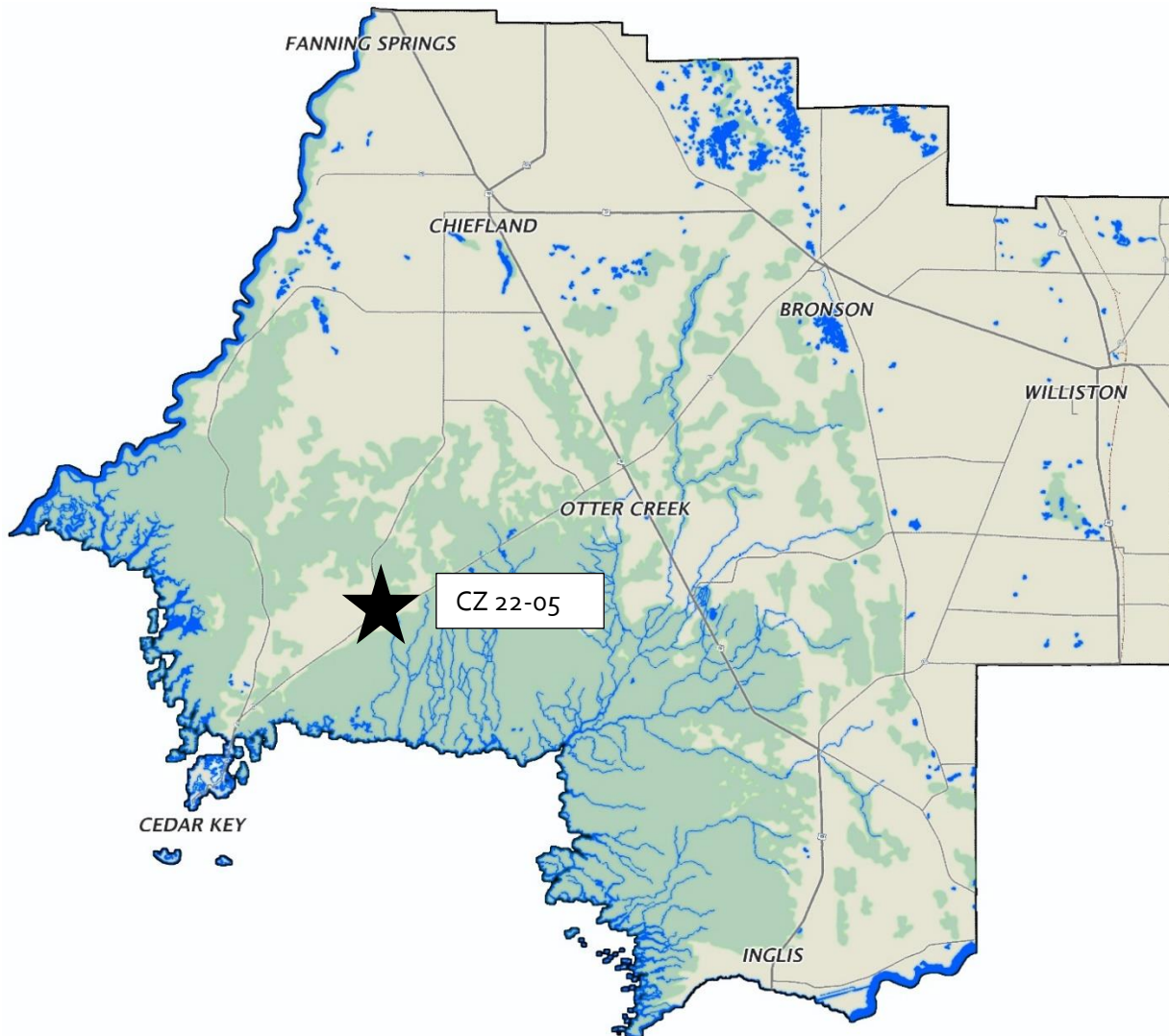


Change of Zoning “CZ 22-05”

Shankland



Staff Report for Planning Commission November 25, 2022
Revised for BoCC December 27, 2022

