



**Marion County
Board of County Commissioners**

Growth Services

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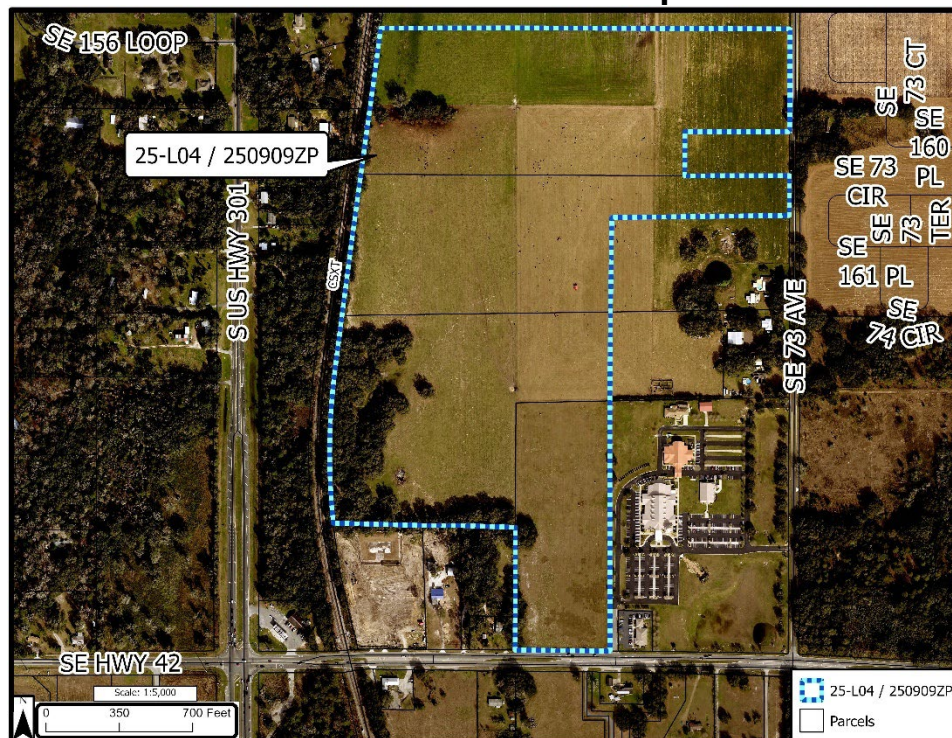
**PLANNING & ZONING SECTION
STAFF REPORT**

Public Hearing Dates	P&Z: 8/25/2025	BCC: TBD
Case Number	250706ZP	
CDP-AR	32937	
Type of Case: Rezoning	FROM: General Agriculture (A-1) TO: Planned Unit Development (PUD); Up to 300 detached SFRs (3.31 DU/AC; 83% of potential land density)	
Owner	Estate of M. Couture, L. & C. Couture, J. & J. Heaxt, and C. & V. Couture	
Developer (Owner)	Enclave Housing, LLC., Joel Rosenberg	
Applicant	Tillman & Associates Engineering, LLC.	
Street Address / Site Location	16152 and 16200 SE 73rd Avenue, Summerfield, FL 34491, or not assigned	
Parcel ID Number(s)	47667-004-00, 47667-005-02, Portion of: 47667-006-00 & 47667-003-01	
Property Size	±90.69 acres	
Future Land Use	Medium Residential (MR) [<i>Subject to approval of concurrent Small-Scale Comprehensive Plan Amendment Application 25-L04</i>]	
Zoning Classification	General Agriculture (A-1)	
Overlay Zones / Special Areas	Outside the Urban Growth Boundary (UGB) in the Rural Area outside the S. US Hwy 27/441 & SE Hwy 42 Urban Area; In the Secondary Springs Protection Overlay Zone (S-SPOZ); In Marion County Utilities SE Regional Service Area; Not in the Farmland Preservation Area; Does not include FEMA Flood Zone Area, but includes MC Flood Prone Area	
Staff Recommendation	DENIAL	
P&Z Recommendation	TBD	
Project Planner	Christopher D. Rison, AICP, Senior Planner	
Related Cases	25-L04: Comprehensive Plan Amendment Application to change site land use designation from Rural Land to Medium Residential – <i>This application is dependent on the outcome of the amendment.</i>	
Code Cases	N/A	

I. ITEM SUMMARY

Tillman and Associates Engineering, LLC., filed a rezoning application on behalf of the Estate of M. Couture, L.& C. Couture, J. & J. Heaxt, and C. & V. Couture, to change an "L"-shaped ± 90.69 -acre part of a larger ± 104 -acre site from General Agriculture (A-1) to Planned Unit Development (PUD). The Parcel Identification Numbers for the property are 47667-004-00, 47667-005-02, Portion of: 47667-006-00 & 47667-003-01; the addresses are 16152 and 16200 SE 73rd Avenue, Summerfield, FL 34491, or not assigned. The site generally occupies the northwest corner of the SE Hwy 42 & SE 73rd Avenue intersection, lying north and west of the St. Marks Church. The site is located outside the Urban Growth Boundary (UGB) in the Rural Area outside the S. US Hwy 27/441 & SE Hwy 42 Urban Area, in the Secondary Springs Protection Overlay Zone (S-SPOZ), and in Marion County's SE Utility Service Area, but not in the Farmland Preservation Area (FPA). The site does not include FEMA Flood Zone Areas but does include Marion County Flood Prone Areas. A concurrent large-scale comprehensive plan amendment application (25-L04) to change the site's future land use designation from Rural Land (RL) to Medium Residential (MR) has also been submitted; *this rezoning application is dependent upon an affirmative outcome of that concurrent amendment application, which is recommended for denial by staff.*

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** of the applicant's request because it is not consistent with LDC Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, that the rezoning is consistent with the Marion County Comprehensive

Plan (MCCP), and that the rezoning is compatible with land uses in the surrounding area, and with LDC Section 4.2.31 on Planned Unit Development. One key component of this denial recommendation is that staff has recommended denial of concurrent Comprehensive Plan Amendment 25-L04 to obtain a Medium Residential land use designation that this PUD proposal is dependent upon, as well as staff concerns regarding public infrastructure and services capabilities. The proposed PUD will adversely affect the public interest based upon the intensity of use and potential impacts to the surrounding area character and infrastructure capacities, is not consistent with the Comprehensive Plan, and is not compatible with the surrounding uses in relation to the other cited criteria. *For expediency, staff has reviewed the proposed PUD and identified concerns and potential recommendations for reference and inclusion as alternative approval conditions in the event the Board of County Commissioners elects to grant approval of Comprehensive Plan Amendment 25-L04.*

III. NOTICE OF PUBLIC HEARING

Notice of public hearing was provided pursuant to LDC Section 3.5.3.B as listed in following Table A. As of the date of the initial distribution of this Staff Report, one letter of support has been received, and no other written correspondence in opposition to the application has been received. Evidence of the public hearing notices are on file with the Growth Services Department and are incorporated herein by reference.

TABLE A. PUBLIC NOTICE SUMMARY			
METHOD	FORMAT	DATE	LDC Section
Newspaper Legal Notice	Display Ad	Ad Run: 8/11/2025	3.5.3.A & 3.5.3.B(1)(b)
Sign	Large-Scale CPA	Posted: 8/15/2025	3.5.3.B(1)
300-foot Mail Notice	SPO Letter 32 - owners	Mailed: 8/8/2025	3.5.3.B(2)

IV. ANALYSIS

LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and that it is compatible with land uses in the surrounding area. Staff's analysis of compliance with these three criteria is addressed below.

- A. *Compatibility with surrounding uses.* Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Site and surrounding characteristics

Following Figure 2 displays the site and surrounding area's future land use designations as shown in Map 1 of the Comprehensive Plan Future Land Use Map Series (FLUMS), Figures 3 and 4 display the site's existing and proposed zoning

and surrounding properties' existing zoning classifications. Figure 5 shows the uses of the subject property and surrounding properties as classified by the Marion County Property Appraiser's (MCPA) data property use code. Figure 6 displays an aerial image of the surroundings, including identifying existing subdivisions in the surrounding area. Table B displays the information from Figures 2, 3, 4, 5, and 6 in tabular form.

Figure 2 FLUMS Designation

[Presumes Approval of 25-L04]

CPA 25-L04 IS NOT RECOMMENDED BY STAFF - IF THE LAND USE CHANGE IS NOT GRANTED, THE PUD WOULD NOT BE CONSISTENT WITH THE SITE'S COMPREHENSIVE PLAN FUTURE LAND USE

