



Board of County Commissioners Agenda Request

Date of Meeting: May 28, 2019

Date Submitted: May 21, 2019

To: Honorable Chairman and Members of the Board

From: Margaret Emblidge, AICP, Planning & Community Development Director

Agenda Location: Public Hearing – 1st Reading of Ordinance

Subject: RZ19-0003 Wheeler Estates

Statement of Issue:

This is the first reading for a County initiated rezone of +/- 1,707 acres from General Agriculture (A-3) and Residential/Low Density (RG-1) to a new Zoning District – Rural Residential – Wheeler Estates (RR-WE). This action is a result of the Wheeler Estates Land Use Study and is in conjunction with the Comprehensive Plan text and map amendments establishing the new future Land use Category and policies for Wheeler Estates and the Land Development Code amendments creating new regulations for Wheeler Estates.

Background

The proposed rezone is based upon data gathered from five (5) community meetings held between September 2018 and February 2019. Not all of the properties in Wheeler Estates are being rezoned. The remaining properties will be grandfathered in for their various zoning districts including General Agriculture, Industrial and Commercial. Additionally, the regulations were crafted based upon a community-wide survey process. The input received at the various community meetings and from the survey results were highly informative, and generally cohesive in terms of the community's support of single-family residential, agricultural and recreational land uses that protect and enhance the rural character. Limited convenience commercial, civic and recreational uses are also generally supported by the community with careful and well-crafted limitations including enhanced design and locational standards.

The community has been notified of the public hearings and the final proposed amendments have been emailed and posted on the County website.

Analysis

Wheeler Estates consists primarily of five (5) zoning districts: Agricultural Transitional (A-3) and limited areas of Residential Low Density (RG-1). There are also isolated areas of High Intensity Commercial (C-3), Light Industrial (I-1), and General agriculture (A-2) zoning districts immediately north of 10th Place and Wheeler Road. These non-residential lands comprise 226+/-acres—approximately 1% of Wheeler Estates.

This rezoning will only apply the A-3 and RG-1 zoned parcels. See Attachment A. The existing C-3, I-1 and A-2 zoned parcels will be grandfathered in. The Comprehensive Plan text amendment will restrict any future rezoning so that the expansion or addition of these zoning districts will be prohibited. The companion Land Development Code amendments that will establish development standards and will only apply to the properties rezoned to RR-WE.

Fiscal Impact

N/A.

Options

Option 1: Consider the Proposed Ordinance.

Option 2: Board direction.

Recommendation

Option 1

Attachments:

1. Proposed Ordinance
2. LPA Packet

COUNTY OF HENDRY, STATE OF FLORIDA

ORDINANCE NO. 2019 - _____

RECORDED IN ORDINANCE BOOK _____, PAGE _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, MAKING A ZONING DISTRICT BOUNDARY CHANGE FROM AGRICULTURE TRANSITIONAL (A-3) AND RESIDENTIAL LOW DENSITY (RG-1) TO RURAL RESIDENTIAL-WHEELER ESTATES (RR-WE) ON +/-1,707 ACRES; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Planning Agency of Hendry County has heretofore held a public hearing on March 20, 2019, on a petition filed by Hendry County Board of County Commissioners (HEARING NO. RZ19-0003), for +/- 1,707 acres; and has given its recommendation of approval to the Board of County Commissioners for the requested rezoning from A-3 and RG-1 to RR-WE set forth hereafter; and

WHEREAS, the Board of County Commissioners has held a public hearing this day to hear any and all comments to the granting of said rezoning; and

WHEREAS, the Board finds the request consistent with the intent of the Hendry County Comprehensive Plan and finds the rezoning to be warranted by the facts, not contrary to the public interest and compatible with the zoning regulations in all other respects, and should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hendry County, Florida:

SECTION ONE. The zoning on the below described property ("Subject Property"), which is currently Agricultural Transitional (A-3) and Residential Low Density (RG-1), is hereby changed to the Rural Residential – Wheeler Estates (RR-WE) zoning district and legally described as:

Legal Description

LANDS LYING IN SECTIONS 6, 7, 18, 19, 30, & 31, TOWNSHIP 44 SOUTH, RANGE 28 EAST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST HALF OF SECTION 6, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET;

AND

THE WEST HALF OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET;

AND

THE WEST HALF OF SECTION 18, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET AND THE SOUTH HALF OF THE SOUTHWEST 1/4;

AND

THE WEST HALF OF SECTION 19, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE FOLLOWING: THE EAST 350 FEET; THE NORTH 1/2; THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4;

AND

THE WEST HALF OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET;

AND

THE WEST HALF OF SECTION 31, TOWNSHIP 44 SOUTH, RANGE 28 EAST, LESS THE EAST 350 FEET AND THE SOUTH 300 FEET.

SECTION TWO. CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Hendry County Ordinance or Florida Statutes, the more restrictive shall apply.

SECTION THREE. SEVERABILITY

The provisions of the Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any Court of competent jurisdiction shall hold any provision of the Ordinance invalid or unconstitutional, the decision of such Court shall not affect or impair any remaining provisions of this Ordinance.

