



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

**PLANNING & ZONING SECTION
STAFF REPORT**

Dates	<u>Continued from</u> BCC: 05/21/2024	BCC: 09/17/2024
Case Number	230109ZP – REVISED PLAN	
CDP-AR	29265	
Type of Case – Rezoning	From Single Family Dwelling (R-1) & Planned Unit Development (PUD, expired) To <i>PUD for 111 single family detached residential units (north) and 100 single family detached residential units (south); totaling 211 dwelling units.</i> (Originally, 304 multiple family dwellings (north), and 58 single family dwellings (south) totaling 362 units.)	
Owner	Dimino Holdings Associates, LLC, as Trustee for BaseDev Land Trust, dated January 31, 2022	
Applicant/Agent(s)	Red Jacket Development Group, LLC; c/o Clay Frankel	
Street Address / Site Location	No address	
Parcel Number	37515-004-00 – ±25.75 Acres (4.31 DU/AC proposed) 37515-004-02 - ±26.40 Acres (3.78 DU/AC proposed) Total - ±52.15 Acres (4.05 DU/AC proposed)	
Property Size	±52.15 acres	
Future Land Use	High Residential (HR; 4-8 DU/AC; 208 – 417 DU)	
Zoning Classification	Single Family Residential (R-1) and expired Planned Unit Development (PUD)	
Overlay Zone/Scenic Area	Urban Growth Boundary (UGB), in the Silver Springs Primary Protection Overlay Zone (SPPOZ)	
Staff Recommendation	APPROVAL WITH CONDITIONS	
P&ZC Recommendation	APPROVAL AS RECOMMENDED (ON CONSENT for original PUD Plan proposal)	
Project Planner	Christopher Rison AICP, Senior Planner	
Historic/Related Case(s)	880625Z, A-1 to M-1, Approved; 050407Z, M-1 to R-1 and B-2, Approved; 070513Z, R-1 and B-2 to PUD, Approved	

I. ITEM SUMMARY

Clay Frankel with Red Jacket Development Group, LLC, on behalf of BaseDev Land Trust, represented by Dimino Holdings Associates, LLC, as Trustee, filed an application to rezone a ±52.15-acre property on the north and south sides of SE 92nd Loop from Single Family Dwelling (R-1)/Planned Unit Development (PUD, expired) to Planned Unit Development (PUD) (see Attachment A), pursuant to the provisions of Land Development Code (LDC) Division 2.7 – Zoning and LDC Section 4.2.31. The north part is Parcel Number (PID) 37515-004-00, ±25.75 acres and the south part is PID 37515-004-02, ±26.40 acres. The original request proposed 304 multiple family dwelling units on the north parcel and 58 single family dwelling units on the south parcel for a proposed total of 362 dwelling units.

On May 21, 2024, the Board of County Commissioners continued consideration of this request to enable the applicant to revise the PUD Plan to consist of approximately 200 single family detached dwelling on both parcels. The applicant submitted a revised PUD proposing a combined total of 211 single family detached dwelling units for a both parcels, resulting in a gross average density of 4.05 DU/AC in compliance with the site's High Residential land use designation's minimum required density of 4 DU/AC. The north PUD proposes 111 dwelling units at a density of ± 4.31 DU/AC while the south PUD proposes 100 dwelling units at a density of ± 3.75 DU/AC improving consistency with the adjoining Medium Residential (1-4 DU/AC) land use designation area to the south that applies to the existing Fountains at Golf Park Subdivision. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated in the County's Silver Springs Primary Protection Overlay Zone (SSPPOZ), within the Urban Growth Boundary (UGB), and within the City of Belleview's Utility Service Area established via interlocal agreement with Marion County and the City of Belleview.

Figure 1 General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the applicant's request because it is 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. The proposed PUD will not adversely affect the public interest based upon the intensity of use, consistency with the Comprehensive Plan, and compatibility with the surrounding uses.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (23 owners) within 300 feet of the subject property on August 30, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property the week of September 2, 2024, consistent with LDC Section 2.7.3.E., and due public notice was published in the Ocala Star-Banner on September 1, 2024. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

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. Figure 1 is an aerial photograph displaying existing and surrounding site conditions. Figure 2 displays the site and surrounding areas' future land use designations as shown in Map 1 of the Comprehensive Plan Future Land Use Map Series (FLUMS), Figure 3 displays the site's proposed zoning and surrounding properties' existing zoning classifications. Figure 4 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 5 provides a 2023 aerial image of the surroundings, while Figure 6 provides an aerial illustration of the Fountains at Golf Park Subdivision adjoining the south boundary of the revised PUD's southern parcel. Table A displays the information from Figures 2, 3, and 4 in tabular form.

