

**SUMTER COUNTY
REZONING APPLICATION**

**PLANNING AND ZONING SPECIAL MASTER
May 1, 2023**

**BOARD OF COUNTY COMMISSIONERS
Transmittal: May 9, 2023
Adoption: June 27, 2023**

CASE NUMBER: R-23-005036

LANDOWNER: Werner Enterprises, Inc.

REQUESTED ACTION: Rezone 95 acres MOL from Agriculture (A10C), Rural Residential (RR5), and Light Commercial (CL) to Planned Industrial (IP)

PARCEL NUMBERS: C34-002, C34-003, C34-036

LEGAL DESCRIPTION: Legal Descriptions attached

EXISTING ZONING: A10C, RR5C, and CL

EXISTING USE: Vacant

FUTURE LAND USE: Agricultural, Industrial, and Commercial.
Concurrent application CP-23-05035 requests amendment to Industrial.

PARCEL SIZE: 95 acres MOL

LOCATION: Wildwood area East of I75 and north of E SR 44 (Map 1).

SURROUNDING LAND USE AND ZONING

The application site includes three separate parcels totaling 95 acres MOL in Wildwood near the junction of I75 and E SR 44. The surrounding area is a mixture of Industrial, Commercial, and Agriculture on the Future Land Use Map. Surrounding zoning includes Industrial, Commercial, RV Park, Agriculture and Residential (Map 2).

CASE SUMMARY

The applicant is requesting this rezoning in order to make all parcels conforming and compatible. The requested zoning is consistent with growth and the development pattern of the surrounding area as shown by its inclusion in both the urban development area and a primary economic activity center. The City of Wildwood has also provided a letter confirming their intent to serve the property with water and wastewater services.

CASE ANALYSIS:

Section 13-313 (d), *General Administration of Amendment and Permit Applications-Review and Approval Process*, provides for the following review criteria for LDC and zoning map amendments:

1. Change of conditions, or absence of changed conditions.
The properties were acquired by Werner Enterprises, Inc. in 2022. There has not been a recent change in conditions of any of the parcels.
2. Community need, or lack of community need.
The requested rezoning is in an Economic Activity Center. Economic Activity Centers were created in response to a community need to diversify and expand employment opportunities..
3. Benefits to the community.
The rezoning to Industrial will allow for establishment of businesses creating jobs for citizens in the surrounding area.
4. The rights of private property owners.
The rezoning will not impinge on the rights of adjacent property owners.

Staff has reviewed land ownership and authorizations.