Levy County Planning and Zoning Department Staff Report

From: Stacey Hectus, Planning and Zoning Department Director

To: Levy County Planning Commission and Board of County Commission

Owner: Marcia Dawn Fleming
6510 SW 101st Terrace
Cedar Key, FL 32625

Applicant: Shankland & Associates, LLC
6970 SW 103rd Terrace
Cedar Key, FL 32625

Legal

Description: See legal description attached as part of the application

Parcel ID Number (s): 0133000400 and 0133200000

Current Zoning Designation: Neighborhood Commercial (C-2)

Current Future Land Use Designation: Commercial

Requested Zoning Designation: Moderately Intensive Commercial (C-3)

Number of Acres: Approximately 11.94 acres

Existing Use of Property: Vacant

Commission District 4: Commissioner Tim Hodge

Project Description based on the Submitted Application, Supporting Documents and review of the Levy County Comprehensive Plan and Land Development Code:

This is an application request to change the zoning from Neighborhood Commercial (C-2) to Moderately Intensive Commercial (C-3) on 11.94 acres of the above referenced parcels. Subject parcel is located in the rural commercial designated area of Rosewood/Sumner (Rural Commercial Node Map #2).

This change of zoning is requested pursuant to 50-665 Zoning Change Criteria and is permitted use in 50-676, Generally, Schedule 1, Use Regulations. The Future Land Use on these parcels is Commercial. The property owners are requesting the C-3 zoning for the development of a 90-unit RV Park, with associated support structures and facilities for water, sewer, maintenance building, laundry, bathhouse, an office with meeting room, gazebo in two to three phases.

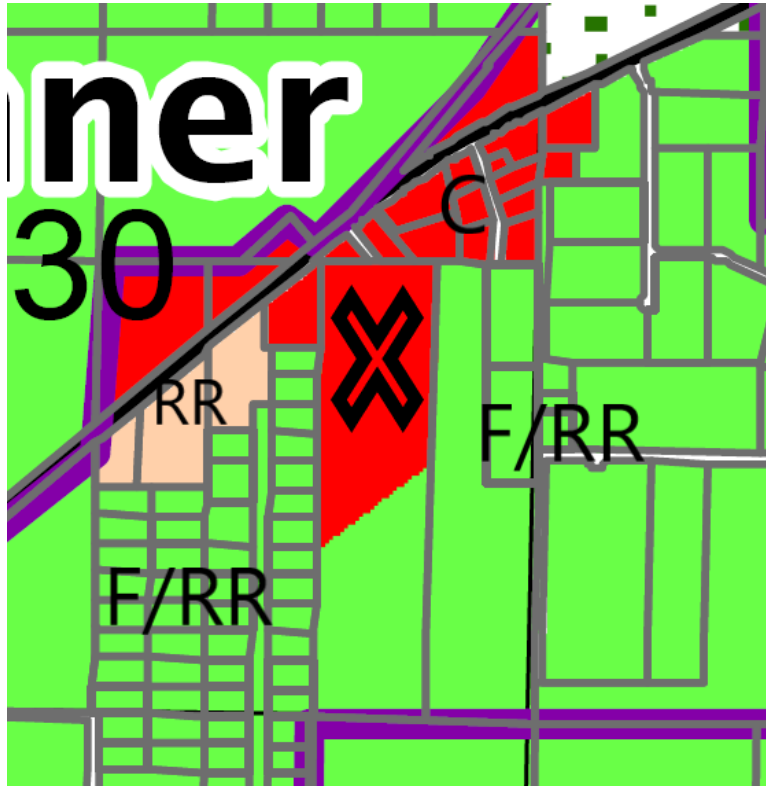
In 1990, when the comprehensive plan was being developed these were areas where significant commercial growth had already been established. This area and three other such areas did not meet the size limitations of a node but because of their history they were given a Rural Commercial Node designation of #2 (see map). However, these areas promote commercial and industrial uses such as the one being requested in this application. These Rural Commercial Node designated areas provide mixed use development, to support established communities in the rural areas in the County. The intent of this land use is to promote compact nodal development, redevelopment, and to reduce the number and length of vehicular trips for retail services and employment. Parcels located in these Rural Commercial Nodes/Rural Designated areas as set forth on our Future Land Use Map have choices when it comes to zoning, they can leave the existing zoning in place, rezone to an applicable zoning within their commercial future land use designation or rezone to Rural Mixed Use (RMU). This applicant is choosing to rezone to C-3 since that is the zoning required for a RV Park. The other benefit this parcel has going for it is it already has a Commercial FLU designation on it. In many of the RCN areas they don't already have these designations. It also requires a special exception that the applicant has applied for as the next item. The rezoning has to happen before a special exception request can be made.

