**October 26, 2026**

# DATA, ANALYSIS, AND CONCURRENCY REPORT

**SD 2026-567a**

Application for a Preliminary Plat
For Headwater Commercial Park

Prepared for:

LEVY COUNTY
FLORIDA
ESTABLISHED 1845

Applicant/Agent:

Stephen M. McMillen, PSM
McMillen Surveying, Inc.

Prepared by:

Brandon M. Stubbs
Planning & GIS Manager
North Florida Professional Services, Inc.

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# GENERAL PROJECT INFORMATION

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| SUBJECT: | 2025-567a – A request for Preliminary Plat approval for a proposed commercial subdivision (Headwater Commercial Park) consisting of ten (10) lots on a ±25.27-acre subject property. |
| APPLICANT/AGENT: | Stephen M. McMillen, PSM<br>McMillen Surveying, Inc. |
| PROPERTY OWNER(S): | Brije, LLC. |
| LOCATION: | East of N.E. U.S. Highway 27 and West of N.E. 220th Avenue |
| PARCEL ID NUMBER(S): | 05153-000-00 |
| ACREAGE: | ±25.24 |
| EXISTING FLUM | Commercial & Residential, Low Density |
| EXISTING ZONING | Neighborhood, Commercial ("C-2") & Residential ("R-1") |
| PROJECT PLANNER: | Brandon M. Stubbs, Planning & GIS Manager<br>North Florida Professional Services |

# SUMMARY

This petition is a request by Stephen M. McMillen, PSM, of McMillen Surveying, Inc., on behalf of Brije, LLC., for preliminary plat approval for a commercial subdivision (Headwater Commercial Park). The proposed preliminary plat consists of ten (10) lots on an approximately 25.27-acre subject property.

The subject property is located east of N.E. U.S. Highway 27 and west of N.E. 220th Avenue just north of the intersection of said rights-of-way.

# FUTURE LAND USE MAP (FLUM) DESIGNATION

**Policy 1.2 Commercial**

This land use category allows for commercial land uses and the development of central business districts. Commercial land uses are described by levels of intensity of Commercial/Professional Office, Neighborhood/Retail Services, Community/Retail and Wholesale Business and Regional/Retail and Wholesale Business. The minimum lot size is one-fourth [1/4] acre and the maximum floor area ratio is 0.5. Lot coverage shall be based on and shall be required to meet all other local and state land development regulations. This land use is only permitted within a Municipal Service Districts and Planned Unit Developments (P.U.D.s), however this designation shall be permitted within rural areas identified on the Future Land Use Map Series as follows: Gulf Hammock, Lebanon Station, Rosewood/Sumner, and the U.S. 19 Corridor between Fanning Springs and Chiefland.

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In addition to the above-described commercial uses, one (1) residential dwelling unit may be permitted on a parcel of land that is designated commercial land use, provided that all of the following requirements are satisfied:

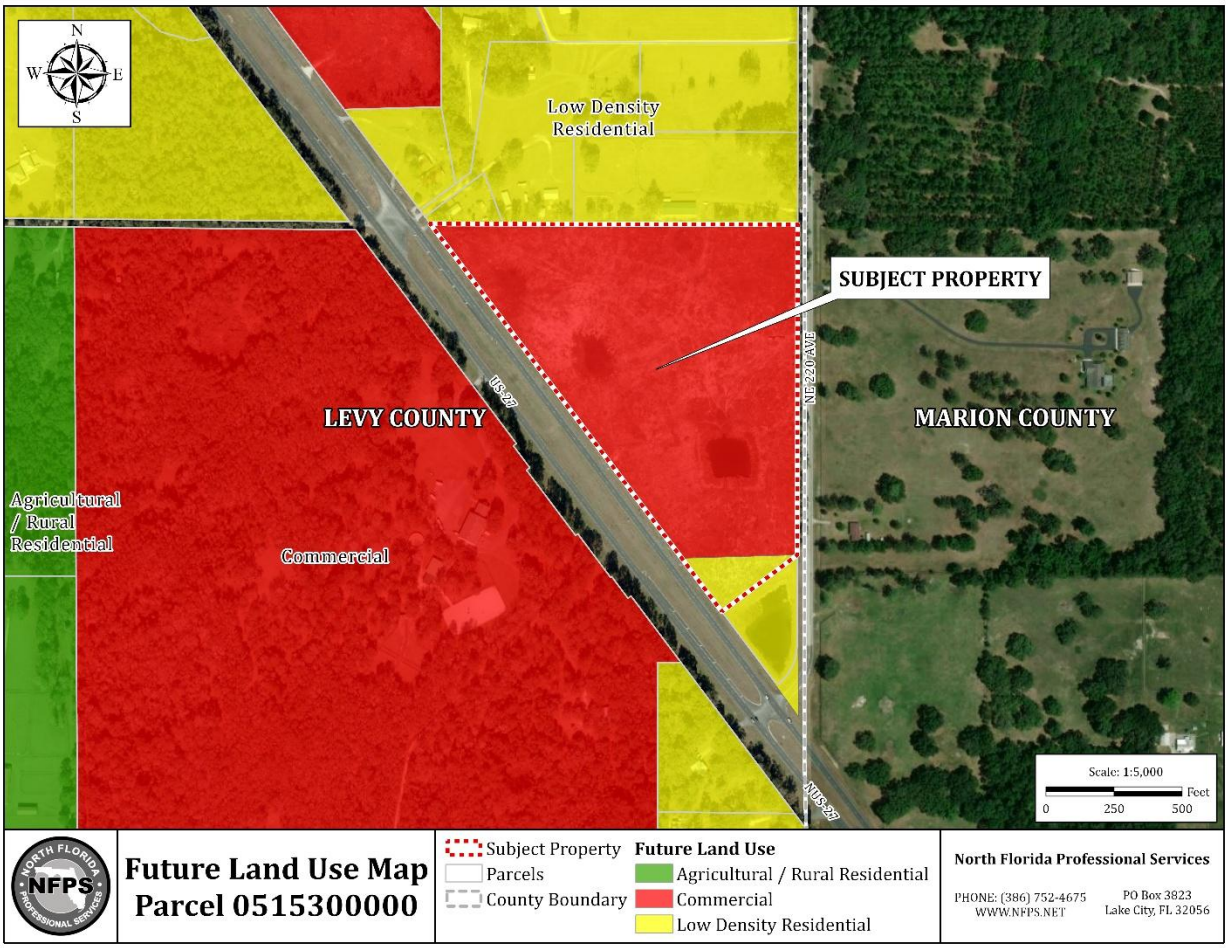
(1) The parcel was designated commercial land use on December 31, 1989; and

(2) The parcel is located within either a recorded residential plat or the boundaries of such parcel are identical to the boundaries of the parcel as it existed on December 31, 1989; and

(3) There are no non-residential structures on the parcel; and

(4) All applicable requirements of the County's land development regulations are met.

