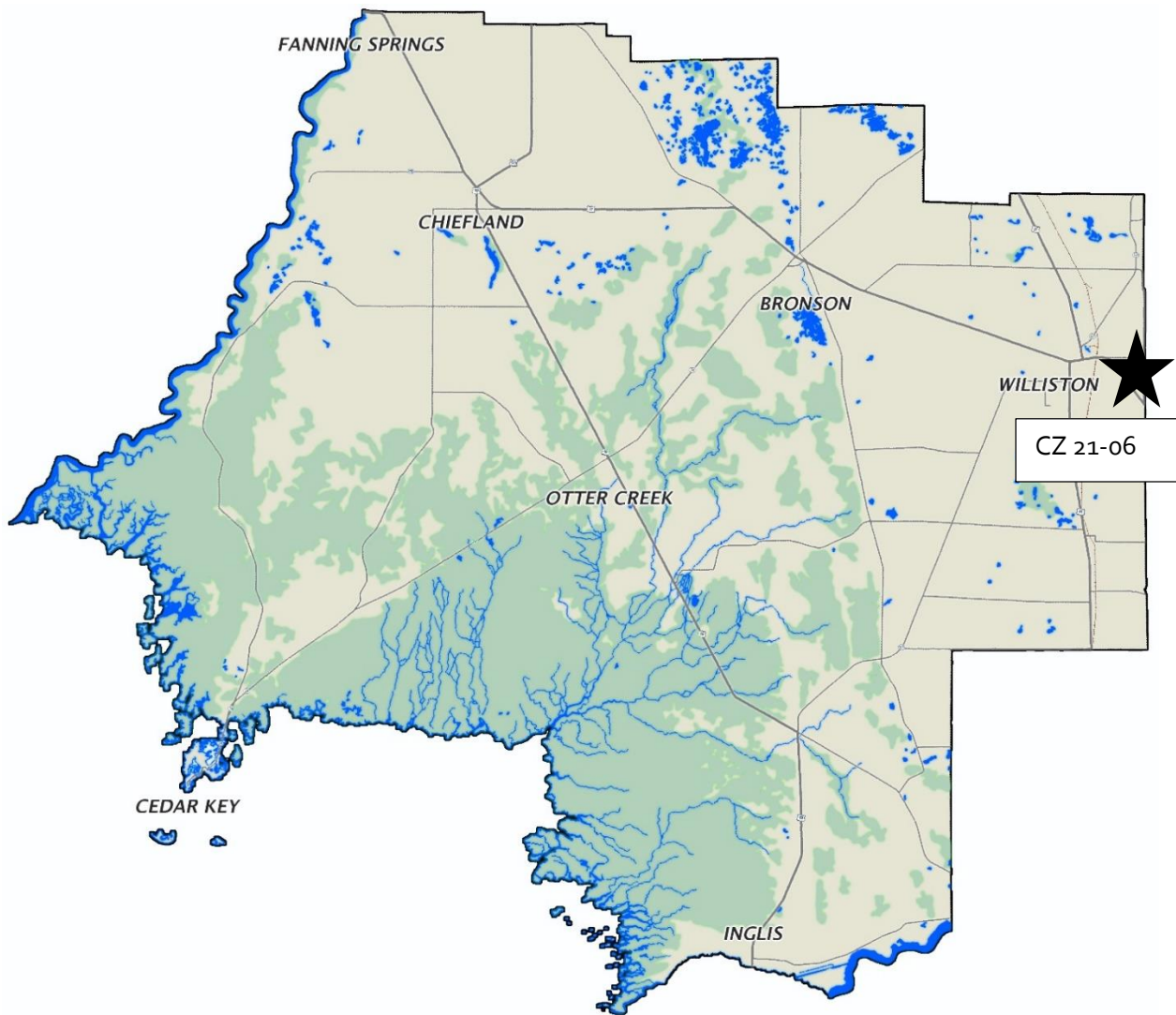


Levy County Planning and Zoning Department Staff Report

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

Change of Zoning "CZ 21-06"



Staff Report Update December 20, 2021

Levy County Planning and Zoning Department Staff Report

James and Jill Westbrook Change of Zoning CZ 21-06

From: Planning and Zoning Department, Stacey Hectus, Director

To: Levy County Planning Commission

Owner: James and Jill Westbrook
21431 NE 25TH ST
WILLISTON, FL 32696

Legal

Description: See "Exhibit A" (attached)

