



## Levy County Planning and Zoning Department

### Application # SSA 21-01

Staff Contact: Stacey Hectus, Planning and Zoning Director  
352-486-5203

**Staff Report Date:** June 10, 2021, updated for BOCC July 19, 2021  
**Local Planning Agency:** Hearing Date: July 12, 2021  
**Board of County Commissioners:** Adoption Hearing Date: August 3, 2021

**SUBJECT:** **SSA 21-01:** A request for a small scale land-use amendment to the Future Land Use Map from “Commercial” to “Urban Low Density Residential” (1 dwelling unit per acre) on approximately 2.55 acres of land within the Chiefland Municipal Service District.

**APPLICANT/AGENT:** David and Kayla Infinger

**OWNER:** David and Kayla Infinger

**PROPERTY DESCRIPTION:** Parcel Number: 075290030A  
Section/Township/Range: 14/11/14  
Land Use: Commercial  
Existing Use: Vacant  
Acreage: 2.55 acres

**COMMISSION DISTRICT 2:** Commissioner Rock Meeks

**PREVIOUS REQUESTS:** None

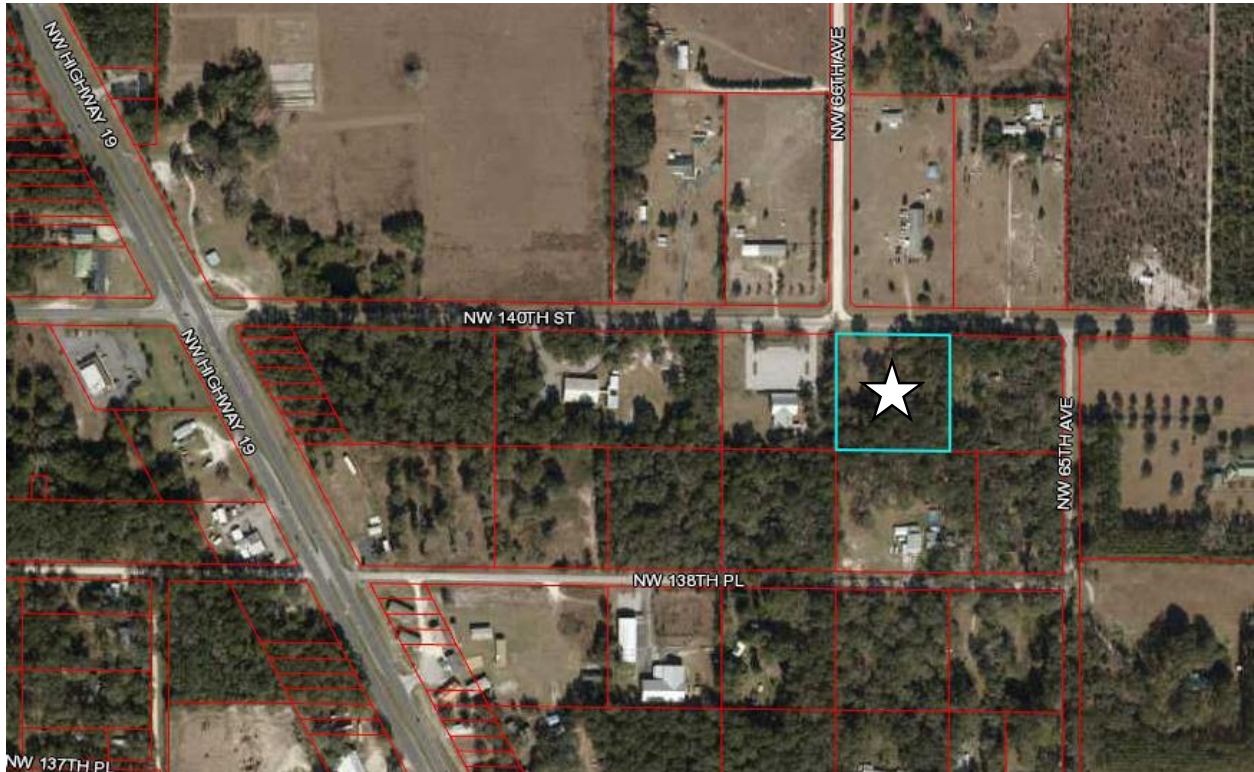
**ZONING VIOLATION HISTORY:** There are currently no violations on the site.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission hear the proposed small scale land-use amendment and recommend approval to the Levy County Board of County Commissioners.

