

**SUMTER COUNTY**

**ZONING APPLICATION**

**PLANNING AND ZONING SPECIAL MASTER**

**March 7, 2022**

**BOARD OF COUNTY COMMISSIONERS**

**March 22, 2022**

**CASE NO.:** R2022-0006

**LAND OWNER:** Sumter, LLC

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

**REQUESTED ACTION:** Rezone 3.35 acres from CL (Light Commercial) and RR1C (Rural Residential) to MPD (Master Planned Development), and modify the Sumter, LLC master plan of development.

**PARCEL NUMBER:** F02-004, F02-021, F02-023, F02-024, F02-036, F02-038, F03-006, F11-004, F10-002, and F02-2000

**LEGAL DESCRIPTION:** See Attachment

**EXISTING ZONING:** CL, RR1C, and MPD

**EXISTING USE:** Pasture and Vacant

**FUTURE LAND USE:** Commercial, Agriculture, and Mixed Use

**PARCEL SIZE:** 452 acres MOL

**GENERAL LOCATION:** Wildwood area – South side of SR 44 near Spring Flow Ave.

**SURROUNDING ZONING:**

<b>Adjacent Property</b>	<b>Zoning Designation</b>	<b>Current Use</b>
North	IP, CL and A10C	Vacant
South	A10C and RVPUD	RV Park and Pasture
East	CL, CH, A10C, and RVPUD	RV Park and Vacant
West	A10C	Interstate and Conservation Land

**CASE SUMMARY:**

The subject property is located between I-75/ Florida Turnpike interchange, and SR 44, south of C-44A (Map 1). The request has two parts. First is to rezone 3.35 acres from CL and RR1C to MPD to incorporate the new property into the Sumter LLC project (Map 2). Second, is to modify the approved master plan of development to reflect the new property and rebalance the land uses to better reflect current market conditions. The proposed master plan changes will replace 44.5 acres of industrial uses with 16.7 acres of commercial uses, 6.2 acres of congregate living facility (ALF), 2 acres of utilities, and 28 acres of multifamily uses. There is no change to the maximum number of allowable single family or multifamily units.

The project has been named Sumter Springs. The 2019 approval allows for a maximum of 1,320 single family units, 750 multi-family units, and 1,350,000 square feet of industrial development. Development is clustered away from regulated wetlands and the 100-year flood zone. The adopted master plan provides for a unified development that shares infrastructure. The revised master plan replaces the industrial areas with commercial uses, ALF, residential uses, and utilities. The revised master plan of development continues to protect environmentally sensitive areas and clusters development in areas appropriate for those uses.

This rezoning request is concurrent with small scale land use amendment SS2022-0002 that incorporates a 3.35 acre parcel into the project. The modification of the master plan of development affects the entire project 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 clusters development away from environmentally sensitive lands and utility corridors and focuses 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. Flexible design standards previously approved for this project are not being modified.*

**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 (¼) mile of an arterial or collector road or other paved and county maintained roadway.**

*The project fronts on SR 44, an arterial roadway in the Florida Highway System and is assigned a Mixed Use future land use assignment.*

**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 almost 200 acres of preserved wetlands and open space. The amount of open space is not being changed.*

### **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, R2022-0006.
2. Allowable land uses include single family residential, multifamily residential, and commercial.
3. Land use standards within the commercial area will be as provided in the Land Development Code for the CL (Light Commercial) zone.
4. Single family residential development on 50-foot wide lots shall be permitted with the following setbacks:
  - a. Residences shall maintain a 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 setback from the side road right-of-way.
  - 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 7.5-foot setback from side property lines and 15-foot setback 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 setback from the side road right-of-way.
  - 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 five (5) 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 two years if permitting and development have proceeded in good faith.

