



**Marion County  
Board of County Commissioners**

Growth Services

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This report was presented at the first hearing (Planning and Zoning Commission) and has been updated.

**PLANNING & ZONING SECTION  
STAFF REPORT**

	<b>P&amp;ZC Date: 10/30/2023</b>	<b>BCC Date: TBD</b>
<b>Case Number:</b>	231111ZP	
<b>CDP-AR:</b>	30579	
<b>Type of Case:</b>	<b>Rezoning</b> from General Agriculture (A-1), Agricultural Estate (A-3), Community Business (B-2) and Light Industrial (M-1) to Planned Unit Development (PUD)	
<b>Owner</b>	Multiple Owners, c/o Robert A. Bull Agent, Tillman & Associates Engineering, LLC	
<b>Applicant</b>	Tillman and Associates Engineering, LLC	
<b>Street Address</b>	Address not assigned; Jumbolair	
<b>Parcel Number</b>	14106-000-00, 14591-000-00, 14105-000-00, 14601-001-00, 14202-000-00, 14600-001-00, 14560-000-00, 14567-001-00, 14567-000-00, 14571-000-00, 14561-000-00, 14569-001-00, 14569-000-00, 14574-000-00, 14568-000-00, 14575-000-00, 14592-006-00, 14601-000-00, 14605-000-00, 14583-002-00, 14583-001-00, 14583-003-00, 14730-000-00	
<b>Property Size</b>	±449.66	
<b>Future Land Use</b>	Rural Land (RL), Low Residential (LR), Medium Residential (MR), Commercial (COM)	
<b>Zoning Classification</b>	General Agriculture (A-1), Agricultural Estate (A-3), Community Business (B-2) and Light Industrial (M-1)	
<b>Overlay Zone/Scenic Area</b>	Urban Growth Boundary, Farmland Preservation Area, and Primary Springs Protection Overlay Zone	
<b>Staff Recommendation</b>	<b>APPROVAL WITH CONDITIONS</b>	
<b>P&amp;ZC Recommendation</b>	<b>Denial</b>	
<b>Project Planner</b>	Kenneth Weyrauch, Deputy Director	
<b>Developer's Agreement</b>	None	
<b>Related Case(s)</b>	23-L03 Future Land Use Map Series (FLUMS) amendment from Rural Land (RL) to Low Residential (LR), ±289.08 acres; from Low Residential (LR) to Medium Residential (MR), ±39.26 acres; and from Rural Land (RL) to Commercial (COM), ±30.28 acres	

## I. ITEM SUMMARY

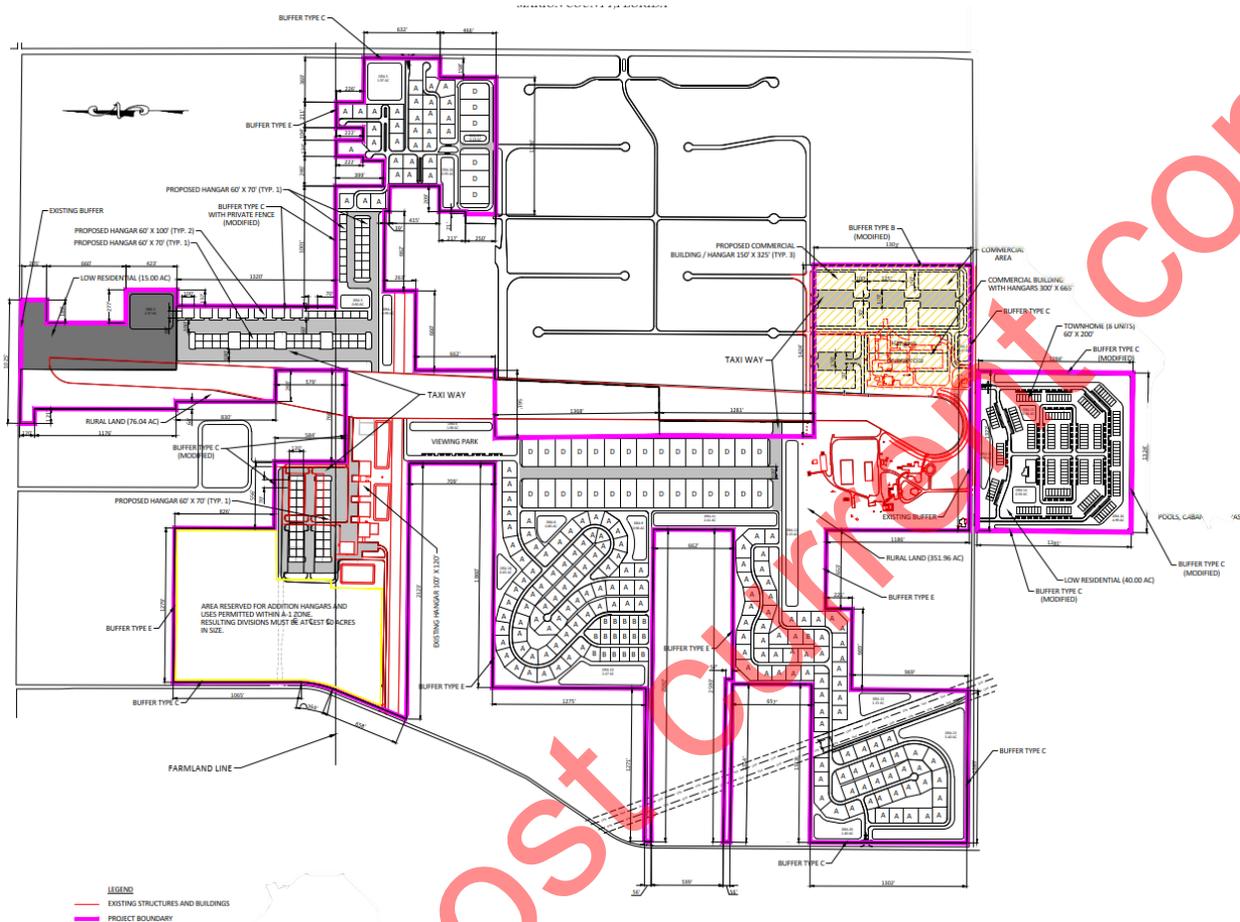
Tillman and Associates Engineering LLC, on behalf of the landowners listed in the application, has filed an application to rezone a 449.66-acre property site located at adjacent to the Jumbolair community, from General Agriculture (A-1), Agricultural Estate (A-3), Community Business (B-2) and Light Industrial (M-1) to Planned Unit Development (PUD) (see Attachment A). The request is for a multiple use development including up to 446 residential units (205 townhomes and 241 single-family homes) and 30.28 acres of commercial use as accessory to the fly in community. Accessory uses include hangars for commercial and personal use, horse stalls for personal use, all B-4 uses including General construction industries relating to the building industry and general contracting with no outdoor storage. Residential accessory use proposed includes but not limited to guest homes, sheds, detached garages or workshops, pools, cabanas, etc. (as listed in LDC). Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated within both the Urban Growth Boundary (UGB) and Farmland Preservation Area (FPA) and is located within the Primary Spring's Protection Overlay Zone.

On November 9<sup>th</sup>, Staff met with the applicant, representatives from both the Ocala Airport and the Marion County Airport, and members the Florida Department of Transportation. The meeting was to discuss the Jumbolair private airport and what makes an airport private vs commercial and what are the differences between the two types of airport. The FAA does not regulate private airports. Private airports must be designate one owner who is a person or Home Owners Association (HOA). State Statute requires the owner of a private airport to certify the airport as private and this certification is self certified every two years. The airspace around this private airport is general airspace which means it is not protected by the FAA or regulated the same way a public use or commercial airport is. The pilots who are allowed to use the private airport is the owner and the owners invited guests. An invited guest is anyone who is offered to enter or use the airport and the guest accepts the invitation. The FAA Advisory Circular AC150/5300-13B for airport design is mandatory for commercial airports and recommended by the FAA for private airports. This advisory provides for design and layout standards for airports and adjacent uses. The applicant's agent has stated that the intention of Jumbolair is to remain a private airport and will do whatever they need to do in order to remain a private airport.

The applicant's agent has stated that some of the proposed uses will change within the application, the intent was to be less intense than applied for. However, as of November 15, 2023, no amendments to the application have been received by Growth Services. Without formal submission of amendments to the application, staff cannot speculate on the potential changes.



**Figure 2  
Conceptual Plan**



### III. NOTICE OF PUBLIC HEARING

Notice of public hearing was mailed to 97 property owners within 300 feet of the subject property on October 13, 2023. A public hearing notice sign was also posted on the property on October 13, 2023. A public hearing notice for the Planning & Zoning Commission hearing was published in the Star Banner on October 16, 2023. As of the date of the initial distribution of this Staff Report, no correspondence in support of or in opposition to the amendment has been received. Evidence of the public hearing notices are on file with the Growth Services Department and are incorporated herein by reference.

