

**SUMTER COUNTY
SPECIAL MASTER PROCEEDING
August 7, 2023**

CASE NUMBER: R-23-011761

LANDOWNER: Kari's Korner, Hotdogs, Ice Cream, and More LLC

REPRESENTATIVE: Michael Pederson

REQUESTED ACTION: Rezone 1.23 acres MOL Neighborhood Commercial (CN) to Light Commercial (CL) concurrent with small scale land use amendment SS-23-11760

PARCEL NUMBER: F02-002

LEGAL DESCRIPTION: BEG 2201.69 FT S AND 25 FT E O F NW COR OF NE1/4 RUN E 208.71 FT S 309.81 FT TO ROAD R/W NW/ LY ALONG R/W TO A POINT 208.71 FT S OF BEG N TO POB. ALL BEING IN SEC 2, TWP 19 S, RNG 22 E.

EXISTING ZONING: CN (Neighborhood Commercial)

EXISTING USE: Business

FUTURE LAND USE: Agricultural

PARCEL SIZE: 1.23 acres MOL

LOCATION: Wildwood – NE corner of the intersection of C-44A, CR 225, and SR 44

STAFF RECOMMENDATION: Approval

Background:

As stated in the staff report, the applicant has requested to rezone from Neighborhood Commercial to Light Commercial on an already developed parcel with existing business use. This business use has existed since the 2019 rezoning to Neighborhood Commercial to allow for operation of a restaurant.

The application site is located in a commercial corridor on SR 44 between Wildwood and the Interstate 75 interchange. The SR 44 corridor includes a mixture of commercial and agricultural uses. The subject property is surrounded by commercial (Light Commercial and Heavy Commercial), and Agricultural (A10C) zoning districts. There are Residential (RR1C and R2C) and Master Planned Development (MPD) zoning districts in the surrounding area.

Light Commercial zoning allows for a wider variety of commercial uses for a developed parcel.

The requested rezoning category is consistent with the parcel size and desired use. The proposed rezoning will not allow for increased density or subdivision. The property does not contain areas of special flood hazard. Staff opines the requested use is compatible with the neighborhood development pattern.

Staff has reviewed land ownership and authorization through deeds.

Special Master Findings:

After having received public comments on the application, the Special Master agrees with the staff's finding that the application is sufficient and finds there is competent and substantial evidence that the requested rezoning is consistent with the assigned future land use designation 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.

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: Staff reported there has not been a recent change in conditions.
- b) Community need, or lack of community need: Staff reported the requested rezoning does not address a community need.
- c) Benefits to the community: Staff reported the rezoning will allow more commercial options and redevelopment of a lawfully created commercial parcel.
- d) The rights of private property owners: Staff reported the rezoning will not impinge on the rights of adjacent property owners.

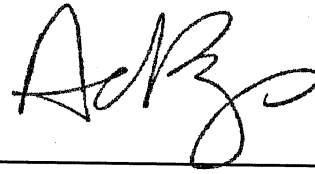
The Special Master finds pursuant to 13-104 and in consideration of the conditions in 13-313(d) of the Sumter County Land Development Code, that the application is consistent with the assigned future land use designation and the policies of the Sumter County Unified Comprehensive Plan. The Special Master finds the requested use is compatible with the neighborhood development pattern.

The Special Master finds that staff has satisfied the conditions for the rezoning in its report and testimony and the record is otherwise complete.

Therefore, the Special Master recommends, after balancing the rights of the applicant with the impact proposed changes may have on the public at large, Application R-23-011761 for APPROVAL to the Board of County Commissioners at the commission meeting on August 22, 2023.

R-23-011761
Kari's Korner, Hotdogs, Ice Cream, and More LLC

ORDERED this 7th day of August, 2023.



Amanda Boggus
Special Master
Fla. Bar No. 76849