

ORDINANCE NO. 2023-15

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 4.1 ACRES (TAX PARCEL IDENTIFICATION NUMBER Q19-086), AND DESCRIBED IN THIS ORDINANCE FROM THE INDUSTRIAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE INDUSTRIAL FUTURE LAND USE DESIGNATION (CITY); 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 DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, South Sumter Self Storage LLC, whose mailing address is 482 French Rd, Rochester, NY 14618 (Tax Parcel Identification Number Q19-086), is the owner of the property which is the subject of this Ordinance; and

WHEREAS, The real property, totaling 4.1 +/- acres in size, is located on the east side of SR 471; and

WHEREAS, Benjamin Antonucci, whose mailing address is 482 French Rd, Rochester, NY 14618 is the Authorized Person and Manager for South Sumter Self Storage, LLC.; and

WHEREAS, Benjamin Antonucci of South Sumter Self Storage, LLC has initiated 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 Industrial (County) future land use

designation to the Industrial 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 the Industrial (County) land use designation to the Industrial 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/INSTRUCTIONS TO CODE CODIFIER. 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 large scale amendment is in compliance with controlling State law.

PASSED AND ENACTED this _____ day of _____, 2023.

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

Bobby Yost, Mayor

Approved as to form and Legality:

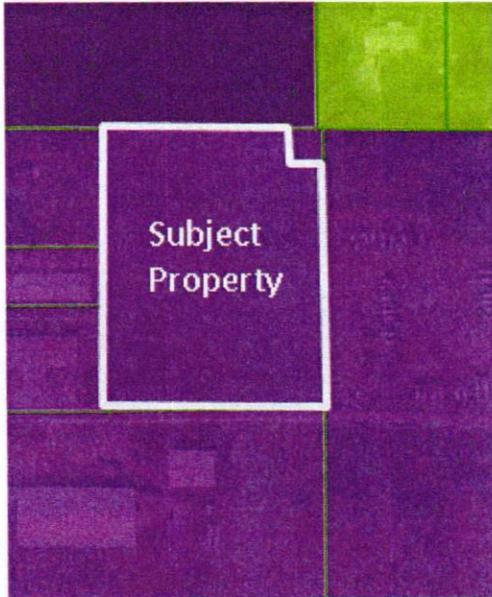
ATTEST:

**Amy Flood
City Clerk**

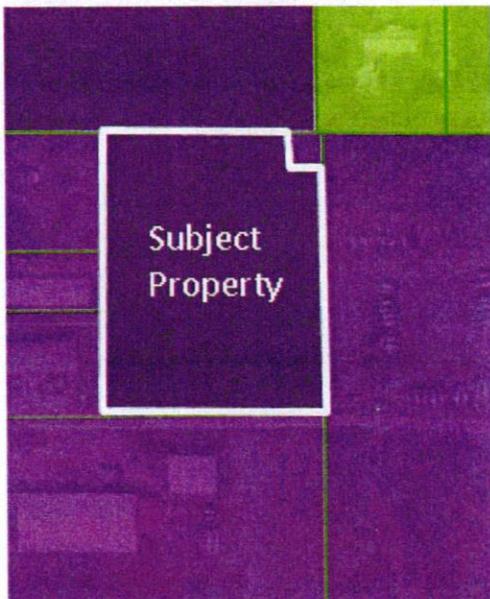
**William L. Colbert
City Attorney**

ATTACHMENT 1

Future Land Use Map



Existing Future Land Use Designations



Proposed Future Land Use Designations

-  Agriculture (County)
-  Industrial (County)
-  Industrial

ATTACHMENT 2
Legal Description

THE NORTH 477.40 FEET OF THE EAST 282.76 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SW 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

THE EAST 90 FEET OF THE WEST 390 FEET OF THE NORTH 477.40 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

LESS AND EXCEPT:

THE NORTH 60.0 FEET OF THE NORTH 477.40 FEET OF THE EAST 60.0 FEET OF THE EAST 282.76 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

TOGETHER WITH, SUBJECT TO AND RESERVING TO GRANTOR FOR JOINT USE, THAT CERTAIN EASEMENT FOR INGRESS, EGRESS, ACCESS AND UTILITIES AS PROVIDED FOR IN THAT CERTAIN RECIPROCAL NON-EXCLUSIVE PERPETUAL ACCESS AND UTILITY EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 3741, PAGE 405, ON APRIL 16, 2020, AS AMENDED AND RESTATED BY AMENDED AND RESTATED RECIPROCAL NON-EXCLUSIVE PERPETUAL ACCESS AND UTILITY EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 4252, PAGE 524, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 50 FEET OF THE NORTH 502.40 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; LESS RIGHT-OF-WAY FOR STATE ROAD NO. 471 ACROSS THE WEST SIDE THEREOF.

ALSO TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR INGRESS, EGRESS, MAINTENANCE AND CONSTRUCTION OF SIGNAGE CONTAINED IN THAT CERTAIN AMENDED AND RESTATED SIGN EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 4248, PAGE 753, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA.

AFFIDAVIT OF PUBLICATION

Sumter Sun Times

Published Weekly

, Sumter County, Florida

Case No. SS SELF STORAGE WEBSTER

STATE OF FLORIDA
COUNTY OF SUMTER

Before the undersigned authority, Jessica Whaley, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Sumter Sun Times, a newspaper published at in Sumter County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

June 22, 2023

Affiant further says that the Sumter Sun Times newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

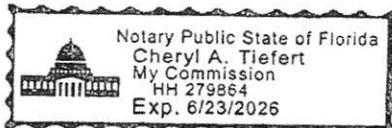
Handwritten signature of Jessica Whaley
Jessica Whaley

Sworn to and subscribed before me this 22nd day of June 2023 by Jessica Whaley, who is personally known to me.

Handwritten signature of Cheryl A. Tiefert
Cheryl A. Tiefert, Clerk, Notary Number: #HH279864
Notary expires: June 23, 2026

00037612 00128695

Sumter County BOCC
7375 Powell Road
Wildwood, FL 34785



NOTICE OF INTENT TO CONSIDER CITY OF WEBSTER ORDINANCES FOR LAND USE CHANGE AND REZONING

NOTICE IS HEREBY GIVEN that the City Council of the City of Webster will consider the enactment of City Ordinances on the following subject:

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 4.1 ACRES (TAX PARCEL IDENTIFICATION NUMBER Q19-086), AND DESCRIBED IN THIS ORDINANCE FROM THE INDUSTRIAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE INDUSTRIAL FUTURE LAND USE DESIGNATION (CITY); 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 DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

And AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 4.1 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBER Q19-086) WITHIN THE CITY LIMITS (MAP OF PROPERTY ATTACHED); TO INDUSTRIAL 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.

Both ordinances are for property being annexed into the City of Webster, owned by South Sumter Self Storage LLC; generally described as follows: THE NORTH 477.4 FT OF THE E 282.76 FT OF THE W 672.76 FT OF THE S 3/4 OF THE W 1/2 OF THE SW 1/4 AND THE E 90 FT OF THE W 390 FT OF N 477.4 FT OF S 3/4 OF W 1/2 OF SW 1/4 LESS THE N 477.40 FT OF E 282.76 FT OF W 672.76 FT OF S 3/4 OF W 1/2 OF THE SW 1/4, ALL BEING IN SEC 19, TWP 21S, RNG 23E. Complete legal description available upon request.

Requested action:
SS-23-10362: Small scale comprehensive plan amendment to change the future land use from Industrial (County) to Industrial (City) on 4.1 acres MCL following annexation.
R-23-010363: Rezone the same property from Industrial (County) to Industrial (City).

The proposed ordinances will be heard at three (3) public hearings as follows:

Planning and Zoning Board
6:00 PM, July 13, 2023

City Council - first reading
6:00 PM, July 20, 2023

City Council - second reading and final votes
6:00 P.M., August 17, 2023

The meetings will be held at the Webster City Hall, located at 85 E. Central Ave, Webster, FL.

The proposed ordinances may be inspected at City Hall between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday or Sumter County Development Services Department located at 7375 Powell Road, Suite 115, Wildwood, FL, between the hours of 7:30 A.M. and 4:00 P.M. Monday through Friday.