### IV. 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:** Staff finds the proposed primary residential uses are consistent with the uses allowed within the Low Residential and Medium Residential FLUMS designation and the maximum allowable density. The residential uses include 241 detached single-family homes and 205 townhomes. The townhomes are proposed just south of the runway. Staff is concerned with this location because any plane that lands early, before the runway, would likely strike several residential units. Staff will have a complete answer before this item goes before the County Commissioners. However, the proposed accessory uses are vague and some are concerning to staff. Guest homes are not common to all residential zoning classifications and the application is unclear about the use of the workshops. Conditions to address these issues are provided below. The commercial uses proposed are all B-4 uses including general construction industries relating to the building industry, such as general contractors, electrical contractors, plumbing contractors, etc, with no outside storage. The commercial area is 30.28 acres in size and adjacent to the Jumbolair Hamlet subdivision and the runway. The commercial uses being limited to Regional Business (B-4) uses is also very vague because the B-4 zoning classification allows for all uses in Neighborhood Business (B-1) and Community Business (B-2). This list of potential uses includes a lot of high-intensity traffic generators that are not compatible with this area. The PUD also proposes multiple areas for hangars, some hangars are commercial and others are for the private use of residents within the community. Within the notes section of the PUD Conceptual Plan, there are notes that say; the Commercial land use area is allowed 1.0 FAR (1.3 million GSF of commercial use), buffers approved by the Board may be waived by DRC with consideration of existing vegetation and/or letter from adjacent property owner, and the applicants reserve the ability to rearrange or modify location of housing unit types prior to approval of final master plan, provisions for adequate buffers will be provided, After the November 9<sup>th</sup> meeting mentioned in the introduction, and a better understanding of a private use airport. Staff is recommending conditions that are added in green below.

*“The FAA does not regulate private airports. Private airports must be designate one owner who is a person or Home Owners Association (HOA). State Statute requires the owner of a private airport to certify the airport as private and this certification is self certified every two years. The airspace around this private airport is general airspace which means it is not protected by the FAA or regulated the same way a public use or commercial airport is. The pilots who are allowed to use the private airport is the owner and the owners invited guests. An invited guest is anyone who is offered to enter or use the airport and the guest accepts the invitation. The FAA Advisory Circular AC150/5300-13B for airport design is mandatory for commercial airports and recommended by the FAA*

*for private airports. This advisory provides for design and layout standards for airports and adjacent uses.”*

For consistency with this section, staff recommends the following conditions;

- The PUD is restricted to a total of 446 residential units (205 townhomes and 241 detached single-family dwelling units) and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 10/11/2023; attached).
- The PUD shall be restricted to one-story homes along the boundaries of the project.
- Accessory uses for the single-family dwellings shall be limited to those accessory uses in the Single Family Dwelling (R-1) zoning classification. Any guest homes, garages, cabanas, or workshops shall be for personal use only.
- Commercial uses are limited to those uses that are only listed in the B-4 zoning classification, including warehouse offices for the specific uses listed on the Conceptual plan, and completely enclosed within the hangers.
- Hangers for commercial use are limited to the commercial area.
- No residential or commercial uses may be permitted within the Farmland Preservation Area.
- Buffers approved with this PUD shall not be waived by DRC.
- Any housing units rearranged or have the locations modified shall be shown on the Master Plan for final approval and be buffered with buffers that meet the standards of the LDC without the ability for waivers or modifications.
- “Ensure compliance with FAA/CFR Title 14 Part 77.9 as appropriate. Reference <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> for further information to determine if submission of FAA Forms 7460-1 or 7460-2 are required. If assistance is needed for this requirement, please contact Ocala Airport Operations at (352) 572-0492.”
- When the applicant renews the certification of the private airport every two years, the applicant shall notify the county by copying Growth Services at [zoning@marionfl.org](mailto:zoning@marionfl.org).
- Every year the applicant shall submit a copy of a log of visitors to the airport, the log shall include, at a minimum, name, address, date, time, and aircraft FAA registration number. This shall be submitted to the Growth Services Director by January 30<sup>th</sup> of the following year.
- The private airport shall adhere to FAA AC 150/5300-13B - Airport Design.
- All airport hangers within the PUD shall be leased to private residents only and not to invited guests. Subleases are prohibited.
- Any commercial uses associated with aviation with the exception of emergency repairs, shall be limited to private residents of the development.

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 applicant is not proposing any SUP and, therefore, the rezoning is consistent with this requirement.

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 the initial PUD request and, therefore, 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:** Uses were addressed earlier in the report.

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:** Staff finds the intended character of the PUD is single-family with one and two-story detached homes, townhomes, and hangers for personal and commercial use. Examples of the architectural styles can be found in attachment A.

- 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 449.66 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 FLUMS designation(s) for the site, along with any density/intensity bonuses or vested rights.

**Analysis:** Staff finds that the subject property is 449.66 acres in size with a combination of Rural Land, Low Residential, Medium Residential, and Commercial FLUMS. See the table below for the FLUMS breakdown, the FLUMs combined allow for a maximum of 468 dwelling units while the

proposed PUD is requesting 446 dwelling units. The proposed density of the PUD is 1.06 dwelling units per acre. The proposed PUD **is consistent with this section.**

FLUMs	Density	Acres	Max Res Units
Rural	1 du/10 ac	76.04	7
Low Residential	0-1 du/ac	304.08	304
Med Residential	1-4 du/ac	39.26	157
		Total	468

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:** Staff finds that the overall proposed density is similar to other developments in the surrounding area.

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. 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 that the subject property has multiple FLUMS designations and is blending densities to allow for clustering of residential units to maximize development while remaining outside of the rural areas and Farmland Preservation are.

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:** Staff finds that the PUD is requesting to blend FLUMS. Thus, staff concludes that the uses allocated within the proposed PUD are 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 that the PUD proposes a minimum lot area of 9,600 square feet with lot widths of 80' to 150' for the single-family homes. The setbacks for all uses are provided in the table below.

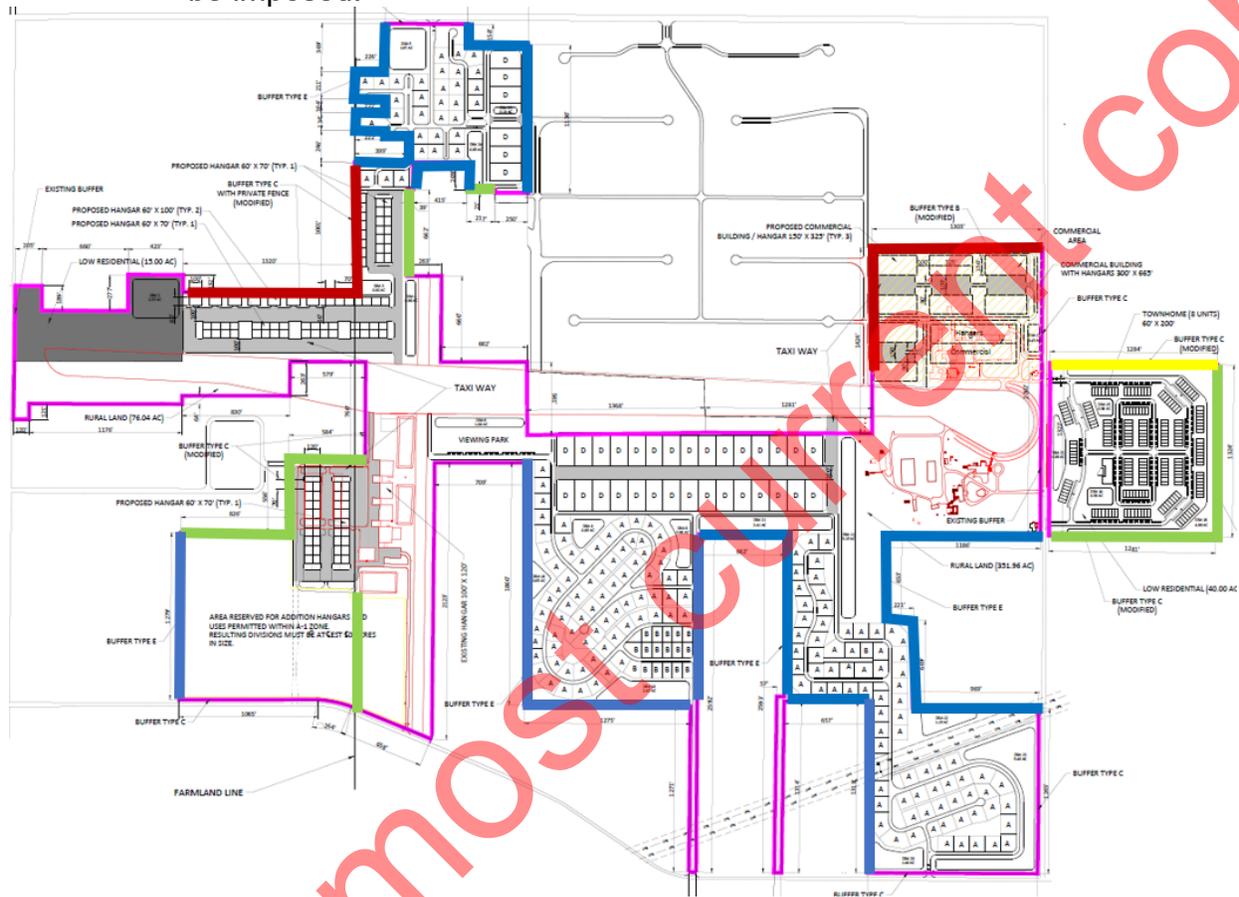
Setbacks	Front	Rear	Side
Primary (SFR)	20'	10'	5' /15' corner
Accessory Use	---	5'	5'
Townhomes	25'	10'	10'
Commercial	20'	10'	10'