**Map 1. Future Land Use Map**



# LAND USE DISTRICT REGULATIONS

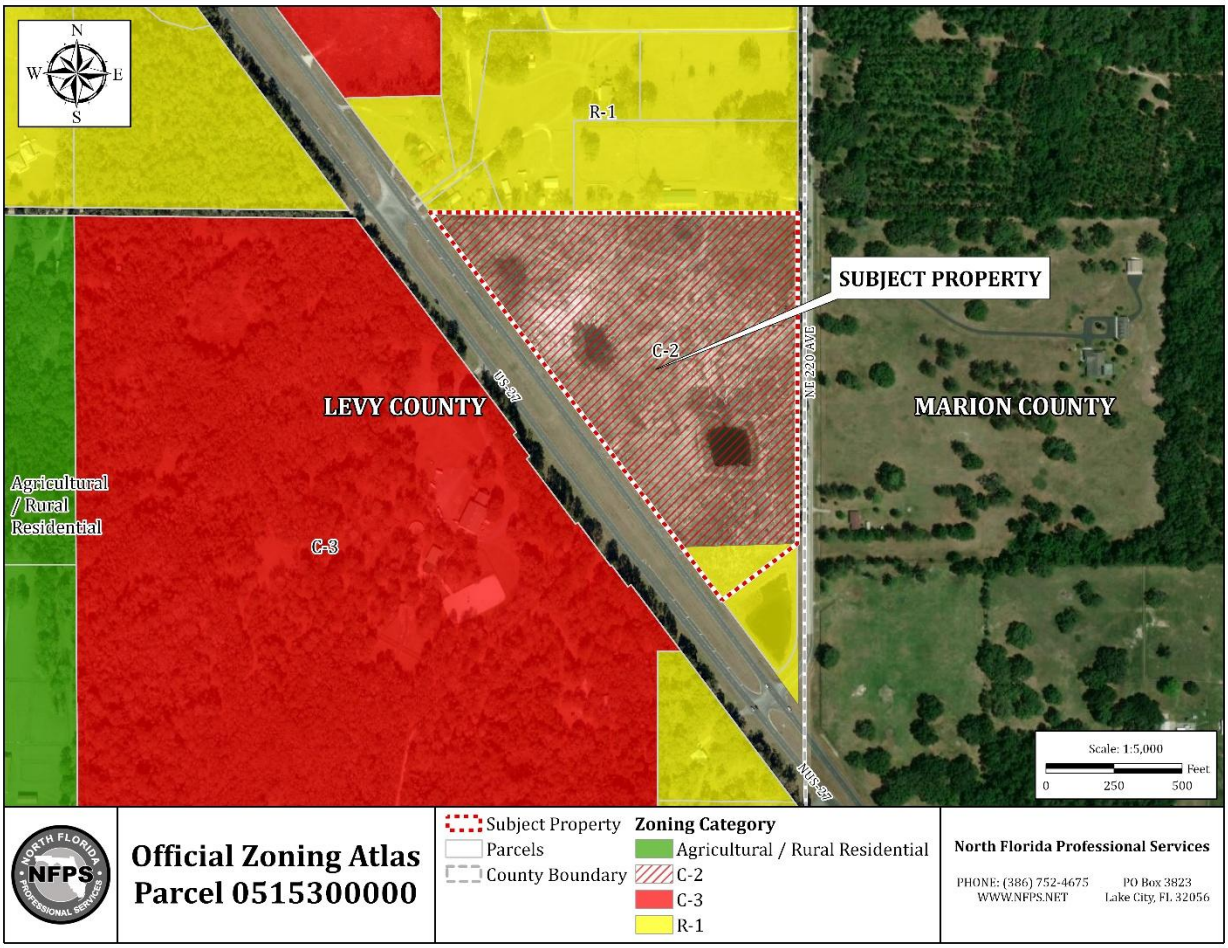
| | |
|---|---|
| **Land Use District:** | Commercial |
| **Zoning Designation** | Neighborhood, Commercial ("C-2") |
| **Max. Gross Density:** | N/A |
| **Minimum Lot Area** | One (1) Acre |
| **Floor Area Ratio:** | 0.5 |
| **Typical Uses Permitted by Right*:** | Agriculture operation, bona fide; Veterinary offices with outdoor pens, kennels or runs – if not located adjacent to property zoned RR, R-1, R-2 or RR-3C (50-727); Bed & Breakfast Inn; Manufacturing, assembly, processing, packaging, storage and distribution of products without emissions of odor, noise, dust, smoke, vibration or light; Warehouses, including offices and showrooms; Self-storage, RV/boat storage facilities; Adult or child care facility; Hospital; Government offices and facilities; Dwelling, single-family in RR-3C only homes built to Florida Building Code, no mobile or manufactured homes; Adult or child care home; Restaurant (food and/or beverages); Retail (15,000 sq ft or less); Food processing, such as butcher, custom processing and wrap services, cold storage - no live animals on premises; Funeral homes with chapel (no crematorium); Personal services, such as barber, hair salon, nail salon, tattoo, piercing, gym, massage therapist; Professional services offices, such as attorney, architect, medical, engineer, title, financial, insurance, management, real estate, veterinarian without outdoor pens, kennels or runs; Essential public utility services. |
| **Uses Permitted by Special Exception*** | Educational facilities (50-757); Place of religious assembly, civic organization or membership club, with outdoor uses (50-760). |
| **Uses Permitted by Conditional Use*** | Veterinary offices with outdoor pens, kennels or runs - if located adjacent to property zoned RR, R-1, R-2 or RR-3C (50-727); Assisted living facility or nursing home (50-734); Place of religious assembly, civic organization or membership club, indoor uses only (50-731); Community residential home (small) (50-729); Community residential home (large) (50-729); Communications towers and antenna (50-725); Solar facilities. |
| ** The typical uses identified above are not intended to be a complete list of permitted uses, may be subject to use-specific standards that may not be met by the subject property, and may not reflect the actual requirements to which potential development may be subject.* | |

| Zoning District | Minimum Lot Size (acres) | Minimum Lot Width (Feet) | Minimum Lot Depth (Feet) | Minimum Building Setback (Feet) | | | Maximum Height (Feet) |
|---|---|---|---|---|---|---|---|
| | | | | Front | Side | Rear | |
| C-2[1] | 1 | 100 | 200 | 30 | 10 | 25 | 35 |