Figure 2
FLUMS Designation

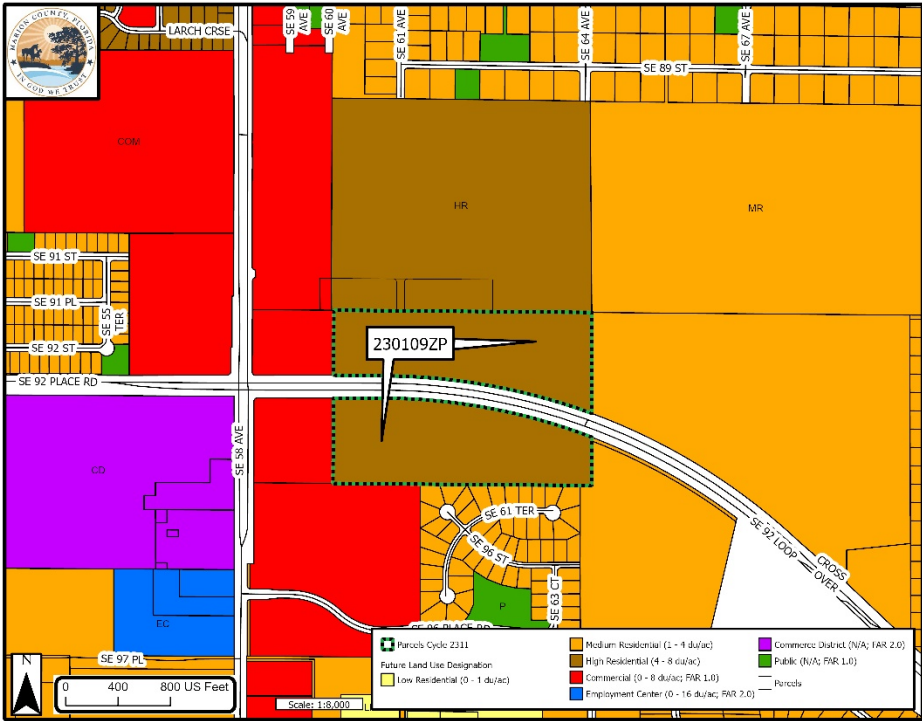


Figure 3
Proposed Zoning Classification

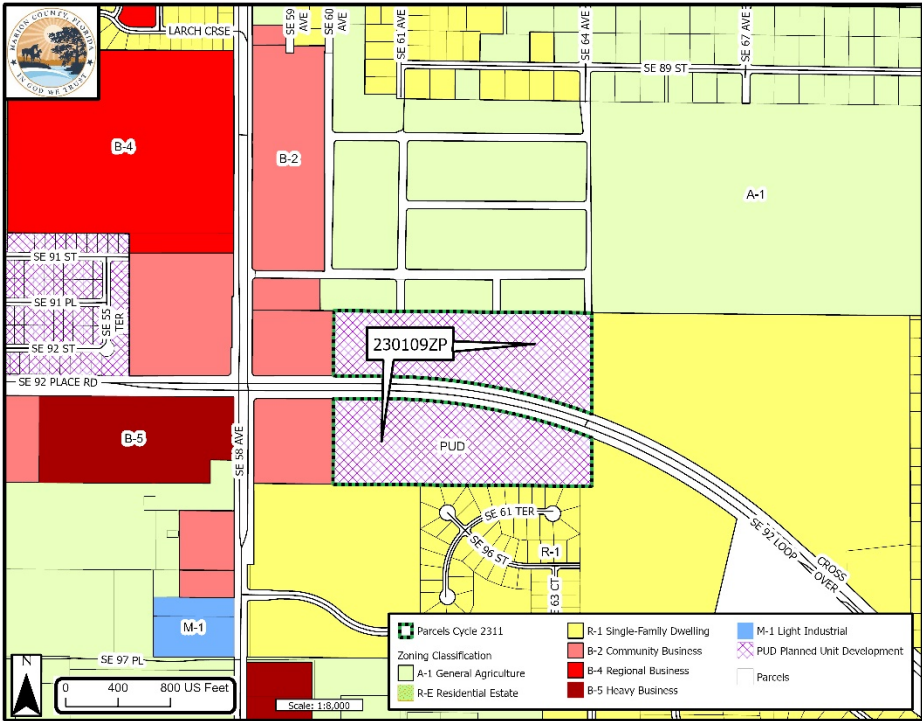


Figure 4
Existing and Surrounding Land Uses

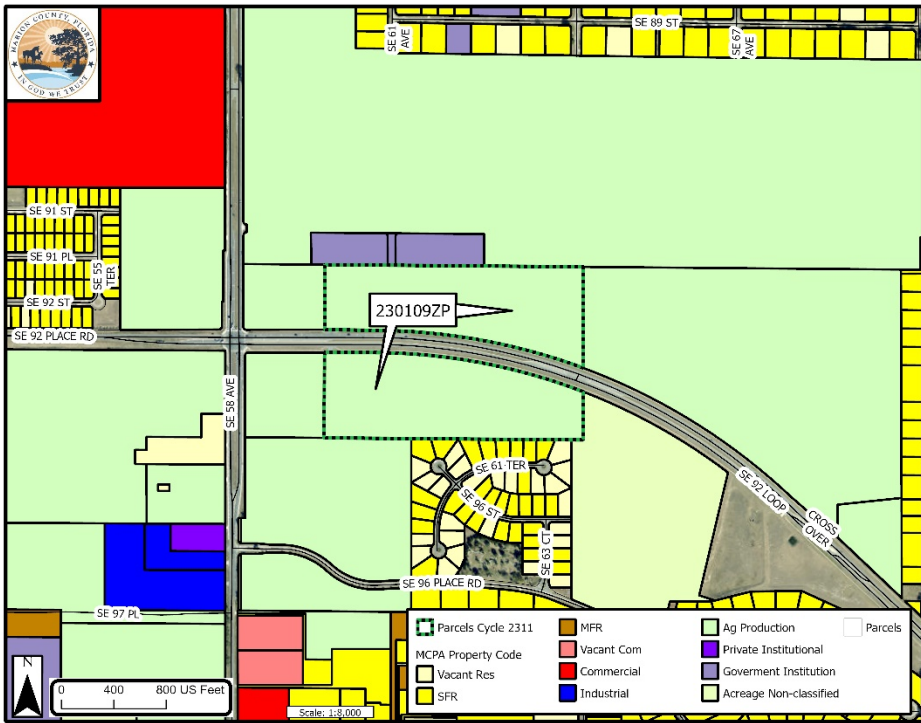


Figure 5
Existing and Surrounding Land Uses

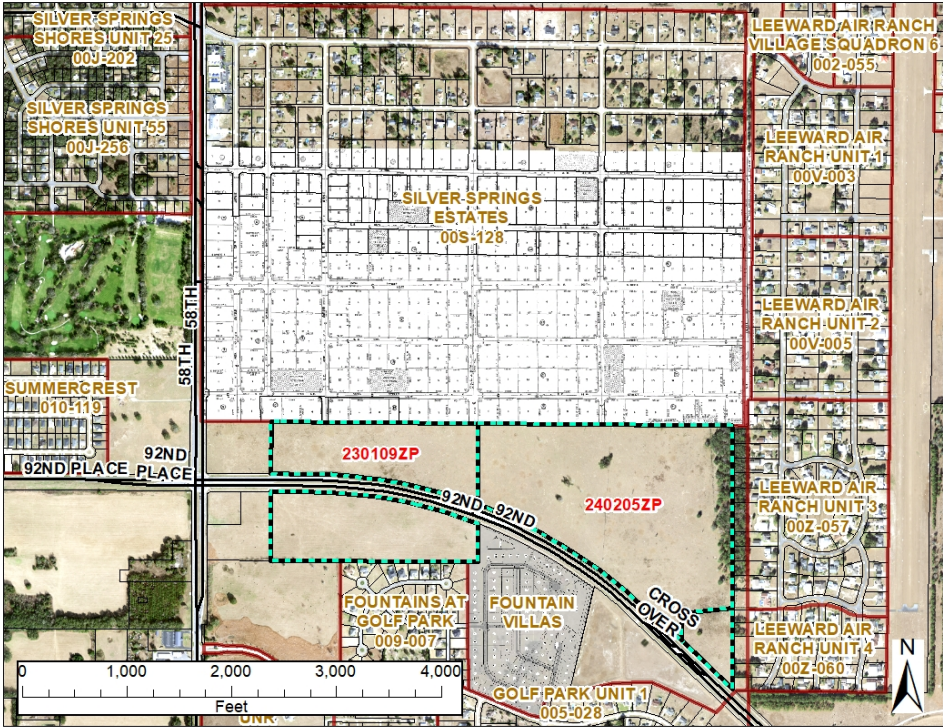


Figure 6
Existing Adjoining Fountains at Golf Park Subdivision
with Property Acreage