DEVELOPMENT SERVICES DEPARTMENT STAFF CONCLUSIONS

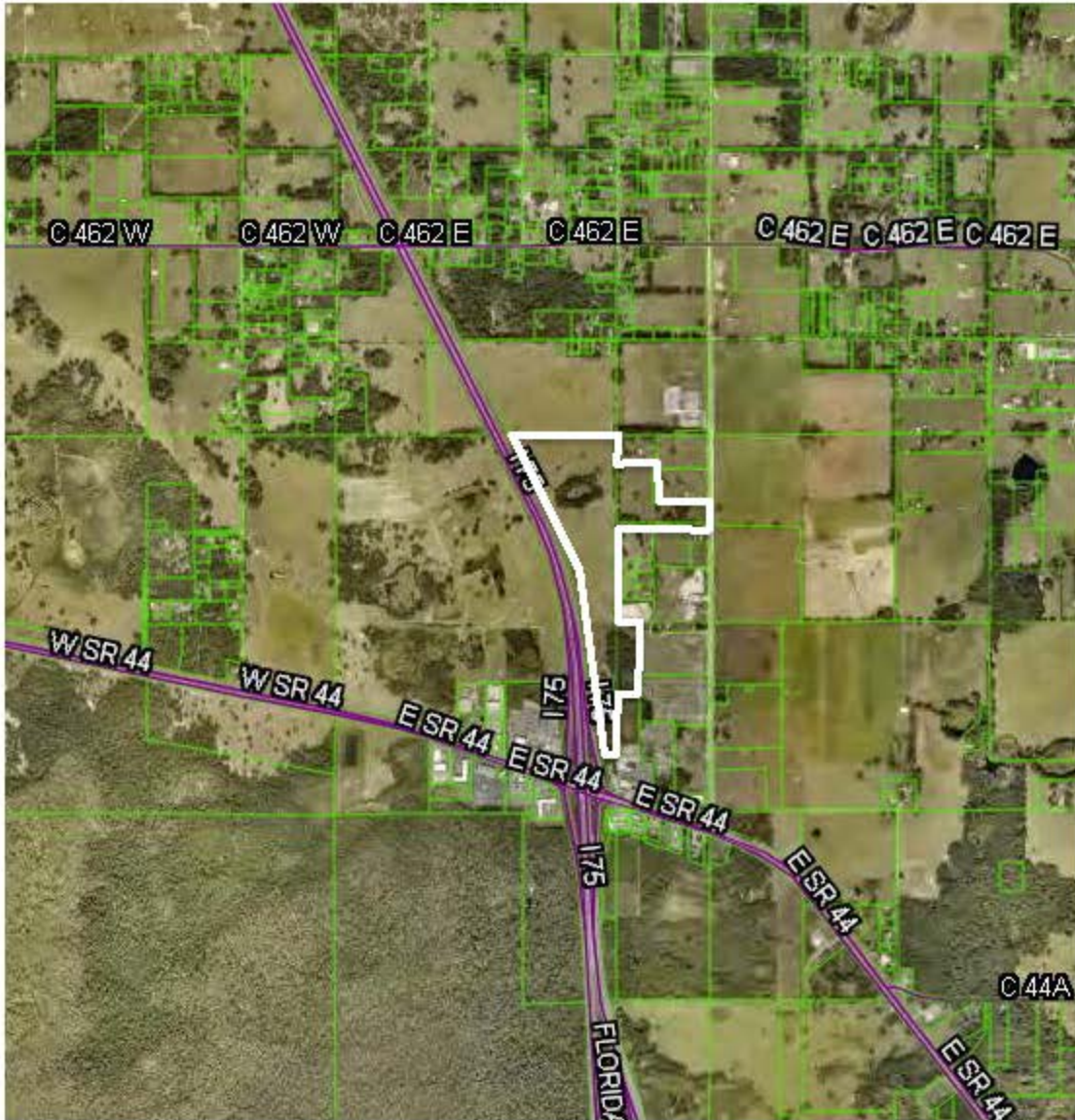
Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends **APPROVAL with the following conditions:**

1. The Planned Industrial zoning shall permit uses and development standard pertaining to the Industrial zoning district shall apply as provided in the Sumter County Land Development Code as modified in this approval.
2. The following uses shall be prohibited:
 - a. Internet cafes; and
 - b. Sexually oriented businesses regulated under LDC sections 13-648-650.
3. The property shall gain vehicle access exclusively by CR 229. No other roads or easements shall be used for vehicular access with the exception of emergency access required by the Florida Fire Code.
4. Outdoor industrial activity is prohibited within 100' of the north and east property lines where the site abuts residential or rural residential uses, and within 100-ft of the Oak Hill Cemetery. This restriction does not include parking or outdoor storage use

- of the area. Trucks shall not idle while parked in this setback area. Back up beepers shall not be utilized between 8 pm and 8 am in this setback area.
5. The applicant shall either provide a subsurface archeological analysis for the area within 100-foot of the Oak Hill Cemetery, or provide a spotter during initial earthworks and excavation.
 6. Buffering shall be required as specified in the Land Development code for the Industrial zoning district with the following exceptions:
 - a. Adjacent to residentially zoned properties – Type C: Thirty (30) feet minimum width with six (6) canopy trees, four (4) understory trees and an opaque fence or wall.
 - b. Adjacent to RV parks -- Twenty (20) feet minimum width with four (4) canopy trees, three (3) understory trees and an opaque fence or wall
 - c. No buffering required along I-75 frontage, along the south property line, or southeast property line where the site abuts drainage retention facilities.
 6. Lights and illuminations on the property will be of such intensity and direction so as not to cause a nuisance on abutting properties or interfere with the use of such abutting properties.
 7. County personnel shall be allowed to access the site during normal business hours to perform unscheduled monitoring inspections.
 8. The conditions of this special use are binding on all future property owners;