*[1] May require central water and sewer service, as determined by the zoning official and the County Health Department, based on the nature and intensity of the use(s).*

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**Map 2. Official Zoning Atlas Map**



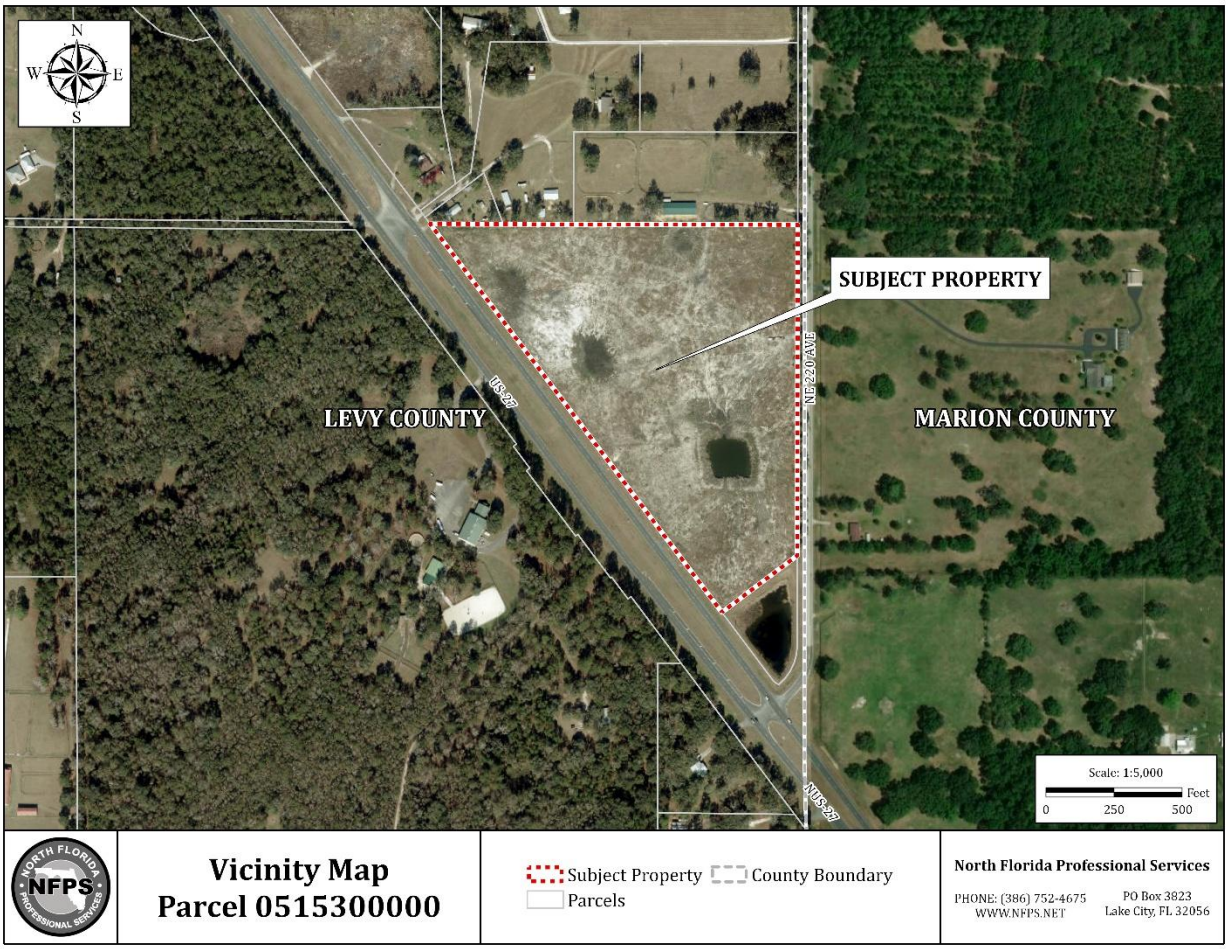

## SURROUNDING USES

The existing uses and Future Land Use Map ("FLUM") Designations of the surrounding area are identified in Table 1. Map 1 provides an overview of the vicinity of the subject property.

**Table 1. Surrounding Land Uses**

| Direction | Existing Use(s) | FLUM Designation(s) | Zoning Designation(s) |
|---|---|---|---|
| North | Single Family Residence/ Vacant Commercial | Residential, Low Density/Commercial | Moderately Intensive Commercial ("C-3")/Single-Family Residential, Urban ("R-1") |
| South | NE US Highway 27/Single Family Residence/ Vacant Commercial | Residential, Low Density/Commercial/ Agriculture/Rural Residential | Moderately Intensive Commercial ("C-3")/Single-Family Residential, Urban ("R-1")/Agricultural-Rural Residential ("A/RR") |
| East | NE 220th Avenue/Single Family Residence | Marion County | Marion County |
| West | NE US Highway 27/Single Family Residence | Residential, Low Density/Commercial/ Agriculture/Rural Residential | Moderately Intensive Commercial ("C-3")/Single-Family Residential, Urban ("R-1")/Agricultural-Rural Residential ("A/RR") |

**Map 3. Vicinity Map**




# CONSISTENCY WITH THE COMPREHENSIVE PLAN

The application was reviewed for consistency with the Comprehensive Plan, and while found to be generally consistent with the Goals, Objectives, and Policies ("GOPs") within the Future Land Use Element, the application fails to be consistent with the applicable Goals, Objectives, and Policies ("GOPs") related to stormwater management, natural drainage/water quality, and aquifer recharge established within the Infrastructure Element. Below are specific GOPs with which the application is not consistent.

## INFRASTRUCTURE ELEMENT

### Stormwater Management Sub-Element

**Goal:**
Ensure that stormwater management systems are adequate to reduce the risk of public endangerment and property damage from long term flooding and protect surface and ground water quality.

***<u>Evaluation and Findings:</u> The applicant has failed to provide documentation demonstrating that stormwater management systems are adequate to reduce the risk of public endangerment and that the proposed subdivision and surrounding properties are protected from damage from long-term flooding and protect surface and ground water quality.***

**Objective 1 – Stormwater and Floodplain Protection**
Review and update the land development regulations annually to assure that stormwater and floodplain management standards are consistent with local, state and federal management regulations.

