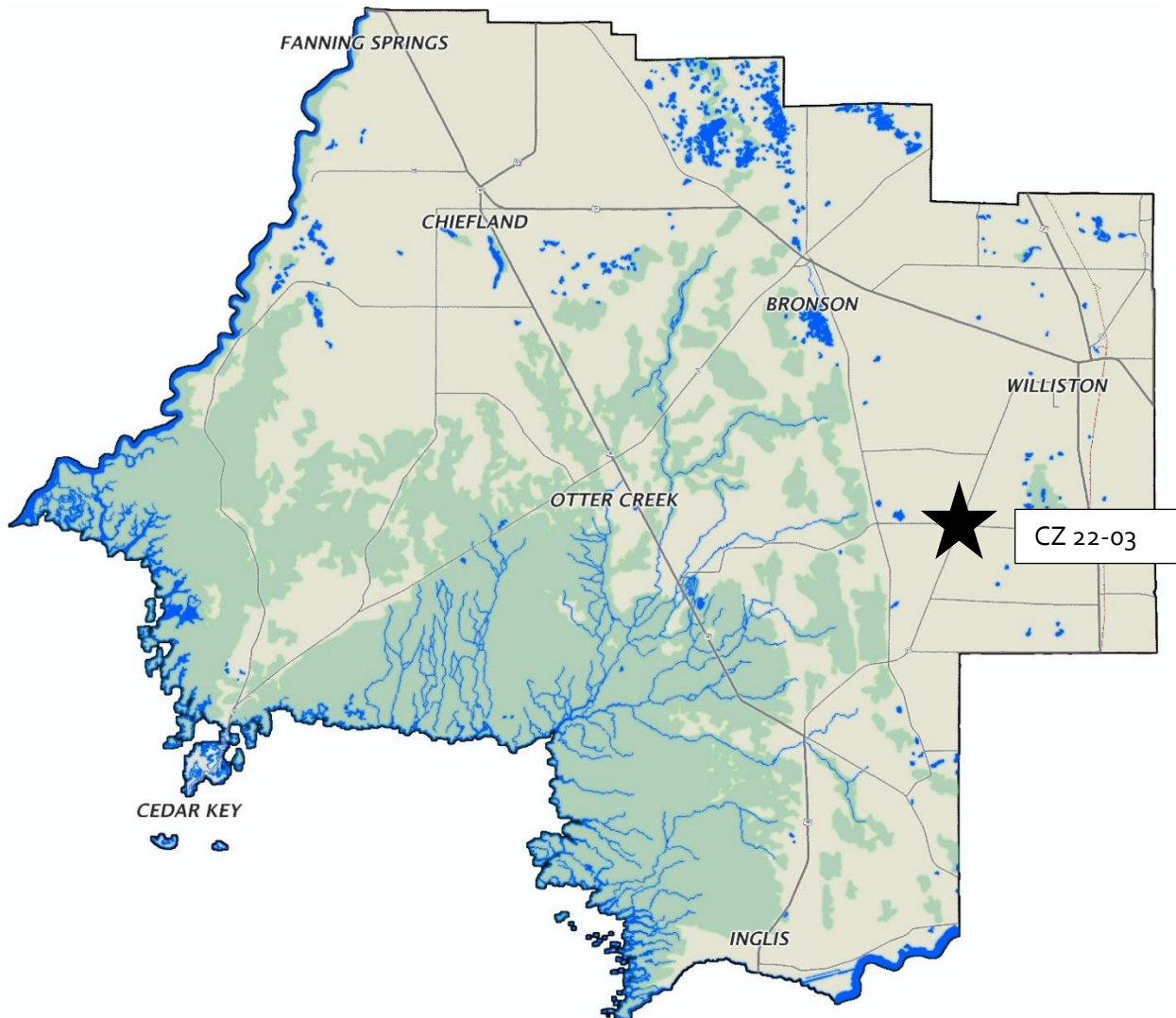


Levy County Planning and Zoning Department Staff Report

Levy County Planning Commission Public Hearing, November 7, 2022

Change of Zoning "CZ 22-03"



Staff Report October 14, 2022
Updated 11/9/22 for BoCC

Levy County Planning and Zoning Department Staff Report

From: Stacey Hectus, Planning and Zoning Department Director

To: Levy County Planning Commission

Owner: Michael & Rene Elliott
15871 SE 22nd Place
Morrison, FL 32668

Christopher Healy
1845 SW 34th Ct.
Ocala, FL 34474

Applicant: CHW Inc.
11801 Research Drive
Alachua, FL 32615

Legal

Description: See legal description attached as part of the application

Parcel ID Number (s): 0955501100, 0955501200, 0955501300 and 0955501000

Current Zoning Designation: Agriculture/Rural Residential (A/RR)

Current Future Land Use Designation: Rural Commercial Node

Requested Zoning Designation: Rural Mixed Use (RMU)

Number of Acres: Approximately 2.33 acres

Existing Use of Property: Vacant

Commission District 2: Chairman Rock Meeks

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 Agriculture/Rural Residential (A/RR) to Rural Mixed Use (RMU) in the # 15 Rural Commercial Node. On 2.33 acres of the above referenced parcels. Subject parcel is not located in a Municipal Service District (MSD).