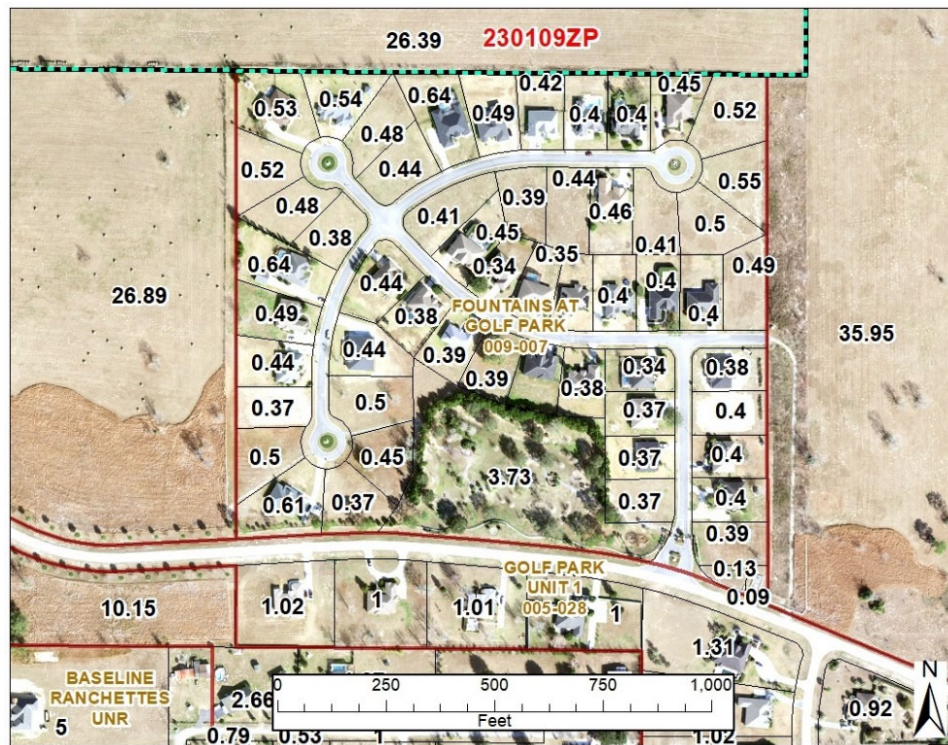


TABLE A. ADJACENT PROPERTY CHARACTERISTICS

Direction	FLUMS	Zoning	Existing Use Per MCPA Property Code
NORTH PARCEL	High Residential (HR)	Single Family Dwelling (R-1) / Planned Unit Dev. (PUD)	Ag Production
North	High Residential (HR)	General Agriculture (A-1)	Ag Production (Undeveloped part of Silver Springs Estates)
South*	High Residential (HR)	R-1 / Expired PUD	Ag Production
East	Medium Residential (MR)	Planned Unit Development (PUD)	Ag Production
West	Commercial (COM)	Community Business (B-2)	Ag Production
SOUTH PARCEL	High Residential (HR)	Single Family Dwelling (R-1) / Planned Unit Dev. (PUD)	Ag Production
North*	High Residential (HR)	R-1 / Expired PUD	Ag Production
Southwest	Commercial (COM)	Single Family Dwelling (R-1)	Ag Production
Southeast	Medium Residential (MR)	Single Family Dwelling (R-1)	Fountains at Golf Park
East	Medium Residential (MR)	Single Family Dwelling (R-1)	Ag Production
West	Commercial (COM)	Community Business (B-2)	Ag Production

*The referenced directions refer to the opposite parts of the site on each side of SE 92nd Loop.

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (Attachment E) and finds the subject property vacant and mostly comprised of flat, open pasture area. The scattered trees follow various property lines, with some planted in a

N/A = Not Applicable

The proposed height limitations proposed are consistent with the requirements of LDC Section 4.2.31 regarding PUD heights related to adjacent development as structures will be limited to a maximum of 35-feet, wherein the existing surrounding zoning district classifications permit a maximum height of 40-feet.

Deeper and wider single family detached residential lots are proposed on the southern PUD portion that adjoins the Fountains. Lots within the Fountains are typically $\pm 100'$ wide and range from 0.34 to 0.65 acres in size as illustrated in Figure 6 above. This results in a functional "2 to 1" ratio for homes in the revised PUD "backing up to" the Fountains. However, the revised PUD proposes a Type-C Buffer (minimum 15' wide, two shade trees, three accent/ornamental trees for every 100 lineal feet or fraction thereof along with shrubs & groundcovers, excluding turfgrass, to comprise at least 50 percent of the buffer to form a layered landscape screen with a minimum height of three feet achieved within one year) along the boundary shared with the Fountains.

The revised PUD further proposes buffers for all boundaries of the project. The proposed buffers comply with, or exceed, those required by LDC, and are based on each site based on its location north or south of SE 92nd Loop. For the portion north of SE 92nd Loop, For the southern single family portion of the PUD, as noted above, a Type-C Buffer is proposed along the south boundary and the Fountains, where the LDC does not ordinarily require a buffer between new and existing single family development. A Type-C Buffer is also proposed along each north and south area's SE 92nd Loop frontage. Type-A Buffers are proposed where the proposed PUD will adjoin future commercial development areas. Type-E Buffers are proposed along the north parcel's north boundary adjoining undeveloped portions of the Silver Springs Estates Subdivision currently in ag/grazing use and along the east boundary of the south parcel where proposed a single family residential subdivision (R-1 zoned) has received Preliminary Plat approval but no further development applications have been submitted. Staff finds the buffers proposed by the developer are appropriate and offer increased mitigation by providing a supplemental buffer effect to the Fountains and other offsite areas where buffers are not currently required by the LDC. *Table C below summarizes the PUD's required, proposed, and staff recommended buffers for the PUD:*

TABLE C. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
NORTH PARCEL				
North	AG/Grazing (SS Estates Sub)	Type "E"	Type "E"	Type "E"
South	ROW	Type "C"	Type "C"	Type "C"
East	Proposed ROW	Type "C"	Type "C"	Type "C"
West	Commercial	Type "A"	Type "A"	Type "A"
SOUTH PARCEL				
North	ROW	Type "C"	Type "C"	Type "C"
South	Residential	None	Type "C"	Type "C"
East	Residential	None	Type "E"	Type "E"
West	Commercial	Type "A"	Type "A"	Type "A"

Based on the above findings, staff concludes the proposed rezoning is **compatible** with the existing and future surrounding land uses, and with conditions set in place by staff, any chance of incompatibilities will be mitigated.

