

SUMTER COUNTY ZONING AND ADJUSTMENT BOARD
May 6, 2019

BOARD OF SUMTER COUNTY COMMISSIONERS
May 14, 2019

CASE NO.: R2019-0011

LAND OWNER: Sumter LLC

REPRESENTATIVE: Greg Beliveau, LPG Urban & Regional Planners, Inc.

REQUESTED ACTION: Rezone 449 acres +/- from Planned Industrial (IP), Agricultural (A10C) and Public Institutional/Educational (PIE) to Master Planned Development (MPD)

PARCEL NUMBER: F02-004, F02-021, F02-023, F02-024, F02-036, F02-038, F03-006, F04-011 and F10-002

LEGAL DESCRIPTION: see Attachment

EXISTING ZONING: IP, A10C and PIE

EXISTING USE: Pasture and Vacant

FUTURE LAND USE: Industrial, Agricultural, and Public/Institutional/Educational

PARCEL SIZE: 449 acres MOL

GENERAL LOCATION: Wildwood area

Adjacent Property	Zoning Designation	Current Use
North	IP, CL, A10C	Vacant
East	CL, CH, A10C & RVPUD	RV Park and vacant
West	A10C	Interstate and Conservation land
South	A10C & RVPUD	RV Park and Pasture

CASE SUMMARY:

The subject property is located between I-75/ Florida Turnpike interchange, and SR 44, south of C-44A (Map 1). The request is to rezone 449 acres MOL from IP and A10C to MPD (Map 2).

In 2008, the north 199 acres of the project site was rezoned to Planned Industrial. The Board of County Commissioners and The City of Wildwood entered into Development Agreements with the landowner addressing land use intensity, land uses, and public utilities. All three parties are in the process of addressing and updating the development agreements.

The proposed rezoning and master plan will allow a maximum of 1,320 single family units, 750 multi-family units and 1,350,000 square feet of industrial development (Map 3). Development will be clustered away from regulated wetlands and the 100-year flood zone. The proposed master plan allows for a unified development that shares infrastructure. The applicant has provided structural setback and landscape buffer standards for approval. The proposed master plan conserves a very large wetland. The project as proposed requires an exception to LDC standards for calculating open space when accounting for wetlands.

This rezoning request is concurrent with large scale comprehensive plan amendment CP2019-0001. The land use amendment requests Mixed Use Future Land Use District for the entire site.

CASE ANALYSIS:

Master Planned Development requirements are specified in Land Development Code Section 13-422 (b)(3)(a). The application is consistent with the following standards.

1. Purpose and intent. The purpose and intent of this zoning district is to provide lands which are suitable for well-designed residential communities, multi-family or mixed-use developments, on appropriately sized tracts of land under unified ownership or control, while encouraging coherent, flexible and creative concepts of site planning which:

- a) Accomplishes a more desirable community and environment than would be possible through the strict application of standard zoning requirements.**
- b) Provides a stable community and environmental character compatible with surrounding areas.**
- c) Creates functional and attractive developments.**
- d) Preserves the natural amenities of the land by providing scenic and functional and interconnected open areas.**
- e) Provides for an efficient use of land resulting in a smaller network of utilities and streets and thereby minimizing infrastructure, development and housing costs.**

f) Promotes the establishment of communities that support civic pride and responsibility.

The proposed conceptual plan allows the developer to cluster development away from environmentally sensitive lands and utility corridors and focus development in the less constrained portions of the site. The conceptual plan provides for a functional and attractive development that preserves the natural amenities of the land. It is compatible in character with surrounding areas, preserves natural amenities and shows interconnected open areas.

2. Optional and mandatory MPD.

a) Optional MPD. MPD is optional when:

- 1) Development does not exceed the base density or intensity allowed by the comprehensive plan and this chapter, and**
- 2) The developer wishes to have flexibility in land uses, lot sizes, setbacks, and design and is willing to create site design features and improvements beyond the minimum required to enhance the quality of the overall development.**

b) Mandatory MPD. MPD is mandatory when the property is proceeding under the density bonus increase policies of the comprehensive plan.

The proposed project is an optional MPD as the development does not exceed the base density that will be allowed by the proposed comprehensive plan amendment.

