

**Meeting Notice is posted per Florida Statute,
violators who remove this agenda could be prosecuted.**



**AGENDA
PLANNING & ZONING
CITY OF WEBSTER**

Webster City Hall, 85 E. Central Avenue
Aug 8, 2024 - 6:00 P.M.

I. CALL TO ORDER

Pledge of Allegiance, Invocation
Roll Call and Determination of Quorum

Note. All public comment will be limited to 3 minutes per speaker. Anyone wishing to speak during citizen's forum or on an agenda item must fill out a speaker card and present it to the City Clerk prior to being recognized. All comments will be addressed after all speakers have spoken during citizen's forum or on a particular agenda item.

II. APPROVAL OF MINUTES

Planning & Zoning – July 11, 2024
M _____ S _____ Roll Call Vote

III. PUBLIC HEARING

Approval of Ordinance 2024-21 Comp Plan Amendment-N36-207-Midsouth Sumter, LLC.
M _____ S _____ Roll Call Vote

Approval of Ordinance 2024-22 Rezoning-N36-207-Midsouth Sumter, LLC.
M _____ S _____ Roll Call Vote

Approval of Development Agreement for Armstrong Air & Heating
M _____ S _____ Roll Call Vote

IV. ADJOURNMENT

M _____ S _____ Roll Call Vote

PLEASE NOTE IN ACCORDANCE WITH FLORIDA STATUTE 286.105, ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. ALSO, IN ACCORDANCE WITH FLORIDA STATUTE 286.26; PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THE PROCEEDINGS SHOULD CONTACT THE OFFICE OF THE CITY CLERK; 85 E. CENTRAL AVENUE; WEBSTER, FLORIDA; (352) 793-2073; 48 HOURS IN ADVANCE.



MINUTES

CITY OF WEBSTER

City Hall, 85 E Central Avenue

July 11, 2024

Planning and Zoning Meeting

6:00 P.M.

I. CALL TO ORDER

Chairwoman Yost called the meeting of the City of Webster Planning and Zoning Board to order at 6:00p.m. Present were board members: Kristin Green and Darrell Elliott.

We have a quorum.

II. APPROVAL OF THE MINUTES

Board Member Green made a motion for approval of the minutes for May 9, 2024, seconded by Board Member Elliott.

Vote was as follows:

Chairwoman Yost-Yes

Board Member Green-Yes

Board Member Elliott-Yes

Motion passed 3-0

III. PUBLIC HEARING

Board Member Green made a motion for approval of Ordinance 2024-17 Special Use-T06A112-First Baptist Church, seconded by Board Member Elliott.

County Planner Jennifer Bryla and City Manager Deanna Naugler apprised the board about the Ordinance.

Vote was as follows:

Chairwoman Yost-Yes

Board Member Green-Yes

Board Member Elliott-No

Motion passed 2-1

Board Member Green made a motion for approval of Ordinance 2024-20 Annexation-Parcel ID N36-207-Midsouth Sumter, LLC, seconded by Board Member Elliott.

City Planner Deanna Naugler apprised the board about the Ordinance.

Vote was as follows:

Chairwoman Yost-Yes

Board Member Green-Yes

Board Member Elliott-Yes

Motion passed 3-0

IV. ADJOURNMENT

Board Member Elliott made a motion to adjourn, seconded by Board Member Green.

Vote was as follows:

Chairwoman Yost-Yes

Board Member Green-Yes

Board Member Elliott-Yes

Motion passed 3-0

Meeting adjourned at 6:12 P.M.

Attest:

Deanna Naugler, City Manager

Amy Flood, City Clerk

ORDINANCE NO. 2024-21

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE CITY OF WEBSTER COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF WEBSTER COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY, APPROXIMATELY 14.93 ACRES (TAX PARCEL IDENTIFICATION NUMBER N36-207, AND DESCRIBED IN THIS ORDINANCE FROM THE COMMERCIAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE COMMERCIAL FUTURE LAND USE DESIGNATION (WEBSTER); PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, , MidSouth Sumter LLC. mailing address: 132 Bushnell PLZ. Bushnell, FL 33513.is the owner of the property which is the subject of this Ordinance; and

WHEREAS, The real property, totaling 14.93 +/- acres in size, is located on the West side of CR 733, and north of CR 479; and

WHEREAS, MidSouth Sumter, LLC. owned the subject property, in July of 2024 when a voluntary annexation into the municipal limits of the City of Webster, Florida.; and

WHEREAS, The City Manager of the City of Webster pursuant to the controlling provisions of State law and the Code of Ordinances of the City of Webster, is petitioning to have the subject property reassigned from the Commercial (County) Future Land Use designation to the Commercial (City) Future Land Use designation;

WHEREAS, the City Council of the City of Webster, Florida has taken, as implemented by City staff, all actions relating to the approval action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT.

(a). The City Council of the City of Webster hereby adopts and incorporates into this Ordinance, the City staff report, and City Council agenda memorandum relating to the application relating to the proposed amendment to the *City of Webster Comprehensive Plan* pertaining to the subject property.

(b). The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Webster* and the proposed *Comprehensive Plan* amendment does not trigger any urban sprawl indicators and adoption of this amendment will discourage the proliferation of urban sprawl within the City of Webster.

(d). Public services are available to the real property which is the subject of this Ordinance.

(e). The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

SECTION 2. AMENDMENT TO FUTURE LAND USE MAP.

(a). The Future Land Use Plan Element of the *Comprehensive Plan of the City of Webster* and the City's Future Land Use Map are hereby amended by changing the Land Use designation from Commercial (County) land use designation to the Commercial

Land Use designation regarding the real property which is the subject of this Ordinance as set forth herein (Attachment 1).

(b). The property which is the subject of this *Comprehensive Plan* amendment is as described as provided in Attachment 2:

SECTION 4. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 6. CODIFICATION. It is the intention of the City Council of the City of Webster, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the City of Webster Comprehensive Plan and/or the Code of Ordinances of the City of Webster, Florida in terms of amending the Future Land Use Map of the City.

SECTION 7. EFFECTIVE DATE The small scale *Comprehensive Plan* amendment set forth herein shall not become effective, in accordance with Section 163.3187, *Florida Statutes*, until 31 days after the enactment of this Ordinance. If challenged within 30 days after enactment, the small scale amendment set forth in this Ordinance shall not become effective until the State land planning agency or the Administration Council, respectively, issues a final order determining that the subject small scale amendment is in compliance with controlling State law.

PASSED AND ENACTED this ST day of , 2024.