If we go back to 1990 and before, this parcel was a mobile home park of 19 units. It was also a hunt club with a restaurant which has now been converted to a residential home. It still exists and is occupied. Access to this home will have to be contemplated in their overall design. You will see on the site plan and other maps this applicant is not utilizing all of the commercial section of this larger 40 acre tract. This is one of those split FLU and zoned parcels. It is approximately 20 acres of commercial and 20 acres of F/RR.

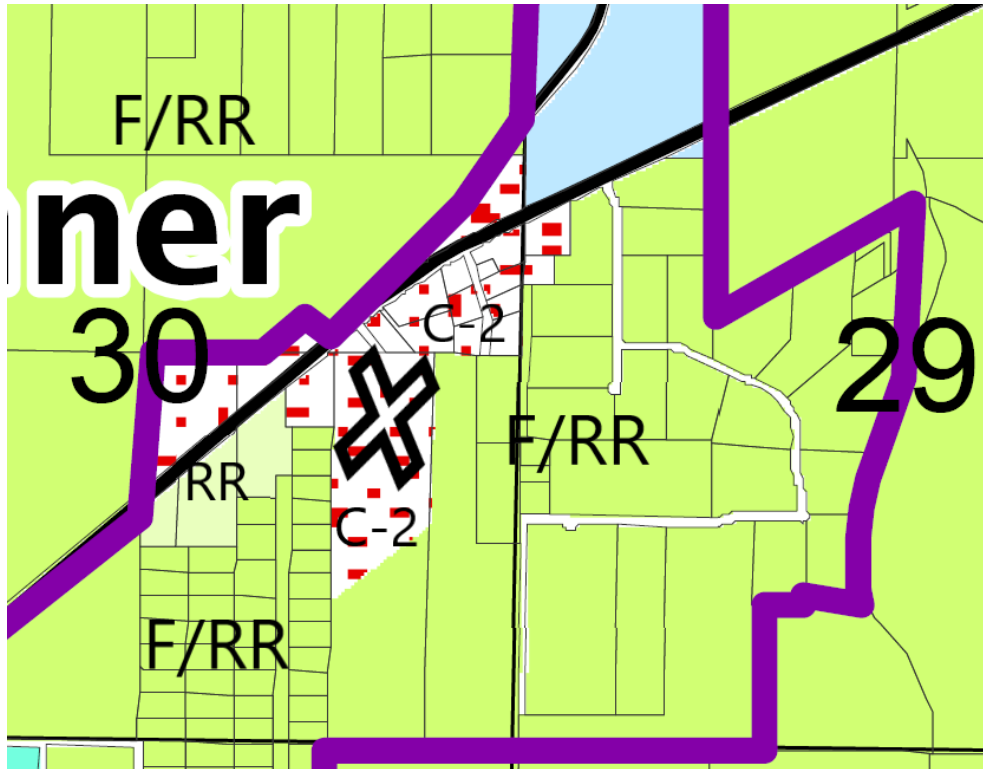
Aerial Location Map



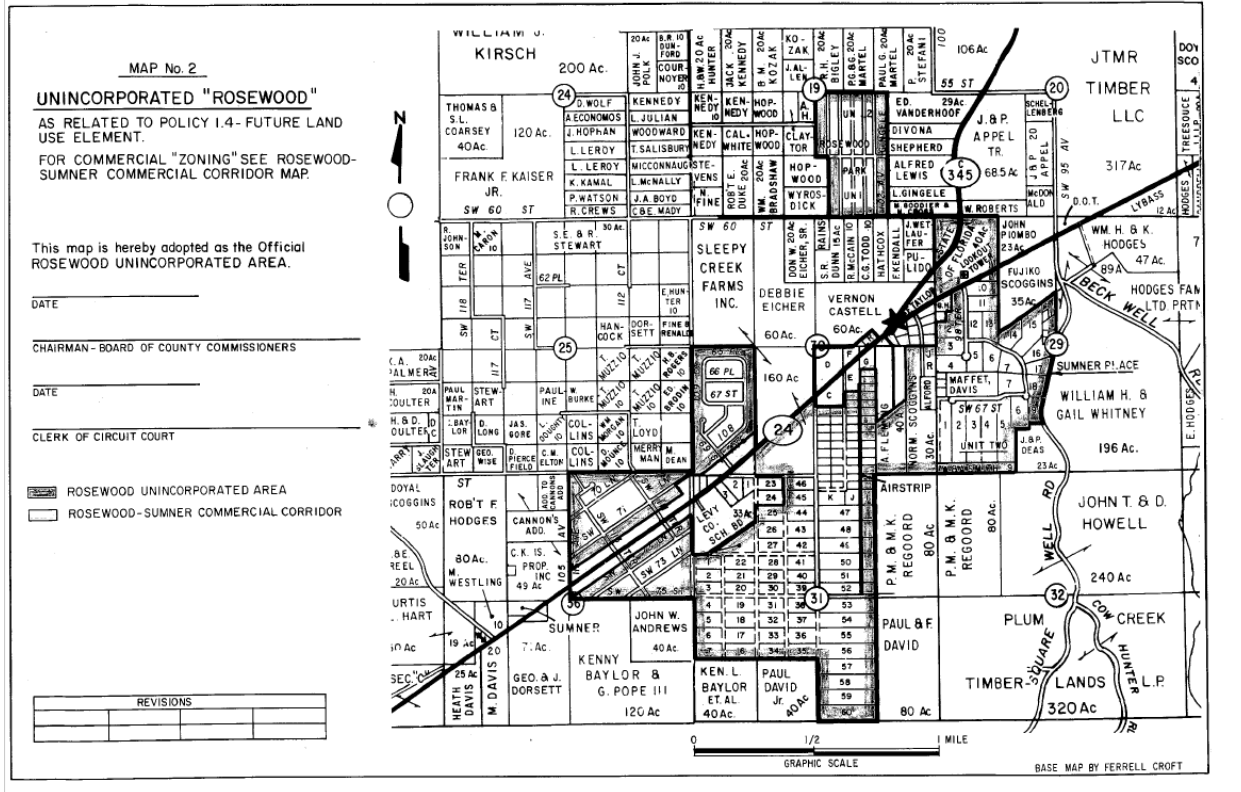
Future Land Use Map and surrounding area



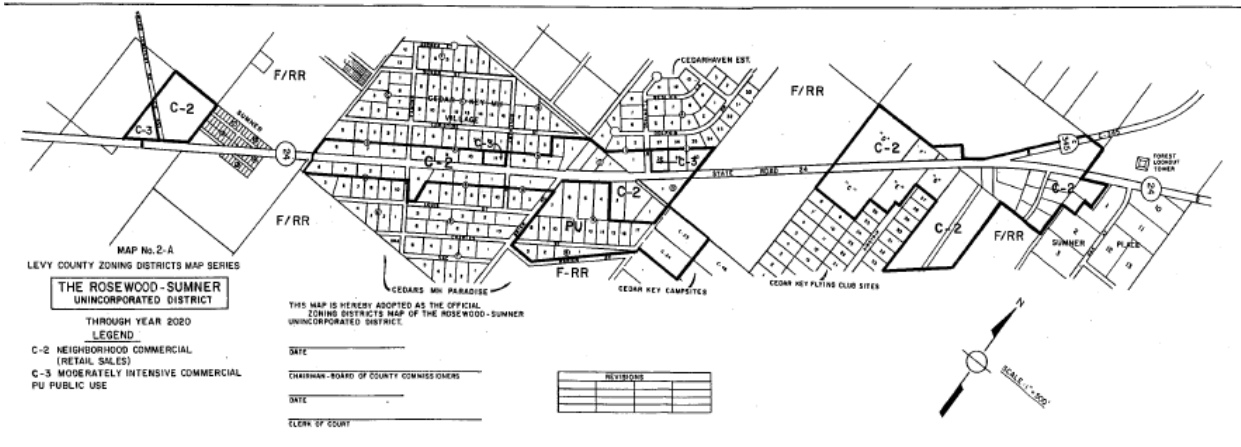
Zoning Map and surrounding area



Rural Commercial Node Map #2



Rural Commercial Node Map #2a – shows zoning



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. - Criteria for amendments to the zoning map atlas.