3. Design standards. Departure from the strict application of land uses, lot size and setback requirements are allowed, however all MPDs shall be designed and developed to promote compatibility with surrounding land uses, assure appropriate supporting infrastructure while minimizing public infrastructure costs, preserve and enhance the natural amenities of the land, conserve natural resources, and provide open spaces. It is the intent of this section to allow dialogue and flexibility of design standards within the master planning process between the applicant and the approving authorities. However, matters of health, safety and welfare shall remain the priorities, and deviation from adopted standards must be approved by the board of county commissioners.

The concept plan illustrates the preservation of sensitive wetlands on the property while creating passive and active recreation areas. Staff has worked with the applicant to establish flexible design standards for this project.

4. Layout. The lots within a MPD shall be clustered on uplands, in a manner to preserve the function and integrity of the site's natural areas and environmental systems. Flexibility of minimum lot widths and size is allowable, and can be determined during the master plan approval process. Lots must be of sufficient size and width to accommodate structures, and lots of under one-half (1/2) acre will require affirmative justification. Lot layout and design must be compatible with the design and layout of the overall site. The location of lots shall be arranged in a manner sensitive to the natural areas of the site and shall seek to provide lots with a view of the natural areas or access to the natural areas. The design of the site shall provide for potential future roadway connections to surrounding properties.

The concept plan submitted shows the cluster development technique used for the residential and industrial portions of the project with no development shown in the Category II wetlands.

5. Implementation, maintenance, and enforcement. MPDs shall be implemented through:

- a) **An approved master plan detailing specific layout, dimensional standards and design features, numbers of lots, allowable uses, and location of open space.**
- b) **A memorandum of agreement between the developer and the board specifying the details on the responsibility for the provision of infrastructure and its maintenance,**
- c) **Contracts, conservation easements, and any other legal documents as deemed appropriate by the board to implement the agreement for the MPD.**
- d) **Areas of the master planned development that are designated as preservation areas, for habitat enhancement, wetland enhancement, or as expansion of an existing wildlife corridor, must be subject to a conservation easement as defined in F.S. § 704.06, with a third party entity approved by the board. The third party entity may be a public agency or a non-profit agency with long term experience in maintenance of conservation areas.**
- e) **Plans for habitat enhancement, wildlife management programs, and wetlands enhancements must be designed by a certified biologist, must use best management practices, and meet the approval of the state agency with general or specific authority, jurisdiction and permitting over the usage.**
- f) **A homeowners association as defined in F.S. ch. 720, shall be established and maintained with the duty and authority to implement and maintain the common areas, infrastructure, easements, contracts and agreements as required comply with the approved master plan of development.**
- g) **Failure of the homeowners association and the member residents to maintain the provisions of the approved plan of development shall be a violation of this chapter and subject to code compliance action.**

The submitted concept plan details the specific layout, number of units planned and location of open space. A homeowner's or property owner's association will be created for maintenance and management of the open space areas. Wetland conservation easements will be put in place.

6. Location. MPDs may be located as follows:

- c) **Optional MPD's may be located in agricultural, rural residential, low density residential or mixed use land use areas. They must be located on or within one-quarter (1/4) mile of an arterial or collector road or other paved and county maintained roadway.**

A comprehensive plan amendment has been requested to change the subject property to Mixed Use. The project fronts on SR 44, an arterial roadway in the Florida Highway System.

**7. Size. The minimum size requirements for an MPD zoning district are as follows:
b) Within an urban development boundary—Fifty (50) acres.**

The project site exceeds the 50-acre minimum project size.

8. Open space. MPDs shall provide common, undivided open spaces. While open space may be used for passive drainage, the primary goal is to be used as natural areas, opportunity to maintain or restore native habitats and recreation for the residents. The open space shall be configured to provide connections to native habitats off-site to create a larger contiguous open space/wildlife network.

This development provides 44.5 acres of open space and 152.5 acres of preserved wetlands. LDC Section 13-561(b)(4) exempts wetlands in excess of one half of the open space requirement from being counted toward meeting the requirement. The applicant requests relief from this restriction and be allowed to count the preserved wetland toward meeting open space requirements.

