

LEVY COUNTY

PLANNING DEPARTMENT STAFF REPORT (Updated from 1/4/21)

Application Number: LSA 20-01 Staff Contact: Stacey Hectus, Director
352-486-5405

Local Planning Agency **Hearing Date:** January 4, 2021, past hearing date December 12, 2020 (tabled)

Board of County Commissioners **Transmittal Hearing: February 2, 2021**
Adoption Hearing Date: TBD

SUBJECT: **LSA 20-01:** A request for a large scale land-use amendment to the Future Land Use Map from “Forestry/Rural Residential” (1 dwelling unit per 20 acres) to “Agricultural/Rural Residential” (one dwelling unit per 10 acres) on vacant land, containing approximately 62.39 acres located in Section 7, Township 16, and Range 17. Parcel I.D. is 1436501600, with a location approximately 5 (5) miles north of Inglis, Florida on U.S. 19/98. Address is SE 157th Place, Goethe Road. Property owners are R & R Land Holdings, LLC aka William R. Spell III.

APPLICANT/AGENT: William R. Spell III

OWNERS: R & R Land Holdings, LLC

PROPERTY DESCRIPTION: Location: U.S. Highway 19/98 approximately 4 miles north of the Town of Inglis, Florida.
Parcel Number: 1436501600
Section/Township/Range: 7/16/17
Land Use: Forestry/Rural Residential
Zoning: Forestry/Rural Residential
Existing Use: Vacant
Acreage: Total 62.39 acres

PREVIOUS REQUESTS: None

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

CHRONOLOGY: Original Staff Report Date: December 4, 2020
Planning Commission Hearing: December 7, 2020
Planning Commission Hearing: January 4, 2021

STAFF RECOMMENDATION: Staff recommends the Board of County Commissioners hear the proposed large scale land-use amendment and make a recommendation to transmit to the state.