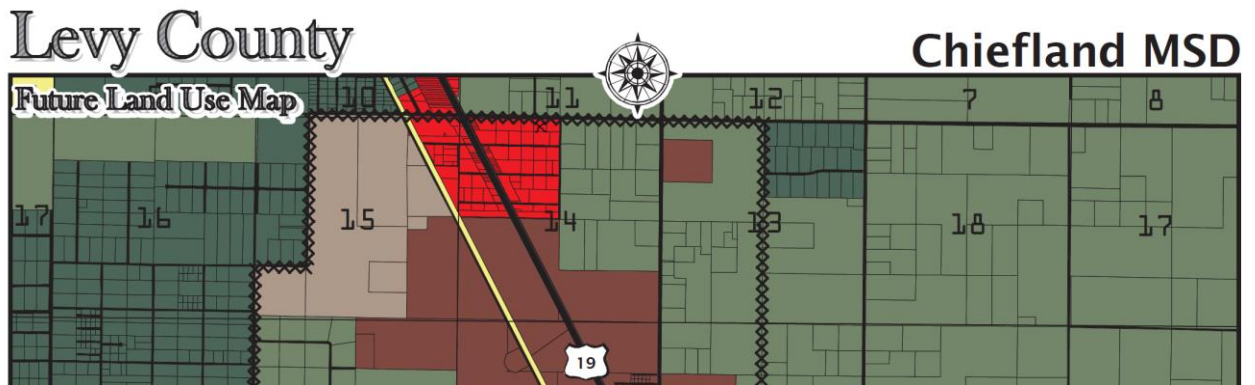
**LPA RECOMMENDATION:** Recommended Approval 4-0 to the BOCC

**BOCC ACTION:** TBD

**Aerial Showing General Location of Subject Property and Surrounding Parcels for SSA 21-01**



**Chiefland Municipal Service District Map**



**Chiefland Municipal Service District Future Land Use Map**

Existing Land Use: **Commercial**

Proposed Future Land Use: **Urban Low Density Residential (up to 1 unit per acre)**

## **ANALYSIS OF REQUEST**

### **Background**

The applicant is requesting a small-scale land use amendment to the Future Land Use Map from “Commercial” to “Urban Low Density Residential” (one dwelling unit per acre) on parcel number 075290030A, located on NW 140<sup>th</sup> Street, Chiefland, Florida. The subject property is located within the Chiefland Municipal Service District (MSD). The property is undeveloped and fronts on NW 140<sup>th</sup> Street.

Urban Low Density land use allows for areas that are predominantly single family residential uses and accessory and supportive uses to residential development. The maximum residential density is one (1) dwelling unit per acre, or two (2) dwelling units per acre with the provision of central water and sewer or parcel of record as of December 31, 1989. This land use is permitted within an MSD.

### **Description of Site and Surrounding Properties**

The proposed land use change applies to approximately 2.55 acres of property fronting NW 140<sup>th</sup> Street off US Highway 19/98 just outside of the City of Chiefland and within the Chiefland Municipal Service District (MSD). The property adjacent to the south, east and west carries a Commercial Future Land Use designation. The property to the north carries a Future Land Use of Agricultural/Rural Residential. The closest Commercial use is next door to the west. This is a past commercial area that has, previous to 2009 when residential was permitted in commercial, developed primarily as a residential subdivision. All the lots are approximately 2-2.5 acres in size with no central water or sewer.

### **COMPREHENSIVE PLAN CONSISTENCY**

The Urban Low Density Residential (up to one unit per acre, maximum 2 with water and sewer) As described in Comprehensive Plan Policy 1.2 would be more consistent with the actual progression of development in this area from Commercial to Residential.

### **STAFF ANALYSIS:**

#### **Bases:**

1. **Policy 1.2** states: *This land use category allows for areas that are predominantly single family residential uses and accessory and supportive uses to residential development. The maximum residential density is one (1) dwelling unit per acre, or two (2) dwelling units per acre with the provision of central water and sewer or parcel of record as of December 31, 1989. This land use is permitted within an MSD.*

The applicants have stated in their application that their intent is to build a single-family home on this vacant site.

