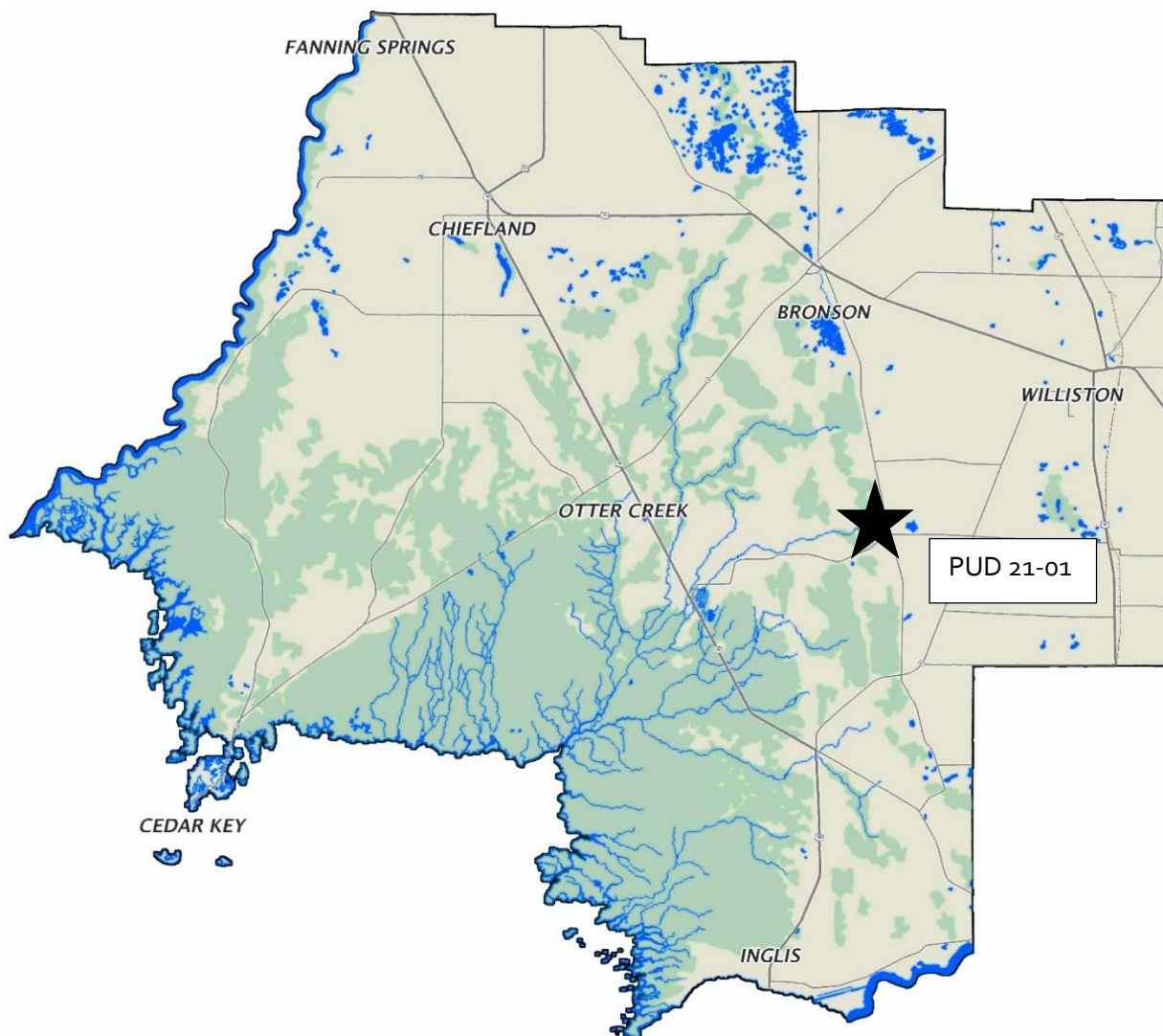


Levy County Planning and Zoning Department Staff Report

Levy County Board of County Commissioners Public Hearing, December 7, 2021

Planned Unit Development PUD 21-01



Staff Report October 20, 2021

Updated for BOCC November 10, 2021

Levy County Planning and Zoning Department Staff Report

6851, LLC – Black Prong Equestrian Village PUD 21-01

From: Planning and Zoning Department, Stacey Hectus, Director

To: Levy County Board of County Commissioners

Owner: 6851, LLC
6890 SE 148th Terrace
Morrison, FL 32301

Legal

Description: 27-13-17 0090.00 ACRES E1/2 OF SW1/4 AND SE1/4 OF NW1/4 LYING WEST OF CR 337 OR BOOK 1492 PAGE 259 (CONDENSED)
Section 27, Township 13, Range 17