- 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 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:** Buffer details are proposed within the application (see Attachment A). Staff finds that the PUD is proposing a series of modified buffers that are less than the standards required in the Marion County Land Development Code. Other areas are proposing no buffers. The surrounding residential uses have much larger lots than the lot sizes proposed in the PUD. To help with compatibility, staff recommends the following conditions be imposed:



- Buffers shall be provided as shown on the submitted conceptual plan, and as noted below.
  - Lime Green line: Leave existing trees in place and install a 6' opaque vinyl fence on the interior side of the line.
  - Dark Blue line: Modified Type E buffer with a 6' opaque vinyl fence on the interior of the buffer and shall consist of a five-foot wide landscape strip without a buffer wall. The buffer shall contain at least four shade trees for every 100 lineal feet or fractional part thereof. Shrubs shall 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.
  - Yellow line: Modified Type C Buffer that is 10' wide as shown in the application but with a 6' opaque vinyl fence.
  - Dark Red line: Modified Type B buffer as shown on the conceptual plan. The opaque fence shall be vinyl and on the interior of the buffer.

- A Type C Buffer shall be included along all right-of-ways.
- Any buffer not addressed with these conditions shall meet the standards of the Marion County Land Development Code.

D. LDC Section 4.2.31.E.(1) addresses three 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:** Proposed access points are provided within the application (see Attachment A). Staff finds the PUD proposes at least six (6) access points. A traffic memorandum has been submitted and Jacksonville Road, NE 95th Street, and West Anthony Road all have substandard rights-of-ways. Right-of-way dedications should be provided on these roads. Notwithstanding, staff recommends the following condition be imposed:

- Dedication of right-of-way is required on Jacksonville Road, NE 95th Street, and West Anthony Road.

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 or future facilities.

**Analysis:** Staff finds PUD proposes sidewalks along internal pathways, and along the adjacent right-of-ways. Notwithstanding, staff recommends the following condition be imposed:

- In the Master Plan, consideration should be given to the construction of multi-use paths on the main portion of the PUD to connect all the areas together to prevent unnecessary use of the public road network to get between the various locations within the PUD.

3. LDC Section 4.2.31.E.(1)(c) provides the PUD shall include a 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:** Staff finds that currently there is not any public transit within the area, however, the PUD proposes sidewalks along the adjacent right-of-ways and on at least one side of all internal roads. The proposed PUD is **consistent with this section.**

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:** Staff finds the PUD proposes detached single-family homes on individual lots. The homes will have garages and parking is intended to be in the garage and on the individual driveways. Parking for the multifamily and commercial uses will be calculated and shown on the site plans required prior to their development. Thus, the application **is consistent with this section.**

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:** Staff finds that the subject property is within connection distance of centralized water and sewer. Marion County Utilities (MCU) have available infrastructure in place (see Attachment B).

- The PUD shall connect to *Marion County* centralized water and sewer.

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 this Code.

- a. LDC Section 6.13.2 addresses the minimum requirements for stormwater management.

**Analysis:** The DRC letter notes PUD Master Plan will have to provide calculations and more details in order to get the Maste Plan approved (see Attachment B).

- b. LDC Section 6.13.3 addresses four different types of stormwater management facilities.

**Analysis:** The PUD proposes several private retention ponds to serve the entire site, based on the conceptual plan (see Attachment A). Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development.

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

1. LDC Section 4.2.31.E.(2)(a) provides easements shall be provided to address the maintenance and upkeep of all PUD infrastructure (e.g., Stormwater systems, utilities, etc.) and/or when necessary to allow adjoining property owners reasonable access for the maintenance and

upkeep of improvements (e.g., access for zero-lot line structure, etc.). Any easements necessary shall be provided, established, and conveyed consistent with the provisions of Article 6.

**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.

2. LDC Section 4.2.31.E.(2)(b) provides no principal or accessory structure may be erected, placed upon, or extend over any easement unless authorized in writing by the entity holding title to said easement, with such authorization being recorded in the Marion County Official Records. Such authorizations may include and are encouraged to set forth, terms and conditions, regarding the easement encroachment (e.g., duration, maintenance, removal, sunset, etc.) for reference by all current and future parties.

**Analysis:** Staff finds that buildable areas and easements will be determined during the Development Review phase of the process.

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

1. LDC Section 4.2.31.E.(3)(a)3 provides all setbacks for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

**Analysis:** Typical illustrations and a table have been provided (see Attachment A). Setbacks were discussed earlier in this report. All proposed setbacks are less than the LDC requires for similar zoning classification development standards.

2. LDC Section 4.2.31.E.(3)(c) provides building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure, particularly those that make up habitable space, shall comply with established principal structure setbacks; however, the PUD may propose authorized encroachments not to exceed two feet into any setback, subject to compliance with building construction standards (e.g., fire code) for the encroachment structure, except no encroachment into an established front yard setback is permitted.

**Analysis:** The application does not address this item. For compatibility with the single family uses found in the LDC, staff recommends the following condition:

- Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Single Family Dwelling (R-1) zoning

classification of the LDC for the single family homes and similar to the Multiple Family Dwelling (R-3) zoning classification for the townhomes.

3. LDC Section 4.2.31.E.(3)(d)2.a provides at a minimum, structures on the same property shall be separated by a minimum of ten feet, In the event a dedicated easement is between the structures, the separation between structures shall be increased to provide a minimum of five feet of separation from each structure to the boundary of the easement.

**Analysis:** Staff finds that the building separations for the PUD are 10' minimum. Thus, this application **is consistent with this section.**

G. LDC Section 4.2.31.E.(4) addresses heights.

1. LDC Section 4.2.31.E.(4)(a)2. provides the maximum height limit for all PUDs shall be seventy-five feet; however, an alternative maximum height limit may be proposed, subject to ensuring the safe and effective provision of services, maintenance, and support of the PUD development (e.g., fire service/ladder truck) and the provision of sufficient buffering to surrounding uses both within and outside the PUD.

**Analysis:** Staff finds that the PUD proposes heights for the residential uses and accessory uses of 40' and heights of 50' for the commercial uses. For compatibility with adjacent uses, staff proposes the following condition.

- All residential structures are limited to 40' in height (SFR or TH).
- No two-story single-family homes are permitted along the boundary of the PUD adjacent to residential uses.
- Residential accessory uses are limited to 20' in height except for hangers.
- Hangers and the commercial building heights are limited to 50'.

2. LDC Section 4.2.31.E.(4)(a)3. provides all maximum height limits for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

**Analysis:** Staff finds that a typical illustration and table have been provided for the main residential structures but no height indication is provided on the illustrations. A condition was already proposed to remedy this issue.

3. LDC Section 4.2.31.E.(4)(b) addresses dissimilar uses.

- a. LDC Section 4.2.31.E.(4)(b)1 provides that when commercial, industrial, or institutional uses are provided within a PUD within 100

feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use or zoning classification outside the PUD is residential:

- 1) A non-residential structure may not exceed a height that is twice the height of the closest existing abutting residential structure; however, the height of the non-residential structure shall also not exceed the maximum height allowed in the abutting residential zoning classification.
- 2) If the residential zoned land directly adjacent to the PUD is vacant land, then the height of a non-residential structure within the PUD shall not exceed the maximum height allowed in the abutting residential classification.
- 3) An alternative height limit may be proposed; however, it is the PUD applicant's responsibility to fully demonstrate the alternative will be sufficiently mitigated to address potential impacts of the increased height of the non-residential use in relation to the existing residential use and/or residential zoning classification; however, the Board is not obligated to agree and/or accept the alternative proposal.