CITY COUNCIL OF THE CITY OF
WEBSTER, FLORIDA

Anagalys Vigoa, Mayor

ATTEST:

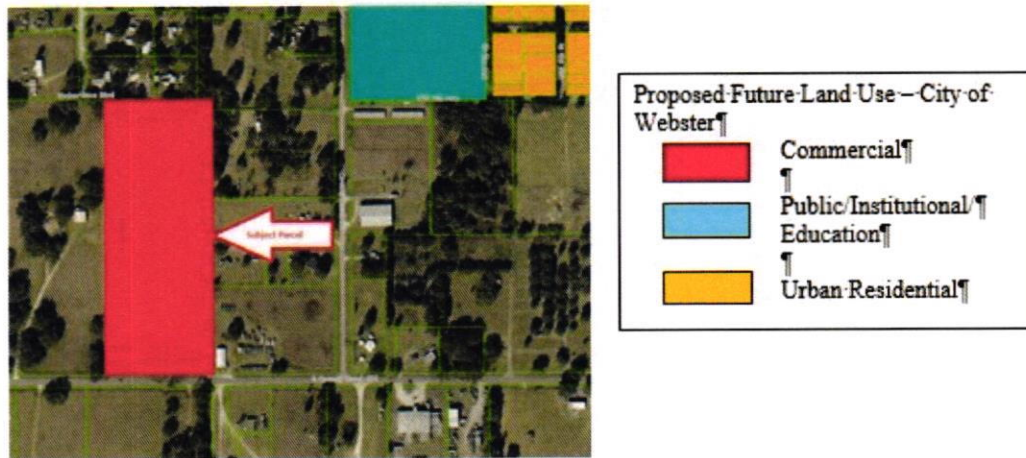
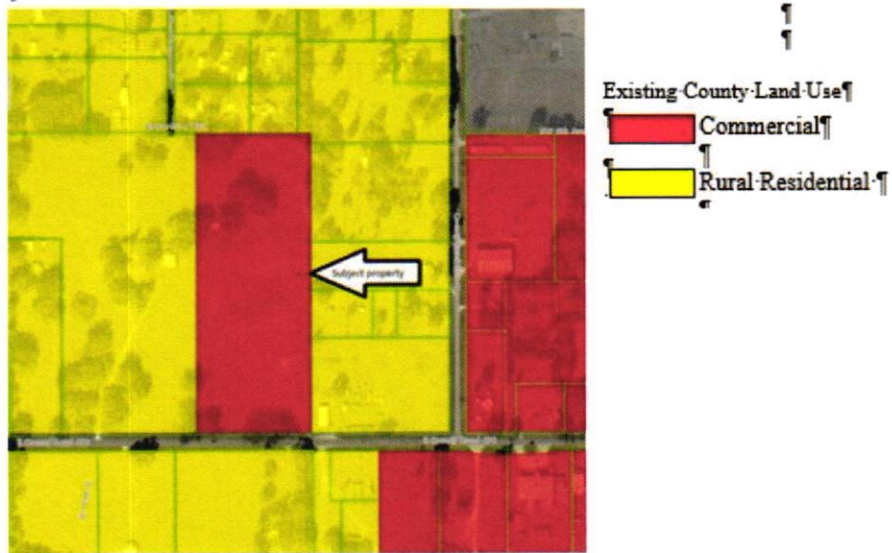
Approved as to form and Legality:

Amy Flood
City Clerk

William L. Colbert
City Attorney

ATTACHMENT 1

Future Land-Use Map



ATTACHMENT 2
Legal Description

THE E 506 FT OF THE NW 1/4 OF SW 1/4 LESS R/W FOR CR 478 ACROSS THE S SIDE
THEREOF

CITY OF WEBSTER
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

PLANNING & ZONING
AUGUST 8, 2024

CITY COUNCIL
AUGUST 15, 2024
SEPTEMBER 19, 2024

CASE NUMBER: SS-24-13085

LANDOWNER: MidSouth Sumter LLC

APPLICANT: City of Webster

REQUESTED ACTION: A small scale land use amendment on 14.93 acres MOL to change the future land use assignment from County – Commercial to City of Webster – General Commercial.

PARCEL NUMBER: N36-207

LEGAL DESCRIPTION: THE E 506 FT OF THE NW 1/4 OF SW 1/4 LESS R/W FOR CR 478 ACROSS THE S SIDE THEREOF

PARCEL SIZE: 14.93 acres MOL

LOCATION: West side of CR 733, and north of CR 479 (Map 1).

GENERAL DESCRIPTION AND BACKGROUND

This land use amendment is being initiated by staff in conjunction with voluntary annexation into the City. The City had the final hearing on the annexation on July 18, 2024. This amendment will add the property to the City's Future Land Use Map with a General Commercial Future Land Use assignment (Map 2) consistent with the Webster Joint Planning Area Agreement land use map. The property is currently designated Commercial on the County Future Land Use Map. This amendment will allow for the existing business to use the property as a needed for office and "lay down" purposes as well as allow for grazing on the land.

The subject property holds an existing home, however the Applicant who currently does business in City of Bushnell would ultimately like to move his business office to the property. The business model is that of an underground utility business. They lay pipe and various other

necessary requirements for infrastructure creation. As a component of this business, they are required to store supplies in a “laydown” yard. This use requires a Commercial Land Use and Zoning. As such the applicant is requesting a General Commercial (C) Land Use category and a unified Zoning district of heavy commercial (CH). This district will allow for the office use and the laydown yard. Currently the zoning on the parcel is split which is problematic for future development. This requested action is actually bringing the parcel into greater compliance with Land Use and Zoning. The surrounding neighborhood is rural residential in nature and commercial to the east. The County’s Future Land Use is Commercial and the Applicant is continuing that with the City of Webster.

LAND USE SUITABILITY

Urban Sprawl

The proposed amendment displays none of the sprawl indicators as identified in Florida Statutes Chapter 163.3177.9(a) and meet four (4) of the sprawl test criteria in Florida Statutes Chapter 163.3177.9(b) (Attachment).

Environmental Resources

The property is a cleared residential lot. It does not contain significant natural resources.

Historic Resources

This location does not appear on the Master Site File of Historic Resources.

Population and Housing

The proposed amendment will not impact the availability of housing.

CONCURRENCY ANALYSIS

Potable Water & Sewer

Service is available from the City of Webster. Connection will be required in the future when commercial development ensues.

Stormwater Drainage

All development must conform to Southwest Florida Water Management District regulations for stormwater systems.

CONSISTENCY WITH POLICIES OF THE COMPREHENSIVE PLAN

The proposed amendment is consistent with the following policies of the Unified Comprehensive Plan:

Policy 1.1.2 Development Pattern

Land development regulations shall encourage a development pattern that maximizes the utilization of existing and planned infrastructure, promotes a vibrant economy, and protects agricultural and natural resources. Such regulations shall address the following:

a. Focus urban development to areas with appropriate existing or planned centralized water and sewer infrastructure;

b. Encourage adaptive reuse and/or redevelopment of existing facilities;

c. Promote a diverse economy by providing appropriate and adaptable development standards that encourage economic development in areas most suitable for development;

e. Encourage higher densities and intensities of development to be located in Urban Areas, inside the Urban Development Area (UDA) where centralized water and sewer facilities and services are available.