Parcel ID Number: 0368400100

Current Future Land Use Designation: Forestry/Rural Residential (F/RR)

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

Requested Change: Planned Unit Development (PUD) Overlay approval for Sketch Plan (Phase One)

Number of Acres: 90 acres

Existing Use of Property: Black Prong Equestrian Village

Commission District 2: Commissioner Rock Meeks

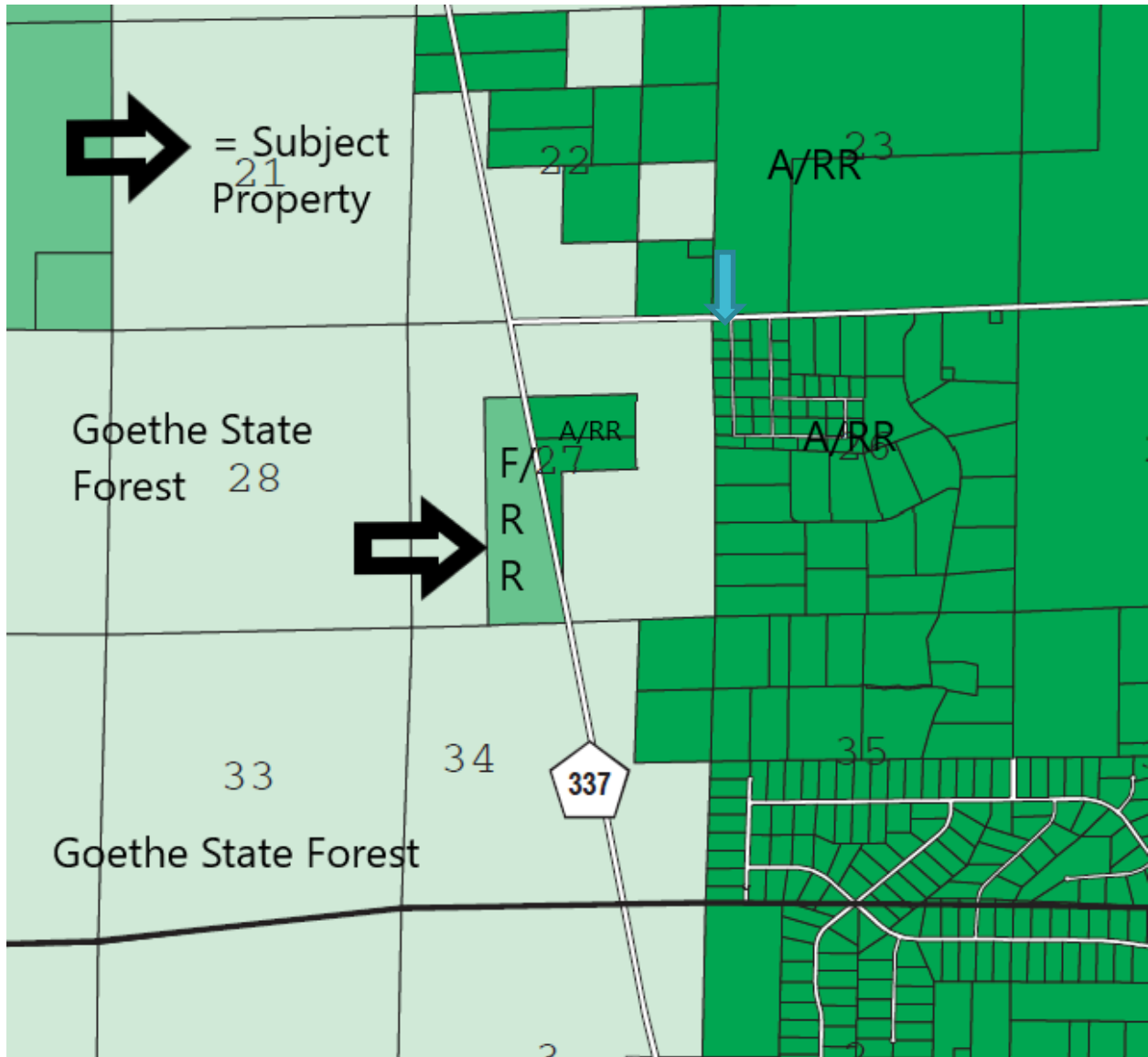
Project Description based on the Submitted Application, Supporting Documents and review of the Levy County Comprehensive Plan and Land Development Code:

6851, LLC – Black Prong Equestrian Village (BPEV) is requesting approval of their Planned Unit Development (PUD) Overlay for Sketch Plan (Phase One) (pursuant to Section 50-905(b)) of the Levy County Land Development Code) for a Planned Unit Development (PUD) on a parcel of land located in Section 27, Township 13, Range 17, in Levy County on County Road 337. Said parcel contains 90 acres. The applicant is seeking approval of the PUD in order to combine all the past Special Exceptions approved for the parcel into one Master Plan for the Equestrian Village. The applicant is also seeking to permit additional uses on the parcel including the on premise consumption of alcohol, a food truck courtyard, covered arena, barn, convenience store, additional RV pads, transient lodging facility, miniature golf, corporate ropes and team building courses, day

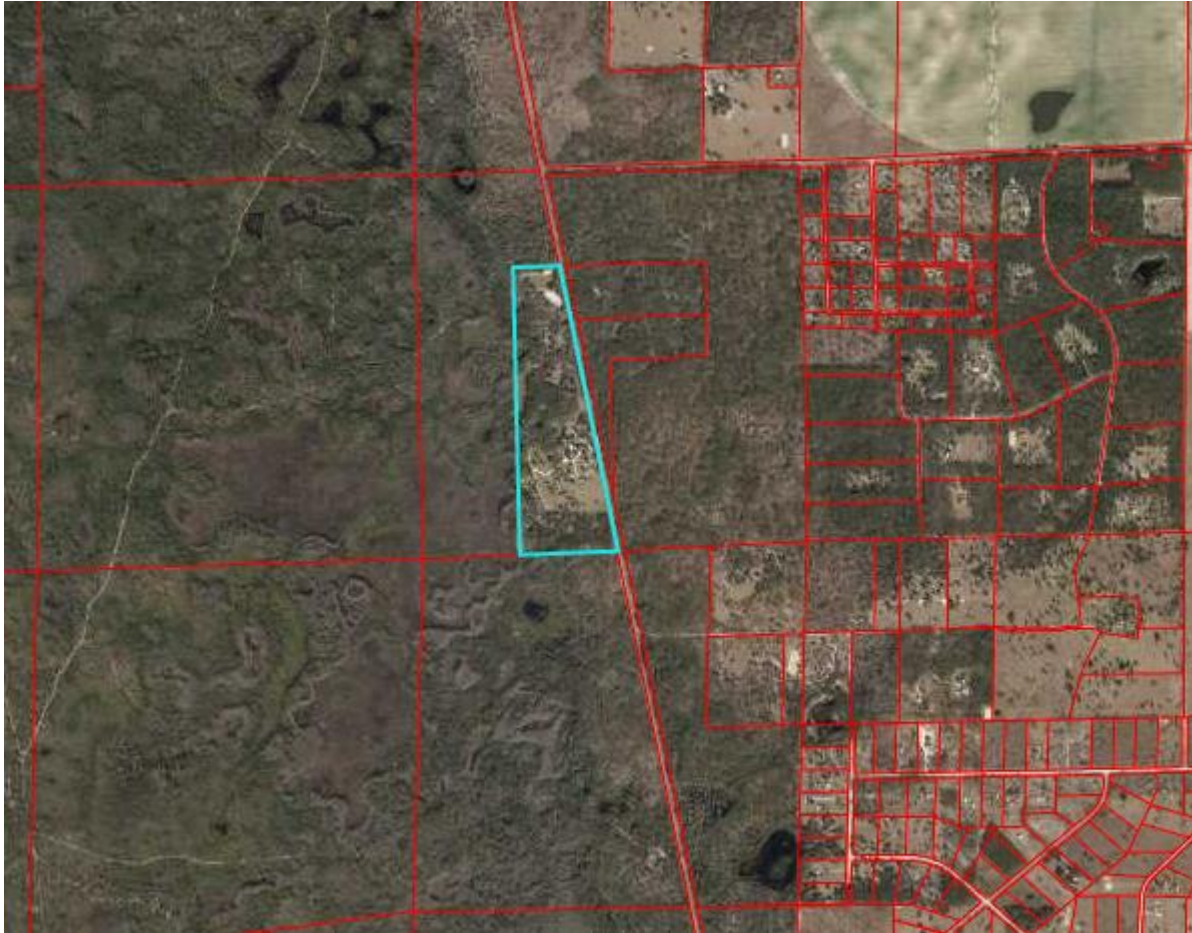
spa, chapel, and other accessory resort facilities and accessory uses for support, maintenance, and administration of the agritourism resort.