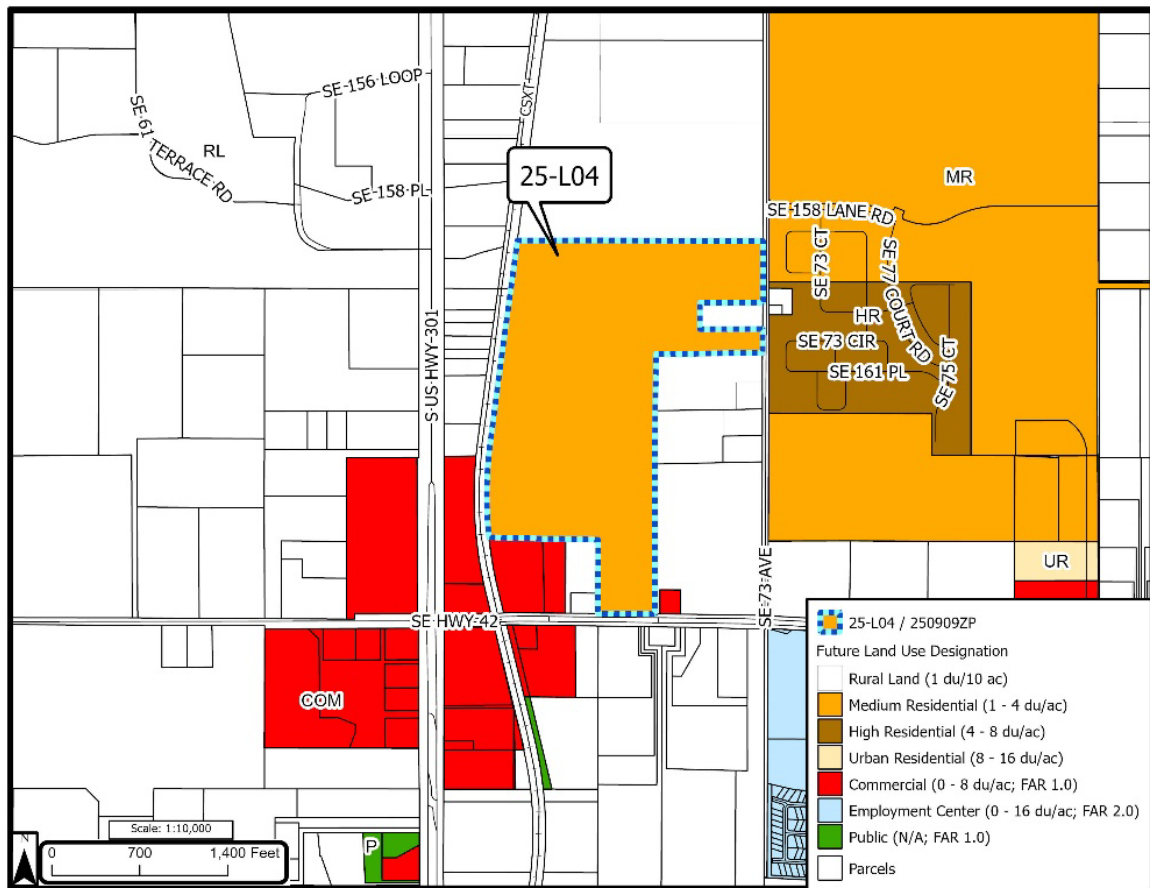


Figure 3
Existing Zoning Classification

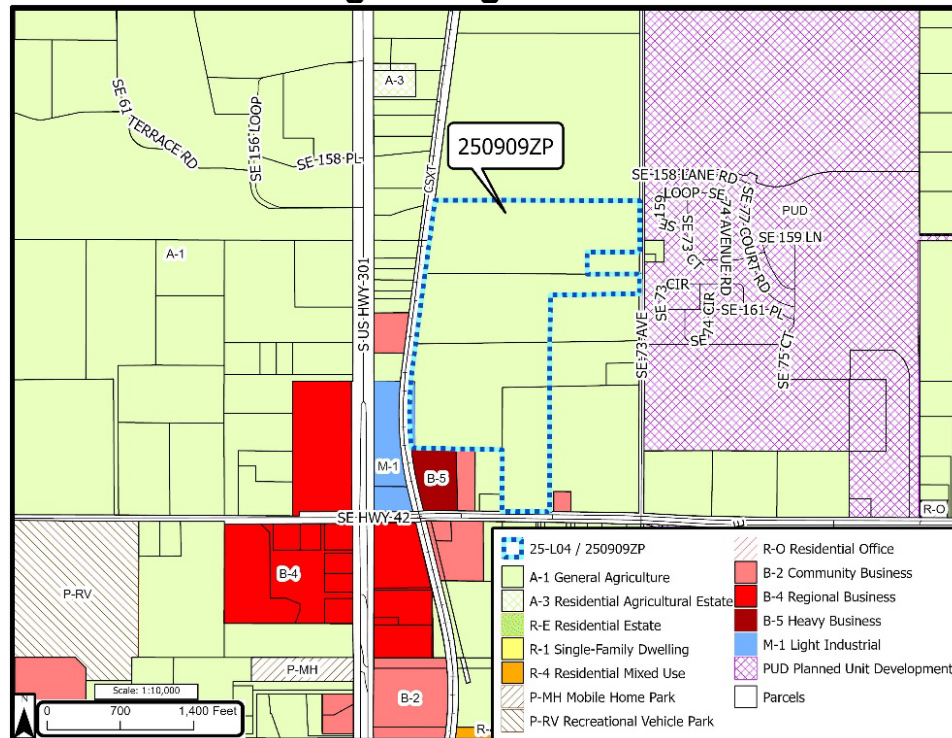


Figure 4
Proposed Zoning Classification

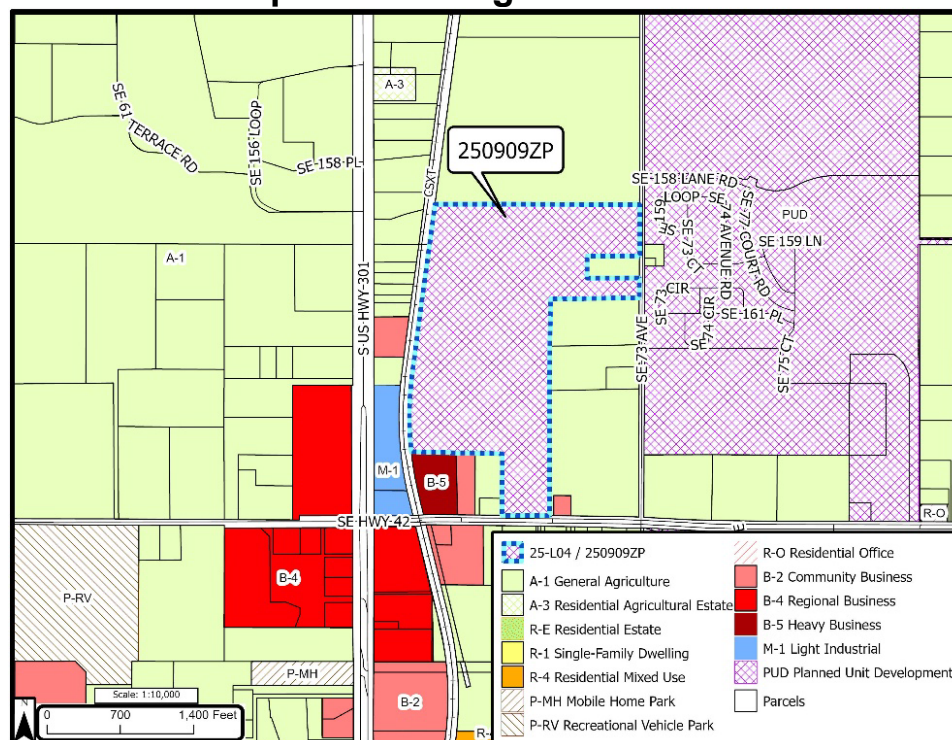


Figure 5
Existing and Surrounding Land Uses

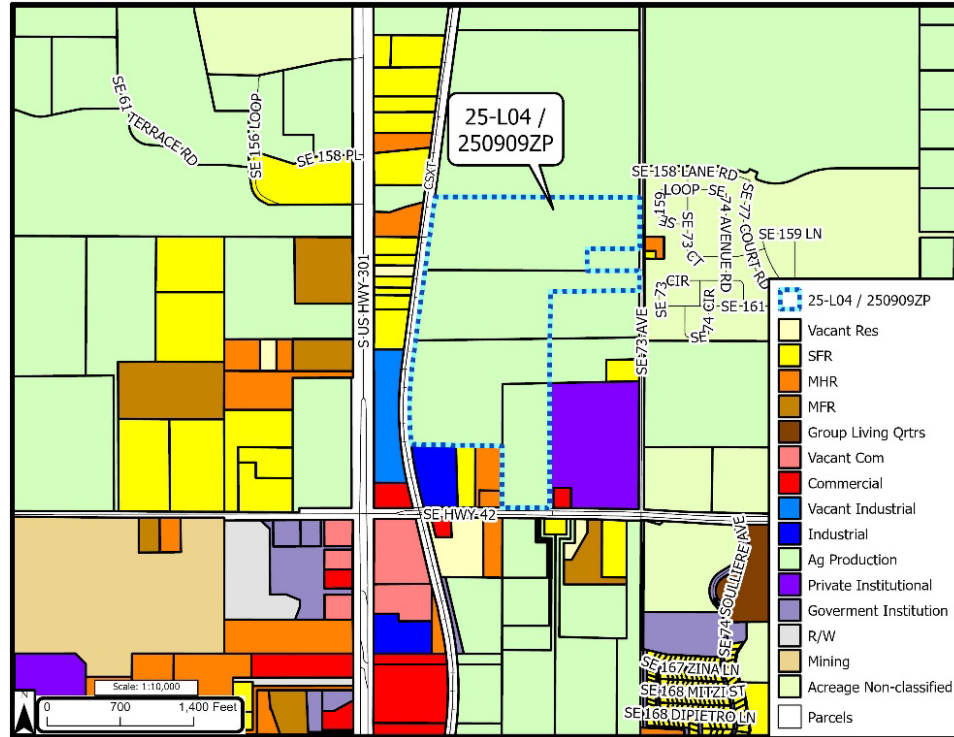


Figure 6
Aerial of Site and Surrounding Area

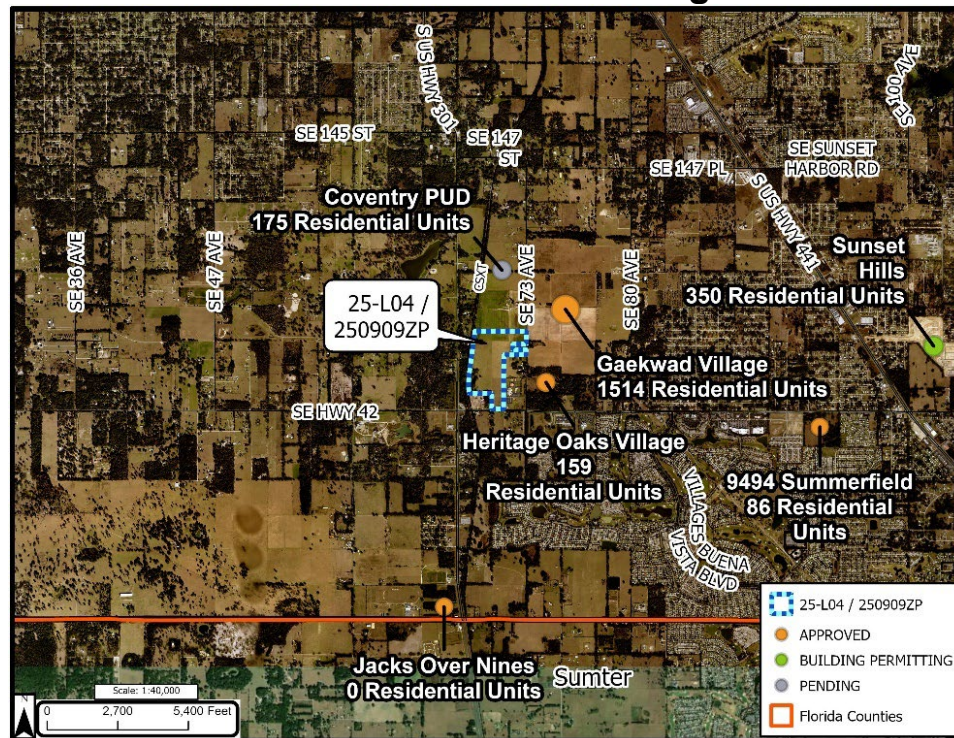


TABLE B. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Existing Use Per MCPA Property Code
Subject Property	Rural Land (RL)	General Agriculture (A-1)	Single-family
North	Rural Land (RL)	General Agriculture (A-1)	Single-family home/farm on acreage tract with portable service operation and land application site (code investigation)
Southwest	Commercial (COM)	Heavy Business (B-5)	RV/Boat Storage
	Rural Land (RL)	Community Business (B-2)	Commercial Office
Southeast	Rural Land (RL - remainder parcels)	General Agriculture (A-1)	Single-family homes on acreage tracts
East - North	Medium and High Res. (MR & HR) Rural Land (RL - Outparcel)	Planned Unit Development (PUD) General Agriculture (A-1)	Undeveloped SFR Part of Gaekwad Village PUD Single-family homes on acreage tracts
East - Central	High Res. (HR)	Planned Unit Development (PUD)	Summer Pointe Townhomes (Under Construction)
East - South	Rural Land (RL) Commercial (COM)	General Agriculture (A-1) Community Business (B-2)	Single-family homes on acreage tracts St. Marks Church Veterinary Clinic
West - North (West of CSX RR)	Rural Land (RL) Commercial (COM)	General Agriculture (A-1) Community Business (B-2) General Agriculture (A-1) Light Industrial (M-1)	Single-family homes on acreage tracts (one authorized by SUP for wood working shop) Vacant industrial
West - South	Rural Land (RL)	General Agriculture (A-1)	Single-family home on acreage tract

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (Attachment D) and finds the subject property is a vacant property in use for agricultural fields with few trees. North of the site is a larger acreage property owned by a related family member that is occupied by a residence that also features a portable toilet service that includes storage of the port-o-lets and land application disposal as well. Staff is further researching the use as no department records regarding the use are currently available, although the land application use has had an active FDEP Permit for a number of years. West of the site is the active CSX Railroad "S" Mainline that is a primary strategic transportation corridor as identified by FDOT, and west of the railroad are a series of acreage tracts with a mix of residential or vacant non-residential properties. East of the north portion of the site fronting on SE 73rd Avenue is the southern part of the Gaekwad Village PUD (fka Utopia PUD), wherein the first phase of it's multiple-family townhomes (rental, 252 dwelling units) are under construction. East of the southern portion of the site, are

the remaining portions of overall property holdings, other agriculture tracts with homes, and finally the St Mark the Evangelist Roman Catholic Church complex (St. Mark Church). West of the southern part of the site that fronts along SE Hwy 42 is a small acreage tract featuring a single family residence. West of that residence are two commercial sites occupied by an RV/Boat storage facility and a commercial office.

Proposed Planned Unit Development

The applicant provided a PUD Conceptual Plan (PUD Plan, see Attachment B), currently titled Coventry, identifying a residential PUD to consist of 300 detached single-family dwelling units (291 units illustrated), that represents 83% of the potential dwelling units available under the site's requested Medium Residential land use designation for a resulting density of 3.31 DU/AC. The PUD materials do not directly indicate that family/guest cottage/apartments are expected or permitted except the permissible uses references those accessory uses as allowed in the R-1 zoning classification will also be allowed in the PUD. Figures 7 and 8 following are portions of the submitted PUD Plan illustrating the conceptual layout and primary development standards. The PUD development standards propose minimum 50- and 60-foot wide lots, with the wider lots along the south part of the site's west boundary adjoining an on-site wetland area identified by the concept plan. A series of four larger 1-acre parcels to be enabled for General Agriculture (A-1) uses is proposed along the site's south boundary along SE 73rd Avenue; however, aside from a reference to the tracts being at least 1-acre in size, no other standards are proposed, which is a concern to staff as the then applicable standards would be the 60-foot wide lot standards. The project will have two individual access point - one to SE 73rd Avenue and one indirectly to SE Hwy 42 via the St. Mark Church's full access connection to SE Hwy 42. The St. Mark Church representative has submitted a letter of support referencing the current efforts to formalize the cross connection between the St. Mark Church and the PUD. A series of architectural images reflect 1- and 2-story residences. Buffers will be provided along all boundaries, along with a series of undefined buffers spaces, and stormwater drainage areas. A series of amenity locations will also be provided across the site. Finally, the PUD proposes specialty neighborhood entry/monument signs (see Attachment B, page 13).

