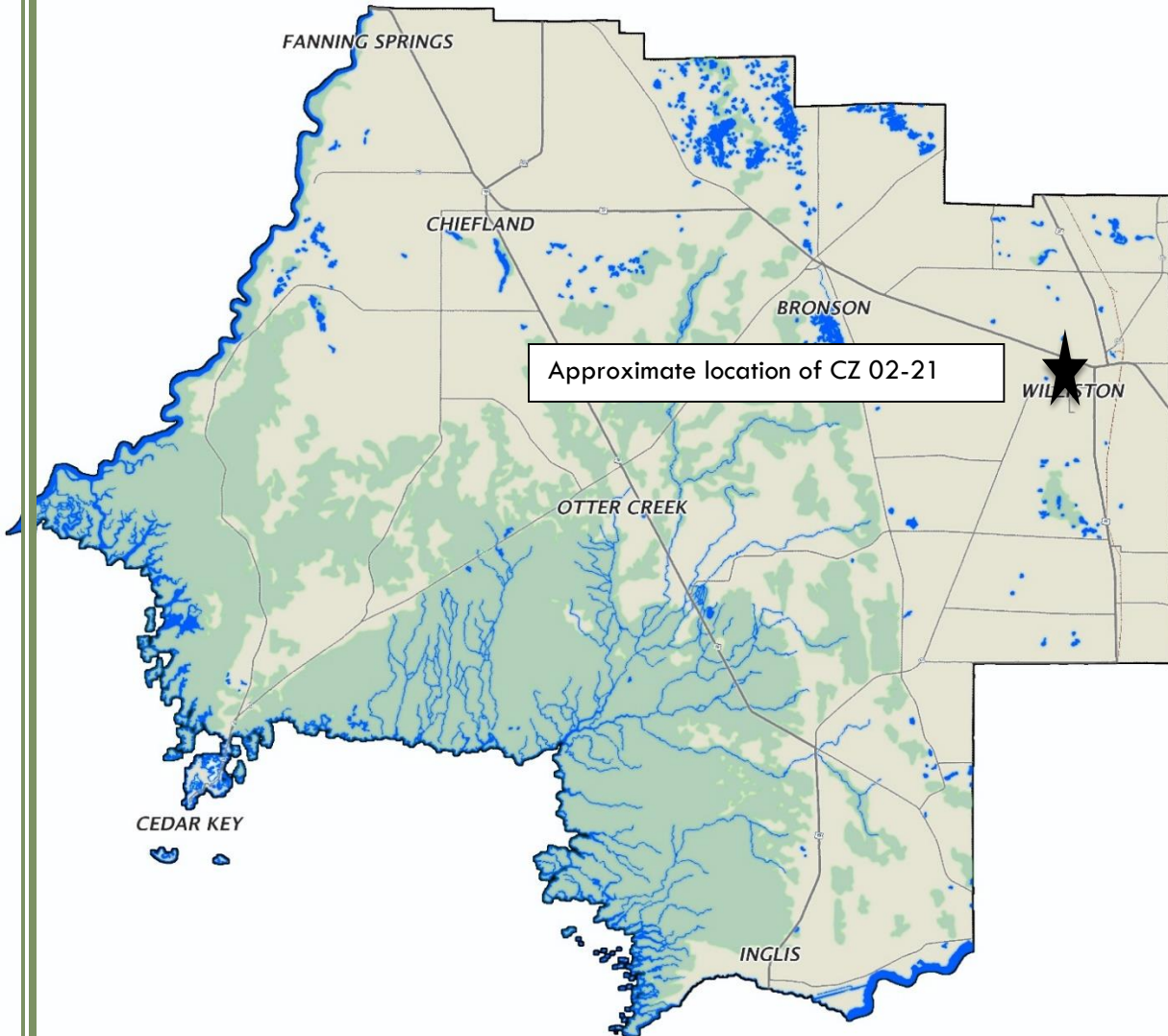


Levy County Staff Report for Pinkston
Change of Zoning (CZ 02-21)



