

**SUMTER COUNTY
SPECIAL USE APPLICATION**

**PLANNING AND ZONING SPECIAL MASTER
March 6, 2023**

**BOARD OF COUNTY COMMISSIONERS
March 28, 2023**

CASE NUMBER: S-23-002331

LAND OWNER: Buffalo Hide and Cattle Company, LLC.

REPRESENTATIVE: Brandon Matulka, Rapid Infiltration Basin
Infrastructure & Transmission, LLC.

REQUESTED ACTION: Major special use permit to allow for rapid
infiltration ponds.

PARCEL NUMBER: J14-033, J14-001, J14-005, J11-005, J11-008

LEGAL DESCRIPTION: Attachment A.

EXISTING ZONING: A10C - Agriculture

EXISTING USE: Vacant

FUTURE LAND USE: Agriculture

PARCEL SIZE: 244.19 acres MOL

GENERAL LOCATION: Sumterville — East of I-75 and North of C.R. 470 E
(Map 1).

CASE SUMMARY:

The applicant is requesting a major special use permit to allow for rapid infiltration ponds for wastewater effluent (Attachment B). Waste water treatment will be provided offsite, this project is limited to effluent disposal. The applicant provided a site plan for the project showing five rapid infiltration basins situated along the upland southern portion of the subject site, preserving wetland areas and flood zones to the north . The proposed project will meet SWFWMD and DEP requirements for water quality and protection and will not encroach on wetlands on the property.

The application site is located in primary economic activity center surrounded by a mix of Agribusiness and Industrial uses. To the south is an industrial area including a sanitary landfill, truss company, ASPCA (on a former landfill), and a fertilizer supplier. Surrounding properties to

the north, east, and west are zoned A10C and have very little development with the property directly to the North being a conservation area owned by SWFWMD and including a portion of Shady Brook river.

CASE ANALYSIS:

Pursuant to Section 13-332, Sumter County Land Development Code, the proposed special use must meet the following requirements for approval (Staff's review of each of the findings is provided in *italic text*):

- a. The use must be in harmony with the purpose and intent of this chapter.
Wastewater treatment is listed as a special use that may be applied for within A10C zoning district on the Schedule of Uses chart within the LDC (Table 13-431A)
- b. The use must be compatible with surrounding existing and anticipated uses.
The requested use is compatible with the surrounding existing and anticipated uses. The applicant provided the following in regards to odor, "...The water will have a level of treatment prior to its disposal and odors are not anticipated."
- c. The use must not adversely affect the public interest. Adequate traffic circulation, sanitary, utility, drainage, refuse management, emergency services, and similar necessary facilities and services shall be available for the use. A use shall not create hazardous vehicular or pedestrian traffic conditions, parking congestion, or generate traffic that exceeds the capability of roads and streets serving the use, or otherwise, affect public safety.
The application has not addressed potential traffic. The proposed use is not anticipated to produce excessive traffic as there will be no employees permanently on site. The only people who will be on the property will be staff for maintenance purposes as needed.
- d. The site must be suitable for the proposed use, considering flood hazard, drainage, soils, and other conditions that may pose a danger to life, health, or property.
The site is suited for the intended use. The proposed development is restricted to uplands and avoids negative impacts to on site wetlands and flood zones.
- e. The development of the use shall have no more than a minimal adverse effect on the environment, public health, safety, and welfare.
The proposed use is very low intensity. There will be a few employees, at most, and on the property. The proposed use requires state approval through DEP to ensure there will be no adverse effects on the environment including water protection and quality assurance.
- f. Proposed improvements and the level of cooperation by the developer shall be considered.
The applicant has been very cooperative and responsive to staff questions.
- g. Unless specifically provided otherwise, the use shall comply with this code.
The request complies with the Land Development Code.

The following additional requirements must be considered in reviewing special uses (Sec 13-332(a)(2)). Staff's review of each of the findings is provided in *italic text*:

- a. The use must not be detrimental to the neighborhood environment or unduly infringe on the rights of surrounding property owners.
The proposed use is located in an area dominated by Agriculture and Industrial uses and is consistent with those uses. The use will not infringe on the rights of surrounding property owners.
- b. A vehicular parking or traffic problem must not be created, and the vehicular average daily traffic created on local roads must not be increased in such a manner as to degrade the established function of the roadway or create hazards to public health or safety. The commission and staff may rely on input from the Florida Department of Transportation, the Florida Highway Patrol and the sheriff's office in making this determination.
The proposed use will not create a traffic problem. The impact on the County maintained road will be minimal.
- c. Screening and buffering sufficient to minimize interference with the enjoyment of surrounding properties may be required.
No screening or buffers have been proposed. Due to the low intensity of use staff is not recommending buffers be required.