**Analysis:** Staff finds that there are non-residential uses within 100' of the PUD boundary and proposes the following condition to be consistent with this section.

- Any non-residential structure within 100' of the boundary of the PUD may not exceed a height that is twice the height of the closest existing abutting residential structure.
- b. LDC Section 4.2.31.E.(4)(b)1 provides that when multiple-family residential uses are provided within a PUD within 100 feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use is a single-family use or the zoning classification outside the PUD permits only single-family residential uses:
  - a. A multiple-family structure may not exceed a height that is twice the height of the closest existing single-family residence; however, the height of the multiple-family structure shall also not exceed the maximum height allowed in the abutting residential zoning classification.
  - b. If single-family residential classification zoned land directly adjacent to the PUD is vacant land, then the height of a multiple-family structure within the PUD shall not exceed the maximum height allowed in the abutting residential single-family residential classification.
  - c. An alternative height limit may be proposed; however, it is the PUD applicant's responsibility to fully demonstrate the alternative will be sufficiently mitigated to address potential impacts of the increased height of the multiple-family

residential use in relation to the existing residential use and/or residential zoning classification.

**Analysis:** Staff finds that there is multifamily townhomes within 100' of the PUD's boundary on the southern end of the runway. Staff also finds that the applicant has not demonstrated any alternative mitigations for height concerns relating to this section. Staff proposes the following conditions to be consistent with this section.

- A multiple-family structure within 100' of the boundary may not exceed a height that is twice the height of the closest existing single-family residence.

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

1. LDC Section 4.2.31.E(5)(a) requires the following be illuminated: Potentially dangerous and/or hazardous locations to promote and maintain health and safety (e.g., roadway intersections, cross-walk locations, etc.); Structures and facilities to discourage and deter criminal activity (e.g., loading docks, utility facilities, etc.); and Structures and facilities consistent with their authorized hours of operation (e.g., recreation facilities, business, etc.).

**Analysis:** The Master Plan does not display the location of exterior lighting in or around the common areas of the PUD. The site plan for the common areas will have to show the location of exterior lighting.

2. LDC Section 4.2.31.E(5)(b) provides all lighting shall be installed in a manner to illuminate the identified structure, facility, or activity while ensuring the lighting does not cast direct light on adjacent dwellings or properties in a negative manner, or cast light in an upward manner so as to illuminate the night sky and/or become a hazard to air navigation.

**Analysis:** Outdoor lighting is not addressed in the application, however, outdoor lighting will be addressed on any site plans for the common areas.

3. LDC Section 4.2.31.E(5)(c) provides all outdoor lighting shall be provided consistent with the provisions of Section 6.12.14 and Division 6.19.

**Analysis:** Outdoor lighting is not addressed in the application, however, outdoor lighting will be addressed on any site plans for the common areas.

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:** Staff finds that the external buffers, addressed earlier in the report, meet or exceed the standard buffers of the LDC. Thus, **is consistent with this section.**

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

1. LDC Section 4.2.31.E.(7)(a) 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, the PUD shall be subject to the following:
  - a. The PUD shall identify all the required natural open space (NOS) acreage to be permanently conserved consistent with the Comprehensive Plan and this Code, with particular attention to Sec. 6.6.6.A., along with the intended form and/or method of conservation.
  - b. If the PUD is also subject to a native habitat vegetation preservation requirement as listed in Section 6.6.5, the minimum 15% native habitat to be preserved should be included within the natural open space, thereby simultaneously complying with the NOS and native habitat conservation requirements; additionally, the applicant is encouraged to preserve as much of the native habitat within the NOS as possible.
  - c. The PUD shall provide a minimum of five percent improved open space as provided in Section 6.6.6.B, with this improved open space being focused on satisfying the recreation facility needs of the PUD as listed in (c) below.

**Analysis:** Staff finds the application is not on Rural Land. Thus, staff concludes this section 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:** Staff finds that the PUD proposes 145.6 acres of open space which is 161.9% of open space required by the LDC. The PUD proposes amenities of a conference room (11,640 sf), a barn (9,548 sf), ball room (14,329 sf), a gym (1,456 sf), horse stalls (1,848 sf), and an arena (20,000 sf).

3. LDC Section 4.2.31.E.(7)(c) establishes the following design guidelines for open space:
  - a. Improve Open Space (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 to 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:** The Concept Plan displays a recreational amenity area of at least 22 acres, which meets the standards required by the LDC. LDC Section 6.6.6.B addresses the IOS design standards and LDC Section 4.2.31.E.(7)(b)2 provides the PUD shall provide a minimum five percent IOS.

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 similar 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. Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space requirements in accordance with the following criteria:

- 1) Waterbodies available and used for active water-oriented recreation uses such as boating, kayaking, canoeing, paddle boarding, fishing, water/jet skiing, and swimming may be used in calculations of IOS area of waterbodies but shall not exceed 50 percent of the total IOS; however, the adjoining recreational lands supporting the active water oriented recreation uses may be counted at 100 percent.
  - 2) Waterbodies not available or used for the noted active water-oriented recreation uses may be used in calculations of IOS but shall not exceed 10 percent of the total IOS; however, the adjoining recreational lands supporting the waterbody that are established as recreation/amenity space may be counted at 100 percent recreational space. Only those waterbodies which are available to the development for water-oriented recreation use such as boating, fishing, water skiing, swimming and have associated recreational land areas may be used in meeting these 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:** The Site Data documents the size and percentage of open space provided for the multiple uses calculated, including separate entries for landscape buffers, parks, stormwater facilities, and waterbodies.

- K. LDC Section 4.2.31.E.(8) addresses Maximum Commercial Use Area in a Residential PUD in a Residential Future Land Use Designation.
1. LDC Section 4.2.31.E.(8)(a) provides commercial uses may be provided within the PUD, at a ratio of two acres of commercial use area per each 250 dwelling units, with a minimum of 250 units required before any commercial use area may be authorized in the PUD.

**Analysis:** Not Applicable.

2. LDC Section 4.2.31.E.(8)(b) provides the type of commercial uses permitted in the commercial use area shall comply with the following:
  - a. Those uses permitted in the B-1 (Neighborhood Business Classification) for projects of a size equal to or greater than 250 dwelling units but less than 800 dwelling units; and
  - b. Those uses permitted in the B-2 (Community Business Classification) for projects of a size equal to or greater than 800 dwelling units.
  - c. More intense commercial uses and special uses may be permitted by the Board upon review and recommendation of the Development Review Committee, consistent with Section 4.2.6.A.

**Analysis:** Not Applicable.

3. LDC Section 4.2.31.E.(8)(c) provides the commercial use areas shall be situated internally to the PUD and buffered so as not to create a detrimental effect on adjacent internal residential areas. Said areas shall be located so as to best serve the residents of the project. Said areas shall not be located at the perimeter of the project with frontage on or direct access to an existing functionally classified or major through road so as to attract a market substantially outside of the project; however, a PUD that provides for the creation of a new internal functionally classified or major through road which is not access controlled and is open and available to the public may establish the commercial use area along that roadway, subject to compliance with the traffic and access management provisions of Divisions 6.11 and 6.12.

**Analysis:** Not Applicable.

4. LDC Section 4.2.31.E.(8)(d) provides the commercial use area shall be specifically included in the development schedule.

**Analysis:** 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:** The applicant had a pre-application meeting with staff on August 28, 2023. 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 (see Attachment A).

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 meet the minimum requirements for submission. Thus, **is consistent with this section.**

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 considered the application at their September 2023 meeting and recommended to transmit to PUD with concept plan. (see Attachment B). Thus, **is consistent with this section.**

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, an improvement plan, a preliminary plat and/or final plat, as deemed necessary for the specific project.

**Analysis:** Staff finds that a PUD with a concept plan was submitted. A Master Plan will be required and final approval of that Master Plan shall be determined by the Board.

- The final PUD Master Plan shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the applicant's expense.

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:** The applicant submitted a PUD with a Conceptual Plan.

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 a Conceptual Plan was submitted.

7. LDC Section 4.2.31.F.(4)(d) provides submittal of a Master Plan, Major Site Plan, Improvement Plan, Preliminary Plat and/or Final Plat for review will require the items listed above in B(1) for the Conceptual Plan submittal, plus the following additional items (as outlined under the table in Section 2.11-1 "Application Requirements");
- a. Title block (Sec. 2.12.3).
  - b. Front page requirements (Sec. 2.12.4).
  - c. Concurrency (as per Division 1.8).
  - d. Location of septic systems and wells.
  - e. Boundary and topographic survey (1 ft. intervals for 100 ft. beyond project boundary).
  - f. NRCS soil survey.
  - g. USGS Quad map showing contributing watershed(s) and project boundary.
  - h. National Wetland inventory map.
  - i. Environmental assessment of listed species and vegetative communities onsite.
  - j. Karst and geologic assessment on and off-site within 200 ft. of project boundary.
  - k. Marion-friendly landscaped areas, parks, recreation areas and natural areas to be retained (Sec. 2.12.21 and 2.12.25).
  - l. Traffic impact analysis.
  - m. Construction entrance and route plan.
  - n. Photometric plan for non-residential development.
  - o. Building elevation plans for non-residential development.
  - p. Phasing plan, if proposed.
  - q. Architectural renderings or color photos detailing the design features, color pallets, buffering details.

