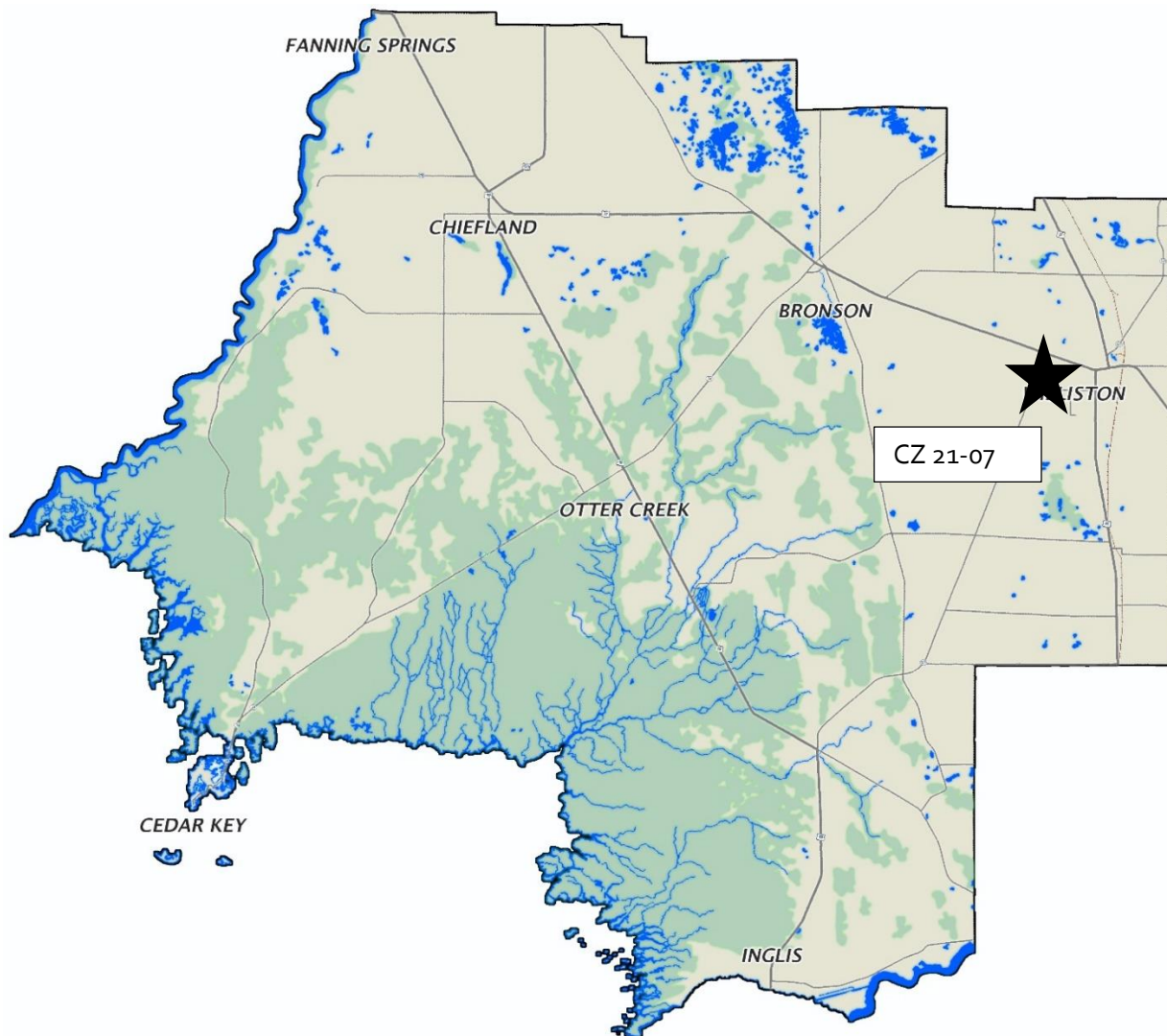


Levy County Planning and Zoning Department Staff Report

Levy County Board of County Commissioners Public Hearing, February 7, 2022

Change of Zoning "CZ 21-07"



Staff Report December 17, 2021

Levy County Planning and Zoning Department Staff Report

Arthur Suggs Change of Zoning CZ 21-07

From: Stacey Hectus, Planning and Zoning Department Director

To: Levy County Board of County Commissioners

Owner: Arthur Suggs
PO Box 102
Williston, FL 32696

Legal

Description: See both legal descriptions attached as part of the application

Parcel ID Number: 0427000100 and 042700500

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

Requested Zoning Designation: Highway Commercial (C-4) and Moderately Intensive Commercial (C-3)

Number of Acres: 5.38 ac MOL

Existing Use of Property: Auto Repair and Vacant

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 request to change the zoning from fall-back Forestry/Rural Residential (1 unit to 20 acres) to Highway Commercial (C-4) zoning designation to parcel 0427000100 (north part of parcel approximately 1.58 acres) and Moderately Intensive Commercial (C-3) to parcel 0427000500 (south part of parcel approximately 3.80 acres). Subject parcels are located in the Williston Municipal Service District (MSD).