Consistent with the County's JPA ,the property recently annexed into the City Webster with the intent to take advantage of the City's utilities and solidify the commercial development pattern coming from the east. The property will continue to maintain a portion of the property for Agricultural exemption as hay production is currently established on the property. It is located inside the Urban Development Area (UDA). The property is suitable a commercial use.

Policy 1.2.9 General Commercial

The "General Commercial" future land use category is applied to land suitable for commercial activity with access from an arterial or collector road. Residential uses may be allowed secondarily to a principle commercial use. Residential uses are limited to an owner/operator/manager unit, or dwellings integrated into a mixed-use commercial development (i.e. mixed-use structures, upper flats, and loft apartments). Central water and sewer shall be utilized when available.

a. General commercial may be located within or outside the UDA;

b. The maximum floor area ratio when located within a Primary Economic Activity Center is 0.7;

c. The maximum floor area ratio when located inside the UDA boundary is 0.5; and

d. The maximum floor area ratio when located outside the UDA is 0.3.

The parcel is located on CR 478, there currently exists a residential home on the property, but as the office of the Applicant transitions to the property, an Agriculture use will be maintained and the "laydown" yard will be implemented and the home will become an office. This transition plan should not impact the surrounding properties in a negative way as the development will remain essentially the same, with the exception of the outdoor storage of materials. The floor area ration is not expected to increase.

PROPOSED AMENDMENT TO THE TEXT OF THE COMPREHENSIVE PLAN

The proposed amendment does not affect the text of the Comprehensive Plan.

PROPOSED AMENDMENT TO THE CAPITAL IMPROVEMENTS PLAN

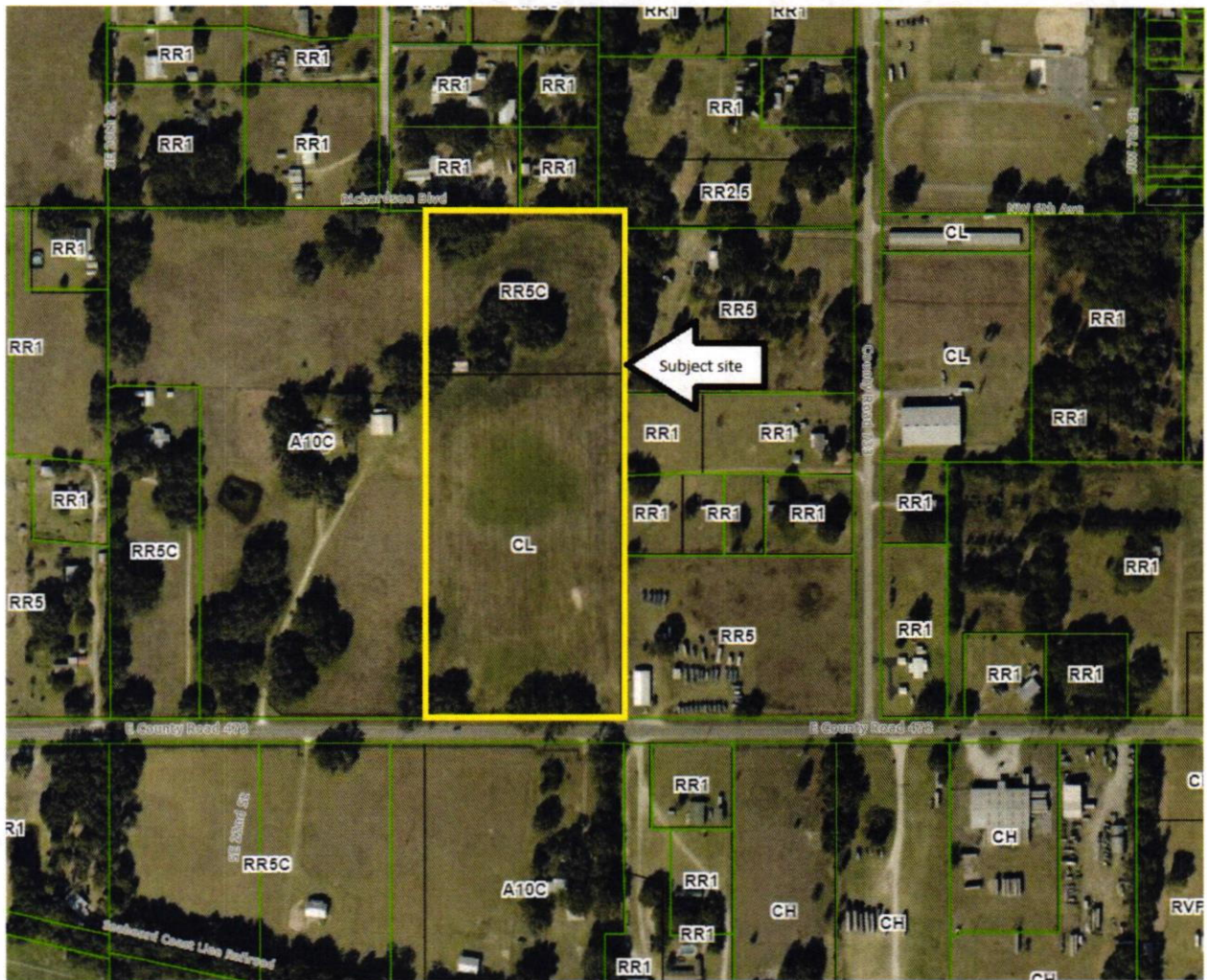
The proposed amendment does not affect the City's Capital Improvements program.

CONCLUSIONS

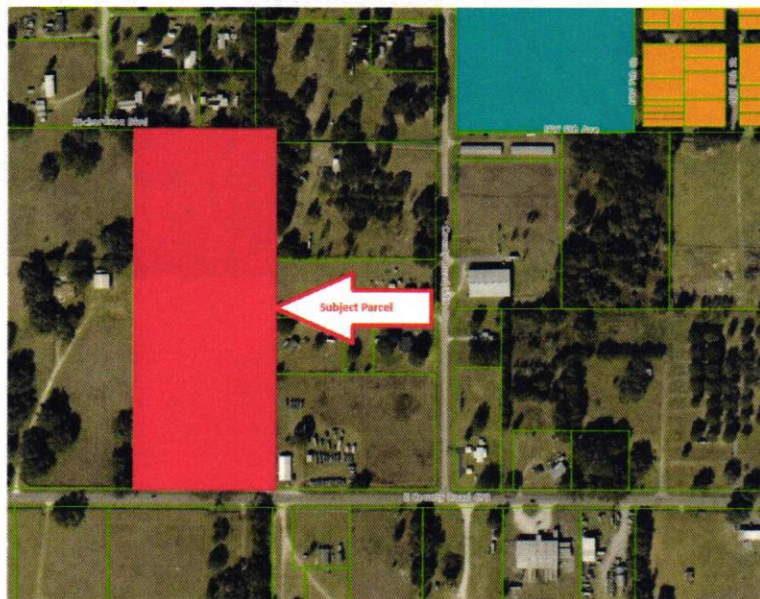
Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Webster County Land Development Code and Unified Comprehensive Plan and recommends approval of the petition.