The applicant has prepared and submitted a detailed narrative and application.

Future Land Use Map and surrounding area:



Aerial Location Map



Planned Unit Development (PUD) Process:

Division Six of the Levy County Land Development Code provides for the intent and objectives for Planned Unit Developments. The Planning Commission and Board of County Commissioners have not seen a PUD since about 2006 so staff thought it would be helpful to do a refresher for those new to the boards.

Our PUD process is a two phase process. The first phase is the Initial Sketch Plan approval. That requires two public hearings with the Planning Commission and the Board of County Commissioners for the final approval of the sketch plan. If that is granted, then the applicant will need to apply for the Final Detailed Site Plan approval. That also requires two public hearings with the Planning Commission and the Board of County Commissioners. Staff mails letters, posts signs and places an ad in the newspaper of general circulation for these meetings.

Sec. 50-902. - Intent.

- (a) It is the intent of this division to provide flexible land use and design regulations through the use of performance criteria so that small-to-large-scale neighborhoods or portions thereof may be developed within the county that incorporate a variety of residential types

and nonresidential uses, and contain both individual building sites and common property which are planned and developed as one entity. Such a development is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of others building sites or other common property in order to function as a neighborhood. This division specifically encourages innovations in residential development so that the growing demands for housing at all economic levels may be met by greater variety in type, design and siting of dwelling and by the conservation and more efficient use of land in such developments.

- (b) This division recognizes that while the standard zoning function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of preregulation, regulatory rigidity and uniformity which may be inimical to the techniques or land development contained in the planned unit development concept.
- (c) This division also recognizes that the county comprehensive plan contains policies to discourage residential development in agricultural areas, and that through proper planning it should be possible to do so by allowing residential development pursuant to the planned unit development concept. Finally, this division recognizes that there are greater pressures to subdivide agricultural land, as well as general reluctance by agricultural interests to accept additional regulation in the absence of adequate incentives. To provide incentives to agricultural landowners to conserve farmland while also realizing the benefits from development, the board of county commissioners may, according to the terms of these regulations, uniformly permit higher gross residential densities for planned unit development in the F/RR and A/RR districts than are allowed for conventional development.

(1991 LDR ch. 79, § 6.05(A))

Sec. 50-903. - Objectives.

In order to carry out the intent of this division, a planned unit development shall achieve the following objectives:

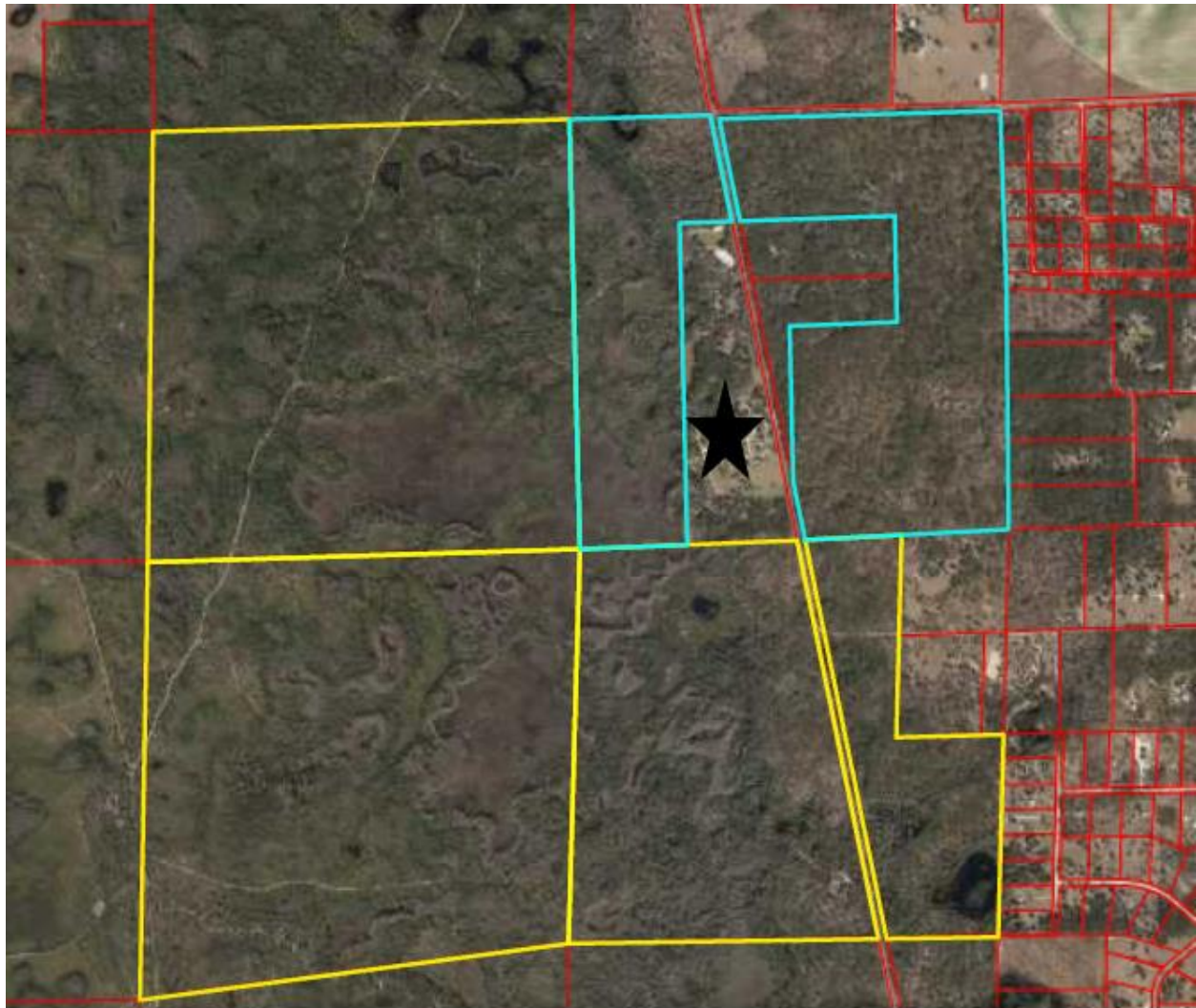
- (1) A maximum choice in the types of environment, occupancy, tenure (e.g., cooperatives, individual ownership, condominium, leasing), types of housing, lot sizes and community facilities available to existing and potential county residents at all economic levels;
- (2) More usable open space and recreation areas;
- (3) More convenience in location of accessory commercial and service areas;
- (4) The preservation of trees, outstanding natural topography and geologic features and prevention of soil erosion;
- (5) A creative use of land and related physical development which allows an orderly transition of land from rural to urban uses;
- (6) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs;
- (7) A development pattern in harmony with the objectives of the master plan, especially in regard to agricultural land use;
- (8) A more desirable environment than would be possible through the strict application of other articles of this division;
- (9) The preservation of historic structures through rehabilitation and, where appropriate, conversion to commercial use.

(1991 LDR ch. 79, § 6.05(B))

Staff Review and Existing Conditions:

The parcel has a Future Land Use and Zoning designation of Forestry/Rural Residential (F/RR). The density for this designation is 1 unit to 20 acres. However, the PUD approval process can increase the density to 1 unit to 10 acres if the intent of the PUD has been met. The parcel is surrounded on three sides (North, South and West) by the Goethe State Forest. Across CR 337 to the east are a mixture of residential properties with an Agricultural/Rural Residential (A/RR) and the Goethe State Forest.

Map Showing the Goethe State Forest Surrounding Black Prong Equestrian Village



The subject property is currently an equestrian facility, including barns, show arenas, and camping areas. More specifically, facilities currently existing on the subject property include a \approx 10,000 SF pavilion, a swimming pool and associated pool house, a bathhouse, two barns without apartments, an equipment maintenance area, 28 RV sites, and nine barns with apartments attached.

The subject property has five prior special exception/amendment approvals for Outdoor Commercial Recreation, 5-02, 2-03, 1-05, 02-19 and 02-20. Prior approvals for the property

include up to 40 RV sites and accompanying infrastructure, up to 15 rooms in a bed and breakfast facility, five new horse barns, four new horse barns with two apartments each, up to three fire pits, a cottage for use by wedding parties, added restroom facilities, expansion of five existing barns to include apartments, and renovation/expansion of the existing bathhouse to name a few (full list can be found in the application).

Facilities proposed for this request, applicant calling it Phase 2 of the development plan are as follows (full list can be found in the application):

- The addition of a barn at the Big Oak to service RV sites;
- A food truck courtyard;
- A 10-unit tiny home village for short term rentals;
- A covered arena approximately 220 x 425 ft in size;
- Additional octagon fire pits;
- A restaurant and cocktail lounge (beer, wine, and liquor);
- A convenience store;
- Completion of the remaining RV pads, with water, sewer, and 50-amp electric service, some with roof structures, up to a total not to exceed 55 sites (this includes the 10 tiny home village mentioned above);
- A transient lodging facility (20 room equestrian event lodging complex, 9 existing barns with apartments, 3 treehouses and the equestrian family lodging building is included in this number) or several separate cottages with full kitchens, not to exceed a total of 33 total transient units for the entirety of the site;
- Corporate ropes and team building courses;
- Miniature golf;
- Day spa;
- Chapel;
- Other resort facilities to support trail riding, carriage rides, horseback riding lessons, archery, etc.;
- Summer camp facilities (to include those for financially and or/physically disadvantaged youth, Summer Olympic type events); and
- Accessory uses for support, maintenance, and administration of the resort.