***<u>Evaluation and Findings:</u> Section 50-557 "Requirements for Preliminary Plats" of the Land Development Code ("LDC") establishes the minimum requirements for preliminary plats. Specifically, Section 50-557(18) of the LDC requires all floodprone areas to be shown on the preliminary plat and compliance with Section 50-582 "Stormwater Drainage" of the LDC – in accordance with Objective 1, above. The applicant's submittal does not establish that the floodprone areas have been adequately delineated or that the applicable drainage and floodplain provisions have been addressed. The applicant has failed to provide documentation demonstrating compliance with Objective 1 of the Infrastructure Element of the Comprehensive Plan, Section 50-557(18), and Section 50-582 of the LDC.***

**Policy 1.1**
Land development regulations shall implement development standards for floodprone and wetland areas. New development shall be required to provide on-site water retention and/or detention areas adequate to accommodate any increased stormwater run-off unless exemption is permitted under the applicable Water Management District regulation.

***<u>Evaluation and Findings:</u> As indicated above, the applicant has failed to provide documentation demonstrating compliance with Objective 1 of the Infrastructure Element of the Comprehensive Plan, Section 50-557(18), and Section 50-582 of the LDC. No engineering analysis has been identified that quantifies pre-development and post-development runoff, sizes the proposed facilities, or documents an applicable exemption. The County therefore cannot verify that increased runoff will be accommodated as Policy 1.1 requires. As such, the applicant has failed to comply with Policy 1.1, stated above.***

**Stormwater Management Level of Service**
**Policy 1.2**
Stormwater management facilities shall meet the following level of service standards and guidelines:

**A Standard:** The design of stormwater management facilities shall comply with the applicable Water Management District standards for stormwater quantity. (i.e., F.A.C. Chapter 62-330 for Suwanee River Water Management District (SRWMD) and South West Florida Water Management District (SWFWMD)).

**Guideline:** On-site post development stormwater management and runoff conditions shall not exceed the rate and volume of pre-development conditions.

**B. Standard:** Water discharge treatment shall be consistent with F.A.C. Chapter 62-330.

**Guideline:** Discharge equal to ambient conditions, with treatment of the first one (1) inch.

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***<u>Evaluation and Findings:</u> The applicant has failed to provide documentation demonstrating compliance with Policy 1.2, above. The applicant does not identify a complete stormwater design, calculations comparing pre-development and post-development rate and volume, treatment volumes, outfall conditions, or water management district authorization or exemption. Consequently, compliance with the applicable quantity and treatment standards and the policy guidelines has not been demonstrated. Further, the applicant has failed to provide documentation demonstrating compliance with Objective 1 of the Infrastructure Element of the Comprehensive Plan, Section 50-557(18), and Section 50-582 of the LDC. As such, the applicant has failed to comply with Policy 1.2, stated above.***

**Policy 1.3**
All developments shall comply with the provisions of the Land Development Code regulating stormwater and floodplain management.

***<u>Evaluation and Findings:</u> As previously mentioned, the applicant has failed to provide documentation demonstrating compliance with Objective 1 of the Infrastructure Element of the Comprehensive Plan, Section 50-557(18), and Section 50-582 of the LDC. As such, the applicant has failed to comply with Policy 1.3, stated above.***

## <u>Natural drainage/ water quality</u>

**Policy 1.4**
Stormwater quality will be analyzed and treated to remove and eliminate pollutants prior to discharge into sinkholes or other natural drainage areas (i.e., wetlands, marshes, waterbodies etc.). New developments shall ensure that stormwater discharge into natural drains meet water quality standards in F.A.C. Chapter 62-330.

***<u>Evaluation and Findings:</u> The subject property contains several areas of ponding/natural waterbodies. The applicant has failed to provide documentation demonstrating compliance with Policy 1.4, above. Therefore, the applicant has failed to comply with Policy 1.4, above.***

**Policy 1.5**
The adopted level of service for floodplain protection is the 100-year flood elevation and/or consistent with National Flood Insurance Program requirements.

***<u>Evaluation and Findings:</u> The applicant has failed to provide documentation establishing the Base Flood Elevation ("BFE") – A.K.A. the 100-Year Flood Elevation – for the proposed Special Flood Hazard Areas and Ponding areas located on the subject property. Further, the applicant has failed to provide documentation demonstrating flood volume compensation for areas within the Special Flood Hazard Area. Therefore, the applicant has failed to comply with Policy 1.5, above.***

## <u>Aquifer recharge sub-element</u>

**Goal:**
Protect the quality and supply of ground water through the proper management of development activities in aquifer recharge/discharge and floodprone areas.

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***<u>Evaluation and Findings:</u> The subject property is located in a High Aquifer Recharge Area and contains several areas located within a FEMA Designated Special Flood Hazard Area. The above Goal requires the protection of ground water via proper management of development activities in aquifer recharge/discharge and floodprone areas. The applicant has failed to provide documentation demonstrating that the proposed development protects the quality and supply of ground water. As such, the applicant has failed to comply with the Goal, above.***

**Objective 1**
Natural groundwater recharge areas, discharge features and wetland preservation.

Protect the natural functions of groundwater recharge and discharge areas by identifying the sensitive features of the land and providing land development regulations standards to ensure the adequate provision of stormwater facilities and floodplain management.

***<u>Evaluation and Findings:</u> The subject property is located in a High Aquifer Recharge Area and contains several areas located within a FEMA Designated Special Flood Hazard Area. The applicant has failed to provide documentation demonstrating that the proposed development protects the natural functions of groundwater recharge and discharge areas nor has the applicant ensured adequate provisions for stormwater facilities and floodplain management. Therefore, the applicant has failed to comply with Objective 1, above.***

**Policy 1.1**
Proposed land uses and development will be reviewed to identify natural groundwater recharge/discharge (i.e., wetlands, floodplains) areas and karst characteristics of the land using the best available data including, but not limited to, topographic maps delineating the 100-year and 10-year flood elevations and FEMA maps.

***<u>Evaluation and Findings:</u> The subject property is located in a High Aquifer Recharge Area and contains several areas located within a FEMA Designated Special Flood Hazard Area. The applicant has failed to provide documentation demonstrating that the proposed development does not negatively impact areas of recharge, ponding, wetlands, and floodplains (Special Flood Hazard Areas). Therefore, the proposed application fails to comply with Policy 1.1, above.***

**Policy 1.2**
Development that impairs the function of the aquifer recharge and discharge areas will be directed away from the most sensitive portion of the land, to the maximum extent possible.