LPA RECOMMENDATION: Approved 4-0

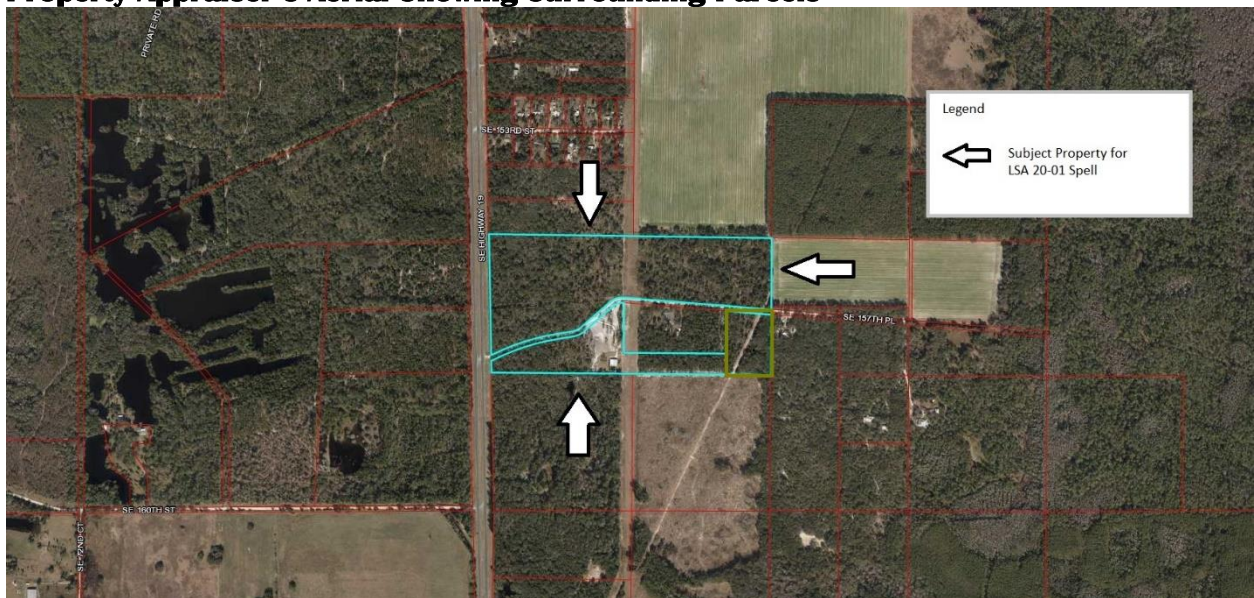
BOCC ACTION: TBD

LEVY COUNTY PLANNING DEPARTMENT

Aerial Showing General Location of Subject Property

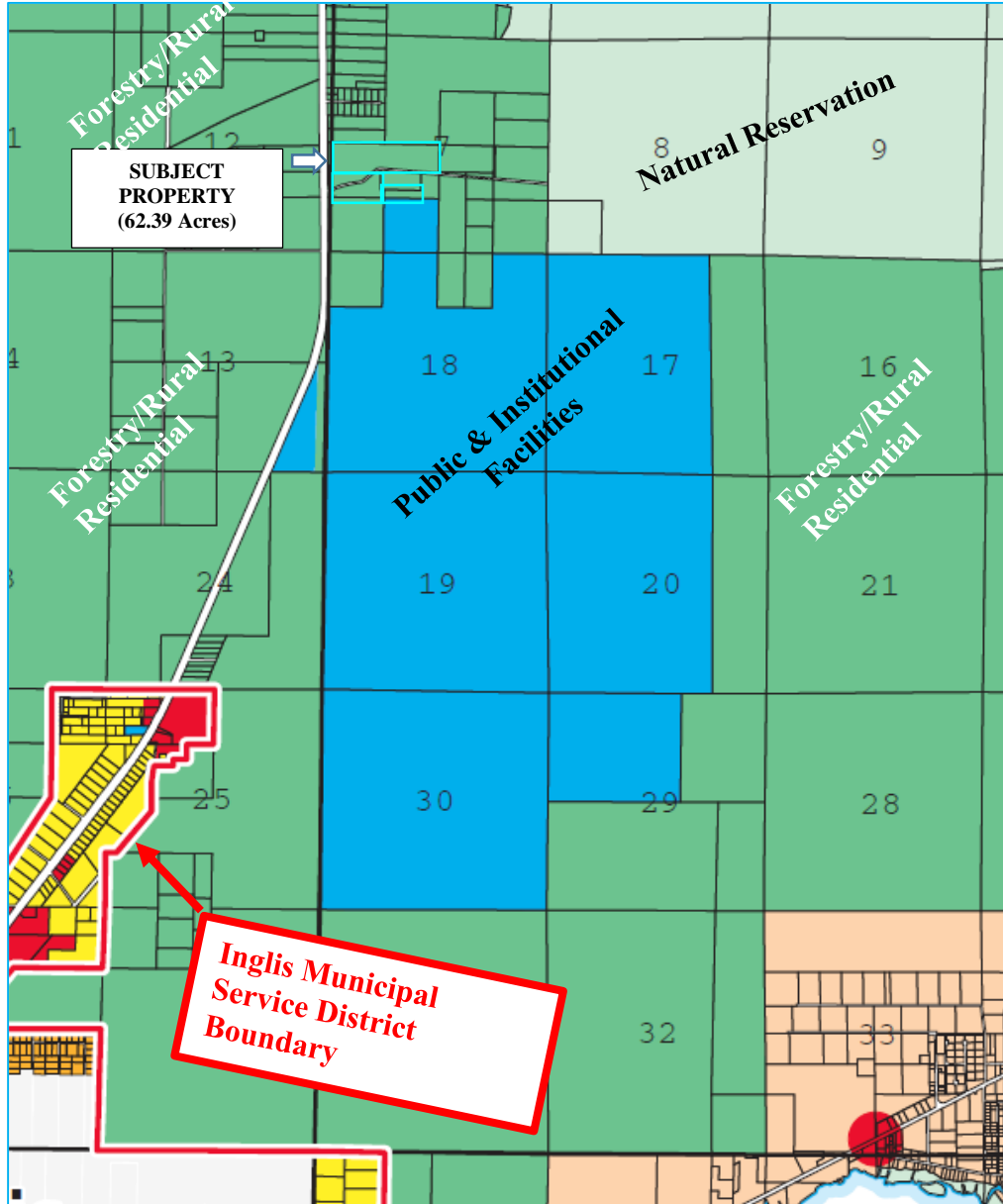


Property Appraiser's Aerial Showing Surrounding Parcels



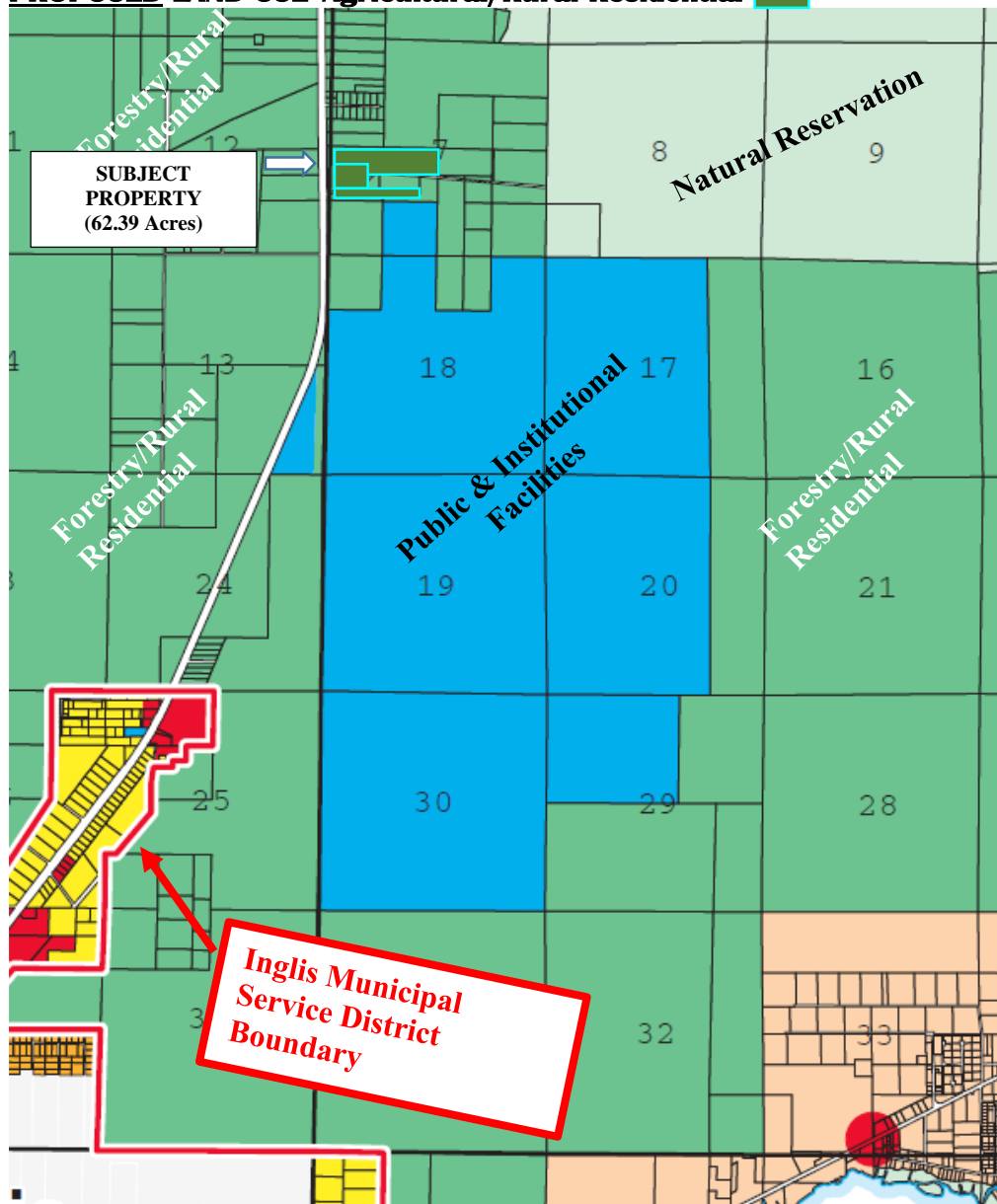
FUTURE LAND USE MAP

EXISTING LAND USE- Forestry/Rural Residential



FUTURE LAND USE MAP

PROPOSED LAND USE- Agricultural/Rural Residential



ANALYSIS OF REQUEST

Background

The applicant is requesting a large-scale land use amendment to the Future Land Use Map from “*Forestry/Rural Residential*” (one dwelling unit per 20 acres) to “*Agricultural/Rural Residential*” (one dwelling unit per 10 acres) on parcel 1436501600, located directly on U.S Highway 19/98 about 4 miles north of the Town of Inglis, Florida. The subject property is located outside the Town of Inglis Municipal Service District (MSD). The property is undeveloped and does not yet have a physical address.

The *Agricultural/Rural Residential* land use designation provides for “*areas predominantly used for agriculture, accessory and supportive uses to the agricultural industry, resource based and/or non-spectator based recreational uses, conservation uses, and very low density rural development. The maximum residential density is one (1) unit per ten (10) acre, except as otherwise provided by Policy 3.3. The minimum parcel size is ten (10) acres, or parcel of record as of December 31, 1989. Public schools are permitted in this land use category*”.