DEVELOPMENT SERVICES DIVISION STAFF CONCLUSIONS:

Staff deemed the application sufficient and in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval with the following conditions:

1. This master planned development shall be as generally depicted in the conceptual plan submitted as part of this application.
2. Allowable land uses include single family residential, multifamily residential, and industrial.
3. Land use standards within the Industrial area will be as provided in the Land Development Code for the Industrial Zone.
4. Single family residential development on 50-ft wide lots shall be permitted with the following setbacks:
 - a. Residences shall maintain a 7.5-foot setback from side property lines and 15-foot from rear property lines.
 - b. Residences shall maintain a 20-foot setback from the front road right-of-way. Corner lots shall maintain a 10-foot side street setback.
 - c. Residential accessory structures shall maintain a five-foot setback from side and rear property lines.
5. Single family residential development on lots greater than 50-foot wide shall be permitted with the following setbacks:
 - a. Residences shall maintain a ten-foot setback from side property lines and 15-foot from rear property lines.
 - b. Residences shall maintain a 20-foot setback from the front road right-of-way. Corner lots shall maintain a 15-foot side street setback.
 - c. Residential accessory structures shall maintain a five-foot setback from side and rear property lines
6. A 15-foot wide vegetated buffer shall be provided along the east and north property lines. Landscape buffers are not required in open space areas and

wetland/conservation areas. Native vegetation may be incorporated into the landscape buffer.

7. The developer shall establish a homeowner's or property owner's association tasked with maintenance and management of open space areas.
8. 68 acres of the 152.5-acre wetlands shall count towards meeting required open space.
9. A traffic impact analysis shall be provided by the applicant at the time of application for a site development permit.
10. A site development permit application or plat application for the first phase must be submitted within four years and construction commenced within five years. If site development has not initiated within five years, a new conceptual plan approval is required. The Director of Development Services may extend these deadlines for up to one year if permitting and development have proceeded in good faith.

Notices Sent: 27 (Support) 3 (Oppose) 0

ATTACHMENT
LEGAL DESCRIPTION

A parcel of land lying in Secs 2, 3, 10 and 11, TWP 19 South, Rng 22 East, Sumter County, Florida, being more particularly described as follows:

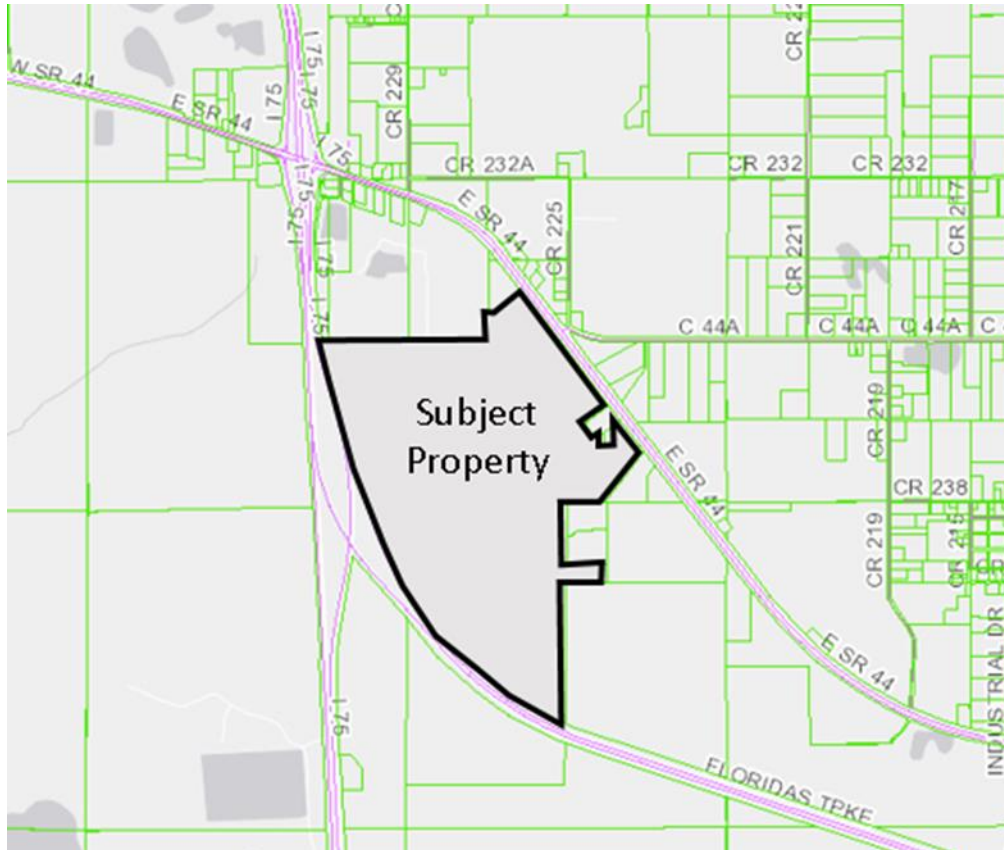
BEGIN at the West $\frac{1}{4}$ corner of Sec 2; thence South $89^{\circ}59'12''$ East along the North line of the SW $\frac{1}{4}$ of said Sec 2 for 1310.74 ft to the SW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec 2; thence North $00^{\circ}15'09''$ East along the West line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 2 for 1326.86 ft to the NW corner of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 2; thence North $89^{\circ}56'38''$ East along the North line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 2 for 121.64 ft to the Westerly ROW of SR 44; thence along said Westerly ROW the following three courses: S $37^{\circ}37'01''$ East for 169.55 ft; thence North $52^{\circ}22'59''$ East for 8.00 ft; thence South $37^{\circ}37'01''$ East for 2850.00 ft, to the North boundary of those lands described in Bk 581, Pg 488, Public Records of Sumter County, FL; thence along said lands: S $52^{\circ}22'59''$ West 480.00 ft; thence South $37^{\circ}37'01''$ East 304.00 ft; thence North $52^{\circ}22'59''$ East 143.05 ft to the West line of the lands described in Bk 377, Pg 517, Public Records of Sumter County, Florida; thence along the boundaries thereof: South $00^{\circ}06'14''$ East 196.95 ft; thence North $89^{\circ}49'30''$ East 210.03 ft; thence North $00^{\circ}10'30''$ West 357.59 ft to the SE'ly line of those lands described in Bk 581, Pg 488, Public Records of Sumter County, FL; thence North $52^{\circ}22'59''$ East for 74.73 ft to said Westerly ROW line; Thence South $37^{\circ}37'01''$ East along said Westerly ROW line for 649.06 ft to the NE'ly line of that parcel of land as described in Bk 1572, Pg 254, Public Records of Sumter County, FL; thence along the boundary of said lands the following; departing said Westerly ROW line South $38^{\circ}01'30''$ West for 1055.34 ft to the South line of the SE $\frac{1}{4}$ of said Sec 2; thence South $89^{\circ}40'10''$ West along said South line for 617.87 ft to the North $\frac{1}{4}$ corner of Sec 11; thence South $00^{\circ}14'32''$ West along the East line of the NW $\frac{1}{4}$ of said Sec 11 for 1026.02 ft to the South line of the South 300.00 ft of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Sec 11; thence along the boundaries thereof: North $89^{\circ}44'07''$ East 658.60 ft; thence South $00^{\circ}12'08''$ West 300.00 ft to the South line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Sec 11; thence South $89^{\circ}44'07''$ West along said South line for 657.78 ft to the North-South center Sec line of said Sec 11; thence South $00^{\circ}11'52''$ West along said North-South line for 2299.68 ft to the NE'ly ROW line of the Sunshine State Parkway (Florida Turnpike) (said point being on a curve concave NE'ly and having a radius of 5579.58 ft); thence NW'ly, from a radial line which bears North $23^{\circ}22'56''$ East along the arc of said curve and NE'ly ROW line through a central angle of $48^{\circ}40'36''$ for a distance of 4740.22 ft to a point of tangency; thence North $17^{\circ}56'28''$ West along said NE'ly ROW line for 2994.09 ft to the North line of the SE $\frac{1}{4}$ of Sec 3; thence North $89^{\circ}02'28''$ East along said North line for 1426.31 ft to the POB.

LESS the following parcel:

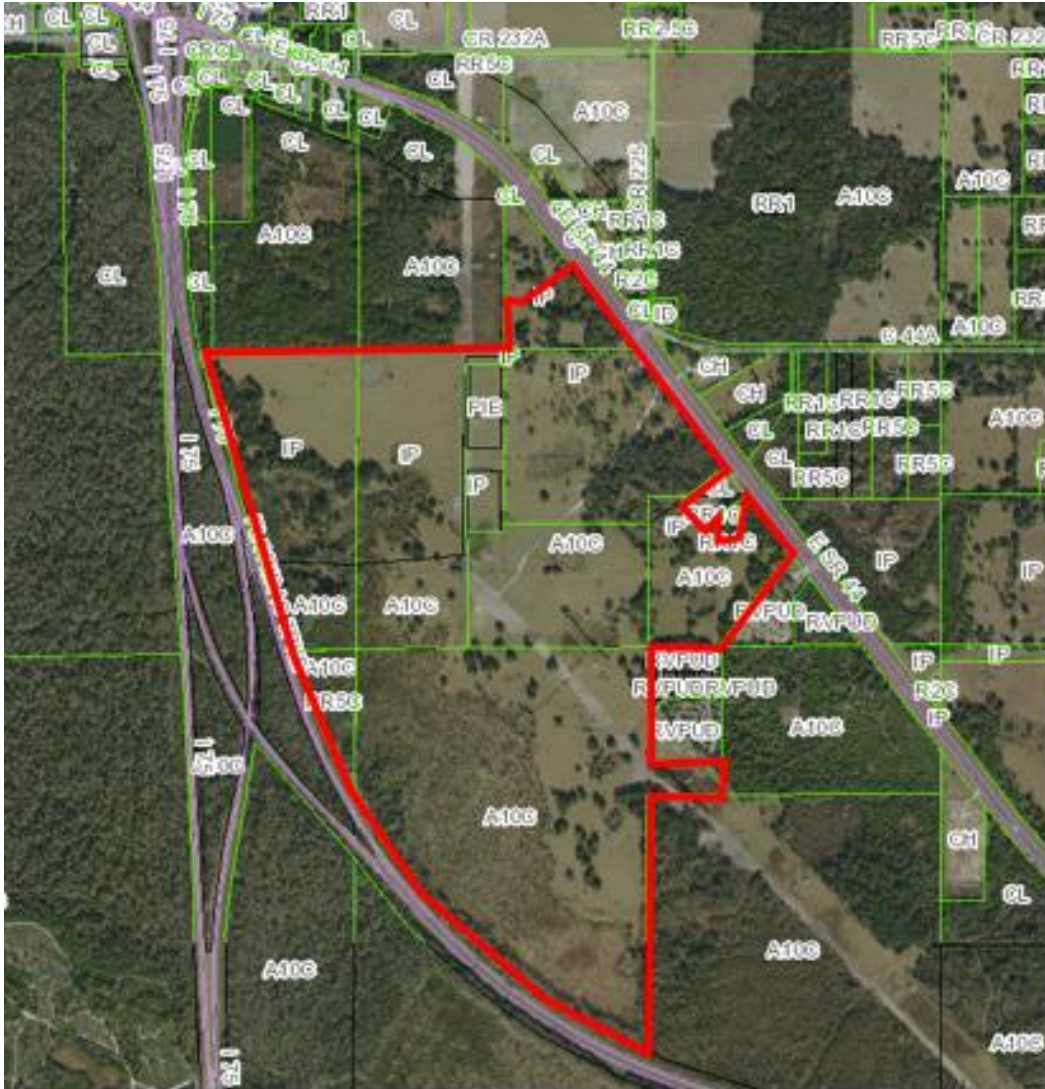
A portion of land lying in Sec 2, TWP 19 South, Rng 22 East, Sumter County, FL, being more particularly described as follows:

Commencing at the West ¼ corner of said Sec 2; thence along the North line of the SW ¼ of said Sec 2, S 89°59'12" East, 1310.74 ft to the SW corner of the SE ¼ of the NW ¼ of said Sec 2; thence departing said North boundary along the West line of the SE ¼ of the NW ¼ of said Sec 2, N 00°15'09" East, 423.51 ft to the PoB. Thence continue along said West boundary, N 00°15'09" East, 903.35 ft to the NW corner of the SE ¼ of the NW ¼ of said Sec 2; thence departing said West boundary, along the North boundary of the SE ¼ of the NW ¼ of said Sec 2, N 89°56'38" E, 121.64 ft to the Westerly ROW line of SR 44; thence departing said North boundary, along said Westerly ROW line; S 37°37'01" E, 169.55 ft; thence N 52°22'59" E, 8.00 ft; thence S 37°37'01" E, 443.24 ft; thence departing said westerly ROW line, S 52°22'59" W, 418.65 ft to a point of curvature of a curve concave SE'ly, having a radius of 250.00 ft, a central angel of 45°17'38", and a chord bearing and distance of S 29°44'10" W, 192.53 ft; thence Southerly along the arc of said curve, a distance of 197.63 to the end of said curve; thence S 89°49'57" W, 78.88 ft to the PoB.

Map 1
General Location of R2019-0011



Map 2
Surrounding Area with Zoning Designations
R2019-0011



Map 3 Conceptual master Plan R2019-0011