***<u>Evaluation and Findings:</u> The subject property is located in a High Aquifer Recharge Area and contains several areas located within a FEMA Designated Special Flood Hazard Area. The applicant has failed to provide documentation demonstrating that the proposed development directs impact from the most sensitive portion(s) of the subject property. As such, the applicant has failed to comply with Policy 1.2, above.***

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# STANDARDS AND REQUIREMENTS OF APPROVAL FOR A PRELIMINARY PLAT

Section 50-531 of the Levy County Land Development Code (LDC) defines subdivision procedures as the adoption of these regulations. Section 50-532 of the LDC outlines the submission and approval of preliminary plats. Further, Section 50-532 of the LDC states, "**To receive consideration, a preliminary plat application, together with other required data**, shall be presented to the county development department no later than the first day of the month preceding a regular monthly meeting of the planning commission. The application shall include the application fee, and a sufficient number of copies of the following documents to supply copies of the documents to all board and planning commission members and to any county staff or county consultants that may perform a review of the application: preliminary plat, completed application form, checklist, and **all other required supportive data and information** … **upon a finding by the development department director that an application is complete**, the applicable county staff shall review the application. Once county staff review is complete, the application shall be scheduled for a public hearing before the planning commission at the regular monthly meeting for the month following the application deadline described in the first sentence, or, if scheduling for such regular monthly meeting is not possible due to advertising deadlines or for any other reason, the application shall be scheduled for the next planning commission meeting at which it may reasonably be heard."

***Evaluation and Findings:*** ***The applicant has failed to provide the required documentation for the proposed application to be deemed complete. Therefore, the application is not eligible for consideration for approval. However, at the applicant's request, and contrary to staff's recommendation, County staff has proceeded with scheduling the proposed preliminary plat for consideration by the Planning & Zoning Board. This action is being taken at the applicant's direction and should not be construed as staff's endorsement of the application, a determination that the preliminary plat satisfies all applicable requirements, or a modification of staff's recommendation. At this time, the Planning & Zoning Board cannot approve the application for preliminary plat given the deficiencies, incompleteness of the application, and consequential prevention of technical review against County standards, as required by the Comprehensive Plan and Land Development Code.***

Section 50-557 of the LDC explicitly states the requirements for preliminary plats; Specifically, Section 50-557(18) states, "**All floodprone areas will be shown, and shall comply with [section] 50-582 and article VI of this chapter.**" Section 50-582 and Article VI of the LDC pertain to Stormwater Drainage and Environmental and Resource Protection.

**Sec. 50-582. - Storm drainage.**

(a) **When deemed necessary by any department**, commission or the board of county commissioners, a drainage design prepared by a state registered professional engineer may be required which will include detailed construction plans, supportive calculations and any additional information related or required therewith.

(b) The engineer's attention is directed to the following:

(1) **Where drainage runoff comes from outside the limits of the subdivision, it shall be included in the design**.

(2) **Design storm intensity-frequency data shall be taken from the state department of transportation drainage manual for this zone or may be taken from storm intensity-frequency data published by another governmental agency if approved prior to use**.

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(3) **Culverts shall be designed for a ten-year storm frequency and all other facilities and structures shall be designed for a 25-year frequency**.
(4) **The study shall include the effect of the subdivision on all downstream owners**.
(5) **Special consideration shall be given to avoid problems from concentration on all downstream properties**.

(c) Every lot platted for residential or any other use shall contain a nonfloodprone area which is adequate to accommodate all structures, drainfields and other improvements or land uses, and remain in compliance with the setbacks established by the county zoning ordinance, health department and other state agency rules, and schedule III, footnote 1 of the county zoning ordinance; unless no such lands exist on the property to be subdivided. **All other floodprone areas shall be set aside for such uses, such as but not limited to public dedication as shall not be endangered by periodic or occasional inundation. All floodprone areas shall comply with article VI of this chapter. All floodprone areas shall be shown on the preliminary plat**.

***Evaluation and Findings:*** ***The applicant has failed to provide the required documentation demonstrating compliance with Section 50-582 of the LDC. As such, the proposed application fails to comply with Section 50-582 and is insufficient for review and remains ineligible for consideration of approval.***

Article VI of the LDC specifically pertains for Flood Damage Prevention and is known as the "Floodplain Management Ordinance". Article VI, in accordance with Section 50-222, of the LDC requires all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land to comply with Article VI of the LDC.

Section 50-247 – Permits – of the LDC establishes when permits are required for developments. Specifically, Section 50-247(b) – Floodplain Development Permits or Approvals – states, "**Floodplain development permits or approvals shall be issued pursuant to this article for any development activities**, including those that are and are not subject to the requirements of the Florida Building Code, including but not limited to buildings, structures and facilities exempt from the Florida Building Code. **The floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit, which determination will depend on the nature and extent of the proposed development**."

Subsequently, Section 50-247(d) – Application for a Permit or Approval – of the LDC requires the following in order to obtain a floodplain development permit:

(1) Identify and describe the development to be covered by the permit or approval;
(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site;
(3) Indicate the use and occupancy for which the proposed development is intended;
(4) **Be accompanied by a site plan or construction documents, and other documents, certifications and information specified in section 50-248 of this article;**
(5) State the valuation of the proposed work;
(6) Be signed by the applicant or the applicant's authorized agent; and
(7) **Provide such other documents, data and information as required by the floodplain administrator.**

Moreover, Section 50-267 – Subdivision – of the LDC establishes minimum requirements for floodplain management for subdivisions. Section 50-267 of the LDC states, as follows:

(a) *Minimum requirements.* Subdivision proposals, including but not limited to proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(1) **Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding**;
(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage;
(3) **Adequate drainage is provided to reduce exposure to flood hazards;** in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures; and
(4) Development activities near a riverbank are placed landward of a riverbank setback line. Vegetation riverward of the riverbank setback line shall be preserved provided a reasonableness of access shall not be unduly restricted. Elevated boardwalks and private, noncommercial docks may be constructed riverward of the riverbank setback line subject to all other applicable regulations.

(b) *Subdivision plats.* Where any portion of proposed subdivisions, including but not limited to manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, **and design flood elevations, as appropriate, shall be shown on preliminary plats**;
(2) **Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 50-248(b)(1) of this article**;
(3) **Compliance with the site improvement and utilities requirements of section 50-268 of this article**.

Lastly, Section 50-267(b)(3) of the LDC requires compliance for all site improvements and utilities with Section 50-268 – Site Improvements, Utilities, and Limitation – of the LDC. Specifically, Sections 50-268(a) and 50-268(e) of the LDC state:

(a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

(1) **Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding**;
(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage;
(3) **Adequate drainage is provided to reduce exposure to flood hazards;** in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures; and
(4) Development activities near a riverbank are placed landward of a riverbank setback line. Vegetation riverward of the riverbank setback line shall be preserved provided a reasonableness of access shall not be unduly restricted. Elevated boardwalks and private, noncommercial docks may be constructed riverward of the riverbank setback line subject to all other applicable regulations.