**Analysis:** The applicant has submitted a Conceptual Plan and is going through the process concurrently.

- 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.

## V. ANALYSIS

Land Development Code 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 are addressed below.

### A. *Will not adversely affect the public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. **Analysis:** Professional planning practice requires that when considering the transportation impacts of a FLUMS amendment, the most intense general development should be analyzed.

The applicant is proposing the addition of three-hundred and fifty-four (354) single-family dwellings, eighty-thousand (80,000) square feet of warehousing, and two-hundred and twenty (220) multi-family dwelling units. The applicant's proposal could generate up to 4,030 trips per day, 368 of those being PM peak hour trips.

The applicant submitted a traffic memorandum that was reviewed by the Office of the County Engineer and the Planning Department. The traffic memo is thorough but is not a full traffic study. A more detailed traffic study is required to be submitted with the Master Plan and will determine the final impacts. However, the memorandum does a detailed analysis that indicates that the impacts to NE Jacksonville Road (CR 200A) and NE Anthony Road would be minimal with both of these corridors still retaining sufficient capacity after the proposed buildout of these uses. There are

two segments which will approach their capacities at full buildout of this development. These segments are NE Jacksonville Road from NE 35th Street to NE 49th Street and NE 70th Street from US 441 to NE Jacksonville Road. The full traffic study will examine the impacts to these road segments in more detail. If the PUD is approved, the applicant will need to finish the traffic study and do analysis on a few intersections nearby. Ultimately, the impacts from the proposed PUD will not adversely impact the local road network. A summary of the memorandum's preliminary findings and improvements can be found below. The full traffic study will make the final determination of the developments impacts and needed improvements.

#### **Buildout Conditions**

- All study roadway segments operate acceptably and are shown to have sufficient capacity under buildout conditions with a maximum v/c ratio of 0.99 for Jacksonville Road from NE 35<sup>th</sup> Street to NE 49<sup>th</sup> Street for AM Peak Hour
- An exclusive westbound right turn lane is recommended at NE 70<sup>th</sup> Street at Jacksonville Road (CR 200A) to improve operational performance for the westbound approach to an acceptable LOS standard.
- An exclusive northbound left turn lane is recommended at NE 77<sup>th</sup> Street at Jacksonville Road (CR 200A) to better accommodate the left turning vehicles.
- A permitted-protected left turn phase was added to the eastbound and westbound approaches at NE 70th Street (SR 326) at Anthony Road.
- With the above improvement in place, all intersections and approaches operate without overcapacity movements and at or above acceptable LOS standards.

Below, are three tables. The first table shows the traffic trips to be generated from the proposed development. The second table shows the PM Peak Hour capacity analysis at full buildout of the proposed development. The third table shows the AM Peak Hour capacity analysis at full buildout of the proposed development.

Table 2: Development Trip Generation

Land Use Type	ITE Code	Intensity	Units	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
					In	Out	Total	In	Out	Total
<i>Portion A (West of Airfield)</i>										
Single Family Detached Housing	210	222	DU	2,102	39	115	154	132	78	210
<i>Portion B (East of Airfield)</i>										
Single Family Detached Housing	210	32	DU	354	7	19	26	21	13	34
Warehouse*	150	80	KSF	165	11	3	14	4	10	14
<i>Portion B Total</i>				519	18	22	40	25	23	48
<i>Portion C (South of Airfield)</i>										
Multifamily Family Housing	220	208	DU	1,409	20	63	83	69	41	110
<b>Development Total</b>				<b>4,030</b>	<b>77</b>	<b>200</b>	<b>277</b>	<b>226</b>	<b>142</b>	<b>368</b>

\*Warehouse land use is utilized for the hangars that will support the proposed residential uses.

Table 6: Year 2026 Buildout Roadway Capacity Analysis (PM)

Roadway	From	To	No. of Lanes	Fun Class	LOS Std.	Daily Capacity	Pk Hr Pk Dir Capacity	Annual Growth	Background PM PH NB/EB Vol	Background PM PH SB/WB Vol	Jumbolair PM PH NB/EB Vol	Jumbolair PM PH SB/WB Vol	Total PM PH NB/EB Vol	Total PM PH SB/WB Vol	v/c
Jacksonville Road (CR 200A)	NE 35 <sup>th</sup> St.	NE 49 <sup>th</sup> St.	2	Arterial	E	12,744	634	1.00%	530	286	31	19	561	305	0.88
	NE 49 <sup>th</sup> St.	SR 326	2	Arterial	E	12,744	634	1.00%	331	248	37	23	368	271	0.58
	SR 326	NE 95 <sup>th</sup> St.	2	Arterial	E	29,340	1,449	1.00%	472	396	49	31	521	427	0.36
Anthony Road	NE 35 <sup>th</sup> St.	NE 49 <sup>th</sup> St.	2	Arterial	E	12,744	634	1.00%	294	239	12	7	306	246	0.48
	NE 49 <sup>th</sup> St.	SR 326	2	Arterial	E	12,744	634	1.00%	106	64	27	17	133	81	0.21
	SR 326	NE 95 <sup>th</sup> St.	2	Arterial	E	29,340	1,449	1.00%	114	42	39	25	153	67	0.11
NE 95 <sup>th</sup> Street	Anthony Rd.	CR 200A	2	Collector	B	9,270	486	1.00%	78	64	9	6	87	70	0.18
NE 70 <sup>th</sup> Street (SR 326)	US 441	Anthony Rd.	2	Arterial	D	17,920	888	1.00%	742	391	74	46	816	437	0.92
	Anthony Rd.	CR 200A	2	Arterial	D	17,920	888	1.00%	742	391	37	23	779	414	0.88
	CR 200A	NE 36 <sup>th</sup> Av.	2	Arterial	C	19,600	970	1.00%	647	472	27	43	674	515	0.69
	NE 36 <sup>th</sup> Av.	NE 40 <sup>th</sup> Av.	2	Arterial	C	8,200	430	1.00%	186	151	25	40	211	191	0.49

Table 7: Year 2026 Buildout Roadway Capacity Analysis (AM)

Roadway	From	To	No. of Lanes	Fun Class	LOS Std.	Daily Capacity	Pk Hr Pk Dir Capacity	Annual Growth	Background AM PH NB/EB Vol	Background AM PH SB/WB Vol	Jumbolair AM PH NB/EB Vol	Jumbolair AM PH SB/WB Vol	Total AM PH NB/EB Vol	Total AM PH SB/WB Vol	v/c
Jacksonville Road (CR 200A)	NE 35 <sup>th</sup> St.	NE 49 <sup>th</sup> St.	2	Arterial	E	12,744	634	1.00%	216	598	12	31	228	629	0.99
NE 70 <sup>th</sup> Street (SR 326)	US 441	Anthony Rd.	2	Arterial	D	17,920	888	1.00%	332	690	25	65	357	755	0.85
	Anthony Rd.	CR 200A	2	Arterial	D	17,920	888	1.00%	332	690	15	38	347	728	0.82
	CR 200A	NE 36 <sup>th</sup> Av.	2	Arterial	C	19,600	970	1.00%	469	659	27	43	674	515	0.69

Further, staff notes that any development of the site will be subject to compliance with the Marion County Concurrency Management System requirements. A traffic memorandum was agreed to by OCE traffic and the County Engineer, the applicant did the study as requested, staff finds the application is **consistent** with TE Policy 2.1.4.

- b. Public transit. The subject property is not near public transit.
- c. Other mobility features. Sidewalks will be available to service the property internally and along the right-of-ways.