You will see included, in the packets, only the Special Exception/Special Exception Amendments for files 02-19 and 02-20. These were the last two Special Exception Amendments that were completed on the parcel.

The proposed Planned Unit Development (PUD) will incorporate and replace the prior approvals with an overall development plan and conditions associated with the ultimate completion of the equestrian resort facilities being requested. See Black Prong Equestrian Village Phasing Plan sketch plan. When completed, per the applicant, Black Prong Equestrian Village will be a full-service, self-contained equestrian resort, open to serve the public with private and public events scheduled throughout the year.

The request for serving and consuming alcoholic beverages (beer, wine and liquor) on-site will be handled as the last special exception to be combined into this Final Detailed Site Plan Approval.

Comprehensive Plan Analysis

The Levy County Comprehensive Plan addresses and promotes PUD designs in numerous policies located throughout the document.

Future Land Use Element

Policy 1.5 Rural residential densities, defined herein as any development with a gross density of one (1) dwelling unit per three (3) acres, will be permitted only within the rural residential areas. Density bonuses may be allowed consistent with Planned Unit Development (PUD) guidelines in Policy 3.3 and 3.4 of this element.

Policy 1.11 Proposed Planned Unit Developments shall provide a clustered development design and shall document a high percentage of internal capture of vehicle trips through an appropriate mix of land uses. As used herein, "internal" specifically excludes access to non-highway oriented commercial development directly from or to any arterial road as functionally classified by this plan.

Policy 3.1 Innovative land use development patterns, including P.U.D.'s and cluster zoning shall be permitted and encouraged. Land development regulations shall establish standards for cluster subdivisions.

Policy 3.4 Commercial forestry areas will be protected from the encroachment of incompatible development. Residential subdivisions will be discouraged in areas designated for primarily commercial forestry use. Development shall be limited to a minimum tract size of twenty (20) acres. As an incentive to conserve the use of land for silviculture and/or open space, any development proposed as a Planned Unit Development and/or with a cluster development design pursuant to the Levy County Land Development Code, shall receive a density bonus of one (1) dwelling unit per ten (10) acres from the undeveloped portion of the same common ownership to be utilized for silviculture and/or open space use, excluding wetlands.

The Levy County Comprehensive Plan addresses encroachments into Natural Reservations via the policy below.