B. *Effect on public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways.
 - 1) Access – South PUD Part. As a specific project area exceeding 50 dwelling units, two access points are required. Access to the South PUD will be provided at the east end of the site where a full median crossing exists on SE 92nd Place. A second access to SE 92nd Loop will be provided via cross-access from the Commercial designated and zoned property to the west. That cross-access routing is the result of negotiations between the PUD property owner and the adjoining property owner to move an existing driveway access aligning with the PUD site to the west to provide direct access to the commercial development of that site while maintaining cross-access to the PUD consistent with the LDC.
 - 2) Access – North PUD Part. As a specific project area exceeding 50 dwelling units, two access points are required. The applicant has proposed that a similar westward shift of an existing driveway access point to SE 92nd Loop is expected, similar to that provided at the west end of the South PUD area, and the PUD will utilize cross-access to the commercial site using a relocated driveway location. Staff does not object to the access shift, however, Traffic Engineering notes that the western access must be provided at the time of development to ensure the project has two access points as required. *As such, staff recommends the North PUD shall include a west access point/route to SE 92nd Loop that may be provided via 1) cross-access to the adjoining commercial designated and zoned property to the west as indicated by the concept plan, or 2) in the event the North PUD develops prior to such cross-access being available, the North PUD may utilize the existing driveway access location for its access point to SE 92nd Loop subject to providing for cross-access to the west to the commercial property consistent with LDC requirements, or 3) the North PUD's developer may obtain suitable cross-access easements to provide and construct the off-site access to SE 92nd Loop across the site to the west as part of the PUD development.*

A second access is proposed at the east end of the PUD where a full median crossing for SE 92nd Loop is available. Further, the east end of the PUD site aligns with an extension route for SE 64th Avenue that would connect with SE 92nd Loop at the existing median opening to complete a roadway route parallel to SE 58th

Avenue consistent with LDC Section 6.11.4.C(1) as SE 64th Avenue corresponds with a quarter-section line lying ½ mile east of SE 58th Avenue. The PUD proposes full conveyance of the final SE 64th Avenue right-of-way segment to the County while proposing only constructing a portion of the right-of-way north from SE 92nd Loop to a point where the future residents would turn left to enter the PUD's future roadway access. The LDC ordinarily requires full construction of conveyed right-of-way; however, *staff supports approval of the alternative arrangement as stated as this PUD approval continues to enable the use of the density eligibility for the right-of-way acreage, consistent with LDC Section 6.12.2.C(2), and recommends the condition that the conveyance of the SE 64th Avenue right-of-way to Marion County, free of all encumbrances, must occur within 120 days of obtaining this PUD approval.*

3) Trip Generation. The applicant submitted and obtained approval for a Traffic Methodology (AR# 30695) and a subsequent initial Traffic Impact Analysis (TIA, AR# 30894) and then provided for a further revision to the traffic information at the time the initial PUD Plan was submitted. Subsequently, the applicant submitted a revised TIA to correspond to revisions to the proposed Conceptual Plan (See Attachment E). The Traffic Engineering Division noted that the shift to 211 single family residences will further reduce the expected traffic generation from the site. Based on ITE 10th Edition Trip Generations, a total of 1,992 Average Annual Daily Trips (AADT) are projected with 156 AM Trip and 209 PM Trips. As such, no level of service roadway deficiencies will result from the project's build-out, but it is noted that a PM Peak Hour level of service deficiency identified is expected for a segment of SE 58th Avenue between SE 92nd Loop and SE 110th Street due to existing background traffic growth and not due to the project.

b. Public transit. There are no fixed route services available in this area.

c. Other mobility features. The PUD Conceptual plan shows sidewalks internally throughout the north and south portions of the PUD on both sides of the proposed roadways. Connections to the existing sidewalks along SE 92nd Loop via the PUD's access points are indicated, except along the segment of SE 64th Avenue to be improved by the Developer. *Staff recommends the Developer shall be required to construct all internal sidewalks so they connect to the existing SE 92nd Loop sidewalks at the east and west ends of both the north and south PUDs along the PUD's vehicular access points consistent with LDC design standards, including along the portion of SE 64th Avenue to be constructed by the PUD Developer to provide the north PUD's eastern access route. That SE 64th Avenue sidewalk shall extend from the internal sidewalks to then turn south along SE 64th Avenue and then connect to the SE 92nd Loop sidewalk, with the*

construction completed as part of the PUD developer's overall SE 64th Avenue improvements for access to the site.

The revised PUD further proposes a pedestrian access crossing for SE 92nd Loop between the North PUD and South PUD areas to provide accessibility to a singular amenity complex (clubhouse and pool) to be provided for the overall PUD. The Traffic Engineering Division notes that such a design is expected to result in some vehicular cross-traffic as well, and the design of the pedestrian crossing must comply with all appropriate safety requirements including an actuated mid-block crossing at a minimum due to the location on a curve in a high-speed functionally classified roadway. *As such, staff recommends that if the singular clubhouse/pool amenity complex design is ultimately used, a refinement of the project's traffic study impacts must be provided as determined by the County Engineer, and the final design of the pedestrian crossing shall be subject to review and approval of the County Engineer, wherein if the PUD Developer objects, any such objection would be appealed to the Board of County Commissioners to include the County Engineer's recommendation and a recommendation by the Development Review Committee (DRC).*

Based on the above findings, it is concluded the application's proposed transportation impacts, **would not adversely affect public interest subject to appropriate development conditions.** If the PUD zoning change is approved, staff recommends the following conditions in order to coordinate and mitigate potential impact and development timing:

- *The PUD shall have two fully operational roadway access points to SE 92nd Loop for each North and South PUD portion, and each north and south portion's pair of access points to SE 92nd Loop must be completed and operational prior to obtaining final inspections for the last 40% of their respective residential units.*
- *The North PUD shall include a west access point/route to SE 92nd Loop that may be provided via 1) cross-access to the adjoining commercial designated and zoned property to the west as indicated by the concept plan, or 2) in the event the North PUD develops prior to such cross-access being available, the North PUD may utilize the existing driveway access location for its access point to SE 92nd Loop subject to providing for cross-access to the west to the commercial property consistent with LDC requirements, or 3) the North PUD's developer may obtain suitable cross-access easements to provide and construct the off-site access to SE 92nd Loop across the site to the west as part of the PUD development.*
- *The SE 64th Avenue right-of-way segment to extend the existing Silver Springs Estates' undeveloped SE 64th Avenue right-of-way to SE 92nd Loop shall be conveyed to Marion County via full fee-simple title free and clear of any and all encumbrances with 120 days of approval of this PUD.*