Notices Sent: 13

Map 1
General Location



Future Land Use Map



Attachment
URBAN SPRAWL ANALYSIS

The Community Planning Act (Florida Statutes Chapter 163) requires future land use amendments to include an analysis to determine whether the proposed amendment contributes to urban sprawl. The proposed land use amendment does not display the sprawl indicators as identified in Florida Statutes Chapter 163.3177.9.a and listed below.

- I. Promotes, allows, or designates for development substantially areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses. **The project site does not make up a substantial part of the City.**
- II. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development. **The subject has an existing Future Land Use of Commercial and is within the Urban Development Boundary of the County. The property does not makeup a substantial part of the City.**
- III. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments. **The proposed amendment will not promote radial, strip, isolated, or ribbon development patterns due to the existing pattern of commercial development in the area.**
- IV. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems. **The subject property does not contain significant native vegetation and the portion of the property that does have a Special Flood Hazard Area is intended for open space.**
- V. Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils. **The proposed land use change should have no impact on Agricultural uses as the parcel is intending to continue to produce agriculture.**
- VI. Fails to maximize use of existing public facilities and services. **The subject property will be required to connect to City when development ensues.**
- VII. Fails to maximize use of future public facilities and services. **The subject property will be required to connect to City utilities when development ensues.**
- VIII. Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education,

health care, fire and emergency response, and general government. Fails to provide a clear separation between rural and urban land uses. **The proposed land use amendment will not disproportionately increase the cost of public services in the area.**

- IX. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities. **The requested amendment is an infill project.**
- X. Fails to encourage a functional mix of uses. **The proposed amendment will not discourage a functional mix of uses.**
- XI. Results in poor accessibility among linked or related land uses. **The proposed land use amendment will not affect the accessibility of adjacent lands.**
- XII. Results in the loss of significant amounts of functional open space. **The subject property does not impact functional open space.**

Further, a future land use amendment is required to meet four or more criteria listed in FS 163.3177.9.b. The proposed land use amendment meets the following four listed criteria:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on that protects natural resources and ecosystems. **The subject property does not contain significant native vegetation.**
- (V) Preserves Agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils. **The proposed amendment should not affect agricultural areas.**
- (V) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area. **The land use change will not significantly affect the mixture of land uses.**
- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area. **The requested amendment will maintain the balance of land uses.**

ORDINANCE NO. 2024-22

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 14.93 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBER N36-207 WITHIN THE CITY LIMITS FROM COUNTY RR5C AND CL TO CH (HEAVY COMMERCIAL) ZONING DISTRICT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF A MAP BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE..

WHEREAS, , MidSouth Sumter LLC. mailing address: 132 Bushnell PLZ. Bushnell, FL 33513.is the owners of the property which is the subject of this Ordinance; and

WHEREAS, The real property, totaling 14.93 +/- acres in size, is located West side of CR 733, and north of CR 479; and

WHEREAS, MidSouth Sumter, LLC. owned the subject property, in July of 2024 when a voluntary annexation into the municipal limits of the City of Webster, Florida.; and

WHEREAS, The City Manager of the City of Webster pursuant to the controlling provisions of State law and the Code of Ordinances of the City of Webster, is petitioning to have the subject property reassigned from the agriculture (County) Future Land Use designation to the Rural Residential Future Land Use designation;

WHEREAS, the City Council of the City of Webster, Florida has taken, as implemented by City staff, all actions relating to the approval action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT.

(a). The City Council of the City of Webster hereby adopts and incorporates into this Ordinance, the City staff report, as well as the recitals (whereas clauses) to this Ordinance.

(b). The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c). The subject property, which is 0.95 acres MOL in size, is located on the West side of CR 723, 400 ft south of CR 758 off a private easement (Tax Parcel Number T07-050). The legal description of the subject property is provided in Attachment A.

(d). Public services are not currently available to the real property which is the subject of this Ordinance.

SECTION 2. REZONING OF REAL PROPERTY/IMPLEMENTING ACTIONS.

(a). Upon enactment of this Ordinance the following described property, as depicted in Attachment A of this Ordinance, and totaling is 19.22 acres MOL in size, shall be rezoned from A10C(County) zoning districts/classification to RR1C zoning district/classification.

(b). The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Webster as may be appropriate to accomplish the action taken in this Ordinance.

SECTION 3. INCORPORATION OF MAP. The map attached to this Ordinance as the Attachment is hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

SECTION 4. CONFLICTS. All ordinances or part of ordinances in conflict with this

Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 6. EFFECTIVE DATE This Ordinance shall take effect immediately upon enactment provided, however, that the rezoning of property herein set forth shall not take effect until Ordinance Number 2024-21 relating to the Comprehensive amendment becomes effective..

PASSED AND ENACTED this day of , 2024.