Based on the above findings, it is concluded that application **will not adversely affect the public interest.**

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 non-residential demand. Based on the 446 proposed dwelling units, and 30.28 acres of commercial, the proposed rezoning would result in an increase of 217,910 gallons per day. The DRC comments letter finds a potable water force main is available with an owner-funded off-site extension of main and that connection would be required (see Attachment B). Thus, 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 446 proposed dwelling units and 30.28 acres of commercial, the proposed rezoning would result in an increase of 159,296 gallons per day. The DRC comments letter finds a sanitary sewer force main is available with an owner-funded off-site extension of main and that connection would be required (see Attachment B). Thus, it is concluded the application's sanitary sewer impacts **would not adversely affect the public interest.**
4. 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. 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.**
5. Fire rescue/emergency services. The Anthony Fire Station #1, located at 3199 NE 70th Street, is 1.7 miles southeast of the proposed development. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, it is concluded the proposed rezoning fire

rescue/emergency impacts **would not adversely affect the public interest.**

6. Public schools. Antony Elementary School, 9501 NE Jacksonville Road, Anthony, and is 0.89 miles northeast of the proposed development with a capacity of 102.21%. North Marion Middle School, located at 2085 NW Hwy 329, Citra, is 4.47 miles northwest of the proposed development with a capacity of 75.12%. North Marion High School is located at 151 W Hwy 329, Citra, and is 4.4 miles north of the proposed development with a capacity of 73.81%. Based on the above findings, the proposed development **would not adversely affect public interest.** The expected student generation numbers for this development are 58 elementary, 27 middle, and 31 high school for a total of 116 students. Therefore, it is concluded that the application is consistent with this section. Based on the above finding, the proposed Zoning District amendment would generate student enrollment and would negatively affect the public interest, therefore, it is concluded that the application is **consistent with Policy 1.1.3.**

In conclusion, staff finds that while the impact to schools could adversely affect the public interest, when weighing the overall factors, it is concluded that the proposed zoning change **will not adversely affect the public interest.**

B. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.5 on higher density/intensity uses provides “The County shall require higher densities and intensities of development to be located within the Urban Growth Boundaries and Planned Service Areas, where public or private facilities and services are required to be available.”

**Analysis:** Staff finds the property is located within the UGB and facilities are available with capacity to service the subject property, staff concludes the proposed amendment is **consistent** with FLUE Policy 1.1.5.

2. FLUE Policy 2.1.4 on Open Space Requirement provides “A minimum of 350 square feet of open space for each residential lot shall be required in either single or linked multiple tracts within residential development and the open space shall be accessible to all residents within the development, as further defined in the LDC.”

**Analysis:** The owner is advised that prior to the time of development order issuance, compliance with this policy must be demonstrated. Based on the above, it is concluded the application is **consistent** with FLUE Policy 2.1.4.

3. FLUE Policy 3.3.1 Elements of Rural Character in the Farmland Preservation Area: The County shall preserve and protect rural and equestrian/agricultural character within the Rural Lands, specifically the Farmland Preservation Area, by requiring that all appropriate future development activities within this Area preserve, support, and enhance the fundamental elements of rural character set forth below, and further requiring that all Zoning Changes and Special Use Permits within the

Farmland Preservation Area be consistent with and preserve, protect, support, and enhance the rural, equestrian, and farmland character of the Farmland Preservation Area. The fundamental elements of rural character include the following:

1. *Scenic Views*: The viewshed of arterial and collector roadways in the Rural Area shall be protected from land clearing and other visual intrusions associated with development; such protections, however, shall not restrict the fundamental agricultural uses permitted within this Area.
2. *Open Space Protection*: Residential development options shall include incentives to promote the protection of open spaces.
3. *Rural Lighting*: In order to preserve the rural character of the area, artificial illuminating devices, emission of undesirable rays into the night sky, glare to oncoming traffic and intrusion of light onto adjacent properties shall be prevented to the greatest extent possible, as further defined in the LDC.
4. *Transportation*: Roadway design within the Rural Area shall be consistent with the principles of context sensitive design, which considers the relationship of land uses and all aspects of roadway design, including speed, travel lane width, access management, and landscaping. Where feasible, expansion or alteration of existing roadway corridors, including State Facilities, will be the preferred method to meet long-range transportation needs. New transportation corridors intended to be used specifically for the construction of expressways or limited access roadways within the Farmland Preservation Area shall be developed in such a way as to avoid negative impacts to vital farmlands, key environmental areas, and valuable open space so that transportation and land use are compatible with the rural character of the area. The development of any such corridor shall be closely coordinated with the Board of County Commissioners and County Staff.
5. *Infrastructure*: Other infrastructure including water and sewer utilities and stormwater facilities within the Rural Area shall reflect a rural level of service and shall not be modified to the point that it encourages or allows for urban development.

**Analysis:** Staff finds that the only proposed uses within the Farmland Preservation area are limited to 10 acre lots to be developed as A-1 or private hangers. Any hangers developed will require site plans to ensure that the lighting and impervious areas conform to the Comprehensive Plan and Land Development Code. Based on the above, it is concluded the application is **consistent** with FLUE Policy 3.3.1.

4. 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 FLUM amendment is scheduled for the October 30, 2023 Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

5. 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:** Traffic impacts were discussed earlier in the report based on the submitted Traffic Memorandum from the applicant. It has been determined that the proposed PUD will not have significant impacts on the local road network. Further, staff notes that any development of the site will be subject to compliance with the Marion County Concurrency Management System requirements. It is concluded that the application is **consistent** with TE Policy 2.1.4.

6. TE Objective 3.1 on Financial feasibility of development provides “To encourage development within the Urban Growth Boundary where infrastructure can be provided in a financially feasible manner.”

**Analysis:** The subject property is located in UGB. Based on the above, it is concluded the application is **consistent** with TE Objective 3.1.

7. TE Objective 3.1.2 on Adequate Rights of Way/Encroachment provides “The County shall ensure adequate rights-of-way for roadway, Transit, bicycle and pedestrian pathways, and protect existing and future rights-of-way from building encroachment.”

**Analysis:** Right-of-way dedication is may be required along at least one ROW adjacent to this property. Once the ROW is dedicated, it is concluded the application is **consistent** with TE Objective 3.1.2.

8. 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:** The proposed PUD has at least six (6) access points on Marion County roadways. Staff has provided conditions to ensure these issues are accounted for. Based on the above findings, staff concludes the application is **consistent** with TE Objective 2.2.

9. SSE Policy 1.1.1 provides “The 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 is adopted as the basis for future facility design, determination of facility capacity, and documentation of demand created by new development. This LOS shall be applicable to central sewer facilities and to package treatment plants but shall not apply to individual OSTDS. DRIs and FQDs that demonstrate the suitability of differing LOS standards may be allowed to adhere to the differing standard if approved by the County.”

**Analysis:** Based on the addition of a single residence at 110 gallons per person per day, with an average family size of 2.4, according to the Census in Marion County, the property has the potential to generate an additional 159,296 gallons per day. The DRC comments letter finds a sanitary sewer infrastructure is available and that connection would be required (see Attachment B). Based on the above findings, the application is consistent with SSE Policy 1.1.1.

10. 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:** Staff concludes that a sanitary sewer line is currently in design for this area, the owner will be responsible for funding the extension of the sanitary sewer line to the property. Based on the above findings, it is concluded the application is consistent with SSE Policy 1.1.3.

11. 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:** This parcel is within the UGB, and within the service area of Marion County Utilities, and services are located within the vicinity. Based on the above findings, the application is being processed consistent with SSE Policy 1.2.1.

12. PWE Policy 1.1.1 provides in part “The LOS standard of 150 gallons per person per day (average daily consumption) is adopted as the basis for future facility design, determination of available facility capacity, and determination of demand created by new development with regard to domestic flow requirements, and the non-residential LOS standard shall be 2,750 gallons per acre per day.”

**Analysis:** Staff finds that based on the addition of 468 units multiplied by 2.4 persons per household equals 1,123 persons and 30.28 acres of commercial which will generate a demand of an additional 217,910 gallons

per day. The water treatment plant serving this area has sufficient capacity to serve this demand. Based on the above findings, the application is **consistent** with PWE Policy 1.1.1.

13. 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 in Marion County Utilities Service Area and services are located within the vicinity; however, extension of off-site water mains are required to reach the development. The owner is advised the owner will be responsible for funding the extension of the potable water line to the property. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.6.4.

14. 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 average household size 2.4 persons, multiplied by 468 homes yields 1,123 persons, with 6.2 pounds of solid waste per person, an additional demand of 6,963 pounds of solid waste would be generated daily. 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.

15. SWE Policy 1.1.5 provides “Permits shall be denied for development that would either increase demands on an already deficient facility or cause a facility to exceed its capacity until such time that the facility may provide service in accordance with the adopted LOS standard.”

**Analysis:** 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. The owner is placed on notice that should disposal facilities become unavailable, permits shall not be issued for the dwelling units. Based on the above findings, it is concluded the application is **consistent** with SWE Policy 1.1.5.

16. 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 including 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.

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

**Analysis:** The owner 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.

18. ROSE Policy 1.4.6 provides “All new residential developments (e.g., subdivisions and particularly developments of regional impact) shall be required to comply with the open space per dwelling unit standard established by FLUE Policy 2.1.4, unless an alternative form of compliance is provided by the developer consistent with Policy 1.3.4.

**Analysis:** The PUD is proposing 145.6 acres of open space which is more than the required 89.9 acres of open space. Thus, staff finds the application is **consistent** with Policy 1.4.6.