2. The Goal of the Future Land Use Element of the Levy County Comprehensive Plan is to: *Promote complementary development patterns that are efficiently served by public facilities and services to support growth, while providing for the protection and enhancement of the county’s rural character and unique natural qualities.*

3. **Policy 1.1** Municipal Service District (MSD) states: *Municipal Service Districts are intended to be areas for urban expansion within which urban densities and intensities are allowed and urban services, such as central water, central sewer, police protection, fire protection, solid waste collection, streets, drainage facilities and recreational facilities and services are provided, or encouraged to support development. Within a Municipal Service District, on the following land uses shall be permitted: Urban Low Density Residential, Urban Medium Density Residential, Urban High Density Residential, Commercial and Industrial.*

**Existing and Future Land Use Pattern and Compatibility**

Existing Development Patterns	Existing Use	Future Land Use Designations
North	Church	Agricultural/Rural Residential
South	Residential	Commercial
East	Residential	Commercial
West	Commercial	Commercial

**Properties in the surrounding area are generally a mix of vacant and developed Urban Low Density Residential all within the Chiefland Municipal Service District. The proposed land use designation is appropriate and consistent with the predominant development pattern in the surrounding area.**

**Environmental Suitability**

This property is located within our Springs Protection area of the County. Specific development will be addressed through the County’s Development Department through various requirements that address setbacks, building for flood zones, septic tank/soil issues, etc.

## **Impact on Adopted Level of Service Standards**

*Source for Concurrency Review: North Central Florida Regional Planning Council*

### **Potable Water Impact**

The site is not located within a community potable water system. Consequently, the uses to be located on the site will need to be served by individual water wells. The individual potable water wells are anticipated to meet or exceed the adopted level of service standard established within the Comprehensive Plan.

The proposed amendment could theoretically result in 2 residential dwelling units on the site. However, since this property does not have central water or sewer only 1 unit is permitted.

Based upon an average of 100 gallons of potable water usage per capital per day x 2.41 persons per dwelling unit = 241 gallons of potable water per dwelling unit per day.

2 (dwelling units) x 241 (gallons of potable water usage per dwelling unit per day) = 482 gallons of potable water usage per day.

Based upon the above analysis, the potable water facilities are anticipated to continue to meet or exceed the adopted level of service standard for potable water facilities as provided in the Comprehensive Plan, after adding the potable water demand generated by the theoretical use of the site.

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### **Sanitary Sewer Impact**

The site is not located within a community centralized sanitary sewer system. Consequently, the uses to be located on the site will be served by individual septic tanks. The individual septic tanks are anticipated to meet or exceed the adopted level of service standard established within the Comprehensive Plan.

The proposed amendment could theoretically result in 2 residential dwelling units on the site. However, since this property does not have central water or sewer only 1 unit is permitted.

Based upon an average of 70 gallons of sanitary sewer effluent per capital per day x 2.41 persons per dwelling unit = 169 gallons of sanitary sewer effluent per day.

2 (dwelling units) x 169 (gallons of sanitary sewer effluent per capita per dwelling unit) = 338 gallons of sanitary sewer effluent per capita per day.

Based upon the above analysis, the sanitary sewer facilities are anticipated to continue to meet or exceed the adopted level of service standard for sanitary sewer facilities as provided in the Comprehensive Plan, after adding the sanitary sewer effluent generated by the theoretical use of the site.

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### **Solid Waste Impact**

Solid waste disposal is provided for the use to be located on the site at the New River Solid Waste Association Landfill. The level of service standard established within the Comprehensive Plan for the provision of solid waste disposal is currently being met or exceeded.

The proposed amendment could theoretically result in 2 residential dwelling units on the site. However, since this property does not have central water or sewer only 1 unit is permitted.

Based upon 12 pounds of solid waste per dwelling unit per day.

2 (dwelling units) x 12 (pounds of solid waste per day per dwelling unit) = 24 pounds of solid waste per day.

Based upon the annual projections of solid waste disposal at the sanitary landfill, solid waste facilities are anticipated to continue to meet or exceed the adopted level of service standard for solid waste facilities, as provided in the Comprehensive Plan, after adding the solid waste demand generated by the theoretical use of the site.

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### **Drainage Impact**

As only a minimal amount of impervious surface will be created, the proposed amendment is not anticipated to adversely impact drainage systems. Therefore, the adopted level of service standard for drainage established with the Comprehensive Plan is anticipated to continue to be met or exceeded.

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### **Recreation Impact**

The level of service standards established within the Comprehensive Plan for the provision of recreation facilities are currently being met or exceeded.

The proposed amendment could theoretically result in 2 residential dwelling units on the site. However, since this property does not have central water or sewer only 1 unit is permitted.

Based upon an average of 2.50 persons per dwelling unit.

2 (dwelling unit) x 2.50 (persons per dwelling unit) = 5 persons.

Resource-based and user-based recreation facilities are anticipated to continue to operate at a level of service which meets or exceeds the level of service standards established within the Comprehensive Plan after the theoretical use of the site.