**CITY COUNCIL OF THE CITY OF
WEBSTER, FLORIDA**

Anagalys Vigoa, Mayor

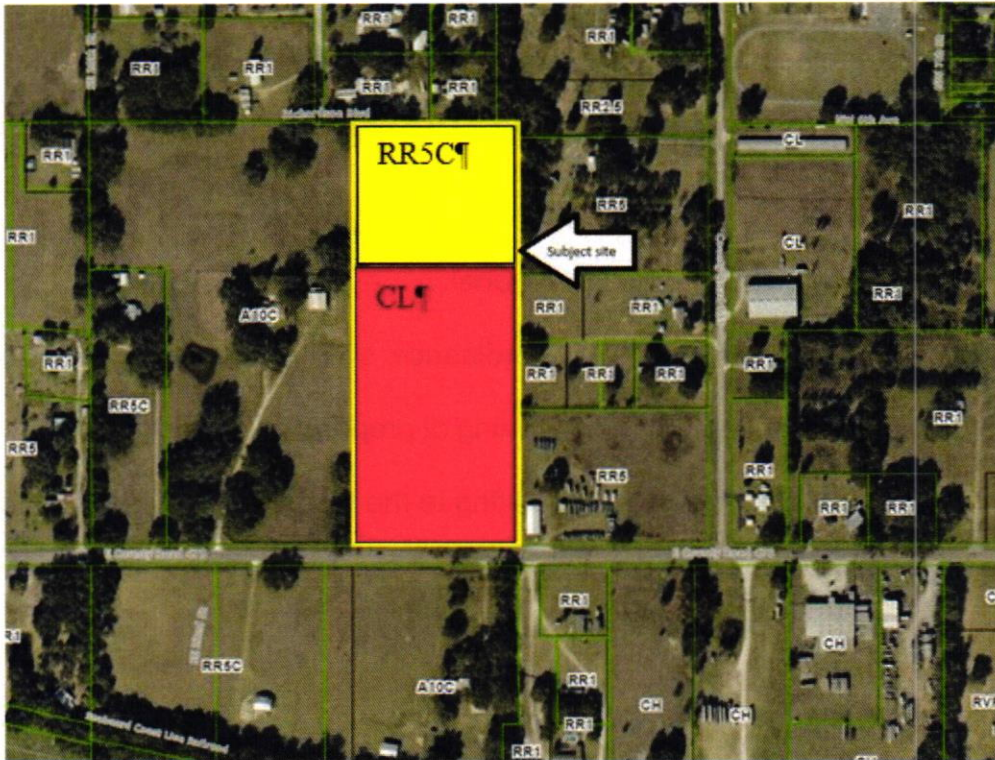
Approved as to form and Legality:

ATTEST:

**Amy Flood
City Clerk**

**William L. Colbert
City Attorney**

ATTACHMENT 1
Zoning Map



Current Zoning



Proposed Zoning

ATTACHMENT 2

Legal Description

THE E 506 FT OF THE NW 1/4 OF SW 1/4 LESS R/W FOR CR 478 ACROSS THE S SIDE
THEREOF

CITY OF WEBSTER

REZONING APPLICATION

PLANNING & ZONING

AUGUST 8, 2024

CITY COUNCIL

AUGUST 15, 2024

SEPTEMBER 19, 2024

CASE NUMBER: R-24-13084

LANDOWNER: MidSouth Sumter LLC

APPLICANT: City of Webster

REQUESTED ACTION: Rezone 14.93 acres from RR5C and CL (County) to CH (Webster) concurrent with small scale amendment SS-24-13085

PARCEL NUMBER: N36-207

LEGAL DESCRIPTION: THE E 506 FT OF THE NW 1/4 OF SW 1/4 LESS R/W FOR CR 478 ACROSS THE S SIDE THEREOF

PARCEL SIZE: 14.93 acres MOL

LOCATION: West side of CR 733, and north of CR 479 (Map 1).

GENERAL DESCRIPTION AND BACKGROUND

The subject property currently sits south and west of the City, however the parcel was annexed into the City at the final hearing on July 11, 2024. This annexation is consistent with the Joint Planning Agreement with the County. This initiative is in order to eventually accomplish a more compact and focused area of development around the cities and to conserve resources. As described the subject property was previously within the unincorporated part of the County with a split zoning of RR5C & CL (Rural Residential and Commercial Light). The parcel is also within the Urban Development Boundary of the County. This area is intended to see more intense development. The existing Future Land Use and Zoning are considered inconsistent with one another and the split zoning only exacerbates the situation. Rezoning the property to CH with the concurrent small scale land use application will render the property compliant with the Comprehensive Plan and the Land Development Code. The property is currently designated e L

This amendment will allow for the existing business to continue usage of the property as a needed for "lay down" purposes as well as allow for grazing on the land.

The subject property holds an existing home, however the Applicant who currently does business in City of Bushnell would ultimately like to move his business office to the property. The business model is that of an underground utility business. They lay pipe and various other necessary requirements for infrastructure creation. As a component of this business, they are required to store supplies in a "laydown" yard. This use requires a Commercial Land Use and Zoning. As such the applicant is requesting a General Commercial (C) Land Use category and a unified Zoning district of heavy commercial (CH). This district will allow for the office use and the laydown yard. Currently the zoning on the parcel is split which is problematic for future development. This requested action is actually bringing the parcel into greater compliance with Land Use and Zoning. The surrounding neighborhood is rural residential in nature and commercial to the east. The County's Future Land Use is Commercial and the Applicant is continuing that with the City of Webster.

CASE SUMMARY

The rezoning will add the property to the City's Zoning Map with a CH zoning designation. The CH zoning assignment will allow for the operation of the existing business to be able to relocate into the City of Webster as well as the continued operation of agricultural production.

CASE ANALYSIS:

The request is to adopt City zoning as the property has already been annexed. This application is concurrent with small scale land use amendment SS-24-13085 which seeks a to retain the Commercial Future Land Use assignment

LDC 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:

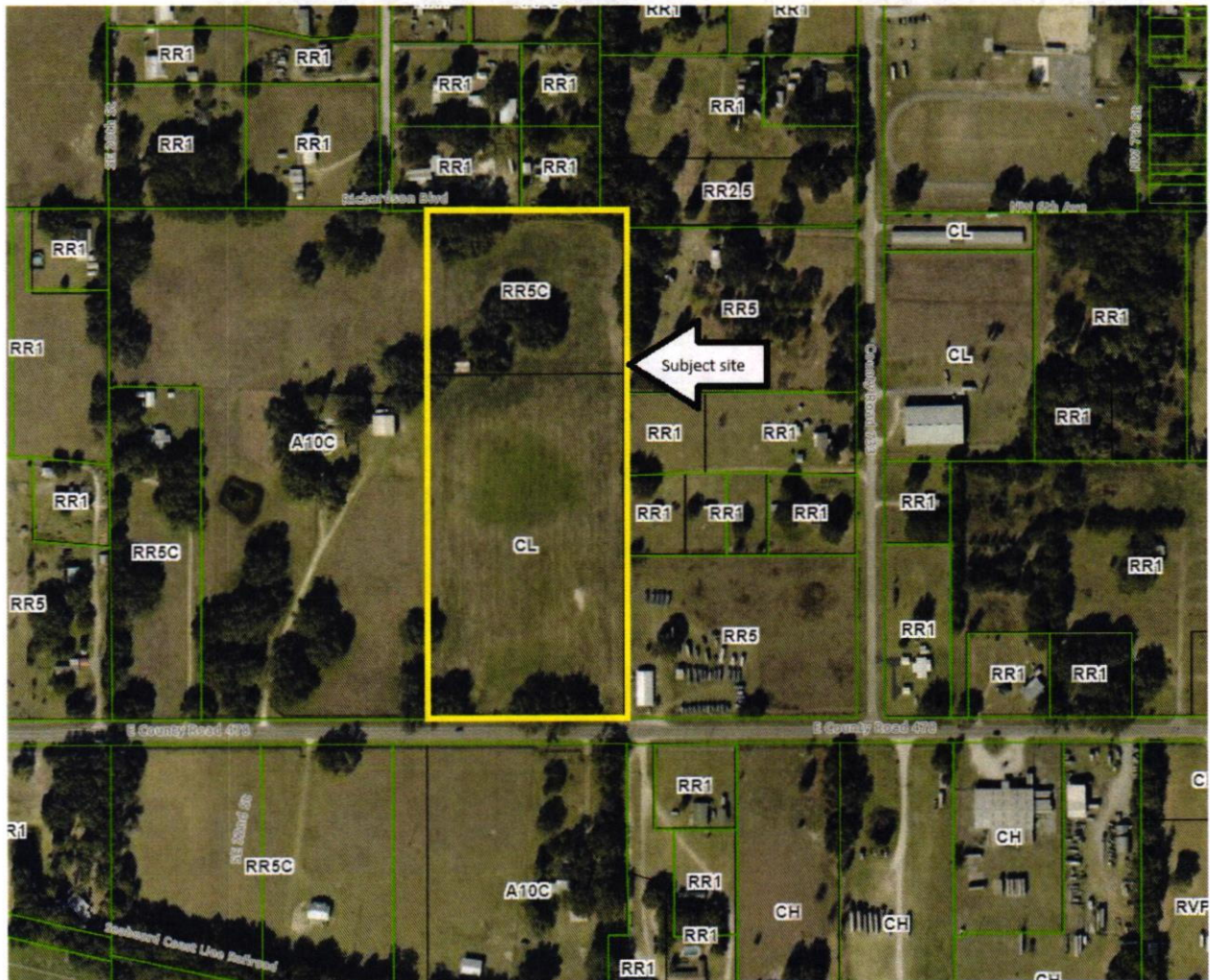
- a) Change of conditions, or absence of changed conditions.
The property has been annexed into Webster.
- b) Community need, or lack of community need.
The requested rezoning will allow the business to locate into the City of Webster consistent with the pattern of development to the East..
- c) Benefits to the community.
The rezoning will benefit the community by allowing the property owner to take advantage of an existing future land use designation. .
- d) The rights of private property owners.
This rezoning will provide consistency between the future land use and the zoning district that was not previously there. .

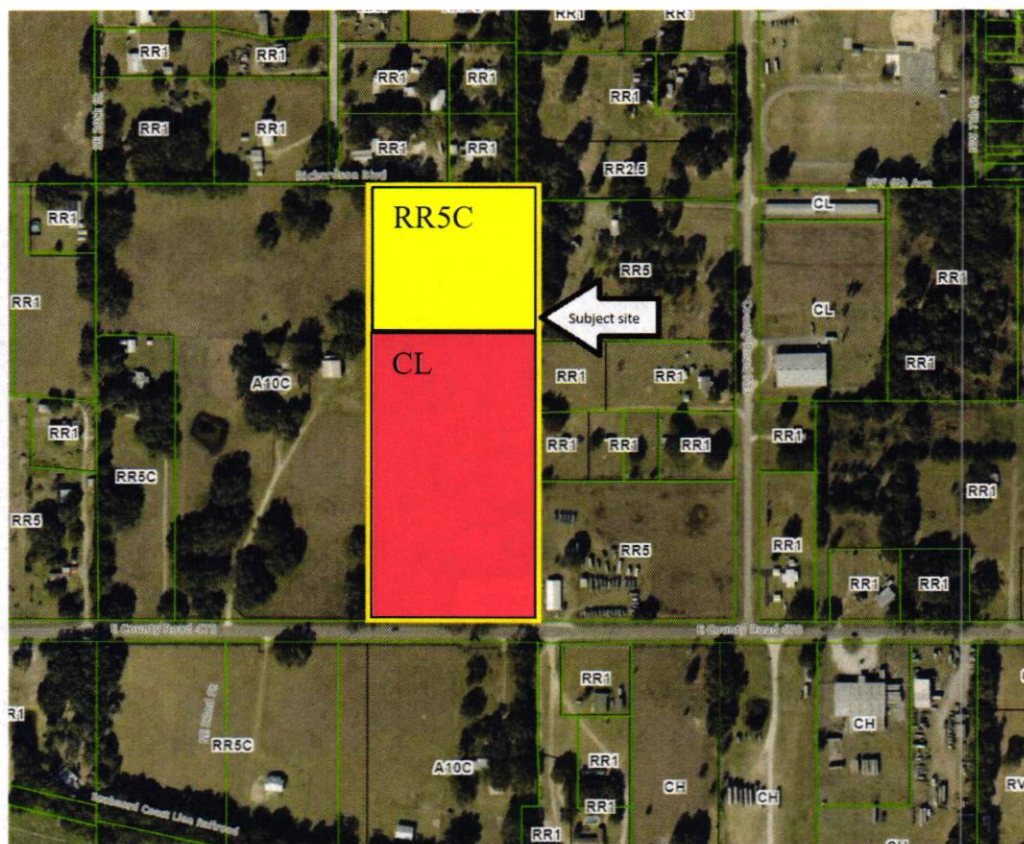
CONCLUSIONS

Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Webster Land Development Code and Comprehensive Plan and recommends approval contingent upon approval of future land use amendment SS-24-13085.