The following criteria shall be considered by county staff, the planning commission and the board of county commissioners when reviewing an amendment to the zoning map atlas:

- (1) Consistency. The proposed rezoning is consistent with the comprehensive plan and this land development code.

Provisions of Comprehensive Plan Policy 1.2 Commercial and Rural Commercial Node is what allows this request to be made therefore being consistent with the Comprehensive Plan and the Land Development Code. All provisions of the Land Development Code will be required to be met at the time of building permit.

- (2) Compatibility. The proposed rezoning is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

The parcels surrounding the subject parcels have a Future Land Use of Forestry/Rural Residential (F/RR), Rural Residential (RR) and Commercial. The current zoning surrounding this parcel is F/RR, RR and Commercial. Interestingly enough the existing residential parcels to the east have commercial future land use and C-2 zoning. However, because these parcels are located in a Rural Commercial Node as noted above, the ability to rezone to a commercial designation is permitted via Comprehensive Plan Policy 1.2 Commercial and Rural Commercial Node.

- (3) Development patterns. The proposed rezoning shall result in logical and orderly development patterns.

These parcels being located in a Rural Commercial Node where the intent is to promote commercial and higher-density residential as well as compact nodal development, redevelopment and employment allows for the mix of uses that seem to be occurring in this area. Within close proximity are residential such as a fly in-fly out neighborhood, warehouses, RV parks, a Dollar General and other commercial uses. This area is within a few miles of Cedar Key seems to be a popular place for RV parks.

- (4) Suitability. The property is suitable for the uses that are allowed in the proposed zoning district(s).

This site seems to be suitable based on the site plan submitted for the requested change to Moderately Intensive Commercial (C-3) zoning for an RV Park.

- (5) Adequate public facilities/services. The property is served by public facilities that are adequate for the uses that are allowed in the proposed zoning district(s).

This is one of the few areas of the county that services are not required for commercial development because of its location in a rural commercial node. This development will be utilizing septic and well to operate. The development potential is directly related to the size of the well and septic permitted by the appropriate agencies

- (6) Access. Available ingress and egress is adequate for the uses that are allowed in the proposed zoning district.

The only access for this project will be off SR 24 at their existing access. Any additional access will be garnered by FDOT. The additional emergency ingress/egress is shown on the site plan.

- (7) Public health, safety, and welfare. The uses allowed within the proposed zoning district shall not adversely affect 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. The change would align with the intended land use and some of the areas surrounding existing uses.

The applicant has also provided a detailed application with their justification for this rezoning. Those specifics can be found in the binder provided. They have also provided a Conceptual Site Layout for your review as well.

Staff Recommendation:

- Staff recommends the Planning Commission review the proposed rezoning from Neighborhood Commercial (C-2) to Moderately Intensive Commercial (C-3) on 11.94 acres and make a recommendation to the Board of County Commissioners. Staff recommends **APPROVAL** based on the application submitted.
- The Planning Commission voted 3-0 in favor of the rezoning request.
- **UPDATE** from the December 5th Planning Commission meeting: At the meeting it was brought to the attention of staff that the parcel to the west of the subject request had the wrong future land use and zoning. After the meeting staff pulled all the files from that land use and rezoning from 2018. For whatever reason the future land use and zonings had not been changed based on the approved requests from 2018. So, I am informing the BoCC today that the parcel to the west should have had a future land use and zoning of Rural

Residential (RR). However, since the maps have been adopted staff will need to do a formal staff initiated comp plan amendment and rezoning on this parcel and the additional parcel to the west that was also missed when the mapping request was made from the NCFRPC.

- Additionally, staff received quite a bit of opposition from the Cedars Airfield neighborhood for this proposal at the meeting as well as in writing which should be included in your packets.