This request is secondary to the initial request to change the land use from Urban Low Density Residential (ULDR) to Commercial. The piece of the parcel that has the existing automotive repair business on it already had a Commercial future land use. The remaining 3.80 acres initiated a request to change to Commercial.

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 proposed to be Commercial. With the current fall-back zoning of Forestry Rural Residential

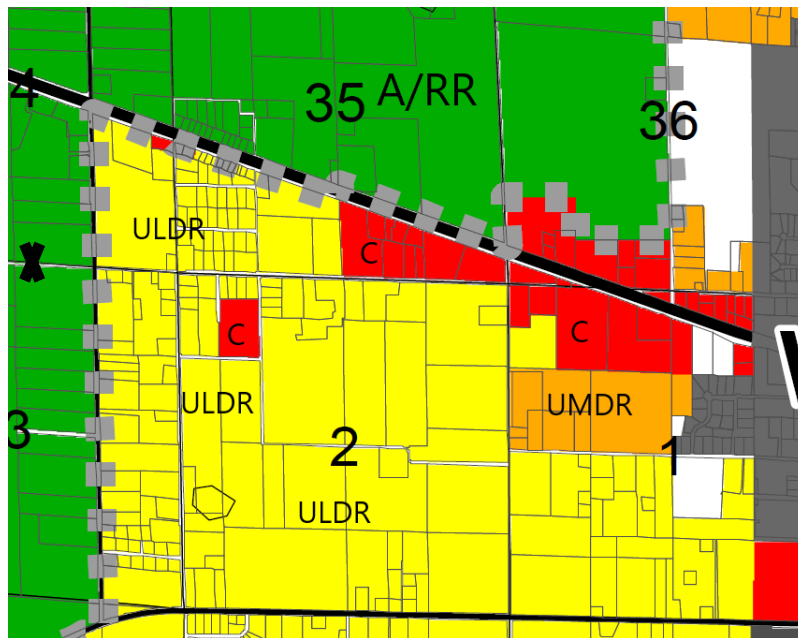
(F/RR), the density is 1/20. The property owners are requesting the zoning of C-4 and C-3 to be compatible with the Comprehensive Plan.

If approved, the property owner plans to do other commercial endeavors such as mini storage with accessory boat and RV storage on the parcels. The applicant understands that provision 50-762 – Outdoor Storage in the Land Development Code requires all outside storage to be 200 feet away from residentially owned parcels.

Aerial Location Map



Future Land Use Map and surrounding area



C-4 and C-3 designation



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). The current zoning of the fall-back F/RR in the MSD is not compatible with the urban low density residential and commercial nature of this area. The surrounding area appears to be mostly vacant or residential uses. This Change of Zoning would promote compatibility with the Comprehensive Plan.

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 Commercial brings the Future Land Use and Zoning into compatibility. The current use will have the appropriate zoning and the zoning to the C-4 and C-3 will allow for future commercial endeavors.

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 some of the areas surrounding 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.*

The existing and proposed commercial uses are not permitted in the current zoning and future land use on these parcels. Changing the zoning will allow those uses.

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. See application.

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. Lighting

would need to adhere to our building code and lighting should be shielded so as not to be a nuisance to neighbors.

Staff Recommendation with Planning Commission results:

- At the January 3, 2022 Planning Commission meeting the Commission voted 5-0 in favor of this change of zoning.
- Staff recommends approval of the proposed rezoning from fall-back Forestry Rural Residential (F/RR) to Highway Commercial (C-4) zoning designation to parcel 0427000100 (north part of parcel approximately 1.58 acres) and Moderately Intensive Commercial (C-3) to parcel 0427000500 (south part of parcel approximately 3.80 acres).
- Additionally, as staff was doing their analysis it was noted that there are parcels under the same ownership that have not been properly platted out through the plat process. Staff would recommend that if the previous future land use change is made and this rezoning is approved that the owner plat the parcels properly.