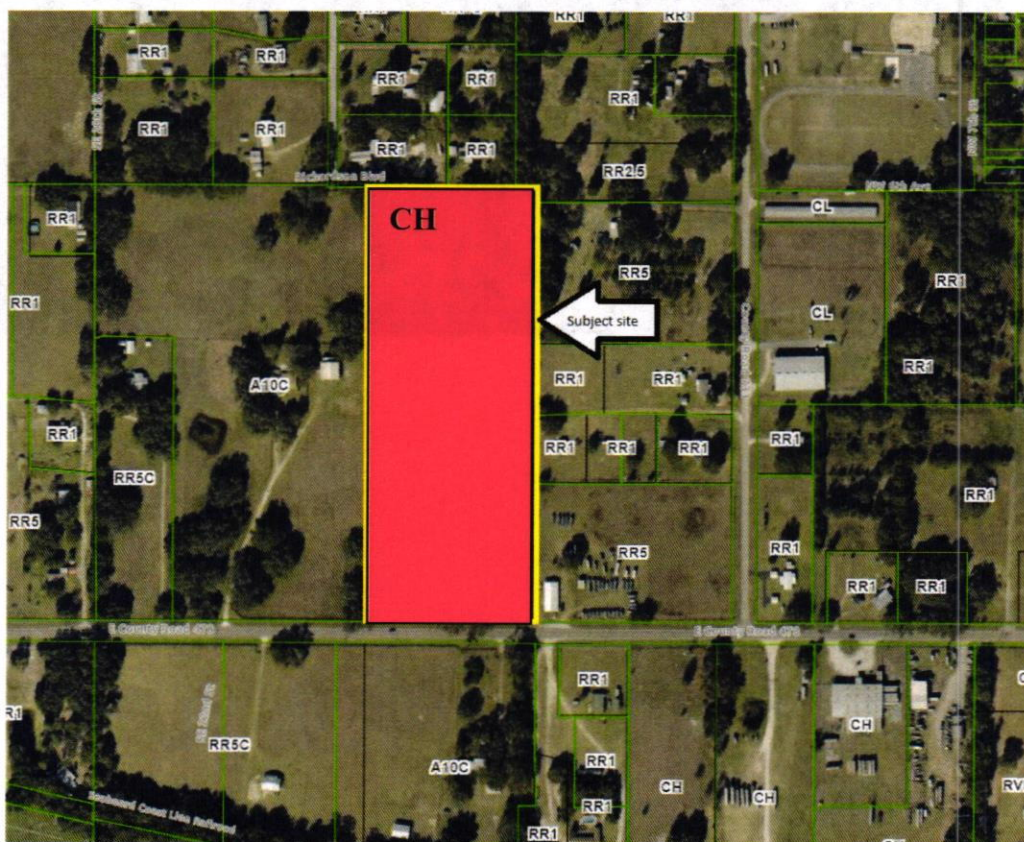
Notices Sent: 23

**Map 1
General Location**





Current Zoning



Proposed Zoning

DEVELOPMENT AGREEMENT

BETWEEN

THE CITY OF WEBSTER

AND

ARMSTRONG AIR & HEATING

DEVELOPMENT AND UTILITY SERVICES AGREEMENT

THIS DEVELOPMENT AND UTILITY SERVICES AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2024, by and between the City of Webster, a municipal corporation of the State of Florida ("City"), and Armstrong Heating & Air, a Florida limited liability company (including, without limitation, any Assignee (defined below), hereinafter collectively referred to as "Developer").

WITNESSETH:

WHEREAS, the Developer is the owner of certain real property located in the City of Webster, said real property, totaling 28 acres in size, is located on the west side of SR 471, 1100-ft south of C-48 E being generally identified as Parcels N24-054, N24-099, and N24-038 in the Public Records of Sumter County, Florida and more clearly described on Exhibit "A" attached hereto ("the Property"); and

WHEREAS, David Beeler of 75502 w. Stoneybrook Parkway, Winter Garden FL 34787 S SR 471, Bushnell, FL 34787 is the registered agent for the project; and

WHEREAS, Developer submitted and City has approved a Conceptual Master Plan of Development to City in conjunction with simultaneous applications for a large scale comprehensive plan amendment and rezoning to Residential Planned Unit Development; and

WHEREAS, the Developer has represented to the city, that it intends to develop a Residential Planned Unit Development (RPUD) consisting of 224 apartment units, a 250 bed ALF facility, 54,000 sf of professional office, 10,000 sf of truck stop/gas/convenience store and 115,000 sf of retail.; and

WHEREAS, the City owns and operates a central water system and a central sewer system in the City of Webster, Sumter County, Florida, and as such provides water and sewer services to properties and the occupants thereof within the City for a fee; and

WHEREAS, the Developer desires to connect to the City's central water system and sewer systems; and

WHEREAS, the Developer will submit a Conceptual Master Plan of Development as a zoning application to the City; and

NOW, THEREFORE, in consideration of the premises and the mutual obligations herein contained and the benefits accruing to the parties to this Agreement, and for other good and valuable considerations, the parties do hereby covenant and agree as follow:

I. **RECITATIONS**

The above recitations (WHEREAS clauses) are true and correct and are incorporated herein by this reference.

II. **STRUCTURES AND ADDITIONS**

A. The following structures, and accessories (of conventional construction or prefabricated) will be allowed on or at the Project:

1. Residential and non-residential structures that meet Florida Building Code standards.

2. Shipping containers may not be utilized as storage structures.

B. It is intended by the parties hereto that the duration of this Agreement shall not exceed 10 years, but which may be extended by mutual consent of the City of Webster and the Developer. Any request for an extension shall be subject to the public hearing process necessary for the initial approval of the said Agreement and the parties recognize that technology and tourism will change over the life of the Project. Accordingly, other structures or accessories similar to or which evolve from the above that are consistent with the Project or the intent of the Project and that replace or support the vehicles or structures approved by this Agreement shall be allowed at the Project without further approval.

III. **ROADS AND BUFFERS**

A. All interior roads will be paved and provide for safe travel. The Developer shall construct internal roadways to Sumter County's standards.

B. The Developer will dedicate the internal roadway development to the public. All roads in the development will remain private and maintenance of said roads shall remain the responsibility of the Developer.

IV. **WATER DISTRIBUTION SYSTEM**

A. The Developer shall construct internal water lines within the Project.

B. The Developer shall construct the water distribution system and shall connect the Project's water distribution system to the City's water system.

C. The Developer may utilize existing on-site wells and drill new ones if needed for irrigation purposes or as otherwise agreed to by the parties. The Developer will secure all necessary permits for its use or construction of any well. No cross-connection of any well with City's water system shall be allowed.

D. The Developer will be required to pay impact fees for the utilization of the City's water system and be responsible for the installation of each meter usage.

E. The Developer shall follow the City of Webster Utility System Master Plan when developing the water distribution system for the development (Attachment B).

V. **SEWER COLLECTION SYSTEM**

- A. The Developer shall construct the internal sewer lines within the Project.
- B. The Developer shall construct the sewer collection system and shall connect the Project's sewer collection system to the City's sewer system.
- C. The Developer will be required to pay impact fees for the utilization of the City's wastewater system. Any lift stations required to support the commercial and/or single-family units will be constructed at the Developer's expense.
- D. Actual sewer usage will be charged to the Project based on metered water usage.
- E. The Developer shall follow the City of Webster Utility System Master Plan when developing the waste water distribution system for the development (Attachment B).

VI. **SUMTER COUNTY ROAD IMPACT FEES**

Developer shall pay all road Impact Fees are assessed by and directed by Sumter County per Sumter County Ordinance No. 2015-10.

VII. **NOTICES**

Until further written notice by either party to the other, all notices necessary to the effectuation of any provision of this Agreement shall be delivered by certified mail, return receipt requested to the following addresses:

City of Webster Attn:
City Manager
85 East Central Avenue
Webster, Florida 33597

RRR Town Center, LLC c/o
Bret Jones, Esquire Bret
Jones, P.A.
700 Almond Street
Clermont, Florida 34711

VIII. FUTURE DEVELOPMENT

A. The terms and conditions of this Agreement shall govern and control any future development or expansion of the Project by the Developer on or relative to any real estate contiguous to the Property acquired by Developer.