Figure 7 - PUD Development Standards

MINIMUM BUILDING LOT

LINE SETBACKS: - INCLUDES AMENITIES

FRONT - 20'

REAR - 15' MIN. (5') ACCESSORY




SIDE - 5'/15' MIN. (5') ACCESSORY

TRACTS (A-D) A-1 SETBACKS

MAX BUILDING HEIGHT:

40'

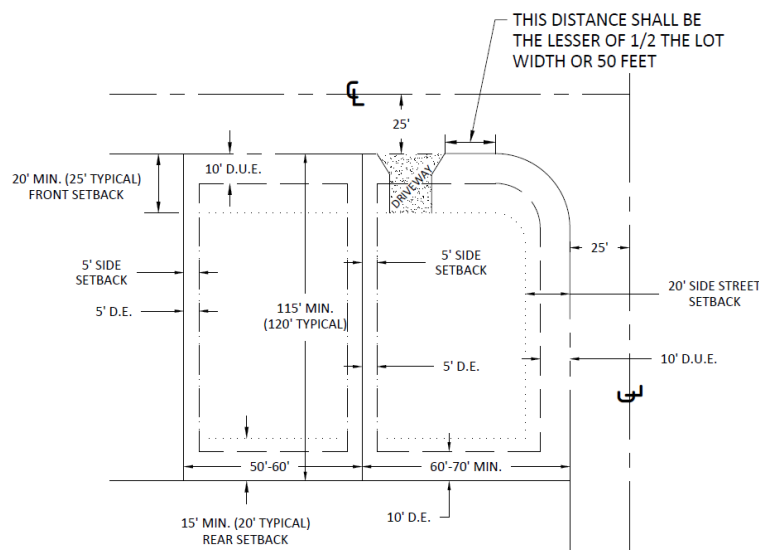
PROPOSED LOTS:

	(A) 50' X 115' MIN. LOTS	278 UNITS
	(B) 60' X 115' MIN. LOTS	9 UNITS
	* (A-D) MIN. 1 ACRE	4 UNITS
TOTAL		291 UNITS

PROPOSED BUFFERS:

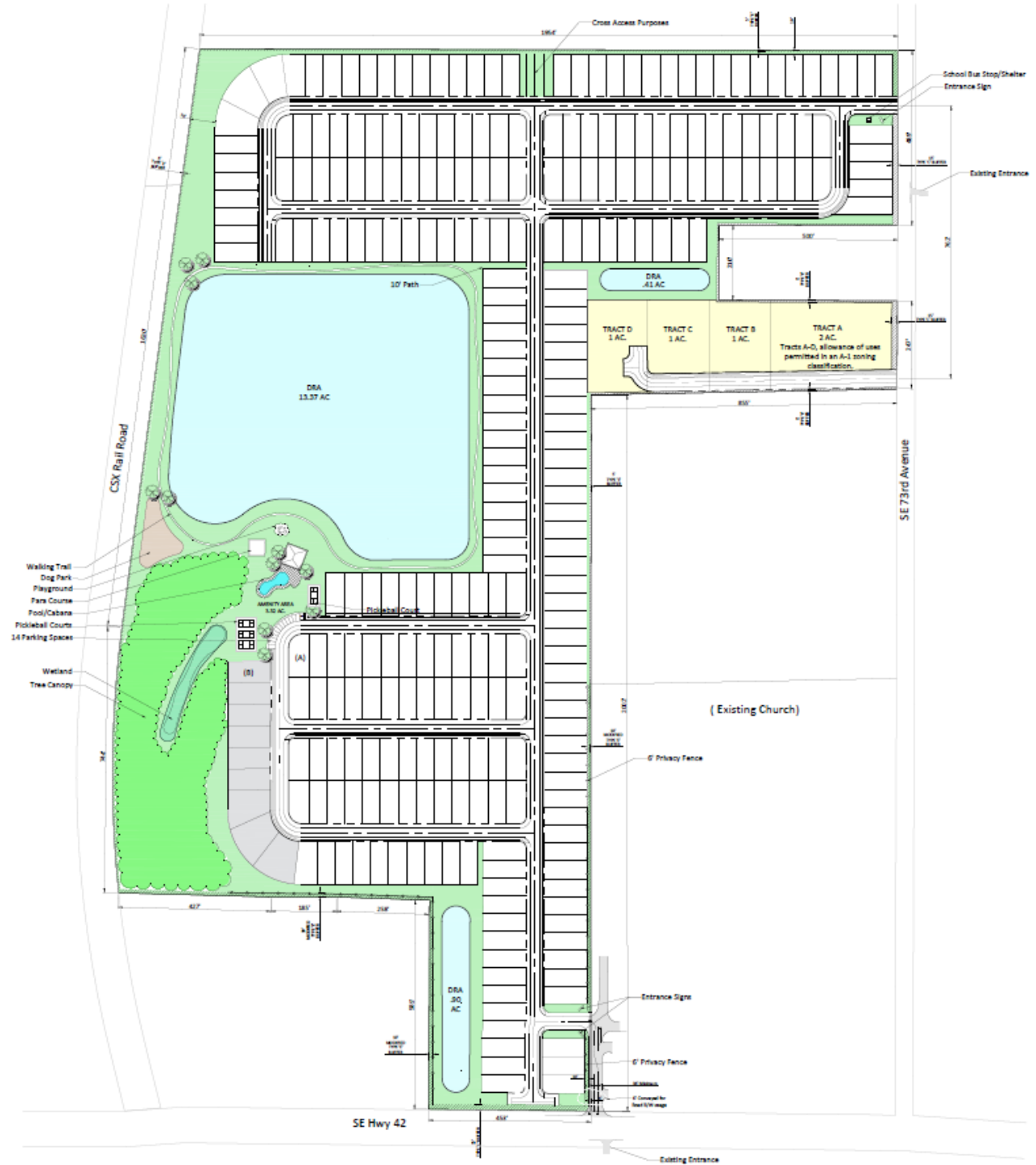
AS SHOWN ON CONCEPT PLAN

*TRACTS (A-D), allowances of uses permitted in an A-1 zoning classification.



ACCESSORY USES ALLOWED AS IN R-1

ACCESSORY STRUCTURES (SCREEN ENCLOSURES, ETC.) SHALL CONFORM TO THE BUILDING SETBACKS AS DETAILED.

Figure 8 - Color Illustrated PUD Concept Plan

The PUD Plan's proposed development standards address allowing accessory structures as allowed in the R-1 zoning classification with enabled encroachments into primary structure setbacks. Staff notes that the LDC generally enables encroachments for non-habitable accessory structures including pool enclosures, pools, sheds, etc., but not for habitable structures or spaces, such as potential family/guest cottage/apartments, as such, ***staff recommends that accessory structures eligible for the accessory structure setbacks shall be qualified as non-habitable structures (e.g., screen enclosures, pools, pool enclosures, etc.) as provided in the R-1 zoning, except that no family/guest cottage/apartments shall be permitted.*** Staff notes that the proposed reduced minimum lot width dimensions and setbacks are similar to recent trends including the Gaekwad Village PUD's SFR area to the east that enables 40', 50' and 60' wide detached single-family lots.

A height limit of 40-feet is proposed, and that height limit is consistent with the ordinary height limit for R-1 zoning and is a lower height than that allowed on the surrounding General Agriculture (A-1) zoned properties. However, no height limit is proposed for possible accessory structures; as such ***staff recommends a 20-foot height limit for such structures also consistent with R-1 zoning.*** Additionally, LDC Section 4.2.31.E(4) references compatibility between new residential development and existing residential developments related to building heights. The proposed building heights will conform to those requirements, but will enable 2-story homes along the project's outer perimeter as the surrounding zoning is A-1 which is not classified as a residential zoning classification.

In regards to the estate lots, no specific development standards have been proposed, which would essentially require a default to the larger 60-foot wide minimum lot standard. However, the PUD proposes those lots would be subject to the standards of A-1 zoning for allowable uses. Staff has concerns regarding that proposal as the A-1 zoning does allow a significant variety of animals that may not be suited to a general 1-acre minimum site. As an alternative, ***staff recommends that for the estate lots, the uses enabled be consistent with the Residential Estate (R-E) zoning classification, along with the notation the provision that that accessory structures eligible for the accessory structure setbacks shall be qualified as non-habitable structures (e.g., screen enclosures, pools, pool enclosures, etc.) as provided in the R-1 zoning, except that no family/guest cottage/apartments shall be permitted.*** The four above conditions are reflected in Table C (underlined, green text) below:

TABLE C. PROPOSED USES, DESIGN & DEVELOPMENT STANDARDS			
STAFF RECOMMENDED ADJUSTMENTS			
Minimum Standards	Measurements (Feet or Square Feet (SF))		
Lot Type	<u>Estate Lots</u>	60' min. width Westside, south of Amenity Area	50' min. width (All other lots)

<i>Uses:</i>	<i>Detached Site-built Single-Family Residence</i> <u><i>Consistent with R-E Zoning</i></u>	<i>Detached Site-built Single-Family Residence w/supporting amenities</i>	<i>Detached Site-built Single-Family Residence w/supporting amenities</i>
<u><i>Minimum Lot Dimensions</i></u>			
Lot Width	<u>150'</u>	60'	50'
Lot Depth	<u>250'</u>	115'	115'
Lot Area	<u>40,000 Sq. Ft.</u>	6,900 Sq. Ft.	5,750 Sq. Ft.
<u><i>Minimum Setbacks</i></u>			
Front	<u>25'</u>	20'	20'
Side / Corner Lot Side	<u>25'</u>	5' / 15'	5' / 15'
Rear	<u>25'</u>	15'	15'
Accessory Uses* – Front / Rear / Side	<u>(non-habitable per R-E zoning)</u> <u>25' / 8' / 8'</u>	<u>(non-habitable per R-1 zoning)</u> 20' / 5' / 5'	<u>(non-habitable per R-1 zoning)</u> 20' / 5' / 5'
<u><i>Maximum structure Heights (To Top of Roof)</i></u>			
Primary Use	<u>40'</u>	40'	40'
<u>Accessory Use</u>	<u>40'</u>	<u>20'</u>	<u>20'</u>
<u>Permitted accessory uses shall not include family/guest cottage/apartments.</u>			

The LDC now requires land use buffers or fences between new single-family residential subdivision developments and existing single-family residential uses. However, the site adjoins a combination of agriculture properties with residences, commercial sites, and institution sites. rather than residential zoned properties, 6' high privacy fencing has been proposed, functionally consistent with the LDC. An LDC compliant Type "C" buffer is proposed along SE 73rd Avenue while an alternative Modified Type "E" Buffer is proposed along the CSX Railroad "S" Mainline right-of-way. Table D summarizes the PUD's required and proposed buffers, and *staff supports the proposed buffers as they will comply with or exceed LDC requirements, and recommends the buffers as indicated be recognized as a PUD development condition.*

TABLE D. BUFFER COMPARISON AND RECOMMENDATION

Direction	Adjoining Use	Required	Proposed	Recommended
NORTH Incl. north outparcel	Ag Tract w/SFR	"E"	Type "E"	As Proposed
SOUTHWEST - West	RV/Boat Storage	"A"	No Buffer (DRA)	As Proposed
SOUTHWEST - Central	Office	"A"	Modified Type "E" increased to 10-foot wide w/internal 6-foot privacy fence	As Proposed

TABLE D. BUFFER COMPARISON AND RECOMMENDATION

Direction	Adjoining Use	Required	Proposed	Recommended
SOUTHWEST - East	Ag Tract w/SFR	"E"	Modified Type "E" increased to 10-foot wide w/internal 6-foot privacy fence	As Proposed
SOUTH - East	St. Marks Church & Vet Clinic	"E"	Type "E"	As Proposed
EAST - North	SE 73rd Avenue	"C"	Type "C"	As Proposed
EAST - Central	Ag Tracts w/SFR	"E"	Type "E"	As Proposed
EAST - South	St. Marks Church & Vet Clinic	"A"	Modified Type "E" increased to 10-foot wide w/internal 6-foot privacy fence	As Proposed
WEST - North	CSX RR Mainline	"C"	Type "E"	As Proposed
WEST - South	Ag Tract w/SFR	"E"	Modified Type "E" increased to 10-foot wide w/internal 6-foot privacy fence	As Proposed

TYPE 'C' BUFFER

SHALL CONSIST OF A 15-FOOT WIDE LANDSCAPE STRIP WITHOUT A BUFFER WALL. THE BUFFER SHALL CONTAIN AT LEAST TWO SHADE TREES AND THREE ACCENT/ORNAMENTAL TREES FOR EVERY 100 LINEAL FEET OR FRACTIONAL PART THEREOF. SHRUBS AND GROUNDCOVERS, EXCLUDING TURFGRASS, SHALL COMPRISE AT LEAST 50 PERCENT OF THE REQUIRED BUFFER AND FORM A LAYERED LANDSCAPE SCREEN WITH A MINIMUM HEIGHT OF THREE FEET ACHIEVED WITHIN ONE YEAR.

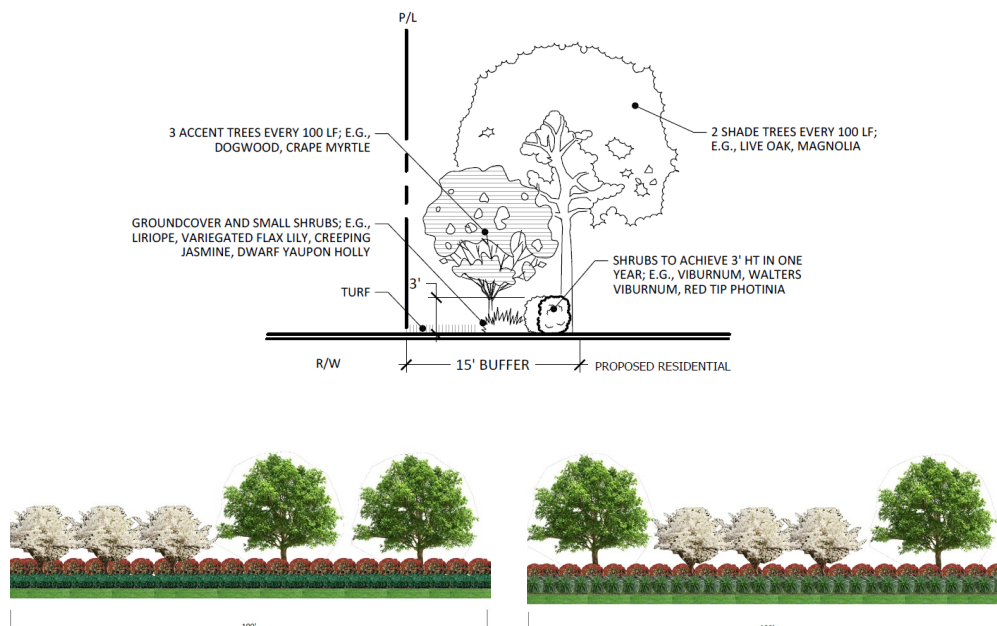
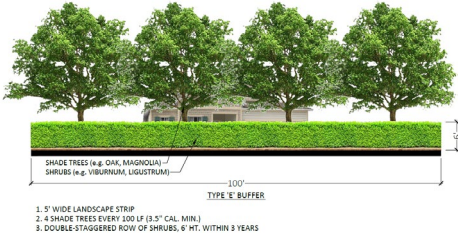
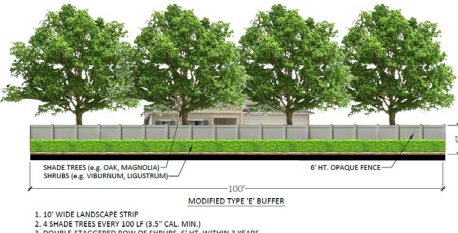