Parcel ID Number: 0515-004-00 & 0515-004-0A

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

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

Number of Acres: 24.04ac MOL TOTAL

Existing Use of Property: Residential and Pasture

Commission District 5: Commissioner Matt Brooks

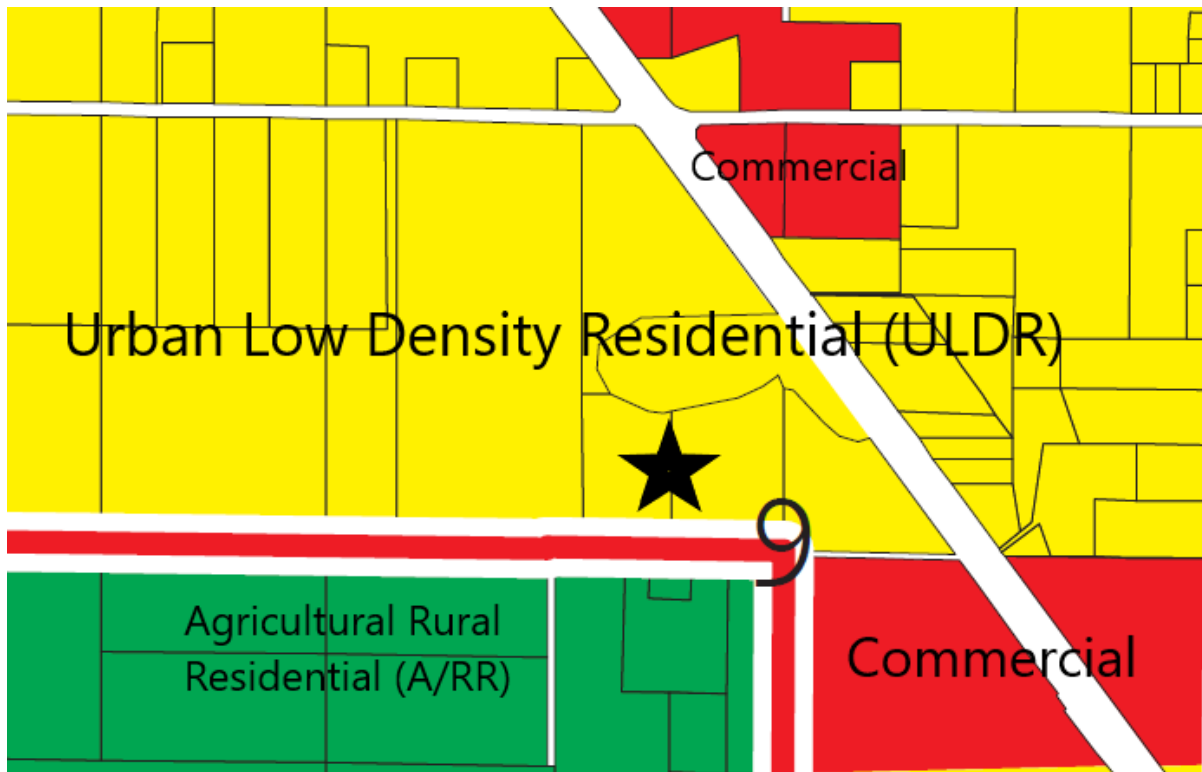
Project Description based on the Submitted Application, Supporting Documents and review of the Levy County Comprehensive Plan and Land Development Code:

This is an application to assign a Single Family Residential (RR-2) zoning district to two parcels consisting of 24.04ac MOL TOTAL currently designated as the fall-back zoning of Forestry Rural Residential (F/RR). Subject parcels are located in the Williston Municipal Service District, in Section 9, Township 13S, Range 19E in Levy County.

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 Urban Low Density Residential (ULDR) which allows a density of 1/1. With the current fall-back zoning of Forestry Rural Residential (F/RR), the density is 1/20. The property owners are requesting the compatible zoning of Single Family Residential (RR-2) because it has a 1/1 density and would allow them to correct the improper division of their 24+/- acres via the County's platting process.

If approved, the property owners will be applying for a subdivision plat of 0515-004-00 (13.63ac MOL) & 0515-004-0A (10.41ac MOL) to correct this division and bring both parcels into compliance with Land Development Code Regulations.

Future Land Use Map and surrounding area



Aerial Location Map



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 parcels surrounding the subject parcels have a Future Land Use of Urban Low Density Residential (ULDR) but are comparable in size, range from 10-15ac MOL. The parcels to the South have a Zoning and Future Land Use of Agricultural Rural Residential (A/RR) which has a 10-acre minimum. The surrounding area appears to be mostly vacant parcels, pastures, or residential uses. This Change of Zoning would promote compatibility.

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 fall-back 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. The change would align with the intended land use and surrounding area's existing uses.

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 to create two 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. The property owners are trying to remedy a division that has already occurred without platting and cannot submit a plat without meeting density.

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.

Staff Recommendation:

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

Update from the December 6, 2021 Planning Commission:

The Planning Commission voted 4-0 in favor of this item.