All persons are advised that if they decide to appeal any decision made by the Council on this matter, they will need a record of the proceedings, and may need to ensure that a verbatim record is made, which includes testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA) any person with a disability requiring reasonable accommodations in order to participate in this Public Hearing should call the City Manager at (352) 793-2073 at least 48 hours prior to the meeting time.

CITY OF WEBSTER
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

PLANNING & ZONING
JULY 13, 2023

CITY COUNCIL
JULY 20, 2023
AUGUST 17, 2023

CASE NUMBER: SS-23-10362

LANDOWNER: South Sumter Self Storage, LLC.

APPLICANT: City of Webster

REQUESTED ACTION: A small scale land use amendment on 4.1 acres MOL to change the future land use assignment from County – Industrial to City of Webster – Industrial following annexation.

PARCEL NUMBER: Q19-086

LEGAL DESCRIPTION: See Attachment 1

PARCEL SIZE: 4.1 acres MOL

LOCATION: East side of SR 417, across from the fair grounds (Map 1).

GENERAL DESCRIPTION AND BACKGROUND

This land use amendment is being initiated by staff in conjunction with voluntary annexation into the City. This amendment will add the property to the City's Future Land Use Map with an Industrial future land use assignment (Map 2). The property is currently designated Industrial on the County Future Land Use Map. This will allow for continued industrial use.

The subject property is developed with warehouses and an outdoor storage yard. It is located in a commercial/industrial area south of Beville's Corner. Surrounding commercial and industrial uses the Sumter County Fairgrounds, wholesale manufacturing warehouse, an indoor/outdoor storage facility, and a gun/gunsmithing shop. The property is inside the City of Webster/Sumter County Joint Planning Area.

There are three contiguous properties currently under application for annexation/land use amendment/rezoning at this time. These properties are under different ownership and the applications are not related.

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 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

Water service is availability to the site.

Stormwater Drainage

Any redevelopment 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 1.1.4 Compatibility

Zoning districts and the uses permitted within them shall be compatible with the character of the neighborhood or community. In the context of this comprehensive plan, the term “compatible” shall denote the extent to which adjacent or nearby land uses can be established without significant negative impacts or the unreasonable loss of quiet enjoyment of private property. The term “compatible” does not require land uses to be similar in type or scale. Land development regulations shall provide standards to assure compatibility of proposed projects with surrounding land uses:

- a. New residential development shall be compatible with the predominant housing type in the surrounding neighborhood;
- b. Developments shall be consistent with the fundamental development pattern of the surrounding neighborhood in scale, mass of buildings, and density/intensity;

- c. Development standards shall require techniques to mitigate negative impacts between adjacent land uses. Such techniques may include buffers and visual barriers (i.e. vegetative buffers, fences, and berms), and setbacks; and
- d. Development standards shall provide consistency in the size, design, and location of site design features such as landscaping, buffers, signs, parking lots and vehicular circulation.

The proposed land use is compatible with surrounding land uses. It is located on an arterial roadway and is adjacent to a cluster of properties used for Heavy Commercial and Industrial activities.

Future Land Use Policy 1.2.10 Industrial

The “Industrial” future land use category is applied to lands suitable for light and heavy manufacturing, processing, outdoor storage, warehousing, and transportation of goods.

Secondary uses may include: commercial uses that directly support the industrial land use or provide services to the employees; commercial uses that require outdoor storage, large volumes of truck activity, or other potential to create negative off-site impacts, services industries, utilities, wholesale and internet business that do not cater to on-site customers, offices related to the industrial use, and other land uses requiring outdoor storage and/or having the potential to generate negative impacts on adjacent properties.

- a. Industrial land uses may be located within or outside the UDA;
- b. Industrial uses shall be encouraged within the Economic Activity Centers and industrial areas within the Cities;
- c. The industrial uses shall be located with access to an arterial or collector road;
- d. The maximum floor area ratio when located inside a Primary Economic Activity Center is 0.7.
- e. The maximum floor area ratio when located inside the UDA boundary is 0.5; and
- f. The maximum floor area ratio when located outside the UDA boundary is 0.3.

This property is currently designated Industrial on the County Future Land Use map. It is located within the urban development area and within a secondary economic activity center near other commercial and industrial uses.

Future Land Use Policy 1.3.8 Compatibility for Rezoning and Amendments

Proposed rezonings and future land use amendments shall be compatible with adjacent land uses and community character. Compatibility shall be achieved through the following measures:

- a. Rezoning and future land use amendments shall consider potential maximum impacts of the potential land uses; and
The requested future land use assignment does not increase the allowable intensity or types of uses currently permitted with a County-Industrial future land use assignment.

- b. The use of clustering, PUD, or other innovative development techniques shall be considered to assure the compatible transition between differing land uses and zoning districts.

The use of a PUD would not be appropriate for this property.

Policy 1.6.3 Commercial and Industrial Conversion

Amendments of the Future Land Use Map to convert land to General Commercial or Industrial future land use category shall be based on the following criteria:

- a. New commercial and industrial land uses shall gain access from a collector or arterial roadway;
- b. New commercial or industrial sites shall have few environmental constraints or it has been demonstrated that environmental impacts can be mitigated.
- c. Project site is of sufficient size to meet land development regulations, including road access, internal circulations, parking, drainage, and setback/buffers;
- d. New industrial and commercial land uses within a designated utility service area shall connect to available public facilities or have a service agreement with the utility provider addressing future connection;
- e. For new commercial or industrial uses there are necessary facilities and services available or planned to support the commercial or industrial use; and
- f. Relationship and proximity to the Economic Activity Centers identified in Policy 8.1.1 and Map 8-1 of the Economic Development Element and Primary Economic Activity Centers identified on Map 1-8.

The subject property is currently assigned Industrial on the County's Future Land Use Map. The requested amendment will allow the same type and intensity of development while assuring connection to City utilities.

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

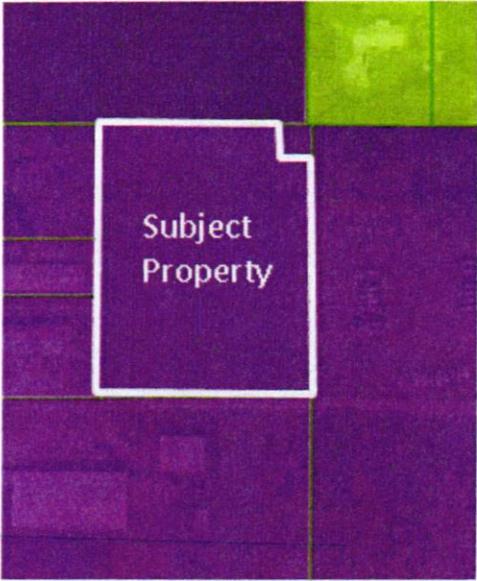
Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval of the petition.

Notices Sent: 16

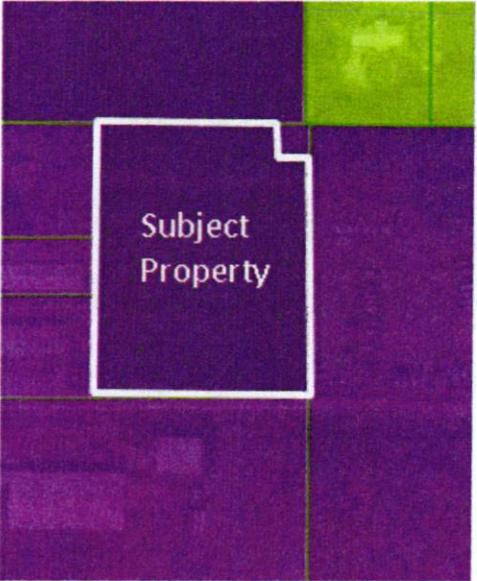
Map 1
General Location



**Map 2
Future Land Use Map**



**Existing Future Land
Use Designations**



**Proposed Future Land
Use Designations**

-  **Agriculture (County)**
-  **Industrial (County)**
-  **Industrial**

ATTACHMENT 1
Legal description

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AND

THE EAST 90 FEET OF THE WEST 390 FEET OF THE NORTH 477.40 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

LESS AND EXCEPT:

THE NORTH 60.0 FEET OF THE NORTH 477.40 FEET OF THE EAST 60.0 FEET OF THE EAST 282.76 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

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Attachment 2
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 property is in the Urban Development Area and secondary economic activity center fronting on S.R. 471 within a node of Industrial land use and Industrial & Commercial zoning. This property is contiguous to the same land use being sought and is not looking to establish an industrial use in an area where industrial land use is already existing.**
- III. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments. **The amending of land use for this property will not create any of the design patterns listed above.**
- 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 but does include FEMA designated flood zone on a majority of the west side of the property.**
- 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 development will have no impact on Agricultural uses and looks to conform with properties to the north.**
- VI. Fails to maximize use of existing public facilities and services. **City utilities are available. The subject property will be required to connect to City utilities.**
- VII. Fails to maximize use of future public facilities and services. **City utilities are available. The subject property will be required to connect to City utilities.**

- 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 does not discourage infill.**
- X. Fails to encourage a functional mix of uses. **The proposed project will encourage a functional mix of uses. The surrounding area includes a variety of Commercial, Industrial, Residential, and Agriculture 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 property is currently assigned Industrial future land use assignment.**
- (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 increase the amount of Industrial land available for development in Webster. This will improve the balance of land uses.**

ORDINANCE NO. 2023-16

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 4.1 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBER Q19-086) WITHIN THE CITY LIMITS (MAP OF PROPERTY ATTACHED) TO INDUSTRIAL 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, South Sumter Self Storage, LLC, whose mailing address is 482 French Rd, Rochester, NY 14618 (Tax Parcel Identification Number Q19-086), is the owner of the property which is the subject of this Ordinance; and

WHEREAS, the real property, totaling 4.1 +/- acres in size, is located on the east side of SR 471; and

WHEREAS, Benjamin Antonucci, whose mailing address is 482 French Rd, Rochester, NY 14618 is the Authorized Person and Manager for South Sumter Self Storage, LLC.; and

WHEREAS, Benjamin Antonucci of South Sumter Self Storage, LLC has initiated 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 Industrial (County) zoning designation to the zoning designation;

WHEREAS, the City Council of the City of Webster, Florida has taken, as

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. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Webster* or the *Land Development Code of the City of Webster*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Webster by the City Manager, or designee.

SECTION 7. 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 2023-15 relating to the Comprehensive Plan amendment becomes effective.

PASSED AND ENACTED this _____ day of _____, 2023.

CITY COUNCIL OF THE CITY
OF WEBSTER, FLORIDA

Bobby Yost, Mayor

Approved as to form and

ATTEST:
Legality:

Amy Flood
City Clerk

William L. Colbert
City Attorney

**CITY OF WEBSTER
REZONING APPLICATION**

**PLANNING & ZONING
JULY 13, 2023**

**CITY COUNCIL
JULY 20, 2023
AUGUST 17, 2023**

CASE NUMBER: R-23-010363

LANDOWNER: South Sumter Self Storage, LLC.

APPLICANT: City of Webster

REQUESTED ACTION: Rezone 4.1 acres MOL from County – Industrial to Industrial concurrent with land use amendment SS-23-10362

PARCEL NUMBERS: Q19-086

LEGAL DESCRIPTION: See Attachment

EXISTING ZONING: County - Industrial

EXISTING USE: Warehouses and outdoor storage

FUTURE LAND USE: County - Industrial (Concurrent land use amendment SS-23-10362 to Webster - Industrial)

PARCEL SIZE: 4.1 acres MOL

LOCATION: East side of SR 417, across from the fairgrounds (Map 1).

SURROUNDING LAND USE AND ZONING

The subject property is developed with warehouses and an outdoor storage yard. It is located in a commercial/industrial area south of Beville's Corner. Surrounding commercial and industrial uses include the Sumter County Fairgrounds, wholesale manufacturing warehouse, an indoor/outdoor storage facility, and a gun/gunsmithing shop.

CASE SUMMARY

This rezoning is being initiated by staff in conjunction with voluntary annexation into the City. This rezoning will add the property to the City's Zoning Map with an Industrial zoning assignment (Map 2). The property is currently designated Industrial on the County Zoning Map. This will allow for continued industrial use.

CASE ANALYSIS:

This request will add the subject property to the City's Zoning Map with a zoning assignment consistent with the existing use as a warehouse and outdoor storage facility. This application is concurrent with future land use amendment SS-23-10362.

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.
Annexation in to Webster prompted this change.
- b) Community need, or lack of community need.
The requested rezoning will allow for continued use as a warehouse operation with outdoor storage.
- c) Benefits to the community.
The rezoning will provide an additional product/service to the area and jobs.
- d) The rights of private property owners.
This rezoning will preserve the existing industrial development rights currently in place with County zoning..

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 Webster Land Development Code and Comprehensive Plan and recommends approval.

Notices Sent: 16

**Attachment
Legal Description**

THE NORTH 477.40 FEET OF THE EAST 282.76 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SW 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

THE EAST 90 FEET OF THE WEST 390 FEET OF THE NORTH 477.40 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

LESS AND EXCEPT:

THE NORTH 60.0 FEET OF THE NORTH 477.40 FEET OF THE EAST 60.0 FEET OF THE EAST 282.76 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

TOGETHER WITH, SUBJECT TO AND RESERVING TO GRANTOR FOR JOINT USE, THAT CERTAIN EASEMENT FOR INGRESS, EGRESS, ACCESS AND UTILITIES AS PROVIDED FOR IN THAT CERTAIN RECIPROCAL NON-EXCLUSIVE PERPETUAL ACCESS AND UTILITY EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 3741, PAGE 405, ON APRIL 16, 2020, AS AMENDED AND RESTATED BY AMENDED AND RESTATED RECIPROCAL NON-EXCLUSIVE PERPETUAL ACCESS AND UTILITY EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 4252, PAGE 524, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

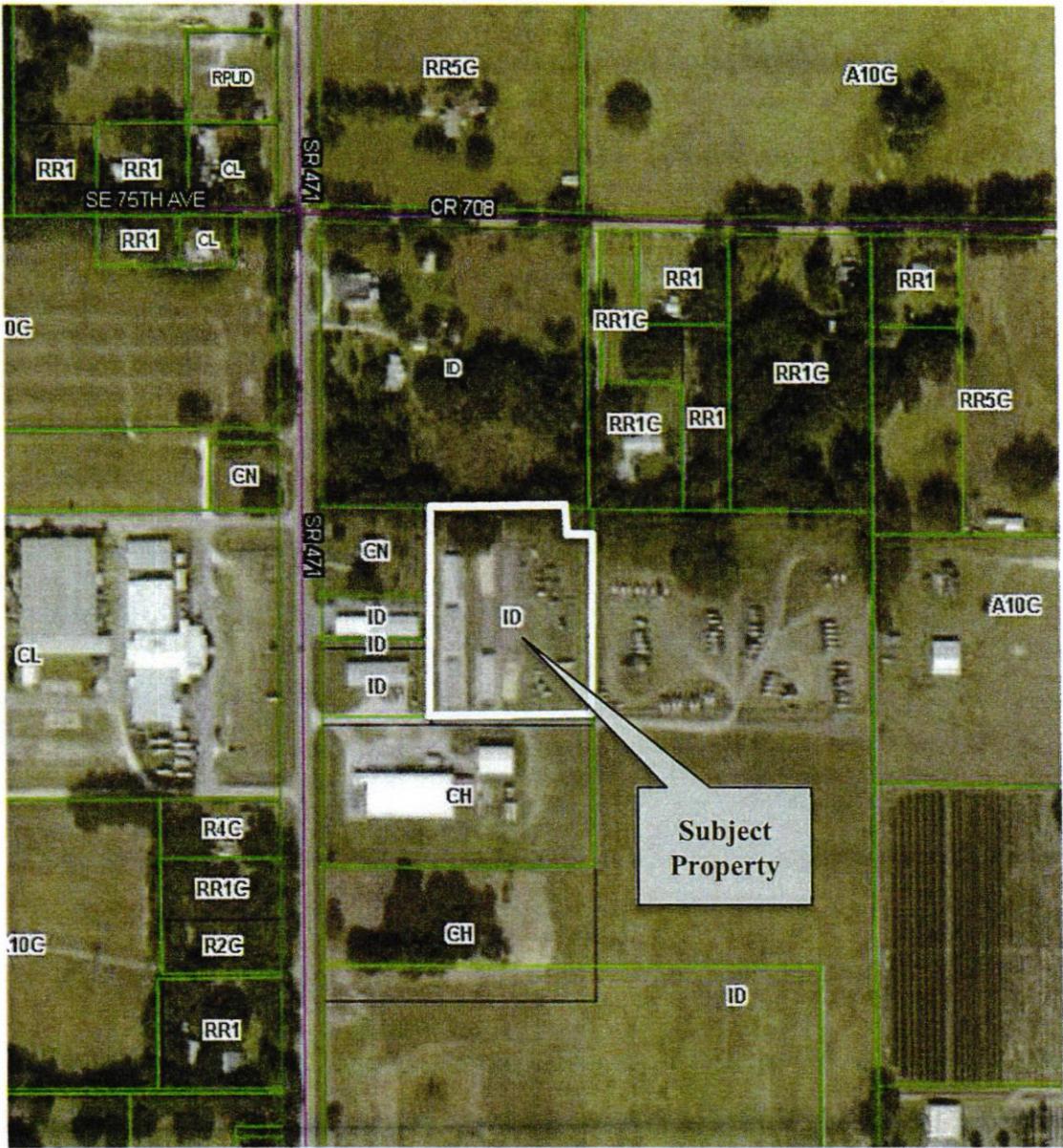
THE SOUTH 50 FEET OF THE NORTH 502.40 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; LESS RIGHT-OF-WAY FOR STATE ROAD NO. 471 ACROSS THE WEST SIDE THEREOF.