**Notices Sent: 26                    (Support)                    2                    (Oppose)                    0**

ATTACHMENT  
LEGAL DESCRIPTION  
Revised 3/16/2022

A parcel of land lying in Sections 2, 3, 10 and 11, Township 19 South, Range 22 East, Sumter County, Florida, being more particularly described as follows:  
BEGIN at the West ¼ corner of Section 2; thence South 89°59' 12" East along the North line of the Southwest ¼ of said Section 2 for 1310.74 feet to the Southwest corner of the Southeast ¼ of the Northwest ¼ of said Section 2; thence North 00°15'09" East along the West line of said Southeast ¼ of the Northwest ¼ of Section 2 for 1326.86 feet to the Northwest corner of said Southeast ¼ of the Northwest ¼ of Section 2; thence North 89°56'38" East along the North line of said Southeast ¼ of the Northwest ¼ of Section 2 for 121.64 feet to the Westerly Right-of-way line of State Road 44; thence along said Westerly Right-of-way line the following three courses: S 37°37'01" East for 169.55 feet; thence North 52°22'59" East for 8.00 feet; thence South 37°37'01" East for 2850.00 feet, to the North boundary of those lands described in Official Records Book 581, Page 488, Public Records of Sumter County, Florida; thence along said lands the following three courses: S 52°22'59" West 480.00 feet; thence South 37°37'01" East 304.00 feet; thence North 52°22'59" East 143.05 feet to the West line of the lands described in Official Records Book 377, Page 517, Public Records of Sumter County, Florida; thence along the boundaries thereof the following three courses: South 00°06'14" East 196.95 feet; thence North 89°49'30" East 210.03 feet; thence North 00°10'30" West 357.59 feet to the Southeasterly line of those lands described in Official Records Book 581, Page 488, Public Records of Sumter County, Florida; thence North 52°22'59" East for 74.73 feet to said Westerly Right-of-way line; Thence South 37°37'01" East along said Westerly Right-of-way line for 649.06 feet to the Northeasterly line of that certain parcel of land as described in Official Records Book 1572, Page 254, Public Records of Lake County, Florida; thence along the boundary of said lands the following two courses; departing said Westerly Right-of-way line South 38°01'30" West for 1055.34 feet to the South line of the Southeast ¼ of said Section 2; thence South 89°40'10" West along said South line for 617.87 feet to the North ¼ corner of Section 11; thence South 00°14'32" West along the East line of the Northwest ¼ of said Section 11 for 1026.02 feet to the South line of the South 300.00 feet of the West ½ of the Northwest ¼ of the Northeast ¼ of said Section 11; thence along the boundaries thereof the following three courses: North 89°44'07" East 658.60 feet; thence South 00°12'08" West 300.00 feet to the South line of the Northwest ¼ of the Northeast ¼ of said Section 11; thence South 89°44'07" West along said South line for 657.78 feet to the North-South center Section line of said Section 11; thence South 00°11'52" West along said North-South line for 2299.68 feet to the Northeasterly Right-of-way line of the Sunshine State Parkway (Florida Turnpike) (said point being on a curve concave northeasterly and having a radius of 5579.58 feet); thence Northwesterly, from a radial line which bears North 23°22'56" East along the arc of said curve and Northeasterly Right-of-way line through a central angle of 48°40'36" for a distance of 4740.22 feet to a point of tangency; thence North 17°56'28" West along said Northeasterly Right-of-way line for 2994.09 feet to the North line of the Southeast ¼ of Section 3; thence North 89°02'28" East along said North line for 1426.31 feet to the POINT OF BEGINNING.  
AND



That part of SE ¼, lying Southwesterly of State Road No. 44, in Section 2, Township 19 South, Range 22 East, Sumter County, Florida;

Described as Follows:

Commence at the point of intersection of the Center Line of Survey of State Road No. 44 and the West line of the NW ¼ of Section 2, Township 19 South, Range 22 East, Sumter County, Florida (said point being 292.42 feet South 00°03'10" East of the Northwest corner of said Section 2) as shown on the State of Florida, Department of Transportation Right of Way Map for Section No. \_\_\_\_\_; thence South 71°15'48" East along said Center Line of Survey, 615.65 feet to the beginning of a curve concave Southwesterly, having a radius of 1909.86 feet, a central angle of 33°36'15" and a chord bearing of South 54°27'41" East, thence Southeasterly along the arc of said curve and said Center Line of Survey 1120.14 feet to the end of said curve; thence South 37°39'33" East continuing along said Center Line of Survey, 3448.81 feet; thence South 52°20'17" West 140 feet to a point on the existing right of way line of Said State Road No. 44 and the POINT OF BEGINNING; thence continue South 52°20'27" West 482.00 feet; thence North 37°39'33" West 304 feet; thence North 52°20'27" East 480 feet to a point being 140.00 feet Southwesterly of as measured perpendicular to said Center Line of Survey; thence South 37°39'33" East parallel with said Center Line of Survey, 210 feet; thence North 52°20'27" East 2.00 feet to a point being 140.00 feet Southwesterly of as measured perpendicular to said Center Line of Survey; thence South 37°39'33" East parallel with said Center Line of Survey, 94.00 feet to the POINT OF BEGINNING.