TABLE D. BUFFER COMPARISON AND RECOMMENDATION

Direction	Adjoining Use	Required	Proposed	Recommended
<p>TYPE 'E' BUFFER</p> <p>BUFFER SHALL CONSIST OF A FIVE-FOOT WIDE LANDSCAPE STRIP. THE BUFFER SHALL CONTAIN AT LEAST FOUR SHADE TREES FOR EVERY 100 LINEAL FEET OR FRACTIONAL PART THEREOF. SHRUBS TO BE PLANTED IN A DOUBLE-STAGGERED ROW AND BE CAPABLE OF REACHING A MAINTAINED HEIGHT OF SIX FEET WITHIN THREE YEARS. GROUNDCOVERS AND/OR TURFGRASS SHALL NOT BE USED IN THIS BUFFER.</p>  <p>SHADE TREES (e.g. OAK, MAGNOLIA) SHRUBS (e.g. VIBURNUM, LIGUSTRUM)</p> <p>1. 5' WIDE LANDSCAPE STRIP 2. 4 SHADE TREES EVERY 100 LF (3.5" CAL. MIN.) 3. DOUBLE-STAGGERED ROW OF SHRUBS, 6' HT. WITHIN 3 YEARS</p>				
<p>MODIFIED TYPE 'E' BUFFER</p> <p>BUFFER SHALL CONSIST OF A TEN-FOOT WIDE LANDSCAPE STRIP WITH A 6' PRIVACY FENCE. THE BUFFER SHALL CONTAIN AT LEAST FOUR SHADE TREES FOR EVERY 100 LINEAL FEET OR FRACTIONAL PART THEREOF. SHRUBS TO BE PLANTED IN A DOUBLE-STAGGERED ROW AND BE CAPABLE OF REACHING A MAINTAINED HEIGHT OF SIX FEET WITHIN THREE YEARS. GROUNDCOVERS AND/OR TURFGRASS SHALL NOT BE USED IN THIS BUFFER.</p>  <p>SHADE TREES (e.g. OAK, MAGNOLIA) SHRUBS (e.g. VIBURNUM, LIGUSTRUM)</p> <p>1. 10' WIDE LANDSCAPE STRIP 2. 4 SHADE TREES EVERY 100 LF (3.5" CAL. MIN.) 3. DOUBLE-STAGGERED ROW OF SHRUBS, 6' HT. WITHIN 3 YEARS 4. 6' HT. OPAQUE FENCE</p>				

A PUD is required to provide both general open space and improved open space. The PUD proposes open space areas as required by the LDC. The minimum required open space is ± 18.14 acres, with improved open space of ± 1.38 acres. The PUD proposed open spaces will total ± 22.46 acres with ± 3.62 acres of improved open space. The open space will include tracts throughout the development, with some adjoining proposed buffers, in a manner that may supplement the effect of those buffers. However, the formal extent and dimensions of the proposed open space tracts are not indicated, wherein the applicant indicates those details will be provided with the final PUD Master Plan or equivalent.

Proposed amenities include pool & clubhouse, para course, playground, three to four pickleball and/or sport courts, dog park, a bus stop/shelter at the north access location to SE 73rd Avenue, and a walking trail around the primary DRA in the southwest corner of the site. A specific schedule for provision of the amenities has not been proposed at this time.

To address the final design of the open space and improved open space and timing of the amenity development, ***staff recommends the final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County***

Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, and as part of the final PUD Master Plan, or equivalent, the PUD's final open space and improved open space provisions (e.g., acreage and dimensions) shall be finalized and specified.

Compatibility conclusion: Staff notes that the proposed PUD is based on obtaining approval of concurrent Comprehensive Plan Amendment Application 25-L04 to establish a Medium Residential future land use designation for the site. Staff currently recommends denial of that concurrent application due to a variety of factors. As such, staff recommends the proposed PUD is not compatible with the site's current Rural Land future land use designation that is not supported for the concurrent amendment. In the event the Board of County Commissioners determines that approval of concurrent Comprehensive Plan Amendment Application 25-L04 is appropriate and acts to approve and adopt that proposed amendment application, an alternative finding and outcome for this request may be suitable, subject to resolution of the preceding concerns identified by staff, wherein the proposed PUD rezoning may then be deemed **compatible** with the existing and future surrounding land uses, ***subject to the recommended conditions listed within this report, including those prior recommendations*** wherein potential incompatibilities will be mitigated.

B. *Effect on public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.

a. Roadways.

The PUD Plan proposes two access points - one to SE 73rd Avenue, and one to SE Hwy 42 via the St. Mark Church, wherein each is proposed as a full access. SE 73rd Avenue, however, is identified as a Major Local roadway with a substandard ±50-foot wide right-of-way and is currently encountering design issues with its intersection to the south at SE Hwy 42. SE Hwy 42 is identified as an Arterial roadway, also with a substandard right-of-way; SE Hwy 42 extends east-to-west across the southeast Marion County, and the road is slated to be extended west to crossover I-75 to connect to the Marion Oaks development by County's Transportation Improvement Plan, with completion expected with Fiscal Years 2025-2026 and 2026-2027.

Traffic Study for the PUD has not been submitted; however, a Traffic Methodology was recently approved and the study is being undertaken at this time. According to the DRC Traffic Review (Attachment C), the proposed changes are expected to significantly increase traffic volumes in the surrounding area. Initial traffic projections are listed below in Table E.

TABLE E. GENERAL TRIP GENERATION ESTIMATES

	ITE Code	Development	Average Annual Trips		
			Daily	AM Peak-Hour	PM Peak-Hour

Land Use Type		Amount / Intensity	Trips	In	Out	Total	In	Out	Total
SFR-CPA	210	362 DU	3,225	-	-	329	-	-	235
SFR-PUD	210	300 DU	2,672	-	-	272	-	-	195

The Traffic Review notes the following:

"6/26/25 RECOMMEND DENIAL – The proposed development is outside of the urban growth boundary. A traffic methodology was approved on 4/28/2025 (AR 32409). The traffic study has not yet been submitted. The methodology does not provide enough information to determine what roadway and intersection improvements are needed to support site development. The traffic study will include a signal warrant analysis for CR 42 at SE 73rd Ave. Based on the approved methodology, the development of 300 single-family homes will generate 2,672 daily trips, 195 AM peak hour trips, and 272 PM peak hour trips. Approximately half of these trips will use SE 73rd Ave to enter and exit the site. SE 73rd Ave is a major local road with 10 ft lane widths and 50 ft of right-of-way. It currently operates at or near LOS A with 89% of capacity available. After accounting for future traffic from the approved Utopia and Heritage Oaks developments, SE 73rd Ave will operate at LOS D with 22% of capacity available in 2028. If this development for 300 single-family homes is approved, SE 73rd Ave will operate at LOS D with 14% of capacity available in 2028.

The proposed development will also increase congestion along CR 42, especially at the intersection with US 301. CR 42 currently operates at LOS C with 37% of capacity available. After accounting for future traffic from the approved Utopia, Heritage Oaks, 9494 Summerfield, and Sunset Hills developments, CR 42 will operate at LOS C with 12% of capacity available in 2028. If this development for 300 single-family homes is approved, CR 42 will operate at LOS C with 7% of capacity available in 2028. The westbound left turn lane on CR 42 at US 301 currently fails with existing traffic. This failure condition will be exacerbated when the updated LOS takes affect for this roadway segment. A second westbound left turn lane is needed to address this existing deficiency. Project is expected to have a 7.47% impact on SE 147th PI that is already trending at an annual growth rate of 6.96% which is expected to shift the 2028 Daily V/MSV from 0.66 to at least 0.71. Additionally, this development will place traffic onto SE 147th Place including at the intersections of SE 147th Place at SE 73rd Avenue and SE 147th Place at SE 80th Avenue. SE 147th Place is a narrow roadway with limited right-of-way and fair to poor pavement condition. The intersection of SE 147th Place with SE 73rd Avenue is located in a tight curve with limited visibility. Traffic recommends the following 5 conditions if this development is approved:

- 1) *Right-of-way dedication along SE 73rd Ave to achieve 120 ft total right-of-way.*
- 2) *Right-of-way dedication along CR 42 to achieve 120 ft total right-of-way.*
- 3) *Installation of a northbound left turn lane on SE 73rd Ave at the entrance to the development.*
- 4) *Proportionate share contribution for design and construction of a traffic signal on CR 42 at SE 73rd Ave.*
- 5) *Proportionate share contribution for design and construction of a second westbound left turn lane on CR 42 at US 301.*
- 6) *Tracts A-D shall access through the subdivisions internal roadways and not have separate access unless otherwise approved through the Development Review process.*
- 7) *Agreement with the church to allow access to CR 42 must be provided prior to improvement plan approval. If agreement cannot be obtained, then a revised PUD shall be submitted providing for another secondary access."*

Additionally, there are concerns related to SE 147th Street/Place to north where its intersection with SE 73rd Avenue is a unique configuration, and to the east the intersection of SE 147th Place & SE 80th Avenue is experiencing congestion issues as well.

The final determination and form of the site's access will be examined with greater detail and determined during the development review process, and the PUD developer will be required to provide any transportation improvements identified as necessary by the traffic study and final design, and subject to the satisfaction of the County Engineer. Based on the above recommendations and requirements, it is concluded the application is **not consistent** with TE Policy 2.1.4.a. **In the event an affirmative action results in relation to this request, following conditions are recommended:**

- ***The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the Traffic Study, in conjunction with the final approved project development plans, as required by the County Engineer, with any required improvements being completed in a manner and timeline subject to approval by the County Engineer.***
- ***A right-of-way dedication along SE 73rd Ave to achieve 120 ft total right-of-way .***
- ***Right-of-way dedication along CR 42 to achieve 120 ft total right-of-way.***
- ***Installation of a northbound left turn lane on SE 73rd Ave at the entrance to the development.***
- ***Proportionate share contribution for design and construction of a traffic signal on CR 42 at SE 73rd Ave.***

- ***Proportionate share contribution for design and construction of a second westbound left turn lane on CR 42 at US 301, with the proportionate share calculations reflecting all costs, including right of way acquisition.***
 - ***Tracts A-D shall access through the subdivisions internal roadways and not have separate access unless otherwise approved through the Development Review process.***
 - ***Agreement with the church to allow access to CR 42 must be provided prior to improvement plan approval. If agreement cannot be obtained, then a revised PUD shall be submitted providing for another secondary access.***
 - ***All required right-of-way dedications along SE 73rd Avenue and CR 42 shall be provided as part of the PUD design and approval process, with the timing and form of the dedication being subject to approval by the County Engineer, and***
 - ***The access points (vehicular and non-vehicular) to the PUD shall be provided as part of the PUD design and approval process, with their design, construction, and completion, and the time of each step, being subject to approval by the County Engineer.***
- b. Public transit. There are no fixed route services available in this area, and none are planned for the foreseeable future.
- c. Other mobility features. At this time, sidewalks are proposed along one side of the internal streets; however, sidewalks along SE 73rd Avenue and SE Hwy 42 External sidewalks must be provided along the roadways per the LDC; however, the PUD developer may request to use a fee-in-lieu of construction option consistent with the LDC s. The final sidewalk placements and design, and possible fee-in-lieu option, will be addressed as part of the development review process for the project's final Master Plan or equivalent, that will then be presented for final review and approval by the Board. It is concluded the application is **consistent** with TE Policy 2.1.4.c. **with the following condition:**
- ***The PUD developer will be required to address the provision of internal and external sidewalks in the final approved project development plans, as required by the County Engineer, with any required improvements and/or fee-in-lieu of construction being completed in a manner and timeline subject to approval by the County Engineer.***

Based on the above findings, it is concluded the application's proposed transportation impacts, **would adversely affect public interest** due to design issues, along with current and potential future level of service issues for the area. While the forthcoming Traffic Study may provide data and analysis in evaluating the potential PUD impacts staff is concerned that further design analysis would be necessary to affirmatively mitigate the

transportation infrastructure impacts of the PUD on the area where issues are already arising.