Description of Site and Surrounding Properties

The proposed land use change applies to a total of approximately 62.39 acres of vacant undeveloped property fronting U.S. Highway 19/98, approximately 4 miles north of the Town of Inglis. The subject property and surrounding area are well outside the Yankeetown/Inglis *Municipal Service District (MSD)*.

Property immediately to the north, east and west carry a *Forestry/Rural Residential* future land use designation. Properties immediately to the south carry a *Public and Institutional Facilities* and *Forestry/Rural Residential* future land use designation.

The surrounding area is primarily agricultural / timber low density residential uses. Vacant property to the south are part of the Progress Energy (Duke Energy) land use change and special exception use project initiated around 2005. There is an existing 10-acre parcel surrounded by the proposed land use change that is not part of this application and owned by another person.

COMPREHENSIVE PLAN CONSISTENCY

The *Agricultural / Rural Residential (A/RR)* future land use category is discussed in policy 1.2 of the Future Land Use Element of the Levy County Comprehensive Plan. Development of the *A/RR* land use category is implemented through the *Agricultural/Rural Residential (A/RR)* zoning category. Permitted uses in the *A/RR* future land use category include uses predominantly used for agriculture, accessory and supportive uses to the agricultural industry, resource based and/or non-spectator based recreational uses, conservation uses, and very low density rural development.

Both *Agricultural/Rural Residential* and *Forestry/Rural Residential* future land uses are prohibited within the County’s eight Municipal Service Districts (MSDs). The delineation between “urban” and “rural” areas of the county are accomplished by permitting only “urban” type uses within the eight (8) MSDs.

EFFECT OF AMENDMENT ON AFFORDABLE HOUSING

Staff does not expect the land use amendment to have a negative effect on affordable housing.

STAFF ANALYSIS:

Bases:

1. **Policy 1.2** states: *This category provides for areas predominantly used for agriculture, accessory and supportive uses to the agricultural industry, resource based and/or non-spectator based recreational uses, conservation uses, and very low density rural development. The maximum residential density is one (1) unit per ten (10) acres, except as otherwise provided by Policy 3.3. The minimum parcel size is ten (10) acres, or parcel of record as of December 31, 1989. Public schools are permitted in this land use category.*

The amendment would potentially allow three (3) additional residential units to be constructed. The applicant is seeking to subdivide into five (5) ten (10±) acre lots.