ALSO TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR INGRESS, EGRESS, MAINTENANCE AND CONSTRUCTION OF SIGNAGE CONTAINED IN THAT CERTAIN AMENDED AND RESTATED SIGN EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 4248, PAGE 753, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA.

Map 1
General Location



Map 2
Surrounding Zoning Assignments



Memo

To: City of Webster City Council
Thru: Deanna Naugler, City Manager
From: Sue Farnsworth, Planner
Date: 6/27/2023
RE: Southern Properties Florida LLC land use amendment
and rezoning SS-23-10354 and R-23-010355

Staff has initiated a land use amendment and rezoning for parcel Q19-060 (Southern Properties Florida, LLC) in conjunction with voluntary annexation. There has been a deficiency in the notification process. Staff recommends applications SS-23-10354 and R-23-010355 be continued date and time certain to the following hearing schedule. This will allow staff to send new letters to surrounding land owners:

Proposed hearing schedule (please announce)

Planning and Zoning

August 10, 2023

City Council

August 17, 2023

And

September 21, 2023

All meetings will be held at City Hall, starting at 6 PM.

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA, ANNEXING BY VOLUNTARY PETITION CERTAIN REAL PROPERTY TAX IDENTIFICATION PARCEL NUMBERS N36E006 LOCATED CONTIGUOUS TO THE CITY OF WEBSTER IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*, TOGETHER WITH ASSOCIATED RIGHTS-OF-WAYS; REDEFINING THE BOUNDARIES OF THE CITY OF WEBSTER TO INCLUDE SAID PROPERTY; AMENDING THE BOUNDARIES OF THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.031, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICE OF SUMTER COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR LEGAL DESCRIPTION AND A MAP AND PROVIDING FOR THE INCORPORATION OF THAT EXHIBIT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND THE TAKING OF ADMINISTRATIVE ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Fely Palafox, applied for annexation of property into the City of Webster and is hereby determined to be the fee simple title owner of the real property described below; and

WHEREAS, the said applicant petitioned the City of Webster, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Webster; and

WHEREAS, the applicant is the fee simple title owner of all of said property being described by Tax Identification Parcel Numbers as follows:

| Tax Identification Parcel Number | Owner |
|---|--------------|
| N36E006 | Fely Palafox |

WHEREAS, the City Council, upon the recommendation of City staff and the City Attorney, has determined that all of the property which is proposed to be annexed into the City of Webster is within an unincorporated area of Sumter County, is reasonably compact and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

WHEREAS, the City Council of the City of Webster, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

WHEREAS, the City Council of the City of Webster, Florida hereby determines that it is to the advantage of the City of Webster and in the best interests of the citizens of the City of Webster to annex the aforescribed property; and

WHEREAS, the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

WHEREAS, the provisions of Section 171.091, *Florida Statutes*, provide as follows:

Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and

Demographic Research along with a statement specifying the population census effect and the affected land area.

WHEREAS, the map and the legal description attached hereto as Exhibit "A" shows, describes, and depicts the property and associated rights-of-ways which are hereby annexed into the City of Webster said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

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

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.

(a). The recitals set forth above in the "whereas clauses" are hereby adopted as legislative findings of the City Council of the City of Webster.

(b). The property that is the subject of this Ordinance consists of the following parcel of land assigned the Tax Identification Parcel Number set forth above and being specifically described as set forth below, together with all abutting right-of-way if any such rights-of-ways are not currently located within the City Limits of the City, said property being situated in Sumter County, Florida, and said property is hereby annexed into and are hereby made a part of the City of Webster, Florida pursuant to the voluntary annexation provisions of Section 171.044, *Florida Statutes*:

LEGAL DESCRIPTION

All the above lands and real property being located in Sumter County, Florida. (See Exhibit "A").

(c). The property owner of the annexed property fully understands that all of the costs of routing and installing all utility services to the annexed property that may result and be incurred and the obligation to pay any and all applicable fees in any way

relating to connection to, and provision of services by, the City's utility systems shall be borne totally by the property owner.

(d). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, "[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State." This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties.

SECTION 2. EFFECT OF ANNEXATION.

Upon this Ordinance becoming effective, the property owner of the said property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owner of the City of Webster, Florida as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City of Webster, Florida and the provisions of said Chapter 171, *Florida Statutes*.

SECTION 3. ADMINISTRATIVE ACTIONS.

(a). Within 7 days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Sumter County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.

(b). The City Clerk shall ensure that the property annexed by this Ordinance is incorporated into the *City of Webster Comprehensive Plan* and the Official Zoning Map of the City of Webster in an expeditious manner and, in accordance with, and pursuant

to, the provisions of Under the authority of Section 166.031 (3), *Florida Statutes*, the City Clerk shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

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 to be invalid, unlawful, or unconstitutional.

SECTION 6. CODIFICATION.

The provisions of this Ordinance shall not be codified, but the annexed property shall be incorporated and included in all appropriate maps of the City Limits of the City of Webster by the City Clerk who is hereby directed to take any and all appropriate actions relative to the land use planning documents of the City pertaining to the property annexed pursuant to this Ordinance.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ENACTED this _____ day of _____, 2023.

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

Bobby Yost, Mayor

**APPROVED AS TO FORM AND
LEGALITY:**

ATTEST:

Amy Flood, City Clerk

William L. Colbert, City Attorney

Exhibit A

Parcels: (N36E006)

Tract 6, ROGER'S SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 4, Page 47, Public Records of Sumter County, Florida.

All being in Sumter County, Florida.



PETITION FOR VOLUNTARY ANNEXATION
(Sec. 171.044, Florida Statutes)

TO: THE WEBSTER CITY COMMISSION
City of Webster
State of Florida

Come now the Owner or Legal Representative whose name(s) appear below:

Antonio G and Fely L Palafox

being all of the owner(s) of the following described property:

SUMTER COUNTY
PARCEL NUMBER
N36E006

and petition the City Commissioner for the City of Webster, Florida, to annex the described property into the City of Webster, and to redefine the City limits of the City of Webster in such manner as to include such property.

Petitioner(s) hereby state:

1. That the described real property is in an unincorporated area of Sumter County, Florida, which is, or will be, contiguous to the City of Webster at the time of final annexation, and:
2. That the real property sought to be annexed to the City of Webster is, or will be, reasonably compact within the meaning of the law at the time of final annexation, and;
3. That an annexation of the described real property will not result in the creation of an enclave, in violation of law at the time of final annexation.
4. I understand that all rules, regulations and taxation of the City will apply upon annexation into the City.