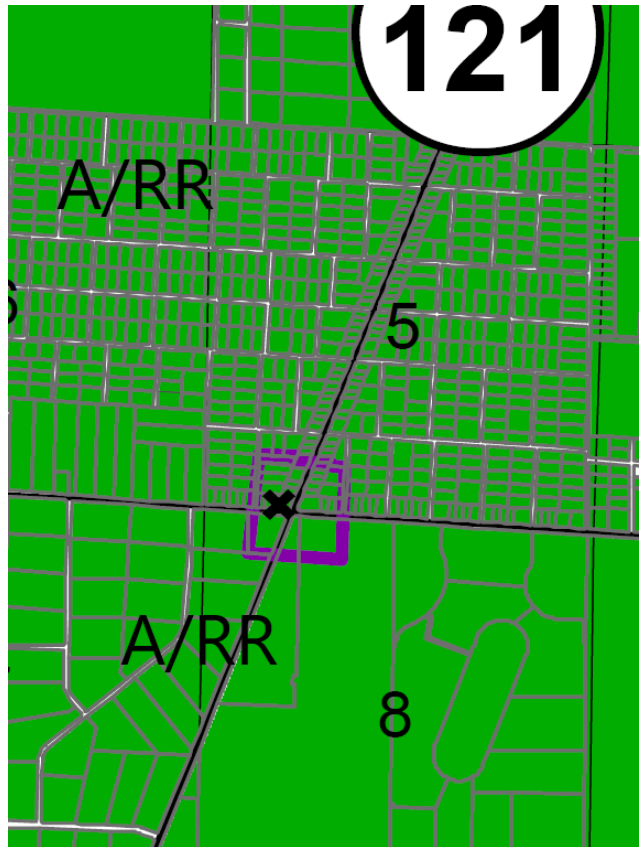
This change of zoning is requested pursuant to 50-665 Zoning Change Criteria and is permitted use in 50-676, Generally, Schedule 1, Use Regulations. The Future Land Use on this property is Rural Commercial Node. The property owners are requesting the zoning of RMU so they can be more compatible with uses in a Rural Commercial Node such as a Dollar General. The Rural

Commercial Node category provides mixed use development, including limited neighborhood commercial, residential and agriculturally related industrial uses 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 Rural Commercial Nodes have two choices in zoning. They can leave the existing zoning in place or rezone to Rural Mixed Use (RMU) for more variety in uses to achieve the goals listed above. This applicant is choosing to rezone.