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. **Objective 1: Guidelines for Future Land Use Categories** states: *Establish land use categories that allow sufficient acreage for residential, commercial, office, mixed-use, industrial, education, agricultural, recreation, conservation and public and institutional uses while establishing a clear separation between urban and rural land uses.*

Existing and Future Land Use Pattern and Compatibility

Existing Development Patterns	Existing Use	Future Land Use Designations
North	Vacant Timber land (Fronts US 19) and Pasture land	Forestry/Rural Residential
South	Vacant Duke Energy & Timber Vacant	Public & Institutional Facilities Forestry/Rural Residential
East	Vacant Timber land, Pasture land and residential	Forestry/Rural Residential
West	Agricultural; Low Density Residential/ Agricultural (other side of US 19)	Forestry/Rural Residential

Properties in the surrounding area are generally a mix of vacant timber, agricultural lands and some low density rural residential development on large acreage. The proposed land use designation is appropriate and consistent with the mix of development pattern in the surrounding area.

Environmental Suitability

It appears the subject property is outside any environmentally sensitive lands, as depicted in the County's adopted *Generalized Environmentally Sensitive Lands* Map. Keeping in mind the map is generalized and details of site 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. The subject property appears to be outside any storm surge zones identified in the County's adopted *Coastal High Hazard Surge* map.

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 5 residential dwelling units on the site.

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.

5 (dwelling units) x 241 (gallons of potable water usage per dwelling unit per day) = 1,205 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.

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 5 residential dwelling units on the site.

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.

5 (dwelling units) x 169 (gallons of sanitary sewer effluent per capita per dwelling unit) = 845 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.

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 5 residential dwelling units on the site.

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

5 (dwelling units) x 12 (pounds of solid waste per day per dwelling unit) = 60 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.

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.

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 5 dwelling units on the site.

Based upon an average of 2.50 persons per dwelling unit.

5 (dwelling units) x 2.50 (persons per dwelling unit) = 12.5 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.

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 5 residential dwelling units on the site.

Summary Trip Generation Calculations for a Single Family Dwelling Unit.

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

5 (dwelling units) x 1.00 (p.m. peak hour trips per weekday) = 5 p.m. peak hour trips.

Existing p.m. peak hour trips = 537 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. 19/98 (from North City Limit of Inglis to S.R. 55)	537 ^a	B	0	5	543	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
Fire Protection	Approx. 6 Miles
Police Protection	Approx. 6 Miles
Emergency Medical Service	Approx. 4 Miles
Nearest School	Approx. 7 Miles
Centralized Water and Sewer	Approx. 6 miles

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 *Forestry/ Rural Residential* (one dwelling per 20 acres) future land use category comprises approximately 292,016 acres within the County. The category makes up an approximate total of 42.9% of all land uses in the County. Approximately 220,099 acres is designated as *Agricultural/ Rural Residential* (one dwelling per 10 acres) future land use. This is about 32.3% of all land uses in Levy County. As such, 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* (32.3%) and *Natural Reservation* (17.9%). Together, these three categories make up 93.1% of all land uses in unincorporated Levy County.

The Levy County Comprehensive Plan encourages and has as its Goal 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.

The proposed is located outside the designated "urban" area surrounding the Town of Inglis and associated Municipal Service District future land use category. Land surrounding the subject property to the north, east and south are designated as "rural", with the exception of Public and Institutional Facilities which is allowed within both "urban" and "rural" areas of the county. The

subject property is located along 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 the *de minimis* impact of two additional residential units to maintain a Level of Service "C" for the highway.

Summary: This amendment would increase the amount of acreage designated for Agricultural/Rural Residential by approximately 62.39 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 a rural residential land use within existing areas designated as "rural" on the Future Land Use map and the Levy County Comprehensive Plan. The proposed is located outside an "urban" area of the County, and will maintain the natural rural character of the county. 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 an existing "rural" area of the county and will not result in significant amounts of urban development to occur in rural areas at a substantial distance from existing urban areas. The proposed intensification of land use is appropriate within this rural area outside the Inglis/Yankeetown MSD as designated in the Levy County Comprehensive Plan and associated Future Land Use Map.