Conservation Element

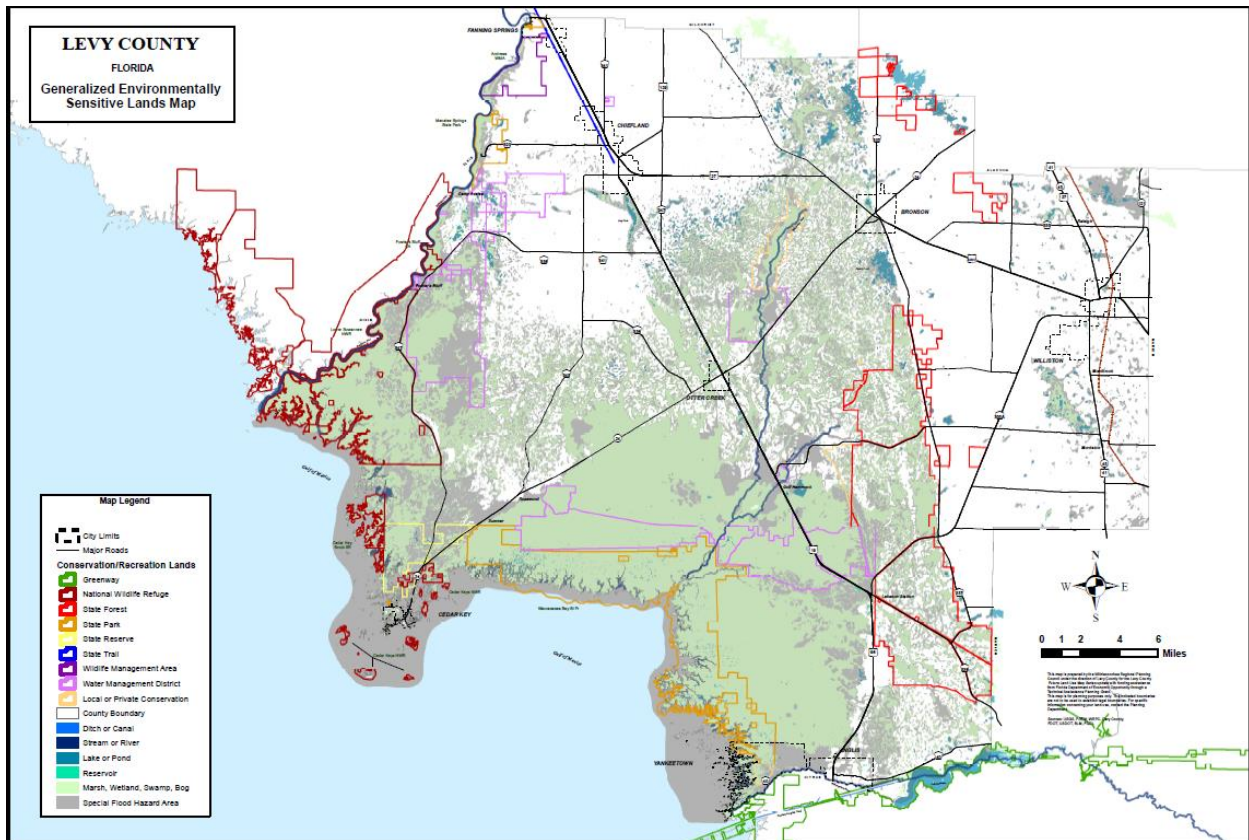
Policy 2.2 of our Conservation Element describes the process for protection of our Environmentally Sensitive Lands as follows:

Policy 2.2 Environmentally Sensitive Lands designated shall be protected using the following guidelines and standards:

- a.** Identifying ESL on the Future Land Use map series.
- b.** Coordinating the review of proposed residential and non-residential development within or adjacent to ESL areas with the appropriate state resource agencies. Protective measures and mitigation, if applicable, shall be documented by the

developer and approved by the appropriate regulatory agency prior to the issuance of County development approval, provided, however, that such prior approval is not required for land use applications associated with projects subject to the Florida Electrical Power Plant Siting Act, Sections 403.501 through 403.518, Florida Statutes.

- c. Limiting land uses in floodprone areas (i.e., 100-year floodplain) to rural/low density residential, agricultural uses and non-residential uses consistent with Conservation Element Policies including, but not limited to, Policy 3.1 and 6.1 and Future Land Use Element 1.2;
- d. Require that proposed Planned Unit Developments (PUDs) within ESL areas meet or exceed standards established in Chapter 380.061, Florida Quality Development.



During our advertising and notification phase, because of the adjacent proximity to the Goethe State Forest, staff contacts them via letter.

Policy 2.6 of our Conservation Element under Natural Reservation of which the Goethe State Forest is considered is the following policy regarding the 100-foot conservation buffer.

Policy 2.6 Land development regulations shall be developed and used to promote compatibility with adjacent land uses and to minimize the impact of development on the natural resources in the area. For all properties abutting Federal or State Wildlife Management Areas and Federal or State Forests within Natural Reservation (NR) areas, the County will require a minimum 100-foot

naturally vegetated buffer, in which structures are prohibited. Uses within the 100-foot naturally vegetated buffer will be limited to agriculture, silviculture, and passive uses such as footpaths, hunting and horseback riding. Variances from the prohibitions against construction of structures within the 100-foot buffer may be allowed only when, owing to the special shape, size or physical features, such as the presence of wetlands, the buffer would result in the preclusion of all reasonable use of the parcel. When a variance is permitted, encroachment into the buffer will be limited to the minimum needed to allow for reasonable use of the parcel. No variances will be granted allowing impacts to wetlands or listed species habitat within the buffer.

The applicant will be asking again for encroachment into this 100-foot conservation easement. They were granted a variance from the Conservation Element of the Comprehensive Plan back in 2019 via VA 03-19. As they have explained in their narrative there are also other buildings within that 100-foot setback that were grandfathered in. As it currently stands with the variance and grandfathered barns/buildings there are 7 structures located in the 100-foot buffer.

Land Development Code

The Planned Unit Development is a permitted use in just about every zoning category in the Levy County Land Development Code. The intent of the PUD, as listed above, allows for flexibility in development. Such a development is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity.