- *Internal sidewalks for the north and south PUD areas shall be provided, consistent with the PUD's conceptual plan and the Developer shall be required to construct all internal sidewalks so they connect to the existing SE 92nd Loop sidewalks at the east and west ends of both the north and south PUDs along the PUD's vehicular access points consistent with LDC design standards, including along the portion of SE 64th Avenue to be constructed by the PUD Developer to provide the north PUD's eastern access route. That SE 64th Avenue sidewalk shall extend from the internal sidewalks to then turn south along SE 64th Avenue and then connect to the SE 92nd Loop sidewalk, with the construction completed as part of the PUD developer's overall SE 64th Avenue improvements for access to the site.*
 - *In the event a singular clubhouse/pool amenity complex design is used for the overall PUD, a refinement of the project's traffic study impacts must be provided as determined by the County Engineer, and the final design of the pedestrian crossing shall be subject to review and approval of the County Engineer, wherein if the PUD Developer objects, any such objection would be appealed to the Board of County Commissioners to include the County Engineer's recommendation and a recommendation by the Development Review Committee (DRC).*
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 approximately 2,750 gallons per acre per day for nonresidential demand. Based on the proposed 211 residences, the rezoning would result in an overall generation of 75,960 gallons per day. DRC comments provided by Marion County Utilities indicate this development would be served by City of Belleview Utilities. As long as the applicant abides by the requirements put in place by Utilities, 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 approximately 2,000 gallons per acre per day for commercial and industrial demand. Based on the 211 residences, the proposed rezoning would result in an overall generation of 55,704 gallons per day. The DRC comments from Utilities indicate this development would be served by City of Belleview Utilities. As long as the applicant abides by the requirements put in place by Utilities, 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 proposed uses, the 211-unit single family residential use will generate a demand for 0.51 acres of recreation. Marion County includes a variety of local, regional, state, and national conservation and recreation lands, wherein Marion County readily complies with its recreation LOS; further PUDs are required

to address open space and potential resident recreation needs, which are discussed further in this report. Based on the above, 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 small on-site Flood Prone area (< 0.5 ac) has been identified by Marion County. Stormwater engineering's remarks (See Attachment D) note that the project's stormwater management system will be reviewed as part of the Improvement Plan/Major Site Plan stage of review. As noted by stormwater, site development will be subject to full stormwater review including compliance with 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. For the 211 single family residential units, the estimated solid waste demand will 3,140 lbs/day; such residences would be subject to Marion County's current Solid Waste Municipal Service Benefit Unit (MSBU) Assessment Program. 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, it is concluded the application's **solid waste impacts would not adversely affect the public interest.**
7. Fire rescue/emergency services. Belleview Fire Station #18, located at 11941 SE 55th Avenue Road, Belleview, ±3.4 miles south/southeast of the subject property. Formally, there is no established LOS provided for emergency services. It is concluded the application's **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The Sheriff's South Multi-District Substation, located at 83260 SE 80th Street Ocala FL 34470, is roughly 3.9 miles northwest of the subject property. Due to the proximity of the facility, it is concluded the application's **law enforcement impacts would not adversely affect the public interest.**
9. Public schools. The proposed PUD may generate student populations as a residential use. Based on 211 single family dwelling units, a total of 33 elementary students, 16 middle school students, and 19 high school students may be generated. Local school zones potentially affected include Belleview-Santos Elementary School, Belleview Middle School, and Belleview High School. Marion County Public Schools is currently assessing current school attendance rates with the initiation of the current school year session. Based on the 23/24 School year, Belleview-Santos

was at a utilization rate of 93.08%, while Belleview Middle School was at a utilization rate of 104.5% and Belleview High School was at a utilization rate of 117.46%. While there are areas of localized overcrowding within the county, overall, Marion County Public Schools (MCPS) currently has sufficient district-wide capacity; further, MCPS is examining school capacities and is currently undertaking the construction of new public schools, including new elementary schools. Therefore, the application's public-school impacts **would not adversely affect the public interest**.

In conclusion, staff finds the proposed rezoning **will not adversely affect the public interest** as proposed and recommended, as the potential impacts will be addressed by the proposed PUD development conditions.

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 development proposed is utilizing the already existing High Residential (HR) land use and is located within the Urban Growth Boundary which is the desired location for this kind of development and is considered to be an infill-type project. The subject site also offers easy access to Ocala, Belleview, Summerfield, and The Villages which makes it desirable, additionally, the site is in the vicinity of two evolving employment centers including the Baseline Commerce Center and Silver Springs Shores Commerce Center. Staff concludes the proposed rezoning is **consistent** with FLUE Policy 1.1.3.

2. FLUE Policy 2.1.19 High Residential (HR): This land use designation is intended to recognize areas suited for a mixture of single family and multi-family residential units in existing and new development that is located within the UGB or Urban Area. The density range shall be four (4) dwelling units to eight (8) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area Land Use.

Analysis: Staff finds the property is located in a residential area of High and Medium Residential (MR) land uses; surrounding subdivisions include Silver Springs Estates, Leeward Air Ranch, Golf Park, Summercrest, and Silver Springs Shores. The PUD proposes developing 211 (51%) of a possible 417 residential dwelling units, for a final gross density of 4.05 DU/AC. The proposed PUD is consistent with the HR land use designation's minimum and maximum density and is located within the UGB where a variety of urban services are available. As recommended, staff concludes the proposed rezoning **is consistent** with FLUE Policy 2.1.19.

3. FLUE Policy 3.1.2: Planning Principles with UGB. The County shall implement long-term planning principles to guide the creation of land use policy and development regulations within the County, which shall be implemented through the policies contained in the County Comprehensive Plan and as further defined in the LDC. These principles shall include:
1. Preserve open space, natural beauty and critical environmental areas.
 2. Allow for a mix of land uses to create compact residential, commercial, and employment hubs.
 3. Strengthen and direct development towards existing communities and development.
 4. Encourage compact and mixed-use building design.
 5. Foster distinctive, attractive communities with a strong sense of place.
 6. Create walkable and linked neighborhoods.
 7. Create a range of housing opportunities and choices.
 8. Provide a variety of transportation choices.
 9. Encourage community and stakeholder collaboration.
 10. Make development decisions predictable, fair and cost effective
 11. Encourage interconnected development, multi-modal transportation opportunities, links to the surrounding neighborhoods, and alternative transportation routes.
 12. Establish priority areas for public facility and service infrastructure

Analysis: The PUD proposal includes many of the planning principles listed above. The PUD is located in an area of existing communities, looks to create linked and walkable neighborhoods by providing sidewalks, and extended transportation routes for connectivity to the east and north. This PUD is also developing within an area that has appropriate utility infrastructure already in place with the City of Bellevue. Staff concludes the proposed rezoning **is consistent** with FLUE Policy 3.1.2.

4. FLUE Policy 4.1.5: Review of Development and Building Permits: The County shall review all development and building permits during the development review process to ensure that new development or redevelopment is consistent and complies with all requirements of the Comprehensive Plan, Zoning, and LDC prior to issuing final approval for development within the county.

Analysis: In review of the proposed development, staff finds the zoning and land use are consistent with one another and the development standards included in the conceptual plan and recommended by staff will be consistent with other development standards in place in the surrounding area. **The application is consistent** with FLUE Policy 4.1.5.