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and $\pm 2,750$ gallons per acre per day for nonresidential demand. Based on the proposed 300 detached single-family dwelling units, the project will generate a demand of 103,500 gallons per day. DRC comments provided by Marion County Utilities (see Attachment C) confirms the site is in the Marion County Utilities service area and a water main is present in the SE Hwy 42 right-of-way. It is concluded the application's **potable water impacts would not adversely affect the public interest.**
3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of 110 gallons per person per day for residential demand and $\pm 2,000$ gallons per acre per day for commercial and industrial demand. Based on the proposed 300 detached single-family dwelling units, the project will generate a demand of 75,900 gallons per day. DRC comments provided by Marion County Utilities (see Attachment C) confirm the site is in the Marion County Utilities service area, and due to the size of the project connection to an off-site force main at the developer's expense will be required. It is concluded the application's **sanitary sewer impacts would not adversely affect the public interest.**
4. Recreation. Recreation Element Policy 1.1.1 adopts a level of service standard (LOS) of two (2) acres per 1,000 persons. Based on the project's proposed 300 detached single family residential units, the project would generate an estimated demand of 1.38 acres for recreation. The PUD is required to provide for a minimum of 20% open space, resulting in a need for 18.14-acres of open space. The PUD proposes open space areas as required by the LDC proposing 22.46 acres of open space with 3.62 acres of improved open space for amenity facilities. Recreation amenities are proposed; however, the applicant proposes providing the final details and timing with the final PUD Master Plan, or equivalent, and staff has previously recommended the final PUD Master Plan, or equivalent, be require a final review and approval by the Board. Based on the above findings, and noted recommendations, it is concluded the rezoning **recreation impacts would not adversely affect the public interest.**
5. Stormwater/drainage. Stormwater Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development site. There are no FEMA Special Flood Hazard Areas, while a series of limited on-site Flood Prone areas have been identified by Marion County. Stormwater Engineering's remarks note that the project's stormwater management system will be reviewed as part of the Improvement Plan/Major Site Plan stage of review (see Attachment C). As noted by stormwater, site development will be subject to full stormwater review including compliance with the LDC; therefore, the application **would not adversely affect the public interest.**

6. Solid waste impacts. Solid Waste Element Policy 1.1.1 adopts a LOS standard of 6.2 pounds of solid waste generation per person per day. The SWE does not establish a LOS standard for solid waste generation for non-residential uses, as such uses are ordinarily serviced by individually arranged commercial hauling services. Based on the project's proposed 300 detached single family residential units, the project would generate an estimated demand of 4,278 pounds of solid waste per day. Marion County currently provides solid waste collection for the unincorporated County, and has identified and arranged for short-term and long-term disposal needs by obtaining disposal capacity in an out of county facility at this time. Based on the above, it is concluded the application's **solid waste impacts would not adversely affect the public interest.**
7. Fire rescue/emergency services. The site is located in the Villages Fire Station #10 District, located at 8220 SE 165th Mulberry Lane, The Villages, with the station located ± 1.28 miles east of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Marion County has established a 5-mile drive distance from the subject property as evidence of the availability of such services; additionally, the Fire Services Department has provided an analysis of existing conditions (see Attachment F) related to the site's primary servicing fire station and the three closest stations that are presented in tables F, G, H, and I following:

TABLE F: FIRE SUPPRESSION/NON-TRANSPORT RESPONSE ANALYSIS				
Station	Travel Time (Minutes)	FY 23/24 Response Availability (% / Status)	Incidents per Unit*	Units
#10 - The Villages	2	5.17% / Green	3,696	N/A
#30 - Spruce Creek	7	6.01% / Green	3,527	N/A
#18 - Belleview	11	6.08% / Green	4,145	N/A
#27 - Weirsdale	12	4.12% / Green	1,704	N/A
*The threshold to consider adding additional Suppression/Non-transport units is 2,000 incidents; there are no additional budgeted units for this area to date. Source: Marion County Fire Services				

TABLE G: TRANSPORT/AMBULANCE RESPONSE ANALYSIS				
Station	Travel Time (Minutes)	FY 23/24 Incident Reliability (% / Status)	Incidents per Unit*	Units
#10 - The Villages	2	7.34% / Green	3,763	2
#30 - Spruce Creek	7	1.69% / Green	2,976	2
#18 - Belleview	11	4.57% / Green	2,748	2
#27 - Weirsdale	12	22.91% / Red	2,342	N/A
*The threshold to consider adding additional Transport/Ambulance units is 2,500 incidents; there are no additional resources planned for this area to date. Source: Marion County Fire Services				

TABLE H: PENDING AREA DEVELOPMENTS				
Project	Status	Development Potential	Fire District	Available Units

				(S/NT – T/A)*
Gaekwad Village PUD	PUD Master Plan Townhouses Phase 1A - Approved 8/2024	744 SFR 770 MFR 1,514 TOTAL	#10 The Villages	N/A - 2
Heritage Oak Village PUD	Preliminary Plat Approved 8/2024	159 SFR	#10 The Villages	N/A – 2
9494 Summerfield PUD	PUD Master Plan Approved 9/2024	78 SFR Office/Retail 43,000 SF Mini-Storage 196,750 SF	#10 The Villages	N/A – 2
Carissa Oaks PUD (south)	Rezoning Approved 4/2022	10 SFR	#30 Spruce Creek	N/A – 2
TOTAL PENDING DEVELOPMENTS		991 SFR; 770 MFR; 239,750SF Non-residential		
*S/NT = Suppression/Non-transport Unit, T/A = Transport/Ambulance Unit.				

TABLE I: FIRE SERVICES SUMMARY AND ASSESSMENT*

Station	S/NT SERVICE LEVEL STATUS	ADDITIONAL S/NT UNITS NEEDED	T/A SERVICE LEVEL STATUS	ADDITIONAL T/A UNITS NEEDED
#10 - The Villages	Compliant	0	Compliant	0
#30 - Spruce Creek	Compliant	0	Compliant	0
#18 - Belleview	Compliant	0	Compliant	0
#27 - Weirsdale	Compliant	0	Exceeded	1
*S/NT = Suppression/Non-transport Unit, T/A = Transport/Ambulance Unit.				

Analysis: Marion County Fire Services has identified an impending service need of one transport/ambulance unit in regards to the area. The Comprehensive Plan does not establish a level of service for fire services. As identified by Fire Services, there is an operational deficiency for the area, however, no funds are currently budgeted to address the deficiency at this time; however, Marion County is currently exploring initiating a fire/emergency services impact fee(s) that may assist in resolving the identified operational deficiency. Staff finds the application **may adversely affect the public interest depending on the timing of development and County efforts to address the existing operational deficiencies identified.**

8. Law enforcement. The Sheriff's Village District Office, located at 8230 SE 165th Mulberry Lane, The Villages, ±1.28 miles southeast of the subject property. The Comprehensive Plan does not establish a level of service standard for law enforcement/sheriff services. The Marion County Sheriff's Office (MCSO) comments (see Attachment G) estimate the project could result in 720 new residents. MCSO notes that with other pending and proposed development, affecting the operating level of service of deputies per 1,000 residents. As such, additional staffing would be necessary to cover those needs. Staff finds the application **may adversely affect the**

public interesting depending on the timing of development and MCSO efforts to address operational needs for the area.

9. Public schools. The following figures are provided by Marion County Public Schools (MCPS) for the current school year: Harbour View Elementary (102%), Lake Weir Middle School (92%), and Belleview High School (120%). Residential development of the site with 300 single-family detached residences would generate 32-elementary, 13-middle, and 22-high school students for a total of 67 students. While there are areas of overcrowding, overall, there is capacity within Marion County Schools. Staff notes the student generation information was based on the 2024-2025 school year, as the current 2025-2026 school year is only commencing at this time. Therefore, it is concluded that the application is **consistent** with this section. Therefore, the application's **public-school impacts would not adversely affect the public interest.**

Conclusion. Staff notes significant transportation network design and level of service issues for the area, and a completed traffic study to identify related impacts and methods for mitigation has not yet been provided. Additionally, Fire Services has identified existing/expected operational deficiencies; while they are not subject to a Comprehensive Plan level of service standard, and some methods to address the concerns are available, the timing of development related to the expected demands is a concern. Further, the MCSO has noted that call volumes could be absorbed, but if there is other development in the area additional staffing would be necessary to cover those needs; while law enforcement services are not subject to a Comprehensive Plan level of service standard, the timing of development related to the expected demand is a concern. As such, staff finds the proposed rezoning **will adversely affect the public interest** as the proposed PUD will result in additional infrastructure and operational needs wherein adequate mitigation is not readily available.

C. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.3: Accommodating Growth – “The County shall designate on the Future Land Use Map sufficient area in each land use designation to distribute development to appropriate locations throughout the county. Changes to the Future Land Use Map shall be considered in order to accommodate the existing and projected population and its need for services, employment opportunities, and recreation and open space while providing for the continuation of agriculture activities and protection of the environment and natural resources.”

Analysis: *The PUD proposes implementing the site's requested Medium Residential (MR) land use designation.* The project proposes development consistent with that land use designation's range of density, complying with the minimum density and not exceeding the maximum density, and enabling a detached single-family residential development option featuring reduced lots sizes. As the site's concurrent Large-Scale Comprehensive Plan Amendment 25-L04 is not recommended for approval, staff concludes the proposed rezoning is **not consistent** with FLUE Policy 1.1.3.

2. “FLUE Policy 2.1.18: Medium Residential (MR) - This land use designation is intended to recognize areas suited for primarily single-family residential units within the UGB, PSAs and Urban Area. However, the designation allows for multi-family residential units in certain existing developments along the outer edges of the UGB or Urban Area. The density range shall be from one (1) dwelling unit per one (1) gross acre to four (4) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area land use.

Analysis: *The PUD proposes implementing the site’s requested Medium Residential (MR) land use designation.* The PUD proposes development consistent with that designation’s minimum and maximum density range, providing for 83% of the site’s potential dwelling units. A series of buffers and open spaces, addressed elsewhere in the report, are proposed as transition to the surroundings in an effort to make the site compatible with the surrounding properties. As the site’s concurrent Large-Scale Comprehensive Plan Amendment 25-L04 is not recommended for approval, staff concludes the proposed rezoning is **not consistent** with FLUE Policy 2.1.19.

3. FLUE Policy 5.1.2: Review Criteria – Changes to Comprehensive Plan and Zoning. Before approval of a Comprehensive Plan Amendment (CPA), Zoning Changes (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:

1. *Market demand and necessity for the change*
2. *Availability and potential need for improvements to public or private facilities and services;*
3. *Allocation and distribution of land uses and the creation of mixed-use areas;*
4. *Environmentally sensitive areas, natural and historic resources, and other resources in the County;*
5. *Agricultural activities and rural character of the area;*
6. *Prevention of urban sprawl, as defined by Ch. 163, F.S.;*
7. *Consistency with the UGB;*
8. *Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;*
9. *Compatibility with current uses and land uses in the surrounding area;*
10. *Water supply and alternative water supply needs; and*
11. *Concurrency requirements.*

Analysis: *A market demand and necessity for change analysis was not provided for the request.* The request represents an extension of the Urban Area with a Medium Residential land use designation into the current Rural Area/Rural Land designated properties that has not been recommended for approval by staff. Further, transportation and emergency services concerns

previously identified are a significant concern to ensure adequate public facility infrastructure and services. The expansion of Urban Area uses into the Rural Area, while buffered, will contribute to creating isolated and disconnected Urban and Rural Areas. The application is **not consistent** with FLUE Policy 5.1.2.

4. FLUE Policy 5.1.3: Planning and Zoning Commission - provides "... applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County's Local Planning Agency. The purpose of the advisory board is to make recommendations on CPA, ZC, and SUP requests to the County Commissioners. The County shall implement and maintain standards to allow for a mix of representatives from the community and set standards for the operation and procedures for this advisory board."

Analysis: This application is scheduled to appear in front of the Planning & Zoning Commission on August 25, 2025. This application is **consistent** with FLUE Policy 5.1.3.

5. FLUE Policy 5.1.4: Notice of Hearing - "The County shall provide notice consistent with Florida Statutes and as further defined in the LDC."

Analysis: Staff finds public notice has been provided as required by the LDC and Florida Statutes and, therefore, concludes the application is being processed **consistent** with FLUE Policy 5.1.4.

6. FLUE Policy 6.1.3: Central Water and Wastewater Service – The County shall require development within the UGB, Urban Areas, and other developments consistent with this Plan and as required in the LDC to use central water and wastewater. Central water and wastewater treatment facilities shall be constructed in accordance with the Wastewater and Potable Water Elements of this Plan as further defined in the LDC.

Analysis: The site is located outside the UGB, but is proposed to be added to the S. Hwy 441/SE Hwy 42 Urban Area by obtaining a Medium Residential land use designation. Central water and central sewer services are available to the site along Hwy 42, although service extensions to the site will extend services past large and small acreage tracts with a Rural Land designation. As the concurrent Large-Scale Comprehensive Plan Amendment 25-L04 is not recommended for approval, staff concludes the proposed rezoning is **not consistent** with FLUE Policy 6.1.3.

7. TE Policy 2.1.4: Determination of Impact - provides in part "All proposed development shall be evaluated to determine impacts to adopted LOS standards."

Analysis: As previously noted in prior section B.1.A, the PUD Plan proposes two access points - one to SE 73rd Avenue that is designated a Major Local roadway with a substandard right-of-way, and the second to SE Hwy 41 that is designated an Arterial roadway with a substandard right-of-

way. A Traffic Methodology was recently approved for this PUD (May 13, 2025, AR# 32409) to conduct a joint study with a parallel PUD for a site $\pm 1/4$ mile to the north; the Traffic Study for the two PUDs remains incomplete at this time. County Traffic Engineering has identified a number of issues in regard to capacity, level of service, and design issues related to SE 73rd Avenue, SE Hwy 42, SE 147 Street/Place, and SE 80th Avenue. Additionally, Marion County has discussed potential revisions to established level of service standards, that if enacted, would further increase concerns related to the transportation network.

As noted previously in this staff report, staff recommends conditions for the PUD related to the final access design and right-of-way dedication subject to the County Engineer's approval. However, based on the previously discussed findings and prior recommendations, it is concluded the application is **not consistent** with TE Policy 2.1.4.