This petition has been executed on the 23rd day of June, 2023.

OWNER(S) OR LEGAL REPRESENTATIVE

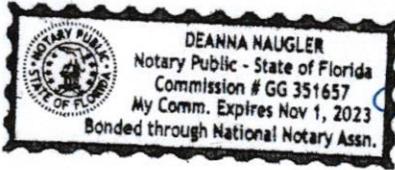
Antonio G. Palafox
Signature

Ang R. Hood
Witness

July L. Palafox
Signature

Ang R. Hood
Witness

This petition was acknowledged before me on 6 day of 23, 2023 Personally
known to me or identification provided _____.



Deanna Naugler
Notary Signature

OFFICIAL USE ONLY:

Received: City of Webster, Florida, on 23rd day of June, 2023.

Present City Zoning July 13, 2023



City of Webster
85 East Central Ave
Webster, FL 33597
(352) 793-2073

June 26, 2023

Bradley Arnold
Sumter County Administrator
7375 Powell Road
Wildwood, FL 34785

RE: Annexation of Parcel N36E006

Mr. Arnold:

The City is in receipt of a voluntary annexation application for the above parcel. Parcel N36E006 is approximately 4.85 acres.

I have attached a copy of the application, location map, and boundary map for your records.

Pursuant to Florida Statutes 171.044(6), please accept this letter as notification of the City's intent to annex the property.

Regards,

Amy Flood
City Clerk
City of Webster
352-793-2073

ORDINANCE NO. 2023-20

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 22.2 ACRES (TAX PARCEL IDENTIFICATION NUMBER Q19-085), AND DESCRIBED IN THIS ORDINANCE FROM THE INDUSTRIAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE INDUSTRIAL FUTURE LAND USE DESIGNATION (CITY); 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 DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida 1 Holdings, LLC, whose mailing address is 22 W Monument Ave, Ste 1, Kissimmee, FL 34741 (Tax Parcel Identification Number Q19-085), is the owner of the property which is the subject of this Ordinance; and

WHEREAS, the real property, totaling 22.2 +/- acres in size, is located on the east side of SR 471; and

WHEREAS, Rajia Ackley, whose mailing address is 22 W Monument Ave, Ste 1, Kissimmee, FL 34741 is the Authorized Person and Title Member for Florida 1 Holdings, LLC.; and

WHEREAS, Rajia Ackley of Florida 1 Holdings, LLC. has authorized LPG Urban & Regional Planners, Inc. to act as their agent in connection with the land use and rezoning of the real property; and

WHEREAS, LPG Urban & Regional Planners, Inc. applied to the City of Webster, pursuant to the controlling provisions of State law and the Code of Ordinances of the City of Webster, to have the subject property reassigned from the Industrial (County) future

land use designation to the Industrial 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 the Industrial (County) land use designation to the Industrial land use designation regarding the real property which is the subject of this Ordinance as set forth herein (Attachment).

(b). The property which is the subject of this *Comprehensive Plan* amendment is as described as follows:

THE SW ¼ OF SW ¼ AND S ½ OF NW ¼ OF SW ¼ LESS THE N/LY 1037.40 FT THEREOF AND LESS AND EXCEPT THE E/LY 125.00 FT THEREOF ALSO LESS RD R/W AND LESS THE E 417.42 FT OF W 989.17 FT OF S 233.71 FT OF SW ¼ OF SW ¼

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/INSTRUCTIONS TO CODE CODIFIER. 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 large scale amendment is in compliance with controlling State law.

PASSED AND ENACTED this _____ day of _____, 2023.

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

Bobby Yost, Mayor

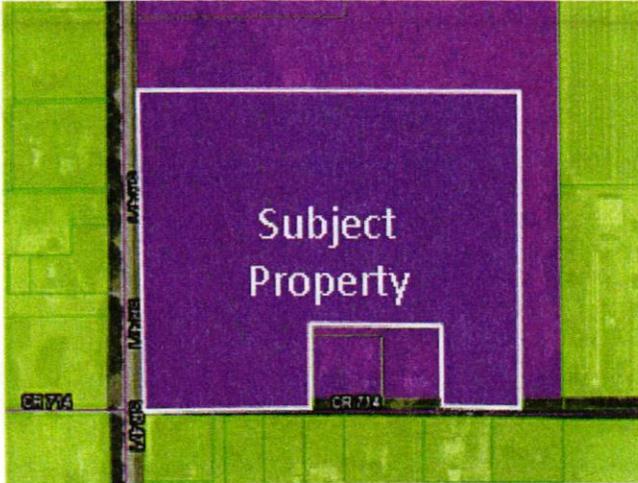
Approved as to form and Legality:

ATTEST:

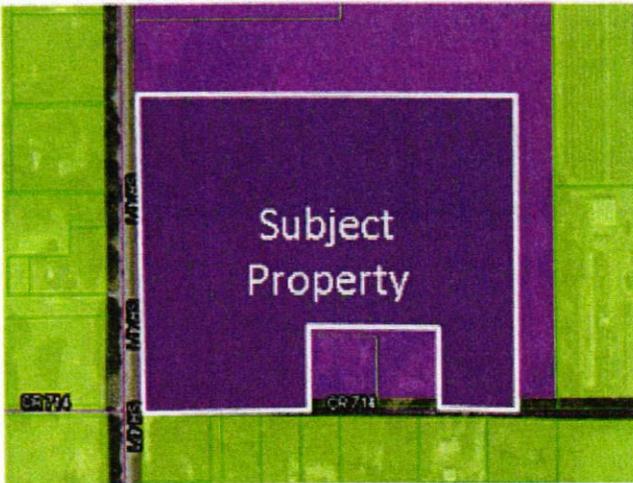
**Amy Flood
City Clerk**

**William L. Colbert
City Attorney**

Attachment
Future Land Use Map



Existing Future Land
Use Designations



Proposed Future Land
Use Designations

-  Agriculture (County)
-  Industrial (County)
-  Industrial

CITY OF WEBSTER
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

PLANNING & ZONING
JULY 13, 2023

CITY COUNCIL
JULY 20, 2023
AUGUST 17, 2023

CASE NUMBER: SS-23-02777

LANDOWNER: Florida 1 Holdings, LLC.

REPRESENTATIVE: Ryan Solstice, LPG Urban and Regional Planners, LLC

REQUESTED ACTION: A small scale land use amendment on 22.2 acres MOL to change the future land use assignment from County – Industrial to City of Webster – Industrial following annexation.

PARCEL NUMBER: Q19-085

LEGAL DESCRIPTION: IN SEC 19, TWP 21S, RNG 23E: THE SW 1/4 OF SW 1/4 AND S 1/2 OF NW 1/4 OF SW 1/4 LESS THE N/LY 1037.40 F THEREOF AND LESS AND EXCEPT THE E/LY 125.00 FT THEREOF ALSO LESS RD R/W AND LESS THE E 417.42 FT OF W 989.17 FT OF S 233.71 FT OF SW 1/4 OF SW 1/4

PARCEL SIZE: 22.2 acres MOL

LOCATION: NE corner of SR 417 and C-714 (Map 1).

GENERAL DESCRIPTION AND BACKGROUND

The applicant is requesting a Small Scale Future Land Use Amendment on a vacant 22.2-acre parcel. The application site is currently in the process of being annexed into the City of Webster. This amendment will add the property to the City's Future Land Use Map with an Industrial future land use assignment (Map 2). This will allow for Industrial zoning and subsequent development consistent with the zoning assignment. The subject property is located in a commercial/industrial area south of Beville's Corner. Surrounding commercial and industrial uses the Sumter County Fairgrounds, wholesale manufacturing warehouse, an indoor/outdoor

storage facility, and a gun/gunsmithing shop. The property is inside the City of Webster/Sumter County Joint Planning Area.

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 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

Water service is availability in the area and connection will be required at the time of development.