Notices Sent: 28

**Map 1
General Location**



Map 2 Zoning



Legal Description

C34-002:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 18, SOUTH, RANGE 22 EAST; THENCE ALONG EAST LINE OF SAID SECTION 34, SOUTH 00°05'45" EAST, 956.16 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 34; THENCE DEPARTING SAID EAST LINE OF SECTION 34, NORTH 89°40'21" WEST, 25.00 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD 229 TO THE POINT OF BEGINNING; THENCE ALONG SAID WEST RIGHT OF WAY LINE SOUTH 00°05'45" EAST, 294.08 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE; THENCE DEPARTING THE SAID WEST RIGHT OF WAY LINE SOUTH 89°40'21" WEST, 1293.63 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 22 EAST, THENCE ALONG THE SAID WEST LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 34; NORTH 00°01'35" WEST, 871.53 FEET TO A POINT ON SAID NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 34; THENCE DEPARTING THE SAID NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 34, NORTH 89°49'24" EAST, 530.80 FEET TO A POINT, THENCE SOUTH 00°07'14" EAST, 576.05 FEET TO A POINT; THENCE NORTH 89°40'21" EAST, 761.50 FEET TO A POINT ON THE SAID WEST RIGHT OF WAY OF COUNTY ROAD 229 TO THE POINT OF BEGINNING, SUMTER COUNTY, FLORIDA.

C34-003:

ALL THAT PART OF THE WEST 3/4 OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 22 EAST; LYING EAST OF INTERSTATE HIGHWAY 1-75 AND NORTH OF STATE ROAD #44; LESS AND EXCEPT COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 22 EAST, RUN THENCE NORTH 0°30'30" EAST 220.61 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD #44 AND POINT OF BEGINNING, THENCE NORTH 70°59' WEST 24.8 FEET ALONG SAID RIGHT-OF-WAY, THENCE NORTH 37°23' WEST 134.5 FEET ALONG THE RIGHT-OF-WAY LINE OF I-75, THENCE NORTH 11°42'30" WEST 401.85 FEET ALONG THE RIGHT-OF-WAY LINE OF I-75; THENCE NORTH 89°45'40" EAST 191.45 FEET, THENCE SOUTH 0°30'30" WEST 509.29 FEET TO THE P.O.B., LESS AND EXCEPT ALL ROAD RIGHT-OF-WAYS. THE SOUTH 66 FEET OF THE FOLLOWING DESCRIBED TRACT: FROM THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA, RUN SOUTH 0°13'51" EAST ALONG THE EAST LINE OF SAID SECTION 921.08 FEET TO THE POINT OF BEGINNING. FROM SAID P.O.B., RUN NORTH 79°15'41" WEST 1342.29 FEET TO THE WEST LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION, THENCE SOUTH 0°08'35" EAST 656.65 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST ¼ OF THE NORTHEAST ¼, THENCE NORTH 89°30'00" EAST 1318.78 FEET TO THE SOUTHEAST CORNER OF THE SAID NORTHEAST ¼ OF THE NORTHEAST ¼, THENCE NORTH 0°13'51" WEST 395.04 FEET TO THE P.O.B. LESS RIGHT-OF-WAY FOR COUNTY ROAD ALONG THE EAST SIDE THEREOF.

C34-036:

A TRACT OF LAND LOCATED IN SECTION 34, TOWNSHIP 18 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF THE SAID SECTION 34; THENCE ALONG THE NORTH BOUNDARY OF THE SOUTHEAST ¼ OF SAID SECTION 34, NORTH 89°35'43" EAST, 330.20 FEET; THENCE SOUTH 00°03'46" WEST, 1039.99 FEET; THENCE SOUTH 89°35'43" WEST, 330.45 FEET TO EAST BOUNDARY OF THE WEST HALF OF THE SOUTHEAST ¼ AFORESAID SECTION 34; THENCE ALONG SAID EAST BOUNDARY NORTH 00°04'34" EAST, 1039.99 FEET TO THE POINT OF BEGINNING.