8. TE Objective 2.2: Access Management - provides "To maintain the intended functionality of Marion County's roadway network, access management standards shall be established which provides access controls and manage the number and location of public roadways, private roadways, driveways, median openings, and traffic signals."

Analysis: As noted previously, the PUD will access SE 73rd Avenue and SE Hwy 42; however, the Traffic Study remains incomplete and there are design and capacity concerns related to the surrounding roadway network. . Based on the above prior findings and issues noted in this report, staff concludes the application is **not consistent** with TE Objective 2.2.

9. SSE Policy 1.1.3: provides "The County shall encourage the construction of sanitary sewer facilities by public or private sources, or jointly, in accordance with the Marion County Water and Wastewater Utility Master Plan, and the LDC."

Analysis: The site is located in Marion County's SE Utility Service Area. Based on residential development of the site with 300 dwelling units, demand is expected to be 75,900 gallons per day. A sanitary sewer force main is currently located along SE Hwy 42 to the south of the subject property. The application is **consistent** with SSE Policy 1.1.3.

10. PWE Policy 1.6.4: provides "Adequate potable water supplies and facilities which meet the adopted LOS standards shall be available concurrent with the impacts or development."

Analysis: The site is located in Marion County's SE Utility Service Area. Based on residential development of the site with 300 dwelling units, demand is expected to be 103,500 gallons per day. A water main is currently located along SE Hwy 42 to the south of the subject property. Based on these findings, the application is generally **consistent** with PWE Policy 1.6.4.

11. Stormwater Element (SE).
 - a. SE Policy 1.1.4 provides, "[t]he demand for stormwater facility capacity by new development and redevelopment shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the applicable design storm LOS standard adopted in Policy 1.1.1 and facility design procedures consistent with accepted engineering practice."
 - b. SE Policy 1.1.5 provides, "Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development."

Analysis: At the time of any development order approval, the owner will need to demonstrate that post-development stormwater runoff can be accommodated by the stormwater facilities proposed during development review. The owner is advised they will be responsible for funding the stormwater facilities with sufficient capacity to accommodate the post-development runoff, potentially including stormwater needs for off-site infrastructure improvements needed to support any development (e.g., access turn-lanes, etc.) Based on the above findings, the application is **consistent** with SE Policies 1.1.4, and 1.1.5.

12. SWE Policy 1.1.1: provides - "The LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day. This LOS standard shall be used as the basis to determine the capital facilities or contractual agreements needed to properly dispose of solid waste currently generated in the County and to determine the demand for solid waste management facilities which shall be necessitated by future development."

Analysis: Based on residential development of the site at 300 dwelling units, demand is expected to be 4,278 pounds per day of solid waste. The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County. Based on the above findings, the application is **consistent** with SWE Policy 1.1.1.

13. ROS Policy 1.1.1: provides - "The LOS standard for public outdoor parks and recreation facilities shall be two (2) acres per 1,000 persons. Marion County may develop and pursue intergovernmental and not-for-profit agency partnerships to meet identified recreation needs, including, but not limited to, placing County-owned/operated facilities on non-Marion County owned lands."

Analysis: Based on the project's proposed 300 detached single family residential units, the project would generate an estimated demand of 1.38 acres for recreation. The PUD is required to provide for a minimum of 20% open space, resulting in a need for 18.14 acres of open space. The PUD proposes open space areas as required by the LDC proposing 18.14 acres of open space with 3.62 acres of improved open space for amenity facilities.

Recreation amenities are proposed; however, as previously noted, final details are not provided at this time and staff recommends the details be provided with the final PUD Master Plan, or equivalent, to be subject to Board of County Commissioners final review and approval. Based on the above findings, and noted recommendations, it is concluded the application is **consistent** with ROS Policy 1.1.1.

The PUD's concurrent Comprehensive Plan Amendment 25-L04 requesting a Medium Residential land use designation is not recommended by staff, and issues related to transportation and public safety facilities and services are a critical concern for the area, more so if any revisions to transportation related level of service standards occur. In conclusion, based upon the totality of the circumstances, staff concludes the rezoning application is **not consistent** with the Comprehensive Plan

V. PLANNED UNIT DEVELOPMENT (PUD) ANALYSIS

Land Development Code Section 4.2.31 establishes specific requirements for a PUD. An analysis of conformance to those requirements are addressed below.

- A. LDC Section 4.2.31.B addresses permitted uses, special uses, and specialized development standards and architectural standards.
 - 1. LDC Section 4.2.31.B.(1) allows any permitted use, special use, or accessory use in any zoning classification listed within the County's LDC provided the proposed use is consistent with the County's future land use designation for the site, and the provisions of the LDC for each use.
 - 2. LDC Section 4.2.31.B.(2) provides uses identified as ordinarily requiring a Special Use Permit may be authorized as permitted within all or a part of a PUD without the necessity of a separate SUP application provided it meets on of three criteria;
 - 3. LDC Section 4.2.31.B.(3) provides owners of parcels within the PUD may subsequently request the authorization of additional special uses following approval of the PUD by undertaking the SUP application process for the proposed additional use without applying for an amendment to the PUD.
 - 4. LDC Section 4.2.31.B.(4) establishes three (3) methods for setting forth the list of permitted and special uses.
 - 5. LDC Section 4.2.31.B.(5) provides the intended character of the PUD shall be identified, including the structure types, architectural styles, ownership forms, amenities, and community management form (e.g., property owner association, community development classification, municipal service unit, etc.) or suitable alternative.

Analysis: As previously noted, PUD proposes 300 *single-family detached residential units*, with accessory structures enabled and a series of

amenities. The conceptual plan was accompanied by development standards and a series of architectural images of the intended residences. All images were 1-story homes, although the applicant has noted 2-story will also be permitted as the PUD's maximum height limit is proposed at 40-feet. The PUD also proposes to potential forms for subdivision neighborhood/monument signs; the proposal provides for an increased overall height for a portion of the sign (pillar) for a total maximum sign height of ± 12.5 -feet in height; staff has no objection to the limited height increase or the sign proposed. Staff supports establishing a condition to reflect the placement of the wider 60-foot minimum with lots to the west side of the PUD south of the amenity area, and the estate lots along the south side of the north outparcel along SE 73rd Avenue as shown on the Concept Plan and consistent with the development standards in Table C. As such, the PUD **is consistent, with previously recommended conditions and the following conditions:**

- ***The PUD shall be developed with detached single-family residences up to a maximum total of 300 residences; no accessory family/guest cottage/apartment units are permitted. The PUD's development shall conform to the placement, development standards, and general architectural typical designs, as listed in Table C and provided with the Conceptual Plan materials as provided with this staff report.***

- B. LDC Section 4.2.31.C establishes a minimum PUD size of 0.5 acres or 21,780 square feet.

Analysis: Staff finds the property has a size of ± 29.51 acres and therefore **is consistent** with this section.

- C. LDC Section 4.2.31.D addresses density and intensity.

1. LDC Section 4.2.31.D(1) provides the maximum allowable density/intensity for a PUD cannot exceed that established by the Comprehensive Plan Future Land Use Designation(s) for the site, along with any density or intensity bonuses and/or transfers acquired for the site as enabled by the Comprehensive Plan and the LDC; however, if the PUD site is vested for a higher density/intensity as established consistent with the Comprehensive Plan and the LDC, the PUD may propose densities and/or intensities consistent with the vested status.

Analysis: The site's requested future land use designation is Medium Residential (MR), allowing for 90 to 362 dwelling units. The PUD Plan proposes a maximum of 300 detached single-family dwelling units, complying with the site's minimum density and representing 83% of the site's maximum density, resulting in a proposed density of 3.31 DU/AC. However, as staff has recommended denial of concurrent Comprehensive Plan Amendment 25-L04, the PUD **is not consistent** with this provision.

2. LDC Section 4.2.31.D.(2) provides the Board is not obligated to authorize the maximum density/intensity as potentially allowed by the Comprehensive Plan future land use designation(s) and/or bonuses and/or transfers acquired for the PUD site. The criteria for establishing a maximum density/intensity includes existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the requirements of the Comprehensive Plan for any residential or non-residential land use involving the area in question, with additional focus on the compatibility of the PUD's proposed uses with the adjoining and surrounding properties.

Analysis: The site's future land use designation is Medium Residential (MR), allowing for 90 to 362 dwelling units. The PUD Plan proposes a maximum of 300 detached single-family dwelling units, complying with the site's minimum density and representing 83% of the site's maximum density, resulting in a proposed density of 3.31 DU/AC. However, as staff has recommended denial of concurrent Comprehensive Plan Amendment 25-L04, the PUD is **not consistent** with this provision.

3. LDC Section 4.2.31.D.(3) provides density/intensity increases may be attained through one of three methods.

Analysis: The application does not propose any density/intensity above the requested land use designation. Thus, staff concludes this section is **not applicable**.

4. LDC Section 4.2.31.D.(4) allows for blending of densities/intensities if the subject property has more than one FLUMS designation.

Analysis: The site consists of a single Medium Residential (MR) land use designation, and no blending of land uses is proposed. Staff finds this section is **not applicable**.

5. LDC Section 4.2.31.D.(5) addresses averaging.

- a. LDC Section 4.2.31.D.(5)(a) provides the gross amount of density/intensity of uses in a PUD may be allocated to any area of the total PUD site; however, proposed uses that are subject to the special setback and/or protection zone/area requirements shall be required to comply with those applicable standards as established within the Comprehensive Plan and this Code both within, and to areas outside the boundary, of the PUD.

Analysis: As the site is solely subject to a Medium Residential (MR) land use designation, the proposed PUD does not propose intensity averaging. Staff finds this proposal is **consistent** with this section.

- b. LDC Section 4.2.31.D.(5)(b) allows alternative setback and/or protection zone/areas meeting the intent of the Code for uses internal to the PUD

site as part of the PUD review and consideration, subject, however to the Comprehensive Plan.

Analysis: Staff finds the PUD proposes setbacks similar to or greater than those seen in comparable zoning classes in the surrounding area. Further, land use buffers will be provided around the perimeter of the site, along with additional open space tracts, that will provide for separations and screening to surrounding properties. As such, the PUD is **consistent** with this section.

- c. LDC Section 4.2.31.D.(5)(c) provides that if the PUD is for a cluster type project that must be enabled as a PUD as established by the Comprehensive Plan (e.g., Rural Residential Cluster or Hamlet Division 3.3), then the PUD shall be subject to compliance with the applicable natural open space preservation requirements, with the remaining lands available for development then being eligible for density and/or intensity averaging, subject to any special requirements of the particular PUD cluster type as required by the Comprehensive Plan and this Code.

Analysis: Staff finds that the PUD is not a hamlet or rural residential cluster. Thus, staff finds that this section is **not applicable**.

6. LDC Section 4.2.31.D.(6) requires the PUD to comply with the minimum buffer requirements as established in this Code, or an alternative design meeting the intent of the Code may be proposed for consideration. If an alternative design is proposed, the proposal shall include, at a minimum, scaled typical vertical and horizontal cross-sections of the buffer, including depictions of all proposed alternative buffer improvements and scaled representations of the existing principal structures and improvements that are located on the adjoining properties being buffered from the PUD. LDC Section 4.2.31.E.(6) provides buffers shall be provided externally and internally, between the PUD and surroundings and between internal PUD uses, in order to maintain compatibility between uses and avoid and/or limit adverse impacts between uses and nuisance situations

Analysis: As previously noted, the PUD proposes a series of buffers along the site's boundaries that meet and/or exceed those required by the LDC. Staff finds the PUD buffers proposed are **consistent** with this section.

- D. LDC Section 4.2.31.E.(1) addresses types of access.

1. LDC Section 4.2.31.E.(1)(a) provides all properties resulting from a PUD shall have paved access to paved public or private street right-of-way; however, ingress/egress or cross-access easements may be proposed as an alternative to a right-of-way as part of the PUD, provided all access is paved.

Analysis: As previously noted, access will be provided to SE 73rd Avenue and access via the St. Mark Church to SE Hwy 42. The St. Mark Church

connection is supported by staff; however, completion of the project Traffic Study and ensuring design and capacity concerns related to the surrounding transportation network are a significant concern. As such, staff finds the application is **not consistent** with this provision although a set of recommends has been listed previously in this report should an affirmative consideration of the PUD and its companion Comprehensive Plan Amendment occur.

2. LDC Section 4.2.31.E.(1)(b) provides the PUD shall include pedestrian and/or bicycle facilities internally to address internal circulation needs and externally to provide for integration of the PUD to surrounding existing for future facilities.

Analysis: As previously noted, the PUD plan provides for internal sidewalks but does not propose sidewalks along SE 73rd Avenue or SE Hwy 42. As previously recommended, a condition of site development will be to provide sidewalks or potentially use a fee-in-lieu option, subject to County Engineer review and approval. Staff has reflected these requirements with a previously recommended development condition; as such staff finds the application is **consistent** with this provision.

3. LDC Section 4.2.31.E.(1)(c) provides the PUD shall include multi-modal design accommodating pedestrian, bicycle, transit, and vehicular access focusing on integrating the modes with the proposed PUD uses and expected activity levels and/or focus (e.g., employment, residential, institutional, etc.).

Analysis: Transit services via Marion Transit/Suntran are not currently available in the area. As previously noted, no pedestrian and/or bicycle facilities are available in the area at this time. Internal and external sidewalks are to be addressed by the PUD's final design and construction per a previously recommended condition, and such sidewalks may be supportive of future transit efforts. As such staff finds the application is **consistent** with this provision.

