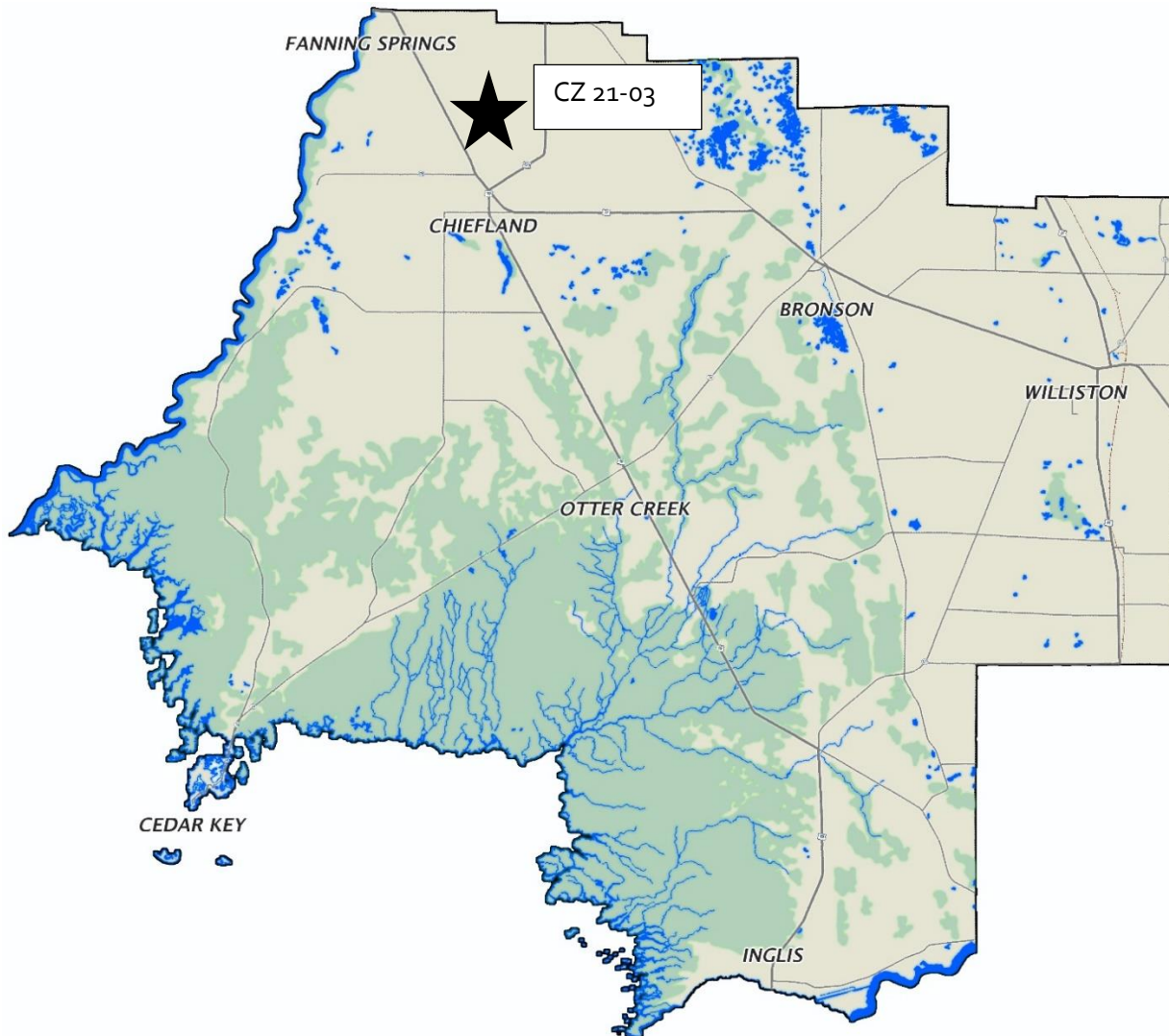


Levy County Planning and Zoning Department Staff Report

Levy County Board of County Commissioners Public Hearing, August 3, 2021

Change of Zoning "CZ 21-03"