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 1.1.4 Compatibility

Zoning districts and the uses permitted within them shall be compatible with the character of the neighborhood or community. In the context of this comprehensive plan, the term “compatible” shall denote the extent to which adjacent or nearby land uses can be established without significant negative impacts or the unreasonable loss of quiet enjoyment of private property. The term “compatible” does not require land uses to be similar in type or scale. Land development regulations shall provide standards to assure compatibility of proposed projects with surrounding land uses:

- a. New residential development shall be compatible with the predominant housing type in the surrounding neighborhood;
- b. Developments shall be consistent with the fundamental development pattern of the surrounding neighborhood in scale, mass of buildings, and density/intensity;

- c. Development standards shall require techniques to mitigate negative impacts between adjacent land uses. Such techniques may include buffers and visual barriers (i.e. vegetative buffers, fences, and berms), and setbacks; and
- d. Development standards shall provide consistency in the size, design, and location of site design features such as landscaping, buffers, signs, parking lots and vehicular circulation.

The proposed land use is compatible with surrounding land uses. It is located on an arterial roadway and is adjacent to a cluster of properties used for Heavy Commercial and Industrial activities.

Future Land Use Policy 1.2.10 Industrial

The "Industrial" future land use category is applied to lands suitable for light and heavy manufacturing, processing, outdoor storage, warehousing, and transportation of goods.

Secondary uses may include: commercial uses that directly support the industrial land use or provide services to the employees; commercial uses that require outdoor storage, large volumes of truck activity, or other potential to create negative off-site impacts, services industries, utilities, wholesale and internet business that do not cater to on-site customers, offices related to the industrial use, and other land uses requiring outdoor storage and/or having the potential to generate negative impacts on adjacent properties.

- a. Industrial land uses may be located within or outside the UDA;
- b. Industrial uses shall be encouraged within the Economic Activity Centers and industrial areas within the Cities;
- c. The industrial uses shall be located with access to an arterial or collector road;
- d. The maximum floor area ratio when located inside a Primary Economic Activity Center is 0.7.
- e. The maximum floor area ratio when located inside the UDA boundary is 0.5; and
- f. The maximum floor area ratio when located outside the UDA boundary is 0.3.

This property is currently designated Industrial. It is located within the urban development area and within a secondary economic activity center near other commercial and industrial uses.

Future Land Use Policy 1.3.8 Compatibility for Rezoning and Amendments

Proposed rezonings and future land use amendments shall be compatible with adjacent land uses and community character. Compatibility shall be achieved through the following measures:

- a. Rezoning and future land use amendments shall consider potential maximum impacts of the potential land uses; and
The requested future land use assignment does not increase the allowable intensity or types of uses currently permitted with a County-Industrial future land use assignment.

- b. The use of clustering, PUD, or other innovative development techniques shall be considered to assure the compatible transition between differing land uses and zoning districts.

This parcel would not be creating an issue of transition as the parcel is in an area of similar intensity uses.

Policy 1.6.3 Commercial and Industrial Conversion

Amendments of the Future Land Use Map to convert land to General Commercial or Industrial future land use category shall be based on the following criteria:

- a. New commercial and industrial land uses shall gain access from a collector or arterial roadway;
- b. New commercial or industrial sites shall have few environmental constraints or it has been demonstrated that environmental impacts can be mitigated.
- c. Project site is of sufficient size to meet land development regulations, including road access, internal circulations, parking, drainage, and setback/buffers;
- d. New industrial and commercial land uses within a designated utility service area shall connect to available public facilities or have a service agreement with the utility provider addressing future connection;
- e. For new commercial or industrial uses there are necessary facilities and services available or planned to support the commercial or industrial use; and
- f. Relationship and proximity to the Economic Activity Centers identified in Policy 8.1.1 and Map 8-1 of the Economic Development Element and Primary Economic Activity Centers identified on Map 1-8.

The subject property is currently assigned Industrial on the County's Future Land Use Map. The requested amendment will allow the same type and intensity of development while assuring connection to City utilities.

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

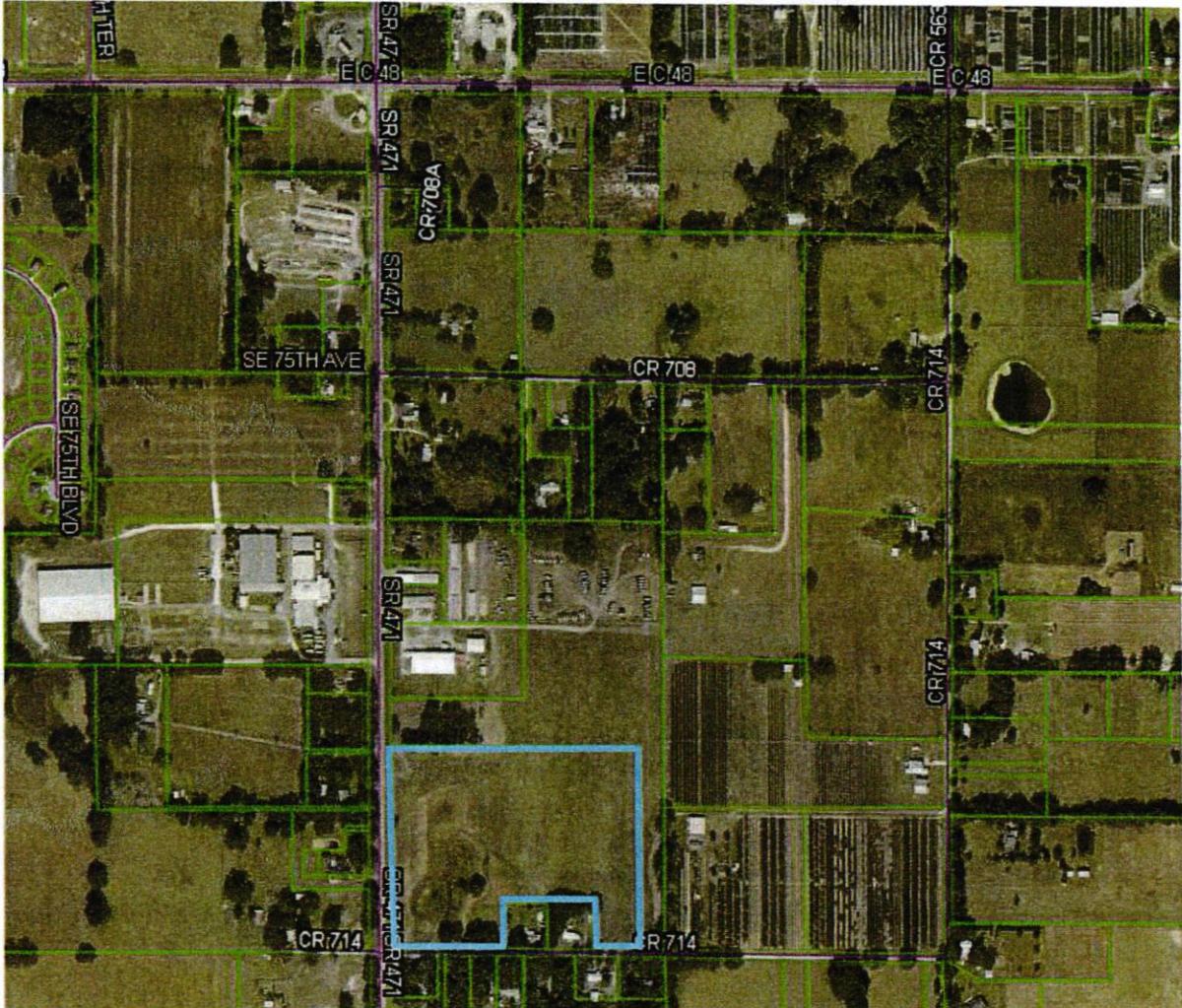
The proposed amendment does not affect the City's Capital Improvements program.

CONCLUSIONS

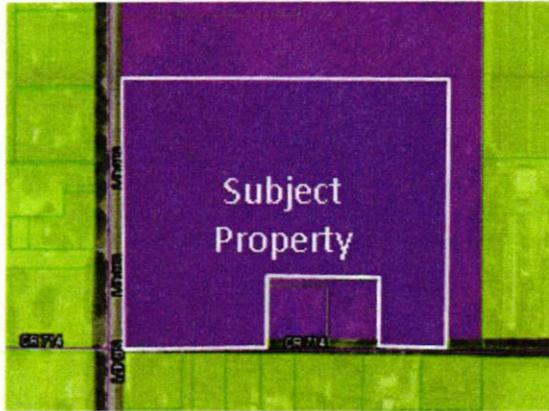
Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval of the petition.