PREPARED BY
LEVY COUNTY
DEVELOPMENT
DEPARTMENT
MAY 3, 2021

FOR THE LEVY
COUNTY
PLANNING
COMMISSION

LEVY COUNTY PLANNING AND ZONING DEPARTMENT
STAFF REPORT

DANIEL & CRYSTAL PINKSTON (CZ 02-21)

To: Levy County Planning Commission
From: Stacey Hectus, Planning and Zoning Director

Applicant/Owner: Daniel and Crystal Pinkston

Legal Description: 35-12-18 0009.20 ACRES SE1/4 OF SE1/4 SOUTH OF U S HWY 27-A OR BOOK 676
PAGE 757 LESS ADD'N RD R/W & WATER RETENTION AREA OR BOOK 609
PAGE 352
Section 35, Township 12, Range 18, Levy County.

Parcel ID Number: 0428400000

Total Project Area: 9.70 acres more or less

Commission Dist.: Commissioner Brooks

Location Address: Not applicable

Current Zoning Designation: "FRR" Forestry/Rural Residential

Requested Zoning Designation: "C-2" Neighborhood Commercial

Aerial Location Map:



Staff Review Based on the Application Submitted:

This is a request by the applicant to assign a “C-2” Neighborhood Commercial Zoning District to 9.7 acres as identified in the application, and in the preface of this staff report. The subject property is located within the Williston Municipal Service District (MSD). The property is undeveloped and fronts U.S. Hwy 27.

This change of zoning is necessary based on their request to build and operated a mini warehouse business on this site.

Proposed use of the Property: Mini Warehouse development

The C-2 Neighborhood Commercial Districts are intended to provide locations for uses directed primarily at serving a surrounding neighborhood. A mini warehouse is a permitted use in our C-2 zoning district.

Existing land uses:

- North of the subject parcel is US HWY 27.
- South of the subject parcel is a residential property.
- East of the subject parcel is vacant commercial.
- West of the subject parcel is a FDOT drainage ditch for the development of US HWY 27.

The following are the code sections related to changes of zonings. Staff has provided comments following each applicable code section in **BOLD**.

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 surrounding land use is commercial and urban low density residential. Located within the MSD the commercial and low density residential are often times located adjacent to each other as in this case. Based on the sketch plan submitted and with them locating the outside storage further than 200 feet from the nearest residential zoning district this would be compatible on US HWY 27.
 - (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.

The change of zoning application would be consistent with the 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.
 - (4) Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change would not 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 commercial 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 subject parcel has a zoning designation of “FRR” Forestry/Rural Residential. This parcel has a Future Land Use designation of Commercial. For this property to be compatible with the Comprehensive Plan it should be changed to a commercial zoning designation and in this case the

request is for C-2 Neighborhood Commercial which allows for this type of development to mini warehouses.

- (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.

Commercial development usually does not have a negative impact on schools. This property is not on municipal services so they will be responsible for their own well and septic on the property.

- (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.

The zoning change requested 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 in the existing zoning district.

- (b) *Commercial.* In addition to the foregoing criteria, the following criteria shall be applicable if the request is for a zoning change to a commercial designation:

- (1) Rural commercial nodes as shown on the future land use map will be limited to areas and uses as provided in the comprehensive plan. **Not applicable to this application. This request is not located in a Rural Commercial Node.**
- (2) On the principal arterial and intrastate systems, commercial development will be required to locate within areas expressly designated for such development as part of a municipal services district, rural commercial node, established community, or commercial land use or overlay, as identified and allowed by the comprehensive plan, with rights-of-way and frontage road reservations; or, outside such areas, shall be permitted only in planned unit developments, subject to the following restrictions and requirements:
- a. Commercial uses may be approved in planned unit developments provided that the amount of commercial land is limited to ten acres per 500 approved dwellings in the planned unit development. (Dwelling units per acre shall not exceed the densities established for the land use category in which the planned unit development is located.) **Not applicable to this application.**
- b. For nonresidential planned unit developments, such as industrial, recreational or agribusiness, the amount of commercial land area is limited to the lesser of either: **Not applicable to this application.**
1. Ten acres per 100 acres of principal use; or
 2. Ten square feet of floor area per 100 square feet of principal use floor area.
 3. In addition, the principal uses in nonresidential planned unit developments shall be consistent with the land use category in which the planned unit development is located.
- c. Development permits for commercial land uses within planned unit developments shall be issued in direct proportion to, and shall not exceed, the percentage of building permits that have been issued for the principal uses; e.g., if ten percent of the commercial land use (computed from subsection (b)(2)a of this section) may be issued, etc. **Not applicable to this application.**
- d. Commercial uses within planned unit developments shall be located not less than one mile from a commercial node which is shown on the future land use map, and shall be located not less than one mile from other commercial land uses within planned unit developments, unless the other commercial uses are immediately adjacent. The words "immediately adjacent" shall include commercial uses which would be adjacent except for an intervening right-of-way. **Not applicable to this application.**

