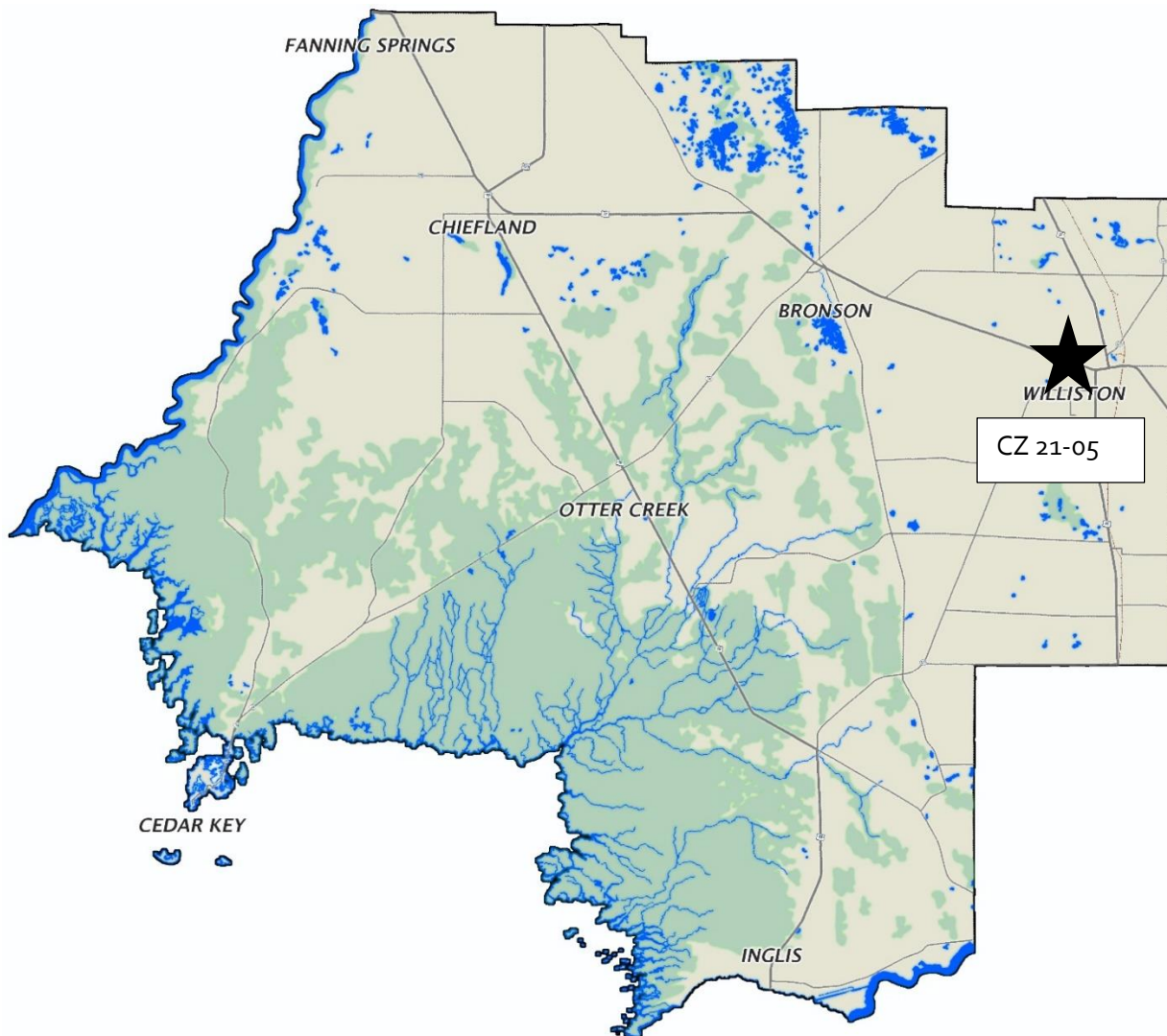


# Levy County Planning and Zoning Department Staff Report

Levy County Board of County Commissioners Public Hearing, January 18, 2022

Change of Zoning "CZ 21-05"



Prepared by Jenny Rowland

Staff Report updated by Stacey Hectus: December 21, 2021

# Levy County Planning and Zoning Department Staff Report

Shell Pond LLC Change of Zoning CZ 21-05

From: Planning and Zoning Department, Stacey Hectus, Director

To: Levy County Board of County Commissioners

**Owner:** Shell Pond LLC 100%  
19801 NW HWY 335  
WILLISTON, FL 32696

## Legal

**Description:** The South ½ of the Northeast ¼ of the Northwest ¼, AND the Southeast ¼ of the Northwest, ¼ Section 2, Township 13 South, Range 18 East, Levy County, Florida LESS THAN AND EXCEPT that portion described in the Official Records Book 253, Page 13, of the Public Records of Levy County, Florida