Notices Sent: 26

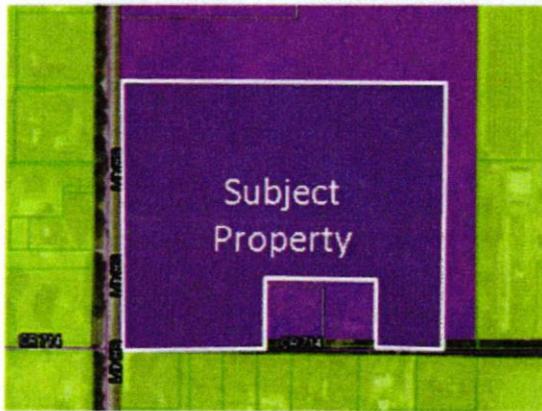
Map 1
General Location



**Map 2
Future Land Use Map**



Existing Future Land Use Designations



Proposed Future Land Use Designations

-  **Agriculture (County)**
-  **Industrial (County)**
-  **Industrial**

Attachment A
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 property is in the Urban Development Area and secondary economic activity center fronting on S.R. 471 within a node of Industrial land use and Industrial & Commercial zoning. This property is contiguous to the same land use being sought and is not looking to establish an industrial use in an area where industrial land use is already existing.**
- III. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments. **The amending of land use for this property will not create any of the design patterns listed above.**
- 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 but does include FEMA designated flood zone on a majority of the west side of the property.**
- 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 development will have no impact on Agricultural uses and looks to conform with properties to the north.**
- VI. Fails to maximize use of existing public facilities and services. **City utilities are available. The subject property will be required to connect to City utilities.**
- VII. Fails to maximize use of future public facilities and services. **City utilities are available. The subject property will be required to connect to City utilities.**
- 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 does not discourage infill.**
- X. Fails to encourage a functional mix of uses. **The proposed project will encourage a functional mix of uses. The surrounding area includes a variety of Commercial, Industrial, Residential, and Agriculture 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 property is currently assigned Industrail future land use assignment.**
- (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 increase the amount of Industrial land available for development in Webster. This will improve the balance of land uses.**

Board of County Commissioners

Development Services Department

Planning Services Division

7375 Powell Rd., Ste. 115, Wildwood, FL 34785 Phone (352) 689-4400 FAX: (352) 689-4401
Website: <http://sumtercountyfl.gov>

Project # _____
Date Rec'd: _____
Planner: _____

PZSM _____
BOCC _____

LAND USE AMENDMENT AND/OR REZONING APPLICATION

Rezoning

Small Land Use Amendment (<50 acres)
 Large Land Use Amendment (50 acres or more)

Applicant Information:

Name of Property Owner(s): Florida 1 Holdings LLC
Address: 22 W Monument Ave, Ste 1, Kissimee, FL 34741

Owner Phone: _____ Email: _____

Name of Agent: City of Webster
Address: 85 E Central Ave, Webster Fl

Agent Phone: _____ Email: _____

Property Information:

Legal Description of the property (lengthy descriptions may be attached)

Parcel Q19-085 see deed

Street Address: _____

Parcels # Q19-085 Current Use: vacant

Current Future Land Use: ID (Co) Current Zoning: ID (Co)

Requested Future Land Use ID Requested Zoning: ID

Acreage requested: 22.2

Reason for the request (be specific):

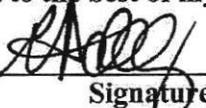
land use amendment and rezoning following annexation

Please Provide:

- Deed or other proof of ownership
- Signed authorization if applicant is not the land owner
- Legal description of the area under application. (lengthy or complex legal descriptions may be required in digital/text format)

All properties for which applications require public hearings before the PZSM or commission shall be posted by the applicant with plaques furnished by the director. Such plaques shall identify the application, the requested action, and the date, time and place of hearing. Plaques shall be sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the authority's agenda. Such notices shall be posted at least seven (7) days prior to the first hearing at which the subject property will be considered, at locations specified by the director. (Sumter County Land Development Code Sec. 13-315(a)(2)).

Under penalties of perjury, I declare the above information that I have given to be true and correct to the best of my knowledge and belief.

 6/11/23
Signature Date

Rajia Ackley
Print Name

A public hearing before the Planning & Zoning Special Master (PZSM) will be scheduled once the application is found to be complete. The hearing will be at 7:00 P.M. at the Everglades Regional Recreation Center, 5497 Marsh Bend Trail, Grand Canyon Room, The Villages, FL 32163. Your appearance or authorized representative is required at this hearing. Failure for you or your authorized representative's attendance will cause your application to be handled in accordance with the policy adopted in the Sumter County Land Development Code. Minor Special Use Permits are decided by the PZSM. Conditions of approval may be assigned to assure compatibility with the neighborhood. Hearings may be postponed by the PZSM at his/her discretion.

ORDINANCE NO. 2023-21

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 22.2 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBER Q19-085) WITHIN THE CITY LIMITS (MAP OF PROPERTY ATTACHED) TO PLANNED INDUSTRIAL 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, Florida 1 Holdings, LLC, whose mailing address is 22 W Monument Ave, Ste 1, Kissimmee, FL 34741 (Tax Parcel Identification Number Q19-085), is the owner of the property which is the subject of this Ordinance; and

WHEREAS, the real property, totaling 22.2 +/- acres in size, is located on the east side of SR 471; and

WHEREAS, Rajia Ackley, whose mailing address is 22 W Monument Ave, Ste 1, Kissimmee, FL 34741 is the Authorized Person and Title Member for Florida 1 Holdings, LLC.: and

WHEREAS, Rajia Ackley of Florida 1 Holdings, LLC. has authorized LPG Urban & Regional Planners, Inc. to act as their agent in connection with the land use and rezoning of the real property; and

WHEREAS, LPG Urban & Regional Planners, Inc. applied to the City of Webster, pursuant to the controlling provisions of State law and the Code of Ordinances of the City of Webster, to have the subject property rezoned from Industrial (County) zoning to Planned Industrial zoning;

WHEREAS, the City Council of the City of Webster, Florida has taken, as

implemented by City staff, all actions relating to the rezoning 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 adoption of a conceptual plan of development of the subject property as well as the recitals (whereas clauses) to this Ordinance.

(b). The subject property, which is 22.2 acres MOL in size, is located on the east side of SR 471 (Tax Parcel Numbers Q19-085). The legal description of the subject property is provided in Attachment A. The general location of the subject property is as shown in Attachment B.

(c). The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising 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 22.2 acres MOL in size, shall be rezoned from Industrial(County) zoning districts/classification to Planned Industrial zoning district/classification subject to the conceptual plan (Attachment C) and the conditions listed in Attachment D.

(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.

(c). Future development shall generally conform to the conceptual plan (Attachment C). The City of Webster City Manager shall have the authority to approve modifications to the conceptual plan that do not increase the intensity of development, expand the project area, or potential create off site negative impacts to residents.

SECTION 3. INCORPORATION OF MAP. The map attached to this Ordinance as the Attachment B 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. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Webster* or the *Land Development Code of the City of Webster*; provided, however, that the actions taken herein shall be depicted on

the zoning maps of the City of Webster by the City Manager, or designee.

SECTION 7. EFFECTIVE DATE This Ordinance shall take effect immediately upon enactment.

PASSED AND ENACTED this _____ day of _____, 2023.

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

Bobby Yost, Mayor

Approved as to form and

**ATTEST:
Legality:**

**Amy Flood
City Clerk**

**William L. Colbert
City Attorney**

Attachment A
Legal Description

IN SEC 19, TWP 21S, RNG 23E: THE SW 1/4 OF SW 1/4 AND S 1/2 OF NW 1/4 OF SW 1/4 LESS THE N/LY 1037.40 F THEREOF AND LESS AND EXCEPT THE E/LY 125.00 FT THEREOF ALSO LESS RD R/W AND LESS THE E 417.42 FT OF W 989.17 FT OF S 233.71 FT OF SW 1/4 OF SW 1/4.