- i. It is further the intent of the board of county commissioners that between Chiefland and Fanning Springs, all lands shall be designated as C-1, C-2 and C-3, reflecting the amount of existing development in the area, as reflected on the U.S. 19-98 Corridor Future Land Use and Zoning Districts map adopted by the board of county commissioners. These designations shall not preclude future consideration of, and rezoning to, C-4 or other commercial zoning designations if appropriate. Elsewhere in the county, land uses will be assigned to an appropriate zoning category, either through the board's adoption of a zoning map or atlas or upon application for a zoning designation and approval of such application by the board. Any zoning designation shall not preclude future consideration of, and rezoning to, another zoning district if appropriate and approved by the board. **Not applicable to this application as this request is located on US HWY 27.**

- j. Any area reserved (not dedicated) for right-of-way and frontage road construction may be utilized by the owner for the following purposes only:
 - 1. On-premises advertising signs.
 - 2. Water retention areas.
 - 3. Off-street parking; provided, however, that the area will either be unpaved or paved to frontage road construction standards to eliminate the need for future reconstruction.

- k. At such time as a regional stormwater management plan is complete, all commercial site plans and development shall conform to such plan, and no right-of-way reservation area may be utilized for water retention.
 - l. At such time as any segment of a principal arterial is scheduled for frontage road construction as a part of the state department of transportation five-year work program, the county comprehensive plan, through any joint county/state agreement or through special enabling legislation, right-of-way dedication will become mandatory and shall replace the reservation provisions of this article.

STAFF SUMMARY:

A site plan is not required to be provided with the application for a change of zoning. However, the application does list intended uses of the property for mini warehouses and the applicant did provide a sketch plan. This was important because per our code provision Sec. 50-762 Outdoor Storage is not permitted within 200 feet of residential property so that is why the sketch plan was so important to show that provision of the code was met.

The application does not include a traffic analysis. Without a detail development plan, it is impossible to estimate the amount of traffic that would be produced by commercial use of the property.

Compatibility:

As mentioned above the C-2 Neighborhood Commercial request is what we use when transitioning from commercial to residential as in this case and with a Future Land Use of Commercial the intent is for commercial zoning.

Screening and Buffering:

In order to buffer commercial uses from nearby residential uses, the applicants will be required to meet the setback requirements from the street system as required by **Section 50-676, Schedule 2, Lot, Yard and Height Regulations**, and Section 50-823, Visual Barriers. This section provides for specific buffering techniques where a commercial land use abuts a residential land use. Such buffering must include one or more of the following visual barriers of at least six feet in height:

- A landscaped and irrigated berm;
- A non-deciduous vegetative screen spaced in a manner that provides an un-broken screen at the time of planning.

- An opaque fence of masonry construction at least six feet high, or a combination of berming and fencing, with the outside designed to blend with the character of the surrounding neighborhood.

Buffering will be required at the time of site plan review for any development proposal.

Section 50-382. – Off Street Parking and Loading Spaces.

Off-Street Parking and Loading Spaces will be required at the time of site plan review for any development proposal.

Recommendation:

Staff recommends the Planning Commission review and recommend approval of this change of zoning from F/RR Forestry/Rural Residential to C-2 Neighborhood Commercial to the Board of County Commissioners.