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### **Traffic Impact**

The road network serving the site is currently meeting or exceeding the level of service standards required for traffic circulation facilities as provided in the Comprehensive Plan.

The proposed amendment could theoretically result in 2 residential dwelling units on the site. However, since this property does not have central water or sewer only 1 unit is permitted.

Summary Trip Generation Calculations for a Single Family Dwelling Unit.

Based upon 1.00 p.m. peak hours per single family dwelling unit.

2 (dwelling units) x 1.00 (p.m. peak hour trips per weekday) = 2 p.m. peak hour trips.

Existing p.m. peak hour trips = 1,219 p.m. peak hour trips.

The following table contains information concerning the assessment of the traffic impact on the surrounding road network by the proposed amendment.

Level of Service	Existing PM Peak Hour Trips	Existing Level of Service	Reserved Capacity PM Peak Hour Trips for Previously Approved	Development PM Peak Hour Trips	PM Peak Hour Trips With Development	Level of Service with Development
U.S. 19/27A/98 (from South City Limit of Fanning Springs to North City Limit of Chiefland)	1,219a	B	0	2	1,221	B

a 2019 Annual Traffic Count Station Data, Florida Department of Transportation.

Sources: Trip Generation, Institute of Transportation Engineers, 10th Edition, 2017.  
Quality/Level of Service Handbook, Florida Department of Transportation, 2020.

Based upon the above analysis and an adopted level of service standard of "C" with a capacity of 4,270 p.m. peak hour trips, the road network serving the site is anticipated to continue to meet or exceed the level of service standard required for traffic circulation facilities as provided in the Comprehensive Plan after adding the projected number of trips associated with the proposed amendment.

*Source for Concurrency Review: North Central Florida Regional Planning Council*

**Affordable Housing**

The change in land use is not anticipated to have an adverse impact on affordable housing stock.

**Summary:** The proposed amendment will not have an adverse impact to the above listed LOS standards. Water and wastewater services are not provided to the subject parcel; solid waste is adequately served by the Three Rivers Landfill; Parks and Recreation LOS will not be adversely impacted; and drainage must meet all applicable rules. The proposed will not render roadway links LOS deficient.

**Accessibility to Public Services:**

Road Access	US 19/98 via NW 140 <sup>th</sup> Street
Fire Protection	Approx. 4.3 miles
Police Protection	Approx. 4.5 miles
Emergency Medical Service	Approx. 4.3 miles

Nearest School	Approx. .1 miles
Centralized Water and Sewer	N/A

*Source: Applicant*

### Land Allocation Analysis

The Florida Bureau of Economic and Business Research (BEBR) latest mid-range population projections for Levy County estimate approximately 41,600 residents by 2020 and a 3% increase to 42,900 by year 2025. The Levy County Comprehensive Plan provides goals, objectives and policies to guide growth and development to appropriate areas of the County.

The Commercial land use category comprises approximately 1,111 acres within the County. This category makes up a total of 0.2% acres of all land uses in the County. In the last two years the County has approved the conversion of just 13.7 acres of Commercial to Rural Residential, bringing down the total acres to 1,037.3 acres of Commercial, but previously approved the conversion of 60 acres from Urban Low Density Residential to Commercial back in 2017. The occasional land use map amendments proposed to convert land from Commercial to other land uses, usually Residential, have been due to relatively recent changes in the County’s Land Development Code to not allow residential dwelling units on property with a Commercial land use or zoning. The primarily rural character of the County is reflected in the percentages of land uses dedicated to agricultural and rural residential uses, with Forestry/Rural Residential (42.9%), Agricultural/Rural Residential (37.3%) and Natural Reservation (17.9%). Together, these three categories make up 93.1% of all land uses in unincorporated Levy County.

The proposed is located inside the Chiefland MSD. Land within this MSD surrounding the subject property to the east, west and south are designated as a Commercial Future Land Use. However, that is not the reality in the pattern of development which is predominately residential.

The subject property is located off an FDOT designated Strategic Intermodal System (SIS) highway and has been determined to be a Principle Arterial- Rural by the Levy County Comprehensive Plan’s Functional Classification Map. The design of US Highway 19/98 can accommodate a capacity of 40,300 annual average daily trips to maintain a Level of Service “C” for the highway.

**Summary:** This amendment would decrease the amount of acreage designated for Commercial by approximately 2.55 acres.

### Urban Sprawl Analysis

The plan amendment is reviewed to determine whether the proposed discourages the proliferation of urban sprawl, as required by Florida statute.