***Evaluation and Findings:*** ***Article VI of the LDC regulates Flood Damage Prevention. The applicant has failed to comply with Article VI. Specifically, the applicant has failed to provide documentation that demonstrates compliance with the applicable sections with Article VI. As such, the application remains ineligible for consideration of approved.***

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## STAFF/REVIEW COMMENTS

On January 6, 2026, the applicant was issued comments related to the preliminary plat. Below is a list comments issued by County Staff.

1) The subject property has a Commercial Future Land Use Map Designation and a Neighborhood Commercial (C2) Zoning Designation. However, the application is stating the anticipated use for the subdivision is residential. It's understood that single-family residential is permitted in the C2 Zoning District at a density of one (1) dwelling unit per acre; however, the proposed name on the plat states it is a "Commercial" subdivision. This is misleading. The applicant should rename the subdivision to reflect the residential nature by removing any references to the subdivision being "Commercial".
2) Section 50-557(18) requires demonstration of compliance with Section 50-582 of the LDC. This has not been provided. The existing conditions, topography, and FEMA designated Special Flood Hazard Areas do not line up with the lot configuration. Further, Lots 2 through 4 are primarily located within a FEMA designated Special Flood Hazard Area. The applicant must address how these areas will be mitigated. Typically, this is done via the correlating construction plan/engineering documents, including stormwater calculations, that are submitted at the time of preliminary plat. Without those documents, it is not possible to determine if the preliminary plat meets the requirements established in Article VI or Section 50-557(18) of the Land Development Code. I would recommend that the construction plans be reviewed and approved along with the preliminary plat.
3) The applicant must remove the dedication section from the preliminary plat.
4) The applicant must provide the current Future Land Use Map and Zoning Designation on the preliminary plat.
5) The applicant must label all parcel that are not a part of the plat as "Not a Part of This Plat".
6) The applicant must demonstrate compliance with Section 50-557(19) of the LDC which requires any subdivision in excess of five acres in size and located within a six-mile radius of the cities of Chiefland and Williston will identify and preserve sinkhole locations.

On July 16, 2026, a revised application submittal was received by the applicant. On July 20, 2026, County Staff issued a second round of comments based upon the comments issued on January 6, 2026 and review of the revised submittal. Below is a list of comments issued by County Staff.

1) The applicant proposes Stormwater Management Systems (SMS) outside the designated areas. SMS cannot be located within platted lots and must be completely contained within the common areas or SMS areas. The applicant must revise the Stormwater Management Plan (SMP) and Preliminary Plat to remove all SMS from within the proposed lots.
2) The applicant has not provided soil borings for all proposed Stormwater Management System (SMS) areas. To accurately account for stormwater and calculate SMS, soil borings must be performed and accounted for, including Mean High Water Table.
3) The applicant has not provided the Mean High Water Table or factored it into the stormwater calculations. Please provide accordingly.

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4) The project is located in a Special Flood Hazard Area (SFHA). The Base Flood Elevation (BFE) must be provided for all SFHAs. Please provide the calculations on how the BFE for each SFHA was derived. Please ensure to include volume compensation and recovery is included for SFHAs.

5) The applicant has not factored in the proposed road in the Stormwater Management Plan (SMP), grading, or calculations. The proposed road must be included (including design of the road to ensure proper drainage) in the SMP.

6) There are no cross sections for any of the SMS. The applicant must provide cross sections for all SMS.

7) Proposed drainage structures are not labeled. Are there any existing drainage structures that would be affected by the proposed site?

8) Overall site drainage patterns are unclear, recommend showing additional drainage arrows throughout the drawing.

9) Proposed contours seem to terminate unexpectedly, please review for tie in locations.

10) Drainage structure pipe sizes are not shown, please label.

11) Is there a reason for the separation of the "DRA-DRAW", "DRA #9", and "DRA #10" storm water facilities. If not, please consolidate.

12) Storm water facilities should show a freeboard of at least 1' from the maximum staging anticipated from the critical storm, please review pond tops.

13) Stormwater facilities should have details for an emergency overflow weir on the berm to avoid blow outs in possible failures.

14) Is the proposed design intended to treat all proposed site areas. If not a Pre-existing conditions versus Post-condition analysis should be performed to demonstrate that the runoff generated from the site development does not exceed the pre conditions.

15) Was there a specific methodology used in the pond placement and design over the site. The amount of pond proposed seem to be an unnecessary maintenance complication after construction.

16) Report narrative does not provide adequate explanation of the existing conditions of the site. (Flood zones, existing drainage patterns...) The same issue arises concerning the proposed design conditions, specifically concerning pond types used in treatment.

17) Would like to see some narrative explaining the storm water design process, describe the need for multiple small ponds versus larger combined facility.

18) Was there an analysis showing that the 100 year 24 hour storm event is the critical storm event. 100 year 8 hour tends to show a shorter time of duration creating a higher intensity overwhelming pipe sizes.

19) Treatment calculation not found in the drainage documentation.

20) The applicant must demonstrate compliance with Section 50-557(19) of the LDC which requires any subdivision in excess of five acres in size and located within a six-mile radius of the cities of Chiefland and Williston will identify and preserve sinkhole locations.

To date, the applicant has failed to demonstrate compliance with staff's comments which, as indicated above, are predicated on the applicable Goals, Objectives, and Policies ("GOPs") of the Comprehensive Plan and applicable sections of the Land Development Code. Rather, the applicant has contended that

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these provisions of the LDC do not apply and that the applicant is not required to provide the required documentation to demonstrate compliance. As such, the applicant refuses to comply with applicable GOPs of the Comprehensive Plan and Land Development Code. Therefore, the application for preliminary plat is incomplete and not eligible for preliminary plat approval.

# ENVIRONMENTAL CONDITIONS ANALYSIS

## Wetlands

Illustrated on the National Wetlands Inventory ("NWI") Mapper hosted by the U.S. Fish & Wildlife Service shows that there are no known wetlands located on the subject property. However, the NWI does not account for all wetland areas. The subject property contains several areas of ponding and Special Flood Hazard Areas. These features are indicative of wetland areas.

***Evaluation:*** Given that the subject property contains areas of ponding and Special Flood Hazard Areas, **there are concerns related to wetland protection**.

## Soil Survey

Each soil type found on the subject property is identified below. The hydrologic soil group is an indicator of potential soil limitations. The hydrologic soil group, as defined for each soil, refers to a group of soils categorized by their runoff-producing characteristics. These hydrologic groups are defined by the Soil Survey of Levy County, Florida, dated September 1996. The chief consideration with respect to runoff potential is the capacity of each soil to permit infiltration (slope and plant cover are not considered, but are separate factors in predicting runoff). There are four hydrologic groups: A, B, C, and D. "Group A" soils have a higher infiltration rate when thoroughly wet and therefore have a lower runoff potential. "Group D" soils have very low infiltration rates and consequently a higher runoff potential.