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

- C. *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. Attachment C displays site photographs. Figure 3 displays the proposed FLUMS, which assumes the subject property is designated Commercial and not Rural Lands. Figures 4 and 5 display the existing and proposed zoning classification for the subject property and surrounding properties. Figure 6 shows the uses of subject property and surrounding properties as classified by Marion County Property Appraiser. Table A displays the information from figures 3, 5, and 6 in tabular form.

**Figure 3**  
**Assumed FLUMS Designation**

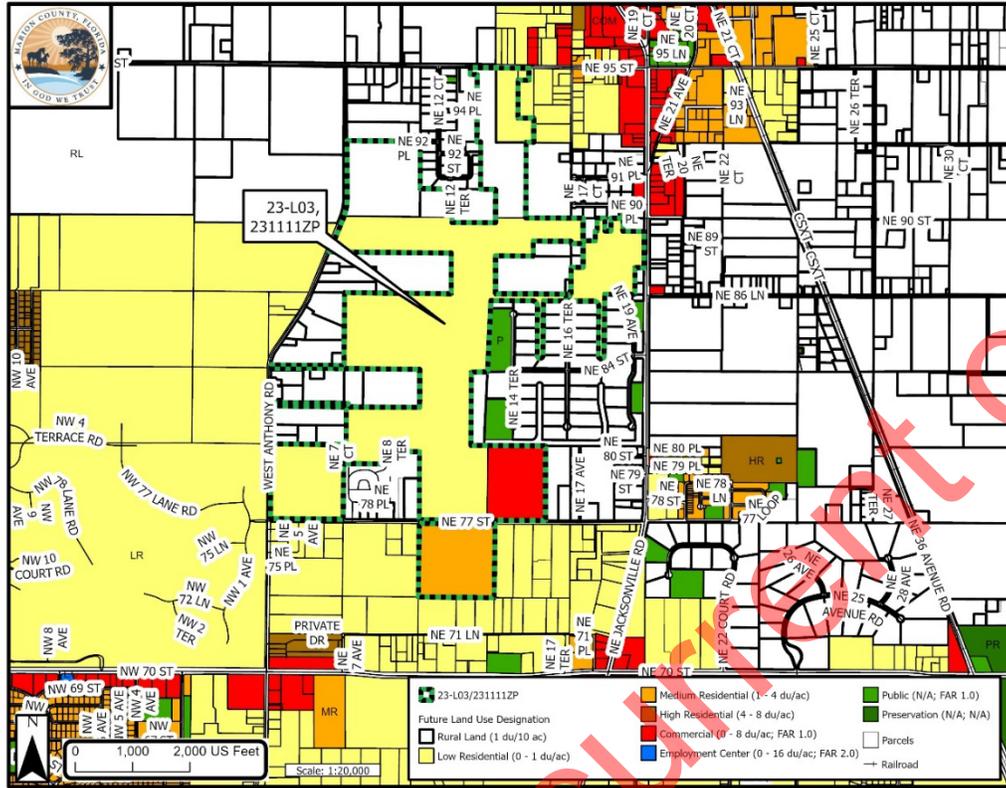
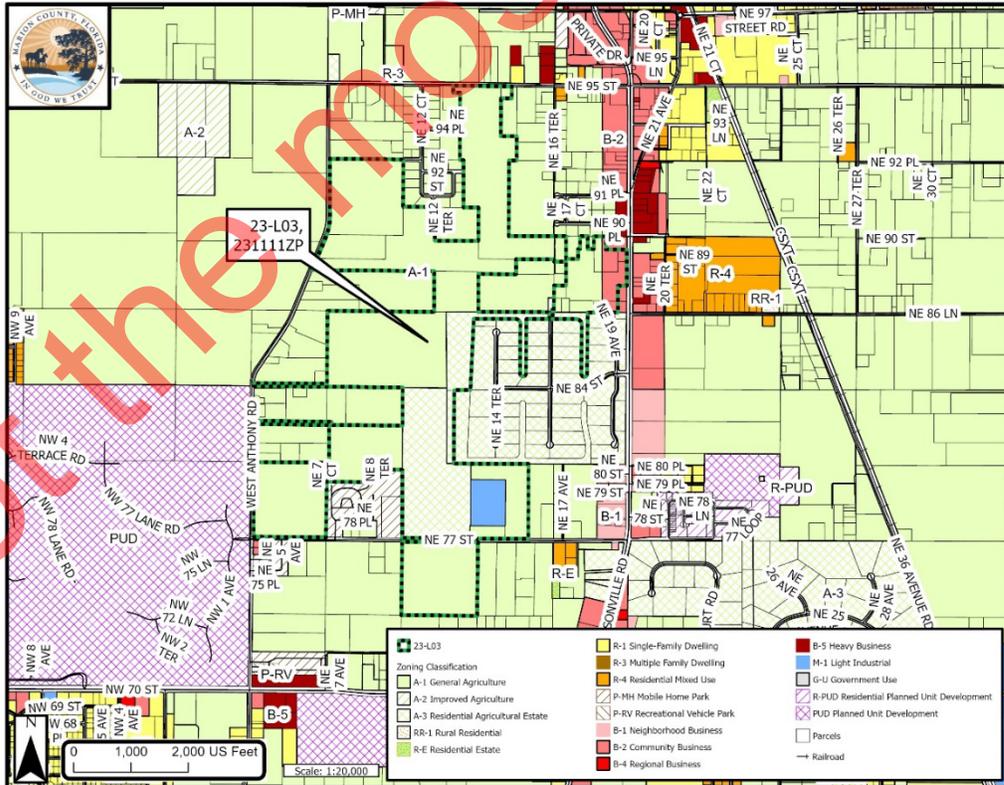
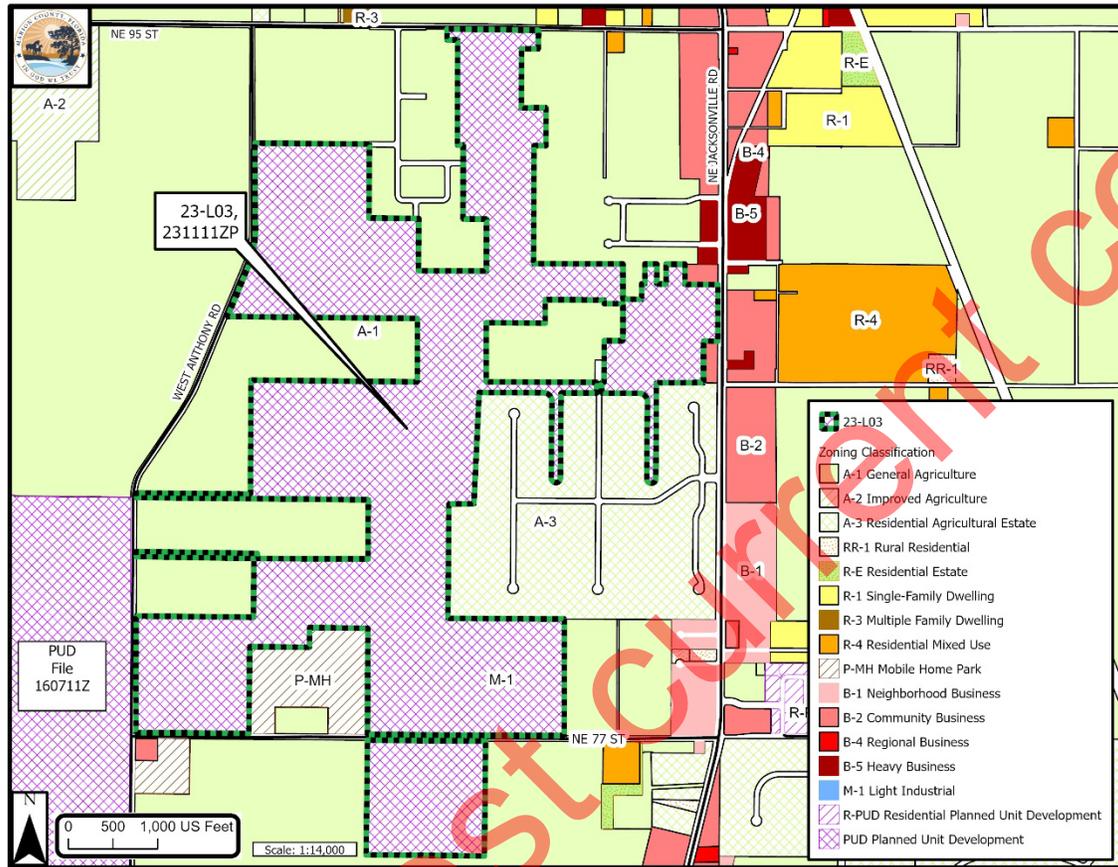