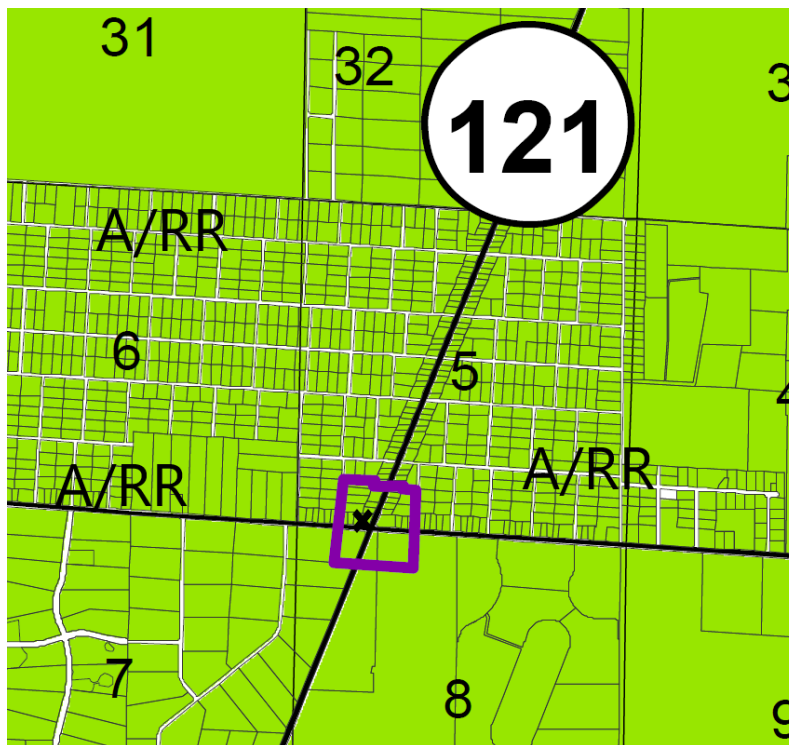
Aerial Location Map



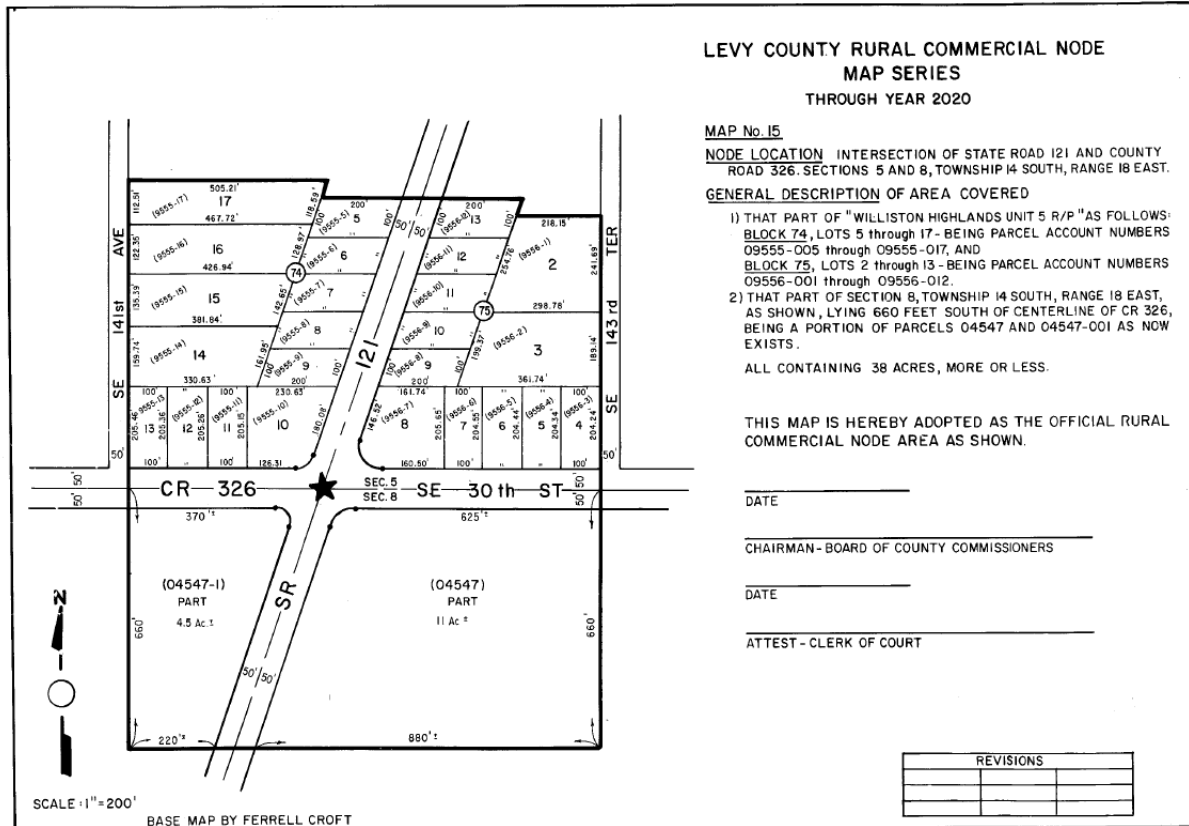
Future Land Use Map and surrounding area



Zoning Map and surrounding area



Rural Commercial Node Map #15



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 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 Agriculture/Rural Residential (A/RR). The current zoning surrounding this parcel is A/RR. However, because these parcels are located in a Rural Commercial Node as noted above, the ability to rezone to Rural Mixed Use is permitted via Comprehensive Plan Policy 1.2 Rural Commercial Node. East of this parcel a Family Dollar has already exercised their ability and developed via the RMU. This is a major intersection of SR 121 and CR 326. Because of the issues already seen at this intersection FDOT has already denied ingress/egress off SR 121.

- (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 compact nodal development, redevelopment, and to reduce the number and length of vehicular trips for retail services and employment. A retail store such as being proposed could meet the intent of this district.

- (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 Rural Mixed Use zoning for this retail business.

- (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. 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 but 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 CR 326. FDOT denied access off SR 121.

- (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. Especially, with FDOT not allowing

ingress/egress on SR 121. 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 Section 8 of their application. They have also provided a Conceptual Site Layout in Section 9 for your review as well.

Staff Recommendation:

- Staff recommends the Planning Commission review the proposed rezoning from Agriculture/Rural Residential (A/RR) to Rural Mixed Use (RMU) on 2.33 acres and make a recommendation to the Board of County Commissioners. Staff recommends **APPROVAL** based on the application submitted.
- The applicant has been notified that to obtain the number of parking spaces they are proposing and the size of building they are requesting will require a variance for both requests. RMU only allows for a maximum building size of 5,000 square feet. If the rezoning is approved they will make application with the Board of Adjustment for those variances. They have been advised that the requests above may or may not be approved.
- The Planning Commission at their November 7th public meeting voted 3-1 in favor of this rezoning request therefore recommending **APPROVAL** to the BoCC.