DEVELOPMENT SERVICES DEPARTMENT STAFF CONCLUSIONS

Staff deemed the application 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 Special Use Permit approval is for the operation of a rapid infiltration basin.
2. Site development shall be as shown on the conceptual plan (Attachment A). Development Services Director may approve minor modifications to the site plan that do not create adverse impacts on adjacent property owners or increase the intensity of use.
3. Landscape buffers are not required.
4. This special use permit runs with the following properties (J14-033, J14-001, J14-005, J11-005, J11-008).
5. The special use permit will run with the properties above to coincide with The Villages of Southern Oaks Chapter 163 Development Agreements and remaining in place as long as the permitted use is on the property.
6. The site shall not be used until a site development plan is approved and completed. Development must be complete within ten years. If a good faith effort is shown, the Development Services Director can renew for five additional years.
7. Property shall be fenced to prevent unpermitted access.
8. Equipment used in effluent disposal activities shall be properly maintained and operated to prevent nuisance odors.
9. Suspension, expiration, or revocation of any other agency permit could result in the suspension, expiration, or revocation of this special use permit; unless the other agency permit suspension, expiration or revocation is remediated;
10. Notwithstanding the previous expiration conditions, this special use permit may be suspended or revoked by the Board of County Commissioners consistent with Section 13-333(e), Sumter County Land Development Code.

Notices Sent: 12

**Attachment A
Legal Description**

J14-033

FROM THE WEST 1/4 CORNER OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA, RUN N0005'41"W, ALONG THE WEST BOUNDARY OF SAID SECTION 14, A DISTANCE OF 70.77 FEET TO A FOUR (4) INCH SQUARE CONCRETE MONUMENT WITH DISK MARKED: LS 3522, ON THE NORTH RIGHT OF WAY OF C-470 MARKING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: FROM SAID POINT OF BEGINNING, CONTINUE N00105.41"W, ALONG SAID WEST BOUNDARY OF SECTION 14, A DISTANCE OF 660.00 FEET TO A FOUR (4) INCH SQUARE CONCRETE MONUMENT; THENCE S8957'19"E, A DISTANCE OF 330.00 FEET TO A FOUR (4) INCH SQUARE CONCRETE MONUMENT; THENCE S0005'411, A DISTANCE OF 660.00 FEET TO A FOUR (4) INCH SQUARE CONCRETE MONUMENT ON THE NORTH RIGHT OF WAY OF C-470; THENCE N8957.19W, ALONG SAID RIGHT OF WAY, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING AND END OF THIS DESCRIPTION.

J14-001

THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY FOR C-470. ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY: FROM THE WEST 1/4 CORNER OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA, RUN N00°05'41"E, ALONG THE WEST BOUNDARY OF SAID SECTION 14, A DISTANCE OF 70.77 FEET TO A FOUR (4) INCH SQUARE CONCRETE MONUMENT WITH DISK MARKED: LS 3522, ON THE NORTH RIGHT OF WAY OF C-470 MARKING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: FROM SAID POINT OF BEGINNING, CONTINUE N00°05'41"E, ALONG SAID WEST BOUNDARY OF SECTION 14, A DISTANCE OF 660.00 FEET TO A FOUR (4) INCH SQUARE CONCRETE MONUMENT; THENCE S89°57'19"E, A DISTANCE OF 330.00 FEET TO A FOUR (4) INCH SQUARE CONCRETE MONUMENT; THENCE S00°05'41"E, A DISTANCE OF 660.00 FEET TO A FOUR (4) INCH SQUARE CONCRETE MONUMENT ON THE NORTH RIGHT OF WAY OF C-470; THENCE N89°57'19"W, ALONG SAID RIGHT OF WAY, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING AND END OF THIS DESCRIPTION.

J14-005

THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY FOR C-470. ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY: THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTH 265 FEET OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA. ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY: THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:
THE FOLLOWING PORTIONS OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 22 EAST,
SUMTER COUNTY, FLORIDA:

THE EAST 574.00 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE
NORTHEAST 1/4;

AND

THE EAST 574.00 FEET OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE
NORTHEAST 1/4;

AND

THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4;

AND

THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST
1/4, LESS THE SOUTH 265.00 FEET THEREOF.

J11-005

THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 20 SOUTH,
RANGE 22 EAST, SUMTER COUNTY, FLORIDA.

J11-008

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 20 SOUTH,
RANGE 22 EAST, SUMTER COUNTY, FLORIDA.

Attachment B Site Plan