The primary indicators that a plan or plan amendment promotes or does not promote urban sprawl are listed below. The evaluation of the presence of these indicators, and to what extent, shall consist of an analysis of the plan or plan amendment within the context of characteristics unique to the community or area of the community in order to determine whether the plan or plan amendment does the following:



- 1. Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development of uses in excess of demonstrated need.**

*The proposed is a request for Urban Low Density Residential land use within an existing urbanized Municipal Service District (MSD) of Chiefland. The proposed is located within an "urban" area of the County, where the provision of services is scheduled to increase, where the increased intensification of land uses is allowed and encouraged. The Land Allocation Analysis provides the analysis of demonstrated need.*

- 2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.**

*The subject parcel is located within the "urbanized" Chiefland Municipal Service District (MSD), which permits the highest densities and intensities of uses within Levy County. As stated previously in this staff report, the proposed is allowed within this "urbanized" area of unincorporated Levy County.*

- 3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.**

*The proposed is in compliance with the comprehensive plan and does not promote nor allow urban strip development. Proposed development is within the MSD, as designated in the Levy County Comprehensive Plan.*

- 4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.**

*The County's adopted Environmentally Sensitive Lands map shows this proposal is not located within adopted environmentally sensitive lands but is located within the Springs Protection Zone. The proposed is located within the County's Municipal Service District of Chiefland, an area encouraged to accommodate increase intensities of land use. There are several applicable goals, objectives and policies within the County's comprehensive plan to protect the County's precious natural resources while allowing for the appropriate development of land within the its jurisdiction.*

- 5. Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.**

*It appears the proposed would not adversely affect nearby agricultural uses.*

- 6. Fails to maximize use of existing public facilities and services.**

*Water and sewer public facilities are not currently provided to the subject property, although the proposed is located within the Chiefland Municipal District, an area that could accommodate expansion of services.*

**7. Fails to maximize the use of future public facilities and services.**

*The proposed is in an area where existing transportation networks are of adequate capacity and is located within the identified urbanizing area of the Chiefland Municipal Service District.*

**8. Allows for land use patterns or timing which disproportionately increases the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, educational, health care, fire and emergency response, and general government.**

*The proposed is located within a Municipal Service District. The proposed will not create a land use pattern that disproportionately increase the cost in time, money and energy of providing and maintaining facilities and services.*

**9. Fails to provide a clear separation between urban and rural uses.**

*The subject property is located in an identified Municipal Service District and provides for increased densities and intensities of land uses, clearly separated from rural uses that are not permitted within the District.*

**10. Discourage or inhibits infill development or redevelopment of existing neighborhoods and communities.**

*The proposed does not inhibit infill or redevelopment.*

**11. Fails to encourage an attractive and functional mix of uses.**

*The proposed does not fail to encourage an attractive and functional mix of uses. Allowable land use categories and types of development permitted within the MSD provide for and encourage an attractive and functional mix of uses that are complementary to the proposed.*

**12. Results in poor accessibility among linked and related land uses.**

*The proposed would not result in poor accessibility between linked or related uses.*

**13. Results in loss of significant amounts of functional open space.**

*The proposed amendment would not result in loss of significant functional open space.*

**Staff Recommendations**

Staff findings:

1. **Comprehensive Plan Policies:** The proposed land use change is consistent with Comprehensive Plan policies related to “urban” Municipal Service Districts. **Policy 1.2** states: This land use category allows for areas that are predominantly single family residential uses and accessory and supportive uses to residential development. The maximum residential density is one (1) dwelling unit per acre, or two (2)

dwelling units per acre with the provision of central water and sewer or parcel of record as of December 31, 1989. This land use is permitted within an MSD.

2. **Urban Sprawl Indicators:** The evaluation of the proposed amendment for urban sprawl indicators shows that urban sprawl would not be promoted. In regards to available capacity of infrastructure (Potable water sub-element policies 3.1, 3.2 and 3.3), it must be noted that water and wastewater public facilities are currently not provided to the subject property and it is not known at what time in the future such municipal services might be available.

3. **Level of Service:** The proposed amendment would not have an adverse effect on adopted level of service standards.

4. **Compatibility:** A determination of compatibility of the proposed land use with surrounding land uses is dependent upon the character of surrounding uses and land use designations, which are discussed in this report. Staff finds that the proposed land use amendment would be compatible with land use patterns in the surrounding area.

Based on the four above findings staff recommends the Planning Commission recommend approval of this small scale land use amendment from Commercial to Urban Low Density Residential.

Local Review:

Planning Commission Recommendation, July 12, 2021

Vote: Recommended approval 4-0 to the BOCC

Board of County Commissioners Action, August 3, 2021

Vote: TBD