Levy County Planning and Zoning Department Staff Report

David and Kayla Infinger Change of Zoning CZ 21-03

From: Planning and Zoning Department, Stacey Hectus, Director

To: Levy County Board of County Commissioners

Owner: David and Kayla Infinger
PO Box 2611
Chiefland, FL 32644

Legal

Description: US 19 No. 1 Addition, Lot 26, Block A
Section 14, Township 11S, Range 14E

Parcel ID Number: 075290030A

Current Zoning Designation: Forestry/Rural Residential (F/RR)

Requested Zoning Designation: Rural Residential 2 (RR-2)

Number of Acres: 2.55 acres

Existing Use of Property: Vacant

Commission District 2: Commissioner Rock Meeks

Project Description based on the Submitted Application and Supporting Documents:

This is an application to assign an “RR-2” Rural Residential 2 (minimum 1 acre) Zoning District to 2.55 acres as identified in the application.

This change of zoning is requested pursuant to an approved Small Scale Plan Amendment [SSA 21-01] to the FLUM which could change the land use designation from Commercial [C] to Urban Low Density Residential [ULDR] land use designation on a parcel located in the Chiefland Municipal Service District.

If approved, the property owner intends to develop the subject parcel with a single-family dwelling.

Staff Review of the Application:

*Staff comments will appear in **BOLD TEXT**.

The following are the code sections related to change of zoning requests.

Sec. 50-665 Zoning change criteria.

(a) The following criteria shall serve as minimum requirements or criteria for the planning commission and the board of county commissioners to consider in a zoning change request, which a zoning request must meet in order to be approved by the board of county commissioners:

1. *Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change are compatible with the adjacent development, and with uses allowed in the land use and zoning districts in the surrounding area or neighborhood.*

The change from F/RR to RR-2 is more consistent with the developing patterns in this neighborhood. While history has this as a commercial area it has been predominately developing from commercial to residential over the years. There had been a pause after 2009 when the residential uses were removed from the comp plan and LDC. Folks have unknowingly been purchasing lots in this neighborhood for residential development and have run into this required change before they can move forward with residential development. You saw a Large Scale Text Amendment LSTA 21-01 at the June meeting that we are using to attempt to fix this situation.

Additionally, F/RR is the “fall-back” zoning we use in the MSD when no rezoning has occurred even on commercial property. Once we have a zoning map adopted the jump from F/RR in an urban area will not be necessary.

The property to the north is a church, the property to the south and east are also F/RR but have a commercial future land use. The property to the west is commercial surrounded by residential.

2. *Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change are consistent with the provisions of the comprehensive plan.*

With the upcoming Large Scale Text Amendment in progress that language will aid in “fixing” this situation that keeps arising in these commercial neighborhoods that have predominately developed residentially. However, without that language in place what the applicant is requesting with the change of zoning would make this request compatible with the Levy County Comprehensive Plan.

3. *Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change would protect the public health, safety and welfare.*

It is staff's opinion the proposed zoning change would not be detrimental to the public, health, safety and welfare.

4. *Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change would adversely affect property values for properties in the surrounding area or neighborhood.*

Neither a professional analysis or opinion was provided as to the effect the proposed residential development of the subject property would have on nearby property values.

5. *Whether there are substantial reasons why the property cannot be used in accordance with the existing zoning district.*

The zoning on this property is currently our "Fall-Back" zoning of F/RR and is not compatible with this area so the request is necessary to make this zoning on this property more compatible with the surrounding development patterns.

6. *Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change would cause a detrimental increased load on public infrastructure, including but not limited to schools, utilities, roads, solid waste, than would otherwise be allowed with the existing zoning district.*

As seen in the previous Small Scale request, SSA 21-01 this development would not cause a detrimental impact on services.

7. *Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change would not reduce light and air to adjacent properties and would not cause an increase in smoke, odor, or glare than would otherwise be allowed with the existing zoning district.*

Staff finds the use is allowed by the proposed zoning change and would not reduce light and air to adjacent properties and would not cause an increase in smoke, odor, or glare than would otherwise be allowed with the existing zoning district.

Staff Recommendation:

- This property is located within a suitable location for residential development, as it is located within the Chiefland Municipal Services District. Staff recommends the Board of County Commissioners review and approve this rezoning from F/RR to RR-2. to the Board of County Commissioners.