4. LDC Section 4.2.31.E.(1)(d) provides parking and loading spaces shall be provided consistent with the requirements for developed uses as listed in Section 6.11.8; however alternative parking and loading standards may be proposed, provided such standards are based on accompanying technical information and analysis provided by a qualified professional. The use of shared parking is encouraged, along with the integration of parking as part of a multi-use structure as provided in Section 4.2.6.D(8).

Analysis: The PUD does not propose deviations from parking standards as the residences will include garages with driveways, wherein the garage may accommodate one or more vehicles and the driveway may accommodate one or more vehicles, which is consistent with and permitted by the LDC. The PUD does not propose storage areas for recreational vehicles as rendered; however, providing such areas is not a requirement for residential

development. Individual properties may provide for recreational vehicle storage unless precluded by the PUD's private community restrictions. As such the plan is **consistent** with this provision.

5. LDC Section 4.2.31.E.(1)(e) requires all appropriate utility infrastructure shall be made available to and provided for the PUD.

Analysis: The site is located with Marion County Utilities Service Area and services are available for the site subject to LDC requirements regarding connection and design (see Attachment C). A water main providing central water service is available along SE Hwy 42. A sanitary sewer force main is available along SE Hwy 42. Extension of these service will be required at the developer's expense to connect to central sewer service. As such, the plan is **consistent** with this provision.

6. LDC Section 4.2.31.E.(1)(f) requires all appropriate and necessary stormwater infrastructure shall be provided for the PUD development to ensure compliance with this Code.
 - a. LDC Section 6.13.2 addresses the minimum requirements for stormwater management.
 - b. LDC Section 6.13.3 addresses four different types of stormwater management facilities.

Analysis: On the DRC Comments Letter, the Office of the County Engineer Stormwater Division notes that a final stormwater plan will be required through subsequent development review processes (Attachment C). The PUD proposes a series of private retention areas to serve respective portions of the site estimated to contain the 100-year 24-hour post storm event. Stormwater review during the Development Review phase will verify the size and depth of the retention areas needed to serve the development and the operational capacity of the proposed systems. As such, the plan is **consistent** with this provision.

- E. LDC Section 4.2.31.E.(2) (a-b) addresses easements.

Analysis: Staff finds any easements required for maintenance and upkeep of the PUD infrastructure will be determined during the Development Review phase of the process with buildable areas and easements finalized and/or determined during the Preliminary Plat and/or Improvement Plan/Final Plat development review processes. As such, the plan is **consistent** with this provision.

- F. LDC Section 4.2.31.E.(3) addresses setbacks and separation requirements.

Analysis: As previously noted, the PUD proposes specialized development standards for the project, including setbacks and maximum heights. Further, building separations are also subject to building and fire safety

codes which allow some design and construction flexibility. As such, staff recommends a development condition to ensure the PUD will be **consistent** with this section:

- ***Building separations shall meet all requirements placed on development by Building and Fire Safety codes.***

G. LDC Section 4.2.31.E.(4) (a-b) addresses heights.

Analysis: As previously noted and recommended, the PUD proposes various setbacks and maximum heights consistent with those of the surrounding areas. Further, staff has recommended additional provisions to mitigate potential compatibility with surrounding uses. As such the PUD will be **consistent** with this section.

H. LDC Section 4.2.31.E(5) (a-c) addresses outdoor lighting.

Analysis: The PUD Plan does not display the location of specific exterior lighting. As such, staff recommends the PUD site comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels, to be **consistent** with this provision.

- ***PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.***

I. LDC Section 4.2.31.E.(6) provides buffers shall be provided externally and internally, between the PUD and surroundings and between internal PUD uses, in order to maintain compatibility between uses and avoid and/or limit adverse impacts between uses and nuisance situations as follows:

1. Buffers shall be provided between the proposed PUD uses and the PUD's surroundings, and between the PUD's internal uses, in a manner that conforms to the requirements of Section 6.8.6; however, a PUD may propose alternative buffer standards and designs provided the intent of the buffer requirement is satisfied,
2. A PUD may propose the elimination of internal buffers within the PUD; however, for significantly dissimilar uses (e.g., residential versus industrial), mechanisms to ensure future PUD residents and occupants are aware of the elimination of such requirements may be required in response to such a proposal.

Analysis: Buffers have been addressed previously in this report with accompanying recommendations for particular provisions. As recommended, the PUD will be **consistent** with this provision.

J. LDC Section 4.2.31.E(7) addresses open space.

1. LDC Section 4.2.31.E.(7) (a-c) provides that for a PUD implementing a Rural Land - Residential Cluster, Rural Land - Hamlet, or Rural Community development form as authorized by the Comprehensive Plan future land use element and Division 3.3.

Analysis: The PUD site has a High Residential FLUMS designation and does not propose a Rural Land Residential Cluster or Hamlet, therefore this section of the LDC is **not applicable**.

2. LDC Section 4.2.31.E.(7)(b) provides for all other PUDs, whether residential, institutional, commercial, industrial, or mixed-use, improved open space (IOS) consistent with Section 6.6.6.B shall be provided as a minimum of 20 percent of the PUD gross land area.

Analysis: The PUD proposes open space areas as required by the LDC. The minimum required open space is ± 18.14 acres, with improved open space of ± 1.38 acres. The PUD proposed open spaces will total ± 22.46 acres with ± 3.62 acres of improved open space for amenities. The open space will include tracts throughout the development, with some adjoining proposed buffers, in a manner that may supplement the effect of those buffers. However, the formal extent and dimensions of the proposed open space tracts are not indicated, wherein the applicant indicates those details will be provided with the final PUD Master Plan or equivalent. Recreation amenities are proposed with final details and timing to be provided with the final PUD Master Plan, or equivalent, for final review and approval by the Board. Based on the above findings, and previously noted recommendations, it is concluded the rezoning will be **consistent** with this section.

3. LDC Section 4.2.31.E.(7)(c) establishes the following design guidelines for open space:
 - a. IOS shall be permanently set aside and shall be designated on the PUD and be established as separate properties/tracts to be owned and managed by a governing association for the PUD, whether a private property owners association, community development district, or municipal service unit unless otherwise approved by the Board upon recommendation by the DRC.
 - b. The PUD's minimum required IOS amounts shall be listed on the PUD's related plans, and shall be depicted depending on the level of development review, allowing for more general with conceptual and proceeding to detailed for platting and/or site planning.
 - c. IOS is intended to be integrated into the PUD design and provide the primary avenue for satisfying overall landscaping requirements for all development as required in Divisions 6.7, 6.8, and 6.9.
 - d. IOS shall be integrated throughout the PUD to provide a linked access system to the IOS.

- e. IOS shall be improved, including compatible structures, to the extent necessary to complement the PUD uses.

Analysis: As previously noted, staff has recommended conditions regarding finalizing the PUD's open space, improved open space, and recreational amenities as part of a final PUD Master Plan, or equivalent, for final review by the Board. As such, the proposed PUD to be **consistent** with this section.

- 4. LDC Section 4.2.31.E.(7)(d) establishes the following improved open space eligibility standards:
 - a. Landscape buffers required for the PUD perimeter to surrounding properties, and within the PUD to provide internal buffering shall be counted at 100 percent,
 - b. Parks, playgrounds, beaches, bikeways, pedestrian walks, equestrian trails, and other similarly improved, usable outdoor areas shall be counted at 100 percent,
 - c. Up to 25 percent of stormwater facilities may be counted to satisfy area/acreage requirements for required IOS. A higher percentage may be approved by DRC, depending on the design and lay of the facility, wherein the stormwater facilities provide a stable, dry, surface for extended periods of time and are not subject to erosion and/or damage to key design components when subjected to active use by PUD residents, employees, and patrons.
 - d. Parking areas and road rights-of-way may not be included in calculations of IOS; however, separate tracts exclusive of rights-of-way providing landscaping buffers, or landscaped pedestrian, bicycle and other non-vehicular multi-use trails may be classified as IOS.
 - e. (1 and 2) Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space requirements.
 - f. If golf courses and/or driving ranges are provided to partially fulfill recreation space requirements, a maximum of 60 percent of the golf course and/or driving range land may be counted toward the required IOS. A golf course, driving range, and waterbodies combined cannot exceed 75 percent of the required IOS.

Analysis: As previously noted, staff has recommended conditions regarding finalizing the PUD's open space, improved open space, and recreational amenities as part of a final PUD Master Plan, or equivalent, for final review by the Board. As such, the proposed PUD to be **consistent** with this section.

- K. LDC Section 4.2.31.E.(8)(a through e) address Maximum Commercial Use Area in a Residential PUD in a Residential Future Land Use Designation.

Analysis: The PUD is a solely residential PUD and a Commercial Use Area is not proposed, therefore this section of the LDC is **not applicable**.

- L. LDC Section 4.2.31.F. addresses the pre-application meeting.

1. LDC Section 4.2.31.F.1 requires a pre-application meeting be conducted before a PUD rezoning application can be accepted.

Analysis: A pre-application meeting was conducted. Thus, this application meets this requirement.

2. LDC Section 4.2.31.F.(2)(a) requires a PUD application be accompanied by a Conceptual Plan, Master Plan, Major Site Plan or Preliminary Plat.

Analysis: The PUD application is accompanied by a Conceptual Plan.

3. LDC Section 4.2.31.F.(2)(b) requires the PUD Rezoning Application shall be accompanied by a Conceptual Plan provide documentation addressing the following:
 - a. The name of the proposed PUD shall be centered at the top of the sheet along the long dimension of the sheet.
 - b. Vicinity map that depicts relationship of the site to the surrounding area within a 1-mile radius.
 - c. Drawing of the boundaries of the property showing dimensions of all sides.
 - d. Provide the acreage of the subject property along with a legal description of the property.
 - e. Identify the Comprehensive Plan future land use and existing zoning of the subject property and for all properties immediately adjacent to the subject property.
 - f. Identify existing site improvements on the site.
 - g. A list of the uses proposed for the development.
 - h. A typical drawing of an interior lot, corner lot, and cul-de-sac lot noting setback requirements. For residential development, the typical drawings will show a standard house size with anticipated accessory structure.
 - i. Proposed zoning and development standards (setbacks, FAR, building height, etc.).
 - j. Identify proposed phasing on the plan.
 - k. Identify proposed buffers.
 - l. Identify access to the site.
 - m. Preliminary building lot typicals with required yard setbacks and parking lot locations.
 - n. Preliminary sidewalk locations.
 - o. Proposed parallel access locations.
 - p. Show 100-year floodplain on the site.
 - q. Show any proposed land or right of way dedication.
 - r. Identify any proposed parks or open spaces.
 - s. A note describing how the construction and maintenance of private roads, parking areas, detention areas, common areas, etc. will be coordinated during development and perpetually after the site is complete.
 - t. Architectural renderings or color photos detailing the design features, color pallets, buffering details.

Analysis: The application submitted was determined to currently meet the minimum requirements for submission and **is consistent** with this provision subject to previously noted conditions as recommended.

4. LDC Section 4.2.31.F.(3) requires the Development Review Committee (DRC) to make a recommendation for approval, approval with conditions, or for denial to the Planning and Zoning Commission and to the Board.

Analysis: The DRC considered the application at its July 7, 2025, meeting. The DRC noted significant staff concerns regarding the PUD, noting that if concurrent Comprehensive Plan Amendment 25-L04 ultimately attains approval, a number of issues regarding the transportation network, as outlined in the report, will need to be addressed and adequately mitigated, wherein DRC approved the following:

"Motion by Chuck Varadin to move forward to the Planning & Zoning Commission with a recommendation for approval and then addressing staff comments including Traffic's five conditions 1) Right-of-way dedication along SE 73rd Ave 2) right-of-way dedication along CR 42 3) installation of northbound left turn lane on SE 73rd Ave at the entrance to the development 4) a proportionate share contribution for the design and construction of a traffic signal on CR 42 at SE 73rd Ave 5) a proportionate share contribution for the design and construction of a second westbound left turn lane on CR 42 at US 301 if approved, with a friendly amendment associated with number four that all costs including right-of-way acquisition necessary, seconded by Michael Savage Motion carried 4-0." As such, the PUD request is **consistent** with this provision.

5. LDC Section 4.2.31.F.(4)(a) requires the final development plan (either entire project or phase), submission, shall include but not be limited to, a master plan, a major site plan, improvement plan, a preliminary plat and/or final plat, as deemed necessary for the specific project.

Analysis: As the PUD Application was accompanied by a Conceptual Plan, a subsequent development plan(s) will be required as noted by this provision. Once submitted, this requirement shall be met, making it **consistent** with this provision.

6. LDC Section 4.2.31.F.(4)(b) require final development plan be in accordance with requirements of the Land Development Code and be considered by the DRC. At the direction of the Board, DRC, or Growth Services Director, the final development plan may be brought back to the Board for final action.

Analysis: The PUD Plan is a conceptual plan. As previously noted, staff recommends the PUD's final Master Plan, or equivalent, be brought back to the Board for final review and approval. As such, the PUD is **consistent** with this provision.

7. LDC Section 4.2.31.F.(4)(c) provides if necessary, a final development plan (entire project or phase) may be submitted with the conceptual plan for consideration.

Analysis: Staff finds that only a conceptual plan was submitted for consideration.

