

**SUMTER COUNTY
SPECIAL MASTER HEARING
MAY 1, 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 NUMBER: C34-002, C34-003, C34-036

EXISTING ZONING: A10C, RR5, 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 East SR 44 (Map 1).

STAFF RECOMMENDATION: Approval with conditions

Background:

As stated in the staff report, the applicant has requested to rezone 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.

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).

Staff has reviewed land ownership and authorizations.

Special Master Findings:

After having heard public comments regarding the property, the Special Master agrees with staff's

finding that the application is sufficient and finds there is competent and substantial evidence that the requested rezoning is consistent with the proposed amended future land use designation (CP-23-05035) and the policies of the Sumter County Unified Comprehensive Plan.

Conversion of this property to the requested rezoning is found to be consistent with the surrounding development pattern. The Special Master finds the rezoning will not increase the allowable density of development in a manner inconsistent with surrounding uses or the comprehensive plan. The Special Master agrees that the proposed rezoning furthers the policies of the Sumter County Unified Comprehensive Plan, specifically 1.1.4, 1.2.10, 1.3.8, 1.6.2, 1.6.3, and 8.3.1.

Section 13-313(d) of the Sumter County Code requires the following considerations for zoning map amendments.

- a) Change of conditions, or absence of changed conditions: The properties were acquired by Werner Enterprise, Inc. in 2022. There has not been a recent change in the conditions of any of the parcels.
- b) 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.
- c) Benefits to the community: The rezoning to Industrial will allow for establishment of businesses creating jobs for citizens in the surrounding area.
- d) The rights of private property owners: The rezoning will not impinge on the rights of the adjacent property owners.

The Special Master finds pursuant to 13-104 and in consideration of the conditions in 13-313(d) of the Sumter County Land Development Code, that the application is consistent with the assigned future land use designation, and in compliance with the minimum requirements the policies of the Sumter County Unified Comprehensive Plan, and with consideration of the additional conditions identified by staff and adopted by the Special Master in this recommendation.

The Special Master identifies the following as conditions for approval.

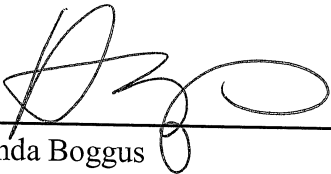
1. The Planned Industrial zoning shall permit uses and development standard pertaining to the Industrial zoning district shall apply as provided in the Sumter County Land Development Code as modified in this approval.
2. The following uses shall be prohibited:
 - a. Internet cafes; and
 - b. Sexually 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 apart from 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 is required along the I-75 frontage to the west, along the south property line, or the 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 to 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.

The Special Master has reviewed the staff's analysis of the relevant factors and agrees with staff that sufficient conditions are satisfied to recommend the requested rezoning from the staff report and testimony, and the record is otherwise complete.

Therefore, after balancing the rights of the applicant with the impact proposed changes may have on the public at large, and staff's recommended additional conditions as stated in the staff report, the Special Master recommends Application R-23-002330 for APPROVAL with conditions to the Board of County Commissioners concurrent and contingent upon adoption of CP-23-005035.

ORDERED this 1st day of May, 2023.



Amanda Boggus
Special Master
FL Bar No. 76849