**Parcel ID Number:** 0434900000

**Sec/Twp/Rng:** 02-13-18

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

**Requested Zoning Designation:** Single Family Residential (RR-2)

**Number of Acres:** 60 acres

**Existing Use of Property:** Vacant

**Commission District 5:** Commissioner Matt Brooks

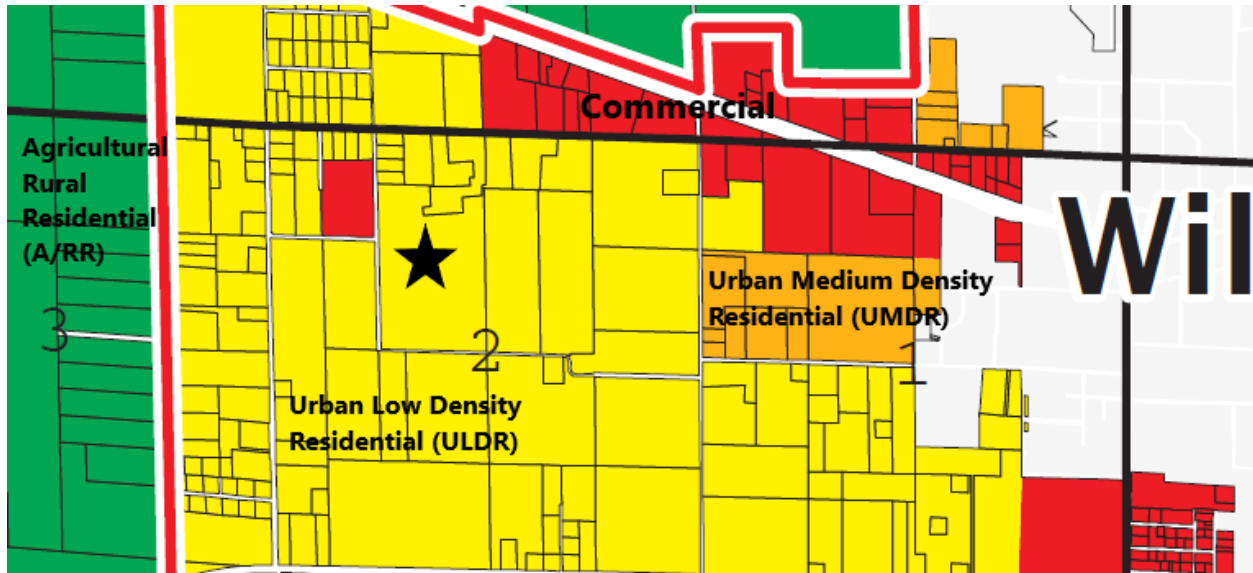
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## **Project Description based on the Submitted Application, Supporting Documents and review of the Levy County Comprehensive Plan and Land Development Code:**

This is an application to assign a Single Family Residential (RR-2) Zoning District to 60 acres as identified in the application.

This change of zoning is requested pursuant to 50-665 Zoning Change Criteria. The Future Land Use on this property is Urban Low Density Residential (ULDR) with a fall-back Zoning of Forestry Rural Residential (F/RR). These are not compatible and, if approved, the property owners wish to subdivide and create four 10-acre lots MOL through the Levy County Land Development Code's plat process. Single Family Residential (RR-2) allows for 1-acre minimums and is compatible with the current Land Use.

## Future Land Use Map and surrounding area: Parcel Location



## Aerial Location Map



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**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 property is located within the Williston Municipal Service District, an area with the intent of higher densities based on the Land Use designation. The surrounding area includes approximately 10 parcels to the Northeast, each consisting of 1.25ac MOL. To the West, there are two 30ac MOL parcels. The five parcels to the North/Northwest are approximately 5ac MOL. This surrounding area includes vacant parcels or parcels with existing residences. The subject parcel is currently assigned the fall-back Zoning of Forestry Rural Residential (F/RR). This requested Zoning of Single Family Residential (RR-2) is compatible with the surrounding area and is the intended Zoning that will be assigned once the Zoning Map is adopted.**

- 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 from Forestry Rural Residential (F/RR) to Single Family Residential (RR-2) brings the Future Land Use and Zoning into compatibility.**

- 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. As outlined in the cover letter, the property owners wish to subdivide subject parcel for residential purposes.**

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 nor 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.*

**While the current fall-back Zoning of Forestry Rural Residential (F/RR) would allow for 20ac divisions and one dwelling per 20ac parcel, Single Family Residential (RR-2) aligns better with the Future Land Use of Urban Low Density Residential (ULDR) and would allow the property owners to submit a proposed plat creating four 10ac parcels MOL in accordance with our Land Development Code's plat process. The intent of this area is a higher density but currently has an incompatible zoning.**

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.*

**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.**

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**Staff Recommendation:**

- Staff recommends the Planning Commission review the proposed rezoning from the fall-back Zoning of Forestry Rural Residential (F/RR) to Single Family Residential (RR-2) and make a recommendation to the Board of County Commissioners.

**Update from Planning Commission Meeting on December 6th:**

It was clear from all the public input that many of the residents in this area did not know they too also had a Future Land Use of Urban Low Density Residential (ULDR) which is 1 unit to the acre.



There were many residents there in opposition to this request whether in person or via affidavits. It was a rather raucous meeting and in many cases there was just a misunderstanding. This neighborhood and area in the MSD has been ULDR since the inception of the Comprehensive Plan in 1990. Many of the lots in this neighborhood are much smaller than what the applicant is proposing. Ten acre lots.

Right now, in this area of ULDR the zoning is the fall-back 1 unit to 20 acres F/RR. This has been the case because we did not have an adopted zoning map to appropriately zone areas to be in compatibility with the Comprehensive Plan. With the adoption of the Zoning Map Atlas this neighborhood will now be compatible with the Comprehensive Plan. ULDR future land use and R-1 zoning.

Staff miss-spoke at the Planning Commission meeting and after reviewing code all roads leading to and internally will need to be paved if any division of land under ten acres occurs. This usually precludes divisions under 10 acres for that reason.

Other concerns by the residents worth noting. They enjoy their canopy and do not want the roads paved. However, there is no mechanism now to prevent someone from going lower than ten acres and paving to their property.