5. 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: Staff finds the proposed rezoning demonstrates an appropriate use within a residential designated area within the UGB as it proposes residential development with a mix of single family dwellings. This development does not meet the requirements to be classified as urban sprawl and is consistent with the UGB. It is compatible with current uses in the surrounding area and consistent with planning principles in the Comprehensive Plan, Zoning, and the LDC. Staff finds the rezoning **is consistent** with FLUE Policy 5.1.2.

6. FLUE Policy 5.1.3 on Planning and Zoning Commission provides “The County shall enable 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: The proposed Zoning Change amendment is scheduled for the April 29, 2024 Planning and Zoning Commission and, therefore, the application **is consistent** with this FLUE Policy 5.1.3.

7. FLUE Policy 5.1.4 on Notice of Hearing provides “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.

5. TE Policy 2.1.4 on determination of impact provides in part “All proposed development shall be evaluated to determine impacts to adopted LOS standards.”

Analysis: An initial PUD Traffic Methodology and Traffic Impact Analysis (TIA) were provided, followed by a revised TIA and each were approved by Traffic Engineering Division staff. The revised PUD will further reduce potential trip generation and as such the PUD buildout is not projected to cause any level of service failures. Based on the above findings and prior recommendations, it is concluded the application is **consistent** with TE Policy 2.1.4. with the following condition:

- *The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the TIA, and any supplemental study information as required by the County Engineer to address the potential for PUD traffic crossing between the north and south PUD portions to access recreational amenities, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.*

6. TE Objective 2.2. on 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 previously noted, the north part of the PUD will provide a right-of-way dedication to enable the extension of SE 64th Avenue south from Silver Springs Estates to SE 92nd Loop. The PUD developer will then be responsible for constructing the road and associated sidewalk improvements north from SE 92nd Street to north of the driveway that will turn left into the PUD. The SE 64th Avenue right-of-way will then be available for use by an additional proposed PUD to the east of the sight, which will be required to provide for any necessary right-of-way construction to that project’s entry driveway/connection. The completion of the remaining northern extent of the SE 64th Avenue right-of-way will be coordinated by the County at the time the undeveloped property representing the southern portion of the Silver Springs Estates Subdivision is constructed. Staff conducted a meeting with both applicants and they agreed that they would work together to construct the shared right-of-way; a condition is being place on the PUD to affirm this. Based on the above findings, staff concludes the application is **consistent** with TE Objective 2.2.

- *The PUD developer shall work and coordinate with the developer, Ocala 85, of the adjoining PUD to the east (240502ZP) to construct the portion of SE 64th Avenue to be used by both PUD’s. If Ocala 85, its successor and assigns, develops first, Ocala 85 will be responsible for developing SE 64th Avenue from SE 92nd Loop up the point where that PUD will access SE 64th Avenue. If Ocala 85*

develops after Basedev Land Trust, they will be responsible for developing the portion of road from Basedev Land Trust connection up to their proposed connection on the west side of their PUD.

8. 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 within City of Belleview Utilities Service Area and, according to the conceptual plan, will connect by extension of lines from their current location on Baseline Road. Based on the above findings, it is concluded the application **is consistent** with SSE Policy 1.1.3.

9. SSE Policy 1.2.1 provides “Within the UGB, all new development approval requests (CPAs, rezonings, site plans, etc.) will require proof that central sanitary sewer and water service from a County approved provider is or will be available. Approved providers in the UGB are MCUD, the cities of Ocala, Belleview or Dunnellon, and private utilities authorized by the County within its service area.”

Analysis: The PUD Conceptual Plan provides that these services are available through City of Belleview Utilities and was confirmed in DRC Comments from Marion County Utilities. Based on the findings, it is concluded the application **is consistent** with SSE Policy 1.2.1.

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: Water to be provided by City of Belleview Utilities. Based on the above findings, it is concluded the current application **is consistent** with PWE Policy 1.6.4.

11. SE Policy 1.1.4 provides, “The 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.

Analysis: At the time of development order approval, the owner will need to demonstrate post-development stormwater runoff can be accommodated by the proposed stormwater facility, which facility could potentially include reducing the form, intensity, and/or density of the proposed development (e.g., units, building SF, impervious square feet). Based on the above, it is concluded the application **is consistent** with SE Policy 1.1.4.

12. SE Policy 1.1.5 provides “Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.”

Analysis: The applicant is advised the owner will be responsible for funding the stormwater facilities with sufficient capacity to accommodate the post-development runoff. Based on the above findings, it is concluded the application **is consistent** with SE Policy 1.1.5.

In conclusion, based upon the totality of the circumstances, staff concludes the rezoning application is **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.

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.

Analysis: The conceptual plan proposes single family residential homes, a use consistent with the land use and with development standards similar to those of our residential zoning classifications.

Based on the above, staff concludes the application **is consistent** with this section.

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;

Analysis: Staff finds the application does not propose any SUP. Therefore, this requirement is **not applicable**.

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.

Analysis: Staff finds this is a new PUD request and that this section is **not applicable**.

4. LDC Section 4.2.31.B.(4) establishes three (3) methods for setting forth the list of permitted and special uses.

Analysis: Proposed uses are called out within the conceptual plan, to include only single family residential uses with corresponding development

standards and maximum development amounts. As such, the PUD is **consistent** with this requirement.

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: The revised PUD proposes 211 single family detached residential dwellings with a minimum square footage of 2,200 SF, but does not provide for specific architectural elevations at this time.

Amenities proposed include a single 3,000 SF clubhouse with a minimum 1,000 SF pool located in the north PUD that will serve the full PUD, which would require south PUD residents traversing SE 92nd Loop, wherein the PUD proposes a pedestrian crossing as referenced previously. A dog walk area is proposed in the southern PUD. A series of other recreation tracts are indicated in each of the north and south PUD areas, however, no specific improvements are indicated. In recent residential considerations, amenities have been a concern, particularly in areas where recreation opportunities may be limited at the time of development. As such, and due to concerns related to a pedestrian crossing for SE 92nd Loop, *staff recommends providing for a single central recreation clubhouse/pool complex for the full PUD and for an alternative providing a separate clubhouse/pool complex for the north and south PUD areas, along with a “set” of minimum amenities for each PUD portion as listed in Table E below.*

TABLE D. Minimum PUD Amenities	
PUD Area	Required Minimum Amenities
<i>PUD with One Single central recreation clubhouse pool complex (with SE 92nd Loop crossing)</i>	
<i>North PUD Area</i>	<ol style="list-style-type: none"> 1. Clubhouse – Minimum of 3,000 SF 2. Pool – minimum of 1,200 SF surface area 3. Pool deck – minimum of 1,200 SF 4. Pool deck shade pergola – minimum of 500 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station (separate from pool complex) 6. Access controlled dog walk/park area with minimum 200 SF shade pavilion
<i>South PUD Area</i>	<ol style="list-style-type: none"> 1. Recreation/park area within central recreation tract with minimum 500 SF shade pavilion 2. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 3. Access controlled dog walk/park area with minimum 200 SF pavilion