B. The Developer shall submit a zoning application for adoption of a conceptual master plan of development within one year. This request shall include the Developer's desired phasing for the Project.

C. A site development permit application or platting application for the first phase of the Project shall be submitted within twenty-four (24) months of the Effective Date of this Agreement. The foregoing notwithstanding, the City Manager may extend this deadline for up to one (1) year if permitting has otherwise proceeded in good faith.

D. The conceptual master plan of development shall expire in five (5) years from the date of zoning approval if construction has not been initiated on the first phase of the project. The foregoing notwithstanding, the City Manager may extend this deadline for up to one (1) year if permitting and development have otherwise proceeded in good faith.

E. Development densities and intensities shall comply with the Webster-Sumter County Unified Comprehensive Plan, and the Webster Land Development Code zoning districts for Residential Planning Unit Development (RPUD) zoning.

IX. SUCCESSORS IN INTEREST

The rights, privileges, obligations and covenants of the City and Developer shall survive the completion of the work contemplated by this Agreement. This Agreement shall be binding upon and shall inure to the benefit of Developer and the City, their respective assigns, successors by merger, consolidation, conveyance or otherwise.

X. CONTINGENCY

Notwithstanding any provision of this Agreement to the contrary, the obligations of Developer under this Agreement shall be contingent upon (a) the acquisition by Developer of all rights-of-way and easements necessary for the extension and construction of the water distribution and sewer collection system, and (b) the obtaining of all other applicable permits from all other departments of the City, County, State or Federal governments necessary for the construction and installation of the water distribution and sewer collection systems. Developer agrees to utilize its best efforts to immediately undertake the acquisition of necessary rights-of-way and easements as well as to obtain all necessary permits from all applicable governmental agencies.

XI. **DEFAULT BY DEVELOPER**

If Developer cannot obtain necessary rights-of-ways and easements or all necessary permits, then the terms of this Agreement shall become null and void, and any monies deposited with the City shall be returned to Developer within fifteen (15) days of Developer's notification to the City that such rights-of-way, easements and/or permits cannot be obtained.

XII. **NON-PERFORMANCE/CATASTROPHE**

In the event that performance of this Agreement by either party is prevented or interrupted as a consequence of any cause beyond the control of Developer or the City, including, but not limited to Acts of God, or the public enemy, or a national emergency, allocation of or other governmental restrictions upon the use or availability of labor or materials, rationing, civil insurrection, riot, racial or civil rights disorder or demonstration, strike, embargo, flood, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, or other casualty, disaster or catastrophe, neither party shall be liable to the other for such non-performance.

XIII. **ENTIRE AGREEMENT**

This Agreement embodies the entire Agreement and understanding between the parties with respect to the subject matter hereto, and supersedes all prior agreements, representations and understandings, either oral, written or otherwise relating thereto. The terms of this Agreement shall be incorporated by this reference in the Building Permit whether specifically stated therein or not.

XIV. **EFFECTIVE DATE**

This Agreement shall be effective as of the date of execution by the City.

[signatures on following page]

IN WITNESS WHEREOF, the parties have set their hands and seals on the day and year indicated and in manner and form sufficient to bind them.

Signed, sealed, and delivered in the presence of:

ATTEST:

CITY OF WEBSTER

City Clerk

Deanna Naugler, City Manager

APPROVED AS TO FORM AND LEGALITY:

Date

City Attorney

Armstrong Heating & Air

David Beeler, Agent

Date

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2024 by _____ as Agent of Armstrong Heating & Air, LLC, a Florida limited liability company, on behalf of the company. He/she is personally known to me or has produced _____ as identification.

Notary Public

(SEAL)

EXHIBIT "A"

ALL BEING IN SEC 24, TWP 21N, RNG 22E:

PARCEL N24-054: BEGIN AT A POINT THAT IS 50 FT SOUTH ON A BEARING OF S 1 DEG 55 MIN 05 SEC EAST OF THE SW CORNER OF THE W $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$; RUN THENCE NORTH 1 DEG 55 MIN 50 SEC W 1326.92 FT TO A POINT ON THE R/W OF CR 48; THENCE NORTH 88 DEG 02 MIN 40 SEC E 660.40 FT ALONG THE R/W OF SAID CR 48 TO A POINT REFERRED TO HEREIN AS POINT "B"; BEGIN AGAIN AT THE POINT OF BEGINNING RUN NORTH 88 DEG 02 MIN 40 SEC E TO A POINT THAT IS 1326.92 FT S/LY OF POINT "B", THENCE NORTHLY 1326.92 FT TO POINT "B" LESS COMMENCE AT THE NE CORNER OF THE WEST $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, THENCE RUN SOUTH 00 DEG 03 MIN 14 SEC W 51.52 FT TO THE SOUTH R/W LINE OF CR 48 AND THE POINT OF BEGINNING OF THIS DESCRIPTION, RUN NORTH 89 DEG 47 MIN 09 SEC E 32 FT, THENCE NORTH 00 DEG 03 MIN 14 SEC E, A DISTANCE OF 210.87 FT TO THE POINT OF BEGINNING.

AND

PARCEL N24-038: THE SOUTH 914.56 FT OF THE E $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, LESS ROAD RIGHT OF WAY AND LESS THE SOUTH 210 FT OF THE EAST 470 FT OF THE E $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, AND LESS THE NORTH 210 FT OF THE SOUTH 420 FT OF THE EAST 210 FT THEREOF.

AND

PARCEL N24-099: COMMENCE AT THE SE CORNER OF THE SE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF NE $\frac{1}{4}$, RUN THENCE SOUTH 88 DEG 03 MIN 20 SEC WEST A DISTANCE OF 50.65 FT TO THE WESTERLY RIGHT OF WAY LINE OF SR 471, RUN NORTH 1 DEG 56 MIN 40 SEC WEST A DISTANCE OF 210 FT TO THE POINT OF BEGINNING, THENCE LEAVING SAID RIGHT OF WAY, RUN SOUTH 88 DEG 03 MIN 20 SEC WEST A DISTANCE OF 210 FT, RUN NORTH 01 DEG 56 MIN 40 SEC WEST A DISTANCE OF 210 FT, RUN NORTH 38 DEG 03 MIN 20 SEC EAST A DISTANCE OF 210 FT TO THE WESTERLY RIGHT OF WAY LINE OF SR 471, RUN SOUTH 01 DEG 56 MIN 40 SEC EAST ALONG THE RIGHT OF WAY A DISTANCE OF 210 FT TO THE POINT OF BEGINNING

EXHIBIT "B"