- 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.

- 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 the proposed land use change is not located within adopted environmentally sensitive lands, and is located outside the surge zones designated in the Coastal Hazard Map. The proposed is located outside of the County's Municipal Service District for the Town of Inglis/Yankeetown, and will not result in premature or poorly planned conversion of rural land to other uses, nor fail to protect and conserve natural resources. 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 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, and rural developments of this low intensity are served by well and septic.

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

The proposed low density use is in an area where existing transportation networks are of adequate capacity.

- 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 does not allow a land use pattern or timing that disproportionately increase the cost in time, money and energy of providing and maintaining facilities and services. This low intensity land use is located within the rural area of the county, outside the more "urban" uses found within the municipalities and surrounding Municipal Service Districts that are serviced by utilities and facilities typically characterized as more "urban" in nature.

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

The subject property is located outside the identified Municipal Service District and continues to provide for rural uses outside designated "urban" uses and so provides a clear separation between urban and rural areas.

- 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 outside 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.

The proposed amendment is evaluated to determine whether it discourages the proliferation of urban sprawl. If the proposed achieves four or more criteria listed in CH. 163, F.S. The following provides four (4) criteria:

1. Directs growth and development to areas of the community in a manner that does not adversely impact natural resources.

The proposed Agricultural/Rural Residential land use category is a very low density use that is only allowed outside the County's identified Municipal Service Districts. It will continue to maintain the rural character of the area and will not adversely impact natural resources.

2. Promotes the efficient and cost effective provision or extension of public infrastructure and services.

The proposed Agricultural/Rural Residential land use category is a very low density and low intensity land use that does not require the extension of public infrastructure as a more intense and "urban" proposal would require.

3. Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that support a range of housing choices and a multimodal transportation system.

The proposed Agricultural/Rural Residential land use category is located in an area identified in the comprehensive plan as appropriate for rural low densities and low intensities of uses which support a mix of uses and ranges of housing choices and multiple transportation modes.

4. Promotes conservation of water and energy.

The proposed low density land use change will promote conservation of water and energy due to its location outside the Town's Municipal Service District, an area identified on the Future Land Use Map as being appropriate for more intense development and higher density residential development than what is permitted

outside these boundaries. These more intense types of land uses require centralized water and sanitary sewer services, making them in close proximity to municipal boundaries. The MSD acts essentially as an urban growth boundary that prevents urban sprawl, therefore promoting the conservation of water and energy.

Recommendations and Action

Staff findings:

1. **Comprehensive Plan Policies:** The proposed land use change is consistent with Comprehensive Plan policies related to “rural” areas of the County. **Policy 1.2** states: *This category provides for areas predominantly used for agriculture, accessory and supportive uses to the agricultural industry, resource based and/or non-spectator based recreational uses, conservation uses, and very low density rural development. The maximum residential density is one (1) unit per ten (10) acres, except as otherwise provided by Policy 3.3. The minimum parcel size is ten (10) acres, or parcel of record as of December 31, 1989. Public schools are permitted in this land use category.*

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.*

Objective 1 Guidelines for Future Land Use Categories states: *Establish land use categories that allow sufficient acreage for residential, commercial, office, mixed-use, industrial, education, agricultural, recreation, conservation and public and institutional uses while establishing a clear separation between urban and rural land uses.*

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. Nearby properties, include low density residential uses and timber and agricultural uses appropriately located outside of the Town of Inglis/Yankeetown Municipal Service District. Staff finds that the proposed land use amendment would be compatible with land use patterns in the surrounding area.

Local Review:

Planning Commission Recommendation, December 7, 2020

Vote: Tabled

Planning Commission Recommendation, January 4, 2021

Vote: Approved 4-0

Board of County Commissioners Action, February 2, 2021

Vote: TBD