<i>The equivalent site plan for the clubhouse/pool complex, if not fully addressed by the PUD's subsequent Improvement Plans, shall be submitted prior to the issuance of the PUD's 100th single family residential building permit. A building permit for construction of clubhouse/pool shall be obtained prior to the issuance of the PUD's 130th single family residential building permit. At a minimum all amenity structures building permits shall be obtained and all final inspections completed prior to obtaining the final single family residential building permit final inspection/Certificate of Occupancy.</i>	
PUD with Two Separate recreation clubhouse/pool complexes	
<i>North PUD Area</i>	<ol style="list-style-type: none"> 1. Clubhouse – Minimum of 1,200 SF 2. Pool – minimum of 1,000 SF surface area 3. Pool deck – minimum of 1,000 SF 4. Pool deck shade pergola – minimum of 400 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 6. Access controlled dog park/area with minimum 200 SF shade pavilion
<i>South PUD Area</i>	<ol style="list-style-type: none"> 1. Clubhouse – Minimum of 1,200 SF 2. Pool – minimum of 1,000 SF surface area 3. Pool deck – minimum of 1,000 SF 4. Pool deck shade pergola – minimum of 400 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 6. Access controlled dog park/area with minimum 200 SF shade pavilion
<i>The equivalent site plan for each clubhouse/pool complex, if not fully addressed by the PUD's subsequent Improvement Plans, shall be submitted prior to the issuance of the PUD's 50th single family residential building permit for that PUD. A building permit for construction of clubhouse/pool shall be obtained prior to the issuance of the PUD's 80th single family residential building permit. At a minimum all amenity structures building permits shall be obtained and all final inspections completed prior to obtaining the final single family residential building permit final inspection/Certificate of Occupancy.</i>	

As recommended, staff finds the application to **be consistent** with this section of code as recommended.

- 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 ±52.15 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 PUD Plan indicates this site will accommodate the creation of 211 single family residential dwelling units. Based on the size of the parcel and High Residential land use, this PUD **complies** with the corresponding minimum and maximum densities.

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 PUD plan is within the density provided by its existing land use and will be served by central water and sewer services. Additionally, the requested development is similar and compatible to that of the surrounding subdivisions. Based on this information, staff believed the proposed PUD is **consistent** with this section.

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

Analysis: Staff finds the application does not propose any density/intensity increase through comprehensive plan amendment. 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: Staff finds the subject property is entirely High Residential land use and does not propose any sort of blending. 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: Under the site's High Residential land use designation, the overall PUD is eligible for 417 dwelling units. The PUD proposes 211 dwelling units across the PUD site, maintaining consistency with the site High Residential minimum density requirement. 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 those seen in comparable and recent residential zoning requests, and staff has further recommended some refinements previously addresses. 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 buffers provided by the applicant 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: Paved access is proposed and required for the single family development which will include 50-foot wide rights-of-way, with adjoining easements, as permitted by the LDC. Additionally, the PUD's access points will connect directly to SE 92nd Loop, use cross-access options, and provide for the conveyance and partial construction for an extension of SE 64th Avenue to complete a parallel route to SE 58th Avenue that will serve the PUD, another PUD to the east, and the future build out or redevelopment of part of the Silver Springs Estates Subdivision. As such, staff finds the application is **consistent** with this provision, **as recommended elsewhere in this report**.

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: The PUD Plan shows internal access provided by sidewalks throughout the subdivision. Sidewalks external to the project are already existing on this portion of SE 92nd Loop. **Staff has recommended a development condition**, and 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: The PUD Plan shows internal sidewalks as previously noted. Staff has recommended a development condition (above), and 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 single family design parking standards. Final parking designs will be required to fully accommodate off-street parking consistent with the requirements per the LDC. Any clubhouse area also will also be required to address parking with final facility plans (e.g., improvement plan or site plan) including

consideration in relation to ADA accessibility needs, 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: Central water & sewer service are addressed on the PUD Plan, and notes from Utilities corroborate that City of Bellevue will be providing these. 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 Stormwater division of the Office of the County Engineer notes that a final stormwater plan will be required through subsequent development review processes (Attachment D). 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.

- 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 Major Site Plan and/or Improvement Plan/Final Plat development review processes.

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

Analysis: The PUD proposes various setbacks and maximum heights, along with staff recommended adjustments, as previously noted. A minimum of 10-feet between the proposed residential structures is proposed. Limited encroachments may be accommodated (e.g., eave overhangs) per LDC provisions, however 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: The PUD proposes a maximum building height of 35' for the single family residential development which is consistent with surrounding residential properties that include a maximum 40' height limit. 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.*

- *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. They **meet and/or exceed** LDC requirements.

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 plan provides open space calculations; the required 20% minimum being 10.11 acres and the total provided (including recreation spaces, open space, and buffers, but including all DRAs at this time) approximating 13.8 acres. Final minimum open space requirements do not permit including all DRAs as open space, although LDC Waivers may be sought to increase the amount that may be included subject to design of the DRA (e.g., slopes, expected wet/dry timeframes, raised “shelves,” etc.). Staff anticipates the final PUD designs will achieve compliance with the minimum open space requirements, wherein *staff recommends the final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions*, enabling the proposed PUD to be **consistent** with this section.

- *The final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions.*

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, a range of amenities for the PUD is recommended, and staff anticipate the final PUD designs will achieve compliance with the minimum improved open space requirements, wherein *staff recommends the final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent*

with LDC provisions, enabling the proposed PUD to be **consistent** with this section.

- *The final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent with LDC provisions.*

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: Staff has provided a recommendation regarding improved open space as noted above, enabling 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 site does not propose any commercial use areas, 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.

3. 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 initially considered the application at their November 14, 2022 meeting and recommended transmittal of the site for PUD consideration, subject to review comments and any final development conditions.

4. 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.

5. 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: With respect to the wishes of our Board of County Commissioners, final development plans for PUDs are to be brought back in front of the Board for final action.

- *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, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second submittal.*

6. 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, 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.
- C. 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 make a recommendation to the Board of County Commissioners to **TABLE** 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.