Attachment C Conceptual Plan



Attachment D
Conditions of approval

1. The Planned Industrial zoning shall permit uses permitted in the Industrial and Heavy commercial zoning districts as provided in the Webster Land Development Code and as modified in this approval.
2. The following uses shall be prohibited:
 - a. Uses requiring a special use permit, conditional use permit, or operating permit.
 - b. Internet cafes and smoke shops; and
 - c. Sexually oriented businesses regulated under LDC sections 13-648-650.
3. Site development shall generally conform to the conceptual plan provided in the application. Conceptual plan modifications that do not create negative off-site impacts, or intensify the permitted uses may be approved by the City Manager. Any requested modification that increases projected traffic generation by ten percent or more shall require City Council approval.
4. Outdoor industrial activity is prohibited within 100' of the south property lines where the site abuts residential or rural residential uses. This restriction does not include outdoor storage use of the area.
5. 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 SR 471 -- Ten (10) feet minimum width with two (2) canopy trees, three (3) understory trees and either a continuous hedge or opaque fence.
 - c. No buffering required along the north and east property lines where the project abuts industrially zoned property.
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. City and 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.

**CITY OF WEBSTER
REZONING APPLICATION**

**PLANNING & ZONING
JULY 13, 2023**

**CITY COUNCIL
JULY 20, 2023
AUGUST 17, 2023**

CASE NUMBER: R-23-008212

LANDOWNER: Florida 1 Holdings, LLC.

REPRESENTATIVE: Ryan Solstice, LPG Urban and Regional Planners, LLC

REQUESTED ACTION: Rezone 22.2 acres MOL from County – Industrial to Planned Industrial

PARCEL NUMBERS: Q19-085

LEGAL DESCRIPTION: IN SEC 19, TWP 21S, RNG 23E: THE SW 1/4 OF SW 1/4 AND S 1/2 OF NW 1/4 OF SW 1/4 LESS THE N/LY 1037.40 F THEREOF AND LESS AND EXCEPT THE E/LY 125.00 FT THEREOF ALSO LESS RD R/W AND LESS THE E 417.42 FT OF W 989.17 FT OF S 233.71 FT OF SW 1/4 OF SW 1/4

EXISTING ZONING: County - Industrial

EXISTING USE: Vacant

FUTURE LAND USE: County - Industrial (Concurrent land use amendment SS-23-08210 to Webster - Industrial)

PARCEL SIZE: 22.2 acres MOL

LOCATION: NE corner of SR 417 and C-714 (Map 1).

SURROUNDING LAND USE AND ZONING

The application site consists of one single parcel of 22.2 acres MOL on the corner of S.R. 471 and CR 714. The surrounding area is Agriculture and Industrial on the Future Land Use Map with the contiguous properties to the north being Industrial. Surrounding zoning includes Residential (R2M, RR1, RR1C RR5C) to the north, south, east, and across S.R. 471 to the west, with Agriculture (A10C) to the northeast (Map 2).

CASE SUMMARY

The applicant is requesting this rezoning to allow for retail, warehouse, and outdoor storage uses. The conceptual plan (Attachment) provides for 50,751 sq ft of retail with 176,753 sq ft of warehousing. A large on-site wetland will be preserved and buffers supplied where the project abuts residential uses. The property is located within a secondary economic activity center and is located on an arterial road. There are existing industrial and commercial uses to the north. This rezoning follows a recent annexation of the property in to the City of Webster.

CASE ANALYSIS:

The request is simply to change the zoning based on jurisdiction. The requested zoning is more restrictive than the current county zoning.

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.
Annexation in to Webster prompted this change.
- b) Community need, or lack of community need.
The requested rezoning will allow for retail and warehousing development in an area with similar commercial/industrial uses
- c) Benefits to the community.
The rezoning will provide an additional product/service to the area and jobs.
- d) The rights of private property owners.
This rezoning will preserve the existing industrial development rights currently in place with County land use and zoning.

Staff has reviewed land ownership and authorization.

DEVELOPMENT SERVICES DEPARTMENT STAFF CONCLUSIONS

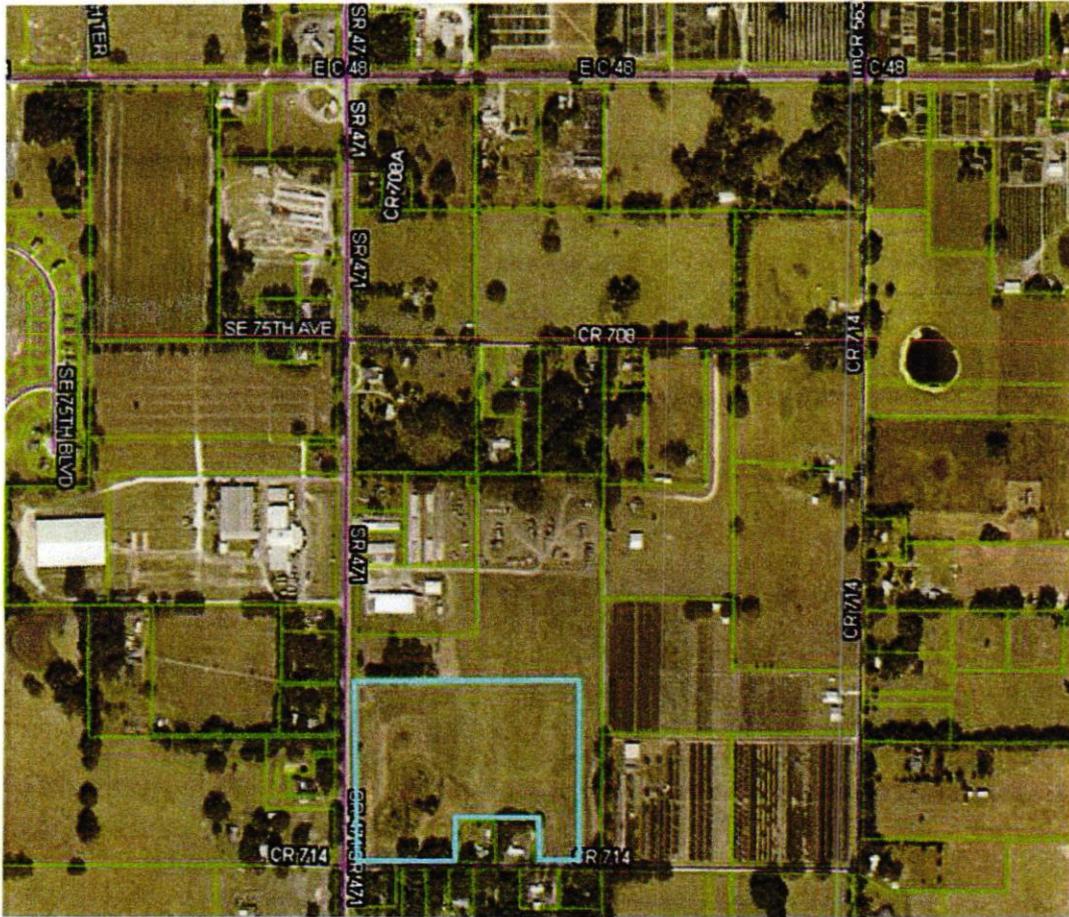
Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Webster Land Development Code and Comprehensive Plan and recommends approval subject to the following conditions:

1. The Planned Industrial zoning shall permit uses permitted in the Industrial and Heavy commercial zoning districts as provided in the Webster Land Development Code and as modified in this approval.

2. The following uses shall be prohibited:
 - a. Uses requiring a special use permit, conditional use permit, or operating permit.
 - b. Internet cafes and smoke shops; and
 - c. Sexually oriented businesses regulated under LDC sections 13-648-650.
3. Site development shall generally conform to the conceptual plan provided in the application. Conceptual plan modifications that do not create negative off-site impacts, or intensify the permitted uses may be approved by the City Manager. Any requested modification that increases projected traffic generation by ten percent or more shall require City Council approval.
4. Outdoor industrial activity is prohibited within 100' of the south property lines where the site abuts residential or rural residential uses. This restriction does not include outdoor storage use of the area.
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 - 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.
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 - c. No buffering required along the north and east property lines where the project abuts industrially zoned property.
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. City and 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: 26

Map 1
General Location



Attachment
Conceptual Plan