Containing 3.354 acres, more or less.

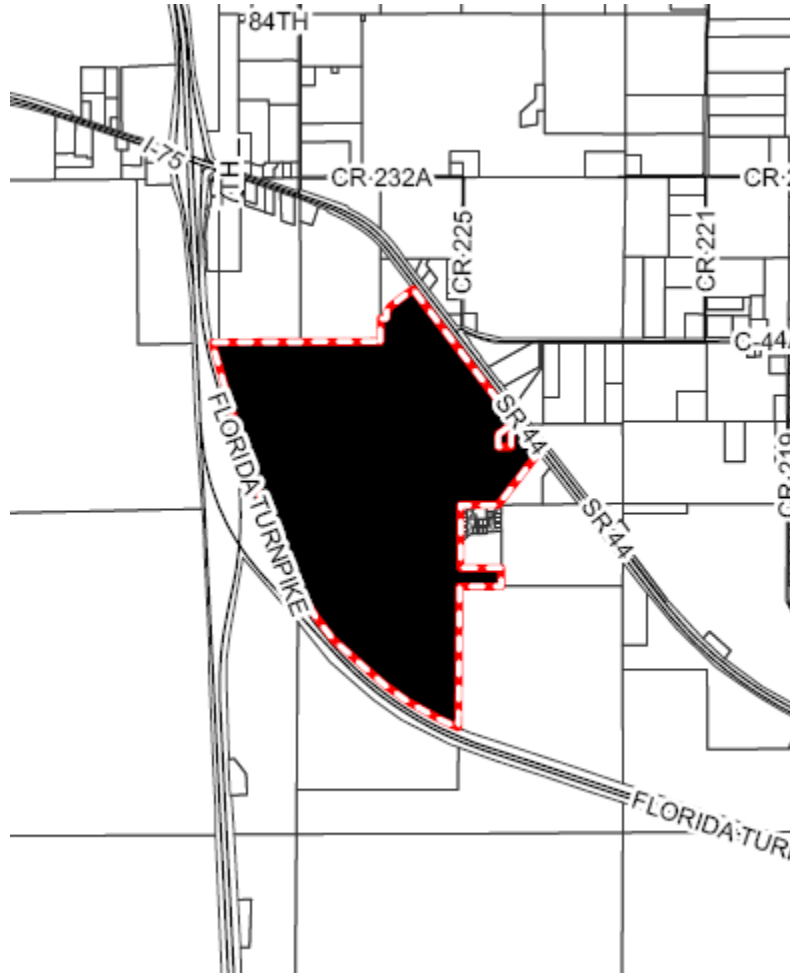
LESS the following parcel (for a Sumter County Fire Station site):

A portion of land lying in Section 2, Township 19 South, Range 22 East, Sumter County, Florida, being more particularly described as follows:

Commencing at the West ¼ corner of said Section 2; thence along the North line of the Southwest ¼ of said Section 2, S 89°59'12" East, 1310.74 feet to the Southwest corner of the Southeast ¼ of the Northwest ¼ of said Section 2; thence departing said North boundary along the West line of the Southeast ¼ of the Northwest ¼ of said Section 2, N 00°15'09" East, 423.51 feet to the point of beginning. Thence continue along said West boundary, N 00°15'09" East, 903.35 feet to the Northwest corner of the Southeast ¼ of the Northwest ¼ of said Section 2; thence departing said West boundary, along the North boundary of the Southeast ¼ of the Northwest ¼ of said Section 2, N 89°56'38" E, 121.64 feet to the Westerly Right-of-way line of W State Road No. 44; thence departing said North boundary, along said Westerly Right-of-way line the following three (3) courses; (1) S 37°37'01" E, 169.55 feet; (2) thence N 52°22'59" E, 8.00 feet; (3) thence S 37°37'01" E, 443.24 feet; thence departing said westerly Right-of-way line, S 52°22'59" W, 418.65 feet to a point of curvature of a curve concave Southeasterly, having a radius of 250.00 feet, a central angel of 45°17'38", and a chord bearing and distance of S 29°44'10" W, 192.53 feet; 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 feet to the point of beginning.



**Map 1**  
**General Location of R2022-0002**



**Map 2**  
**Area to be Rezoned with Existing Zoning Assignments**  
**R2022-0002**



# Map 3 Conceptual master Plan R2022-0002