VII. STAFF RECOMMENDATION

Staff recommends the Board 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 **APPROVE with conditions** the proposed rezoning because the application:

- A. **Will not adversely** affect the public interest based upon impacts to the surrounding area;

3. The PUD shall comply with the recommended PUD Development Buffers listed in Table C below:

TABLE C. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
NORTH PARCEL				
North	AG/Grazing (SS Estates Sub)	Type "E"	Type "E"	Type "E"
South	ROW	Type "C"	Type "C"	Type "C"
East	Proposed ROW	Type "C"	Type "C"	Type "C"
West	Commercial	Type "A"	Type "A"	Type "A"
SOUTH PARCEL				
North	ROW	Type "C"	Type "C"	Type "C"
South	Residential	None	Type "C"	Type "C"
East	Residential	None	Type "E"	Type "E"
West	Commercial	Type "A"	Type "A"	Type "A"

4. The PUD amenities shall be provided as set forth in table D below, wherein amenities may be provided in a single central recreation clubhouse/pool complex for the full overall PUD or for separate clubhouse/pool complexes for each north and south PUD:

TABLE D. Minimum PUD Amenities	
PUD Area	Required Minimum Amenities
<i>PUD with One Single central recreation clubhouse pool complex (with SE 92nd Loop crossing)</i>	
<i>North PUD Area</i>	<ol style="list-style-type: none"> 1. Clubhouse – Minimum of 3,000 SF 2. Pool – minimum of 1,200 SF surface area 3. Pool deck – minimum of 1,200 SF 4. Pool deck shade pergola – minimum of 500 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station (separate from pool complex) 6. Access controlled dog walk/park area with minimum 200 SF shade pavilion
<i>South PUD Area</i>	<ol style="list-style-type: none"> 1. Recreation/park area within central recreation tract with minimum 500 SF shade pavilion 2. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 3. Access controlled dog walk/park area with minimum 200 SF pavilion

The equivalent site plan for the clubhouse/pool complex, if not fully addressed by the PUD's subsequent Improvement Plans, shall be submitted prior to the issuance of the PUD's 100th single family residential building permit. A building permit for construction of clubhouse/pool shall be obtained prior to the issuance of the PUD's 130th single family residential building permit. At a minimum all amenity structures building permits shall be obtained and all final inspections completed prior to obtaining the final single family residential building permit final inspection/Certificate of Occupancy.

PUD with Two Separate recreation clubhouse/pool complexes

North PUD Area	<ol style="list-style-type: none"> 1. Clubhouse – Minimum of 1,200 SF 2. Pool – minimum of 1,000 SF surface area 3. Pool deck – minimum of 1,000 SF 4. Pool deck shade pergola – minimum of 400 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 6. Access controlled dog park/area with minimum 200 SF shade pavilion
South PUD Area	<ol style="list-style-type: none"> 1. Clubhouse – Minimum of 1,200 SF 2. Pool – minimum of 1,000 SF surface area 3. Pool deck – minimum of 1,000 SF 4. Pool deck shade pergola – minimum of 400 SF 5. BBQ spaces (minimum of 2) with minimum 400 SF shade pavilion for each BBQ station 6. Access controlled dog park/area with minimum 200 SF shade pavilion

The equivalent site plan for each clubhouse/pool complex, if not fully addressed by the PUD's subsequent Improvement Plans, shall be submitted prior to the issuance of the PUD's 50th single family residential building permit for that PUD. A building permit for construction of clubhouse/pool shall be obtained prior to the issuance of the PUD's 80th single family residential building permit. At a minimum all amenity structures building permits shall be obtained and all final inspections completed prior to obtaining the final single family residential building permit final inspection/Certificate of Occupancy.

5. The PUD shall have two fully operational roadway access points to SE 92nd Loop for each North and South PUD portion, and each north and south portion's pair of access points to SE 92nd Loop must be completed and operational prior to obtaining final inspections for 80% of their respective residential units.
6. The North PUD shall include a west access point/route to SE 92nd Loop that may be provided via 1) cross-access to the adjoining commercial designated and zoned property to the west as indicated by the concept plan, or 2) in the event the North PUD develops prior to such cross-access being available, the North PUD may utilize the existing driveway access location for its access point to SE 92nd Loop subject to providing for cross-access to the west to the commercial property consistent with LDC requirements, or 3) the North PUD's developer may obtain suitable cross-access easements to provide and construct the off-site access to SE 92nd Loop across the site to the west as part of the PUD development.

7. The SE 64th Avenue right-of-way segment to extend the existing Silver Springs Estates' undeveloped SE 64th Avenue right-of-way to SE 92nd Loop shall be conveyed to Marion County via full fee-simple title free and clear of any and all encumbrances with 120 days of approval of this PUD.
8. The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the TIA, and any supplemental study information as required by the County Engineer to address the potential for PUD traffic crossing between the north and south PUD portions to access recreational amenities, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.
9. The PUD developer shall work and coordinate with the developer, Ocala 85, of the adjoining PUD to the east (240502ZP) to construct the portion of SE 64th Avenue to be used by both PUD's. If Ocala 85 develops first, they will be responsible for developing SE 64th Avenue from SE 92nd Loop up the point that where that PUD will access SE 64th Avenue. If Ocala 85 develops after Basedev Land Trust, that developer will be responsible for developing the portion of road from Basedev Land Trust up to their proposed connection on the west side of their PUD.
10. Internal sidewalks for the north and south PUD areas shall be provided, consistent with the PUD's conceptual plan and the Developer shall be required to construct all internal sidewalks so they connect to the existing SE 92nd Loop sidewalks at the east and west ends of both the north and south PUDs along the PUD's vehicular access points consistent with LDC design standards, including along the portion of SE 64th Avenue to be constructed by the PUD Developer to provide the north PUD's eastern access route. That SE 64th Avenue sidewalk shall extend from the internal sidewalks to then turn south along SE 64th Avenue and then connect to the SE 92nd Loop sidewalk, with the construction completed as part of the PUD developer's overall SE 64th Avenue improvements for access to the site.
11. In the event a singular clubhouse/pool amenity complex design is used for the overall PUD, a refinement of the project's traffic study impacts must be provided as determined by the County Engineer, and the final design of the pedestrian crossing shall be subject to review and approval of the County Engineer, wherein if the PUD Developer objects, any such objection would be appealed to the Board of County Commissioners to include the County Engineer's recommendation and a recommendation by the Development Review Committee (DRC).
12. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
13. 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.
14. The final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions.
15. The final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent with LDC provisions.

16. 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, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second submittal.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

On motion by Board Member Kroitor, second by Board Member Behar, the Planning and Zoning Commission voted to agree with staff findings and recommendation, and recommend approval of the item as part of the **Consent Agenda** by a vote of 6-0.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Revised PUD Master Plan 7-31-24
- B. DRC Staff Review Remarks for 7-31-24 Revised PUD Master Plan
- C. Rezoning Application filed November 28, 2023.
- D. Prior PUD Master Plan - 3-6-24
- E. Traffic Impact Analysis, Revised 4-17-24
- F. DRC Staff Review Remarks for 3-6-24 PUD Master Plan
- G. Site & surroundings photos.