M. LDC Section 4.2.31.J addresses PUD time limits and provides:

1. The Board may establish time limits for the submittal of a master plan, major site plan, preliminary plat, or final plat for the development of an approved conceptual plan.
2. Any such time limits may be extended by the Board for reasonable periods upon the petition of the developer for an amendment to the conceptual plan and based upon good cause, as determined by the Board; provided that any such extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval, or other development order. If time limits contained in the approved development plan are not completed or not extended for good cause, no additional permits will be approved.
3. Time limits for completion and close out of master plans, major site plans, preliminary plats, and final plats once approved shall be according to Article 2 of this Code Review and approval procedures.

Analysis: Staff does not recommend the imposition of any conditions to address time limits as timing is already addressed under LDC Section 4.2.31.L.

N. LDC Section 4.2.31.K addresses PUD amendments.

Analysis: This application is for the initial PUD approval and, consequently, this section is **not applicable**.

VI. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **DENY** the rezoning amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance and act to **TABLE OR CONTINUE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance, and make a recommendation to the

Board of County Commissioners to adopt a proposed Ordinance to **APPROVE** the rezoning amendment.

VII. STAFF RECOMMENDATION

Staff recommends the Commission enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and **DENY** the proposed rezoning because the application:

- A. **Will adversely** affect the public interest based upon impacts to the surrounding area along with creating additional infrastructure and services impacts in an area that is already an area of concern for the community;
- B. **Is not consistent** with the following Comprehensive Plan provisions
 - 1. FLUE Policy 1.1.3, 2.1.18, 5.1.2, 6.1.3, and 5.1.3
 - 2. TE Policy 2.1.4, and Objective 2.2.
- C. **Is not compatible** with the surrounding uses as it will extend Urban Area development into the Rural Area and create isolated Rural Land areas adjoining Urban Area sites that may then encroach on the continuing Rural Land designated sites creating compatibility issues.
- D. If the Commission chooses to disagree with staff's findings and recommendation, the following development conditions are proposed to mitigate negative impacts to the surrounding area:
 - 1. The PUD shall be developed consistent with the submitted PUD Conceptual Plan (*-final plan date, subject to potential revisions-*) and the conditions provided with this approval below.
 - 2. The PUD shall be developed with detached single-family residences up to a maximum total of 300 residences; no accessory family/guest cottage/apartment units are permitted. The PUD's development shall conform to the development standards and general architectural typical designs, in the PUD Conceptual Plan and as listed in Table C below:

TABLE C. PROPOSED USES, DESIGN & DEVELOPMENT STANDARDS STAFF RECOMMENDED ADJUSTMENTS			
Minimum Standards	Measurements (Feet or Square Feet (SF))		
Lot Type	<u>Estate Lots</u>	60' min. width Westside, south of Amenity Area	50' min. width (All other lots)
Uses:	Detached Site- built Single- Family Residence <u>Consistent with R-E Zoning</u>	Detached Site- built Single- Family Residence w/supporting amenities	Detached Site- built Single- Family Residence w/supporting amenities
<u>Minimum Lot Dimensions</u>			

Lot Width	<u>150'</u>	60'	50'
Lot Depth	<u>250'</u>	115'	115'
Lot Area	<u>40,000 Sq. Ft.</u>	6,900 Sq. Ft.	5,750 Sq. Ft.
<u>Minimum Setbacks</u>			
Front	<u>25'</u>	20'	20'
Side / Corner Lot Side	<u>25'</u>	5' / 15'	5' / 15'
Rear	<u>25'</u>	15'	15'
Accessory Uses* – Front / Rear / Side	<u>(non-habitable per R-E zoning) 25' / 8' / 8'</u>	<u>(non-habitable per R-1 zoning) 20' / 5' / 5'</u>	<u>(non-habitable per R-1 zoning) 20' / 5' / 5'</u>
<u>Maximum structure Heights (To Top of Roof)</u>			
Primary Use	<u>40'</u>	40'	40'
<u>Accessory Use</u>	<u>40'</u>	<u>20'</u>	<u>20'</u>
<u>Permitted accessory uses shall not include family/guest cottage/apartments.</u>			

3. For the minimum 50-foot and 60-foot wide lots, accessory structures eligible for the accessory structure setbacks shall be qualified as non-habitable structures (e.g., screen enclosures, pools, pool enclosures, etc.) as provided in the R-1 zoning, except that no accessory family/guest cottage/apartments shall be permitted.
4. For the estate lots, the uses enabled be consistent with the Residential Estate (R-E) zoning classification, along with the notation the provision that that accessory structures eligible for the accessory structure setbacks shall be qualified as non-habitable structures (e.g., screen enclosures, pools, pool enclosures, etc.) as provided in the R-1 zoning, except that no family/guest cottage/apartments shall be permitted.
5. The PUD's perimeter buffers will be provided as presented as listed in Table D below:

TABLE D. BUFFER COMPARISON AND RECOMMENDATION				
Direction	Adjoining Use	Required	Proposed	Recommended
NORTH Incl. north outparcel	Ag Tract w/SFR	"E"	Type "E"	As Proposed
SOUTHWEST - West	RV/Boat Storage	"A"	No Buffer (DRA)	As Proposed
SOUTHWEST - Central	Office	"A"	Modified Type "E" increased to 10- feet wide with 6- foot privacy fence	As Proposed
SOUTHWEST - East	Ag Tract w/SFR	"E"	Modified Type "E" increased to 10- feet wide with 6- foot privacy fence	As Proposed
SOUTH - East	St. Marks Church & Vet Clinic	"E"	Type "E"	As Proposed
EAST - North	SE 73rd Avenue	"C"	Type "C"	As Proposed

TABLE D. BUFFER COMPARISON AND RECOMMENDATION

Direction	Adjoining Use	Required	Proposed	Recommended
EAST - Central	Ag Tracts w/SFR	"E"	Type "E"	As Proposed
EAST - South	St. Marks Church & Vet Clinic	"A"	Modified Type "E" increased to 10-feet wide with 6-foot privacy fence	As Proposed
WEST - North	CSX RR Mainline	"C"	Type "E"	As Proposed
WEST - South	Ag Tract w/SFR	"E"	Modified Type "E" increased to 10-feet wide with 6-foot privacy fence	As Proposed

TYPE 'C' BUFFER

SHALL CONSIST OF A 15-FOOT WIDE LANDSCAPE STRIP WITHOUT A BUFFER WALL. THE BUFFER SHALL CONTAIN AT LEAST TWO SHADE TREES AND THREE ACCENT/ORNAMENTAL TREES FOR EVERY 100 LINEAL FEET OR FRACTIONAL PART THEREOF. SHRUBS AND GROUNDCOVERS, EXCLUDING TURFGRASS, SHALL COMPRISE AT LEAST 50 PERCENT OF THE REQUIRED BUFFER AND FORM A LAYERED LANDSCAPE SCREEN WITH A MINIMUM HEIGHT OF THREE FEET ACHIEVED WITHIN ONE YEAR.

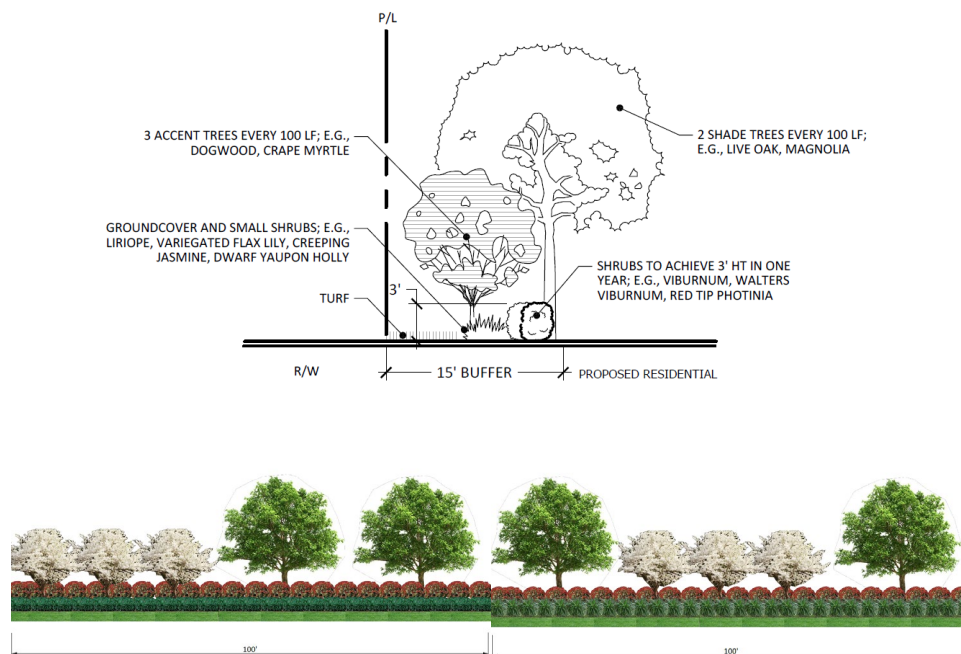
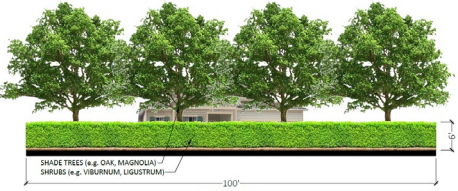
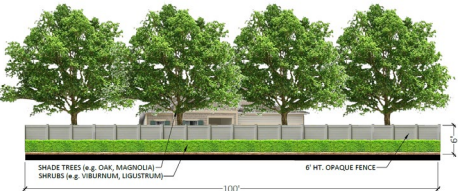


TABLE D. BUFFER COMPARISON AND RECOMMENDATION

Direction	Adjoining Use	Required	Proposed	Recommended
<p>TYPE 'E' BUFFER</p> <p>BUFFER SHALL CONSIST OF A FIVE-FOOT WIDE LANDSCAPE STRIP. THE BUFFER SHALL CONTAIN AT LEAST FOUR SHADE TREES FOR EVERY 100 LINEAL FEET OR FRACTIONAL PART THEREOF. SHRUBS TO BE PLANTED IN A DOUBLE-STAGGERED ROW AND BE CAPABLE OF REACHING A MAINTAINED HEIGHT OF SIX FEET WITHIN THREE YEARS. GROUNDCOVERS AND/OR TURFGRASS SHALL NOT BE USED IN THIS BUFFER.</p>  <p>SHADE TREES (e.g. OAK, MAGNOLIA) SHRUBS (e.g. VIBURNUM, LIGUSTRUM)</p> <p>1. 5' WIDE LANDSCAPE STRIP 2. 4 SHADE TREES EVERY 100 LF (3.5" CAL. MIN.) 3. DOUBLE-STAGGERED ROW OF SHRUBS, 6' HT. WITHIN 3 YEARS</p>				
<p>MODIFIED TYPE 'E' BUFFER</p> <p>BUFFER SHALL CONSIST OF A TEN-FOOT WIDE LANDSCAPE STRIP WITH A 6' PRIVACY FENCE. THE BUFFER SHALL CONTAIN AT LEAST FOUR SHADE TREES FOR EVERY 100 LINEAL FEET OR FRACTIONAL PART THEREOF. SHRUBS TO BE PLANTED IN A DOUBLE-STAGGERED ROW AND BE CAPABLE OF REACHING A MAINTAINED HEIGHT OF SIX FEET WITHIN THREE YEARS. GROUNDCOVERS AND/OR TURFGRASS SHALL NOT BE USED IN THIS BUFFER.</p>  <p>SHADE TREES (e.g. OAK, MAGNOLIA) SHRUBS (e.g. VIBURNUM, LIGUSTRUM)</p> <p>1. 10' WIDE LANDSCAPE STRIP 2. 4 SHADE TREES EVERY 100 LF (3.5" CAL. MIN.) 3. DOUBLE-STAGGERED ROW OF SHRUBS, 6' HT. WITHIN 3 YEARS 4. 6' HT. OPAQUE FENCE</p>				

6. The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the Traffic Study, in conjunction with the final approved project development plans, as required by the County Engineer, with any required improvements being completed in a manner and timeline subject to approval by the County Engineer.
7. A right-of-way dedication along SE 73rd Avenue required to achieve 120' total right-of-way to be provided as part of the PUD design and approval process, with the timing and form of the dedication being subject to approval by the County Engineer, and
8. The installation of a northbound left turn lane at the main access/driveway on SE 73rd Avenue as required by the County Engineer.
9. The PUD developer will be required to address the provision of internal and external sidewalks in the final approved project development plans, as required by the County Engineer, with any required improvements and/or fee-in-lieu of construction being completed in a manner and timeline subject to approval by the County Engineer.
10. Building separations shall meet all requirements placed on development by Building and Fire Safety codes.

11. PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.
12. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, and as part of the final PUD Master Plan, or equivalent, the PUD's final open space and improved open space provisions (e.g., acreage and dimensions) shall be finalized and specified.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Application.
- B. Piccadilly Square PUD Concept Plan.
- C. DRC Staff Review Comments.
- D. Site and Sign Photos.
- E. Concurrent 250706ZP/250909ZP Approved Traffic Methodology, AR# 32171.
- F. Fire Services Piccadilly Square PUD Presentation
- G. Marion County Sheriff Office Piccadilly Square PUD Comments
- H. Area PUD Approvals
 1. 220102Z, Gaekwad Village PUD Approvals, February 2022.
 2. 250407ZP, Heritage Oaks PUD Approvals, April 2025.
 3. 221108ZP, 9494 Summerfield PUD Approvals, September 2024.