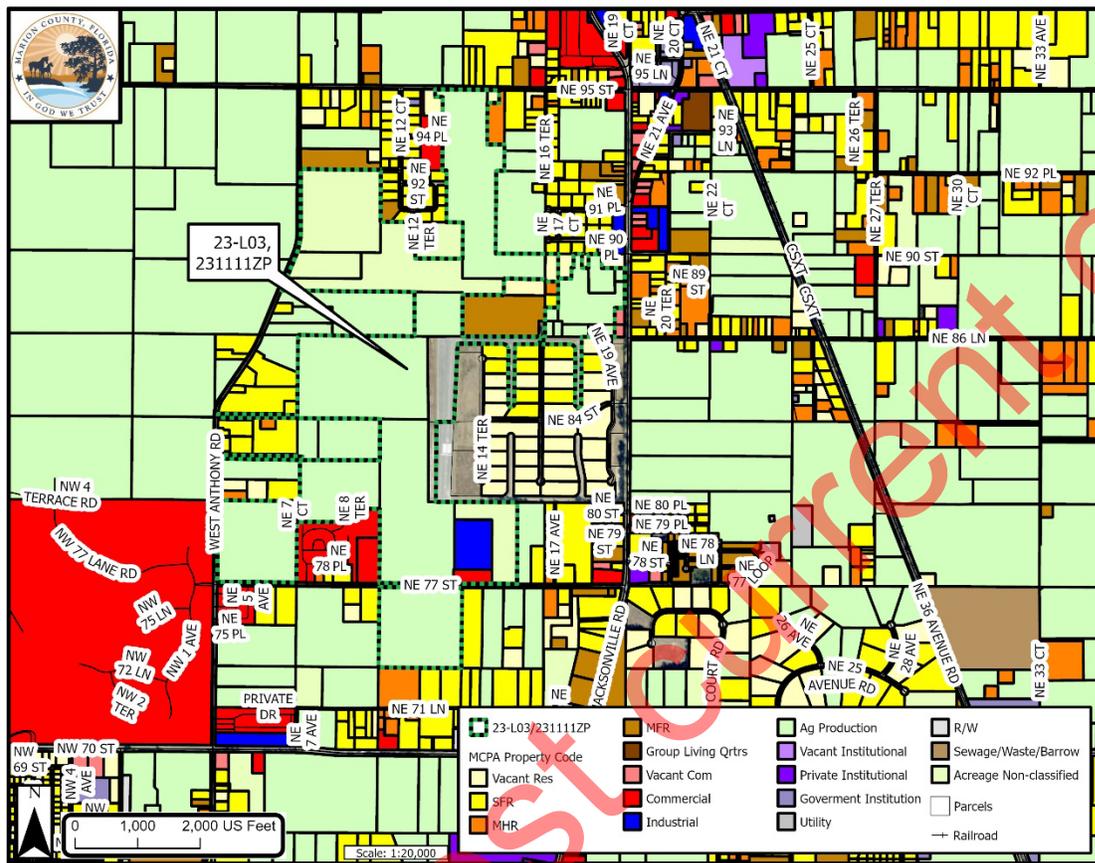
Figure 4  
Zoning Classification



### Figure 5 Proposed Zoning Re-classification



**Figure 6**  
**Existing and Surrounding Land Uses**



Consistent with LDC Section 2.7.3.D, staff conducted a site visit (see Attachment C) and finds the subject property is currently a mixture of vacant, agriculture, private airport with hangers, and a clubhouse. The property has Commercial and Residential land use designations and is considered infill with ample infrastructure serving the development. The proposed development will act as a stepdown in development at the edge of the Urban Growth Boundary.

Based on the above findings, staff concludes the proposed rezoning is **compatible** with the existing and future surrounding land uses.

## VI. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission (PZC) 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 **APPROVE WITH CONDITION** the proposed rezoning because the application:

- A. Will not adversely affect the public interest;
- B. Is consistent with the following Comprehensive Plan provisions

1. FLUE Policies 1.1.5, 2.1.4, 5.1.3, and 5.1.4;
  2. TE: 2.1.4, 3.1, 3.1.2, and 2.2;
  3. SSE: 1.1.1, 1.1.3, and 1.2.1;
  4. PWE: 1.1.1, and 1.6.4;
  5. SWE 1.1.1, and 1.1.5;
  6. SE 1.1.4, and 1.1.5;
  7. ROSE: 1.1.1, and 1.4.6;
- C. Is compatible with the surrounding uses due to the residential nature of the development.
- D. The recommended development conditions include:
1. The PUD is restricted to a total of 446 residential units (205 townhomes and 241 detached single-family dwelling units) and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 10/11/2023; attached).
  2. The PUD shall be restricted to one-story homes along the boundaries of the project.
  3. Accessory uses for the single-family dwellings shall be limited to those accessory uses in the Single Family Dwelling (R-1) zoning classification. Any guest homes, garages, cabanas, or workshops shall be for personal use only.
  4. Commercial uses are limited to those uses that are only listed in the B-4 zoning classification, including warehouse offices for the specific uses listed on the Conceptual plan, and completely enclosed within the hangers.
  5. Hangers for commercial use are limited to the commercial area.
  6. No residential or commercial uses may be permitted within the Farmland Preservation Area.
  7. Buffers approved with this PUD shall not be waived by DRC.
  8. Any housing units rearranged or have the locations modified shall be shown on the Master Plan for final approval and be buffered with buffers that meet the standards of the LDC without the ability for waivers or modifications.
  9. "Ensure compliance with FAA/CFR Title 14 Part 77.9 as appropriate. Reference <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> for further information to determine if submission of FAA Forms 7460-1 or 7460-2 are required. If assistance is needed for this requirement, please contact Ocala Airport Operations at (352) 572-0492."
  10. When the applicant renews the certification of the private airport every two years, the applicant shall notify the county by copying Growth Services at [zoning@marionfl.org](mailto:zoning@marionfl.org).

11. Every year the applicant shall submit a copy of a log of visitors to the airport, the log shall include, at a minimum, name, address, date, time, and aircraft FAA registration number. This shall be submitted to the Growth Services Director by January 30th of the following year.
12. The private airport shall adhere to FAA AC 150/5300-13B - Airport Design.
13. All airport hangers within the PUD shall be leased to private residents only and not to invited guests. Subleases are prohibited.
14. Any commercial uses associated with aviation with the exception of emergency repairs, shall be limited to private residents of the development.
15. Buffers shall be provided as shown on the submitted conceptual plan. And as noted here.
  - a. Lime Green line: Leave existing trees in place and install a 6' opaque vinyl fence on the interior side of the line.
  - b. Dark Blue line: Modified Type E buffer with a 6' opaque vinyl fence on the interior of the buffer and shall consist of a five-foot wide landscape strip without a buffer wall. The buffer shall contain at least four shade trees for every 100 lineal feet or fractional part thereof. Shrubs shall 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.
  - c. Yellow line: Modified Type C Buffer that is 10' wide as shown in the application but with a 6' opaque vinyl fence.
  - d. Dark Red line: Modified Type B buffer as shown on the conceptual plan. The opaque fence shall be vinyl and on the interior of the buffer.
  - e. A Type C Buffer shall be included along all right-of-ways.
  - f. Any buffer not addressed with these conditions shall meet the standards of the Marion County Land Development Code.
16. Dedication of right-of-way is required on Jacksonville Road, NE 95th Street, and West Anthony Road.
17. In the Master Plan, consideration should be given to the construction of multi-use paths on the main portion of the PUD to connect all the areas together to prevent unnecessary use of the public road network to get between the various locations within the PUD.
18. The PUD shall connect to Marion County centralized water and sewer.
19. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Single Family Dwelling (R-1) zoning classification of the LDC for the single family homes and similar to the Multiple Family Dwelling (R-3) zoning classification for the townhomes.

20. All residential structures are limited to 40' in height (SFR or TH).
21. No two-story single-family homes are permitted along the boundary of the PUD adjacent to residential uses.
22. Residential accessory uses are limited to 20' in height except for hangers.
23. Hangers and the commercial building heights are limited to 50'.
24. Any non-residential structure within 100' of the boundary of the PUD may not exceed a height that is twice the height of the closest existing abutting residential structure.
25. A multiple-family structure within 100' of the boundary may not exceed a height that is twice the height of the closest existing single-family residence.
26. The final PUD Master Plan shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the applicant's expense.

## **VII. PLANNING & ZONING COMMISSION RECOMMENDATION**

Denial 3-1

Will adversely affect the public interest

Is not consistent with the Marion County Comprehensive Plan

Is not compatible with the surrounding area

## **VIII. BOARD OF COUNTY COMMISSIONERS ACTION**

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Rezoning application filed August 28, 2023.
- B. DRC Minutes with DRC Rezoning Comments Letter.
- C. Site Photos.
- D. Traffic Memo