There are two (2) soil type found on the subject property:

***Micanopy, Loamy Fine Sand (1 to 5 percent slopes)***
Hydrologic Group: D
This soil is nearly level to gently sloping, somewhat poorly drained, and slowly to very slowly permeable soils formed in thick beds of sandy and clayey marine sediments on uplands in the Coastal Plain. Slopes are slightly convex. This soil has a perched water table about 20 to 30 inches below the surface for cumulative periods of 1 to 3 months during most years. During dry periods the water table is at a depth of more than 60 inches. Surface runoff is medium. Permeability is rapid in the surface layer, moderate in the upper 6 inches of the subsoil, and slow to very slow below this depth.

Typically, the surface layer is dark grayish brown loamy fine sand about 6 inches thick. The subsoil extends to a depth of 77 inches and consists of yellowish brown sandy clay loam and gray mottled sandy clay loam. The underlying material between a depth of 77 to 85 inches is intermixed gray and greenish gray sandy clay loam. Organic matter content in the surface layer is moderately low to high.

***Fort Green-Bivans Complex (2 to 5 percent slopes)***
Hydrologic Group: C/D
This soil is very deep, poorly drained, slowly or very slowly permeable soils on the rolling uplands of central Florida. They formed in thick beds of clayey and sandy marine sediments in central Florida. Typically, the surface layer is dark gray sand about 6 inches thick. The subsurface layer is gray sand 9 inches thick. It has a few nodules of ironstone and fragments of phosphatic

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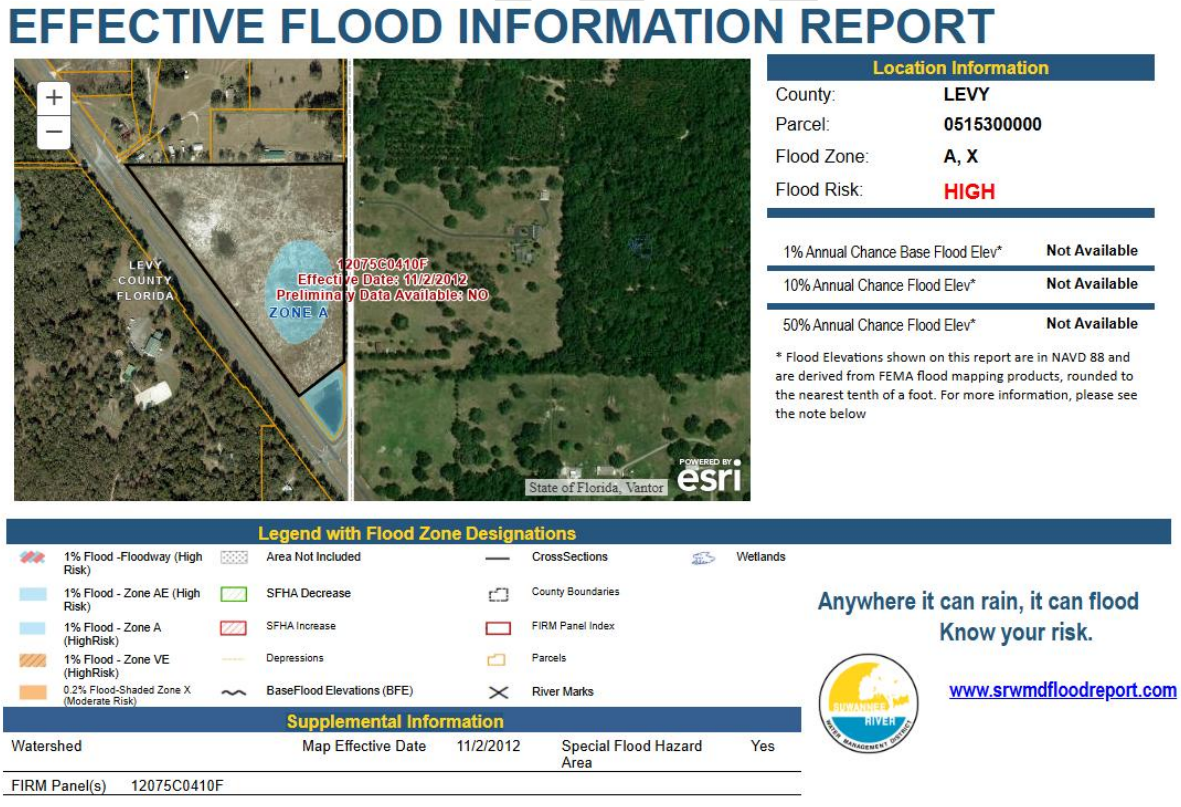
limestone. The subsoil extends to a depth of 61 inches. It has a few fine and medium sized nodules and fragments of ironstone and phosphatic limestone. The upper 12 inches is dark gray, mottled sandy clay; the next 18 inches is gray, mottled sandy clay; and the lower 16 inches is gray, mottled sandy clay loam. Between depths of 61 to 81 inches, the underlying material is gray, mottled sandy clay loam.

***Evaluation:*** The soil types found on the subject property present issues related to soil suitability. The soil types are somewhat poorly drained to poorly drained and pose issues for floodplain management, stormwater management, site development, and have a very low infiltration rate **which results into higher runoff potential**. Further, the applicant has failed to demonstrate compliance with the applicable Goals, Objectives, and Policies within the Comprehensive Plan, Sections 50-532, 50-557(18) 50-582, and Article VI, including Sections 50-222, 50-247, 50-267, and 50-268 of the Land Development Code. As such, there are serious concerns related to the soil types and the applicant's noncompliance with the applicable GOPs within the Comprehensive Plan and applicable standards of the Land Development Code.

## Flood Potential

Panel 12075C 0410F of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Series, dated November 2, 2012, indicates that the subject property is in Flood Zone "X" (areas determined to be outside of the 1 percent annual chance floodplain) and Flood Zone "A" (areas with a 1 percent annual chance of flooding).

**Map 4. FEMA FIRM Map**



***Evaluation:*** As depicted above, the subject property has a substantial portion of the property located in Flood Zone "A" – Special Flood Hazard Area- and is inundated by the annual one-percent chance of flood. The applicant has failed to demonstrate that areas of Special Flood Hazard comply with the applicable standards within the Comprehensive Plan and Land Development Code, As such, **County Staff has serious concerns related to Floodplain Management, Stormwater Management, Flooding, and Runoff**.

**Stream to Sink Basins**

Illustrated on the Southwest Florida Water Management District watersheds/basins map, the subject property is located within the Withlacoochee Watershed Basin.

