk G Orange Home Subdivision PB 1 PG 101 ½ & beg at SE cor of Lot 5 Blk G run S/ly along west line of Ruskin Ave. 200' NW/ly along N line of Lot 6 125' NE/ly 200' to center of S line of Lot 3 SE/ly to POB & E ½ of Lot 3 & Lots 4 & 5 Blk G Orange Homes Subdivision

A location map of the subject property is attached as **Map 1**. The Future Land Use Map with the existing land use designation and proposed land use designation shown on the subject parcel is attached as **Map 2**.