SECTION FOUR. SCRIVENER’S ERRORS

It is the intention of the Board of County Commissioners of Hendry County that sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator's designee, without need of public hearing, by filing a corrected or recodified copy of the same with the County Clerk.

SECTION FIVE. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its filing with the Secretary of State. Duly passed and adopted in Regular Session of the Board of County Commissioners of Hendry County, Florida this 18th day of June 2019.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA**

Barbara Butler, Clerk

Mitchell Wills, Chairman



HENDRY COUNTY PLANNING & ZONING DEPARTMENT

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STAFF REPORT

RZ19-0003

Rezone from RG-1 and A-3 to RR-WE

Local Planning Agency

3/20/19

Application Information

Applicant: Hendry County
 Owner(s): Various
 Agent: Alexis Crespo, Waldorp Engineering
 Request action: The applicant is requesting to rezone various parcels from A-3 or RG-1 to RR-WE on approximately +/- 1,707 acres.

Location: Wheeler Estates
 (Various Parcels)

Zoning: A-3/ RG-1
 Future Land Use Map: Multi-Use Development
 Size: +/- 1,707 acres
 Existing use on the site: Residential/Vacant

All required application material has been received. All required notices have been made.

Surrounding Area Information

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Future Land Use Map Category</u>
North	Agriculture	A-2	Agriculture
South	Agriculture	A-2	Agriculture
East	Agriculture	A-2	Agriculture/ Rodina Sector Plan
West	Lee County	Lee County	Lee County

Summary of Request and Background Information

This is a County initiated rezoning of +/-1,707 acres from General Agriculture (A-3) and Residential/Low Density (RG-1) to a new Zoning District – Rural Residential – Wheeler Estates (RR-WE). This action is the result of the Wheeler Estates Land Use Study and is in conjunction with the Comprehensive Plan text and map amendments establishing the new future Land use Category and policies for Wheeler Estates and the Land Development Code amendments creating new regulations for Wheeler Estates.

The proposed rezoning is a result of a Land Use Study funded by the Community Planning Technical Assistance Grant (“Grant”) administered through the Department of Economic Opportunity (“DEO”).

With the assistance of Waldrop Engineering, there have been five (5) community meetings that have established the community’s vision and guided the development of Comprehensive Plan and Land Development Code amendments.

There are three (3) actions as the result of the land use study. One is a comprehensive plan amendment to create a new Future Land Use Category and related policies, two is to create Land Development Code regulations specific to the overall Wheeler Estates. The third action, which is the subject of this petition, is to rezone the parcels currently zoned A-3 and RG-1 to a new zoning district Rural Residential – Wheeler Estates (RR-WE).

Current Zoning Districts

Wheeler Estates consists primarily of five (5) zoning districts: Agricultural Transitional (A-3) and limited areas of Residential Low Density (RG-1). There are also isolated areas of High Intensity Commercial (C-3), Light Industrial (I-1), and General agriculture (A-2) zoning districts immediately north of 10th Place and Wheeler Road. These non-residential lands comprise 226+/- acres—approximately 1% of Wheeler Estates.

Proposed Rezoning

This rezoning will only apply the A-3 and RG-1 zoned parcels. See Attachment A. The existing C-3, I-1 and A-2 zoned parcels will be grandfathered in. The Comprehensive Plan text amendment will restrict any future rezoning so that the expansion or addition of these zoning districts will be prohibited. The companion Land Development Code amendments that will establish development standards and will only apply to the properties rezoned to RR-WE.

Consistency with the Comprehensive Plan

Once the proposed CPA19-0001 that establishes the Wheeler Estates future land use category and policies this rezone will be consistent with the comprehensive plan. The companion Comprehensive Plan Amendment seeks to re-designate lands within the Study Area to “Wheeler Estates” future land use category to provide a more appropriate and flexible range of uses for this rural and predominantly residential community. The proposed rezoning would be consistent with and complimentary to the companion Wheeler Estates future land use category, and the overall intent of the Hendry County Comprehensive Plan including the Future Land Use Element

Goal 1: To ensure the development and maintenance of a functional and well related pattern of land use types that provides for population growth, land development and redevelopment, and the appropriate distribution, location and densities and intensities of use consistent with adequate services and facilities and consideration of natural resources.

Consistency with the Land Development Code

The RR-WE zoning district, as proposed through these amendments, allows the County to tailor regulations to address the unique needs of Wheeler Estates, and ensures increased protections

against inappropriate development patterns, while providing landowners with increased flexibility to enjoy their properties. All new development and redevelopment of the subject properties will be required to comply with the companion Wheeler Estates land development regulations including but not limited to the following:

- Chapter 1-53, Zoning, specifically, Section 1-53-2.1, Establishment of Districts;
- Section 1-53-2.2, Land Use Classifications; Table 53-1, Table of Use Regulations;
- Section 1-53-3.7 Agricultural Transitional District;
- Creating a New Section 1-53-3.7.1, Wheeler Estates Development Standards; and
- Table 53-2, Table of Dimensional and Density Regulations.

Recommendation

Conduct a public hearing and make a recommendation to the Board of County Commissioners to approve the rezoning as proposed.

Attachments

A – Proposed Zoning Map

EXHIBIT "A"