***Evaluation:*** The subject property is not a stream-to-sink basin; however, the subject property is located within the Withlacoochee Watershed Basin; therefore, **there are concerns related to stream-to-sink basins**.

**Minerals**

Illustrated on the Levy County Economically Important Minerals Map, Dated 2015, as established with the Comprehensive Plan, the subject property contains limestone and sand.

***Evaluation:*** There are no issues related to mineral resources.

**Historic Resources**

Illustrated on the Levy County GIS Map Collection, which identifies historic resources within Levy County. There are no known historic resources located on the subject property.

***Evaluation:*** There are no issues related to historic resources.

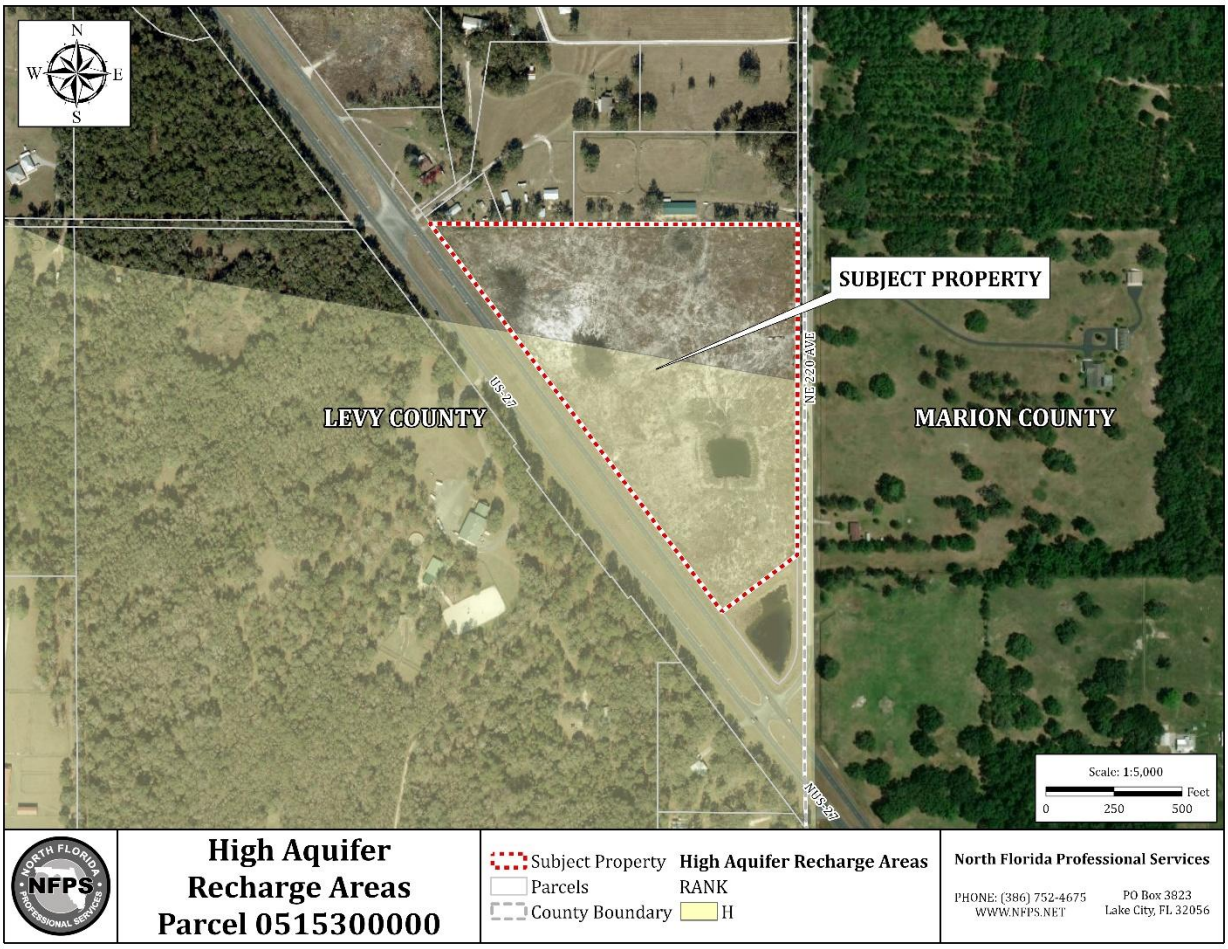
**Aquifer Vulnerability**

Illustrated on the US Fish and Wildlife Service National Wetlands Reconnaissance Survey Maps 1981, the Comprehensive Plan Conservation Element identifies areas of high aquifer recharge in Levy County. The subject property is located in a high aquifer recharge area.

***Evaluation:*** Although the subject property is located within a high aquifer recharge area, the nature of the proposed use does not present an increased risk that could result in adverse impacts on the aquifer.

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**Map 5: High Aquifer Recharge**




## Vegetative Communities/Wildlife

The subject property is not located within an area that is known as a vegetative community.

***Evaluation:*** There is no known wildlife habitats associated with a non-vegetative community; therefore, there are no issues related to vegetative communities or wildlife.

## PUBLIC FACILITIES IMPACT

**Given that the proposed preliminary plat does not meet the minimum requirements for approval, there has been no opportunity to review the proposed plat, as required by the Comprehensive Plan and Land Development Code; therefore, no public facilities impacts were analyzed in this report**. Further, the applicant has failed to provide a concurrency impact analysis demonstrating compliance with the requirement of Article VII – Level of Service and Concurrency – of the Land Development Code.

## RECOMMENDATION

For the reasons stated herein, **staff is recommending DENIAL of the Headwater Commercial Park preliminary plat as submitted**. The applicant has not provided adequate plans and calculations to demonstrate compliance with the Goals, Objectives, and Policies within the Comprehensive Plan, Sections 50-532, 50-557(18) 50-582, and Article VI, including Sections 50-222, 50-247, 50-267, and 50-268 of the Land Development Code.

**Suggested motion:** Based upon competent and substantial evidence presented within Staff's report and testimony presented by staff, I move to recommend denial of the Headwater Commercial Park preliminary plat, as submitted, based upon the following findings of fact:

1) The applicant has failed to demonstrate compliance with the Goals, Objectives, and Policies related to stormwater management, natural drainage/water quality, and aquifer recharge established within the Infrastructure Element of the Comprehensive Plan; and,
2) The applicant has failed to demonstrate compliance with the minimum requirements for a preliminary plat, storm drainage, and flood damage prevention established in Sections 50-532, 50-557(18) 50-582, and Article VI, including Sections 50-222, 50-247, 50-267, and 50-268 of the Land Development Code.

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