The objectives of the PUD are what the applicant is responsible for demonstrating. The applicant, with this submittal, believes they have achieved the objectives of this code section 50-903.

It is staff's opinion that the objectives located in the PUD section of the Land Development Code have been met, except for #4. There is a blend of housing, community facilities, agritourism and recreational uses with the BPEV now being open to benefit the public. Recreation on foot or on horseback is one of the central components to this plan. The assortment of uses on the parcel with a mix of commercial, residential, transient residential and recreational are what a PUD is intended to allow.

Staff has issue with #4 - The preservation of trees, outstanding natural topography and geologic features and prevention of soil erosion. The Natural Reservation 100-foot buffer has already been encroached upon before the current owner and approved as a variance since the new owners. This is a policy in our Comprehensive Plan in our Conservation Element requiring this 100-foot buffer. As the staff person delegated to uphold the Comprehensive Plan and its intent I do not believe the continual encroachment meets the intent of Policy 2.6 of the Conservation Element.

Wastewater Treatment

Our Comprehensive Plan prohibits package plants. This parcel is not within the Municipal Service District. As it relates to Policy 1.12 and 1.13 of the Infrastructure Element this development would not qualify and the applicant has not proposed a package plant.

A letter from Levy Environmental Health, Environmental Specialist III Thomas McQueen is included in the applicant's package. In summary, the applicant is presently at 4,236 (10,000 gallons max) gallons per day of domestic and 4,850 (5,000 gallons max) gallons per day of

commercial sewage. Once those thresholds are met for the Florida Department of Health (FDOH) the applicant will be required to work with the Florida Department of Environmental Protection (FDEP).

Goethe State Forest

We have mailed them a letter and staff has called and tried to reach out to the appropriate person who can give an opinion on this sketch plan. As of printing for the Planning Commission staff report staff had not heard back.

Staff Recommendation:

Should the Planning Commission and subsequently the Board of County Commissioners, find the submitted application for PUD Sketch Plan approval for the original five prior special exception/amendment approvals for Outdoor Commercial Recreation, 5-02, 2-03, 1-05, 02-19 and 02-20 sufficient and consistent with the Comprehensive Land Use Plan and the Land Development Code, staff recommends the following conditions be applied to such approval:

1. The granting of this PUD Sketch Plan Approval does not relieve the applicants, owners or their assigns from the prior conditions applied in Special Exceptions 5-02, 2-03, 1-05, 02-19 and 02-20 which allowed outdoor commercial recreation with conditions. All previously approved special exceptions will be combined into this new PUD.
2. Policy 2.6 of the Conservation Element of the County Comprehensive Plan requires a 100-foot naturally vegetated buffer from Natural Reservation areas (which includes the Goethe State Forest) within which construction of structures is prohibited. Policy 2.6 states that a variance from this prohibition may be granted by the Board “only when, owing to the special shape, size or physical features, such as the presence of wetlands, the buffer would result in the preclusion of all reasonable use of the parcel. When a variance is permitted, encroachment into the buffer will be limited to the minimum needed to allow for reasonable use of the parcel.” In the professional opinion of Planning Staff, the applicant has not met the standard for a variance to be granted and therefore staff recommends against allowing any further structures (beyond the 7 previously permitted) within the 100-foot buffer area. If the Board wishes to consider granting the requested variance, the Board will need to make factual findings that the standard has been met. Namely, the Board will need to: (1) identify what conditions of the property (special shape, size or physical features) exist that necessitate encroachment into the buffer; and (2) limit the variance to the minimum encroachment necessary to allow for reasonable use of the parcel. No new uses other than items proposed in this request PUD Sketch Plan Approval and previously approved Special Exception and Amendments without first obtaining approval from the Board of County Commissioners.
3. All proper permits from the Department of Health and Department of Environmental Protection will need to be obtained.
4. Ensure compliance with the County Noise Ordinance Chapter 50 Land Development Code, Article VIII, Division 2. – Noise.
5. Other conditions as assigned by the Planning Commission based on public participation.

Update from the Planning Commission meeting on November 1, 2021

The Planning Commission approved this item 5-0. The above conditions were approved and the Planning Commission decided the specific request of BPEV to continue to develop within the 100-foot natural reservation buffer, as it relates to the BPEV Phasing Plan, met the intent in the Objectives section of the PUD standards to preserve trees while condensing development. This is Objective 4 in our PUD regulations of Sec. 50-903.

The Forestry Service was not able to get their comments in in time for the Planning Commission meeting but I have attached their report for your consideration. In summary, they are supportive of the BPEV PUD.