



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

| | | |
|---------------------------------|---|-----------------------------|
| | P&ZC Date: 11/25/2024 | BCC Date: 12/17/2024 |
| Case Number: | 241210ZP | |
| CDP-AR: | 32028 | |
| Type of Case: | Rezoning from General Agriculture (expired PUD) to PUD to allow for a total of 157 residential units | |
| Owner | GPK Ocala One, LLC | |
| Applicant | Tillman & Associates Engineering, LLC | |
| Street Address | No address assigned | |
| Parcel Number | 36640-004-00 | |
| Property Size | ±39.36 acres | |
| Future Land Use | High Residential (HR) | |
| Zoning Classification | General Agriculture (A-1) | |
| Overlay Zone/Scenic Area | Primary Springs Protection Zone | |
| Staff Recommendation | APPROVAL WITH CONDITIONS | |
| P&ZC Recommendation | APPROVAL WITH CONDITIONS | |
| Project Planner | Eryn Mertens, JD, Planner II | |
| Developer's Agreement | None | |
| Related Case(s) | 160504Z (expired PUD) | |

I. ITEM SUMMARY

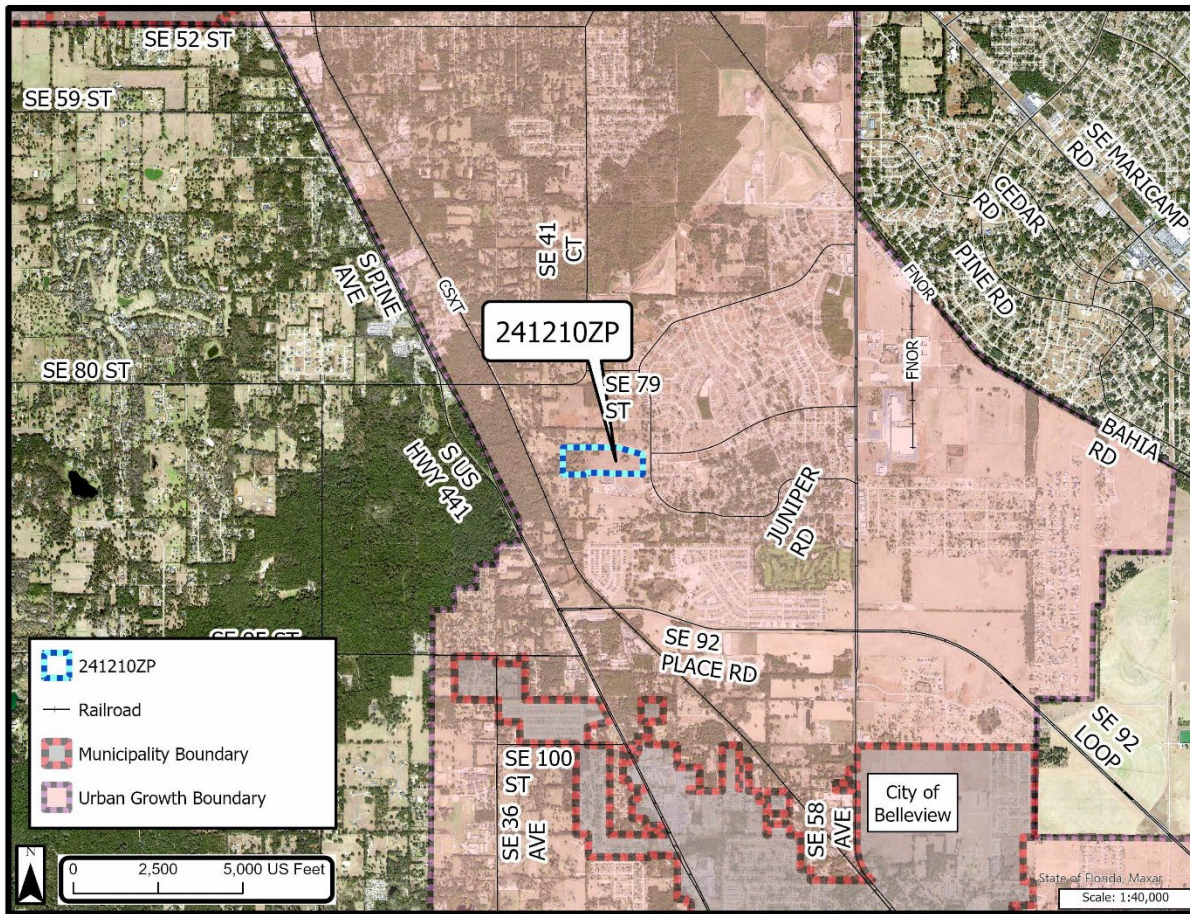
Tillman & Associates Engineering, LLC, on behalf of the landowner, GPK Ocala One, LLC, has filed an application to rezone a ±39.36-acre property site, located west of Unit 25n Silver Springs Shores, on Chestnut RD, from General Agriculture (A-1) to PUD (see Attachment A) for the purposes 157 detached single-family residential units. The Future Land Use Designation on the property is High Residential (HR), and this land use allows for 4-8 dwelling units per acre or 158-314 dwelling units total. If this zoning change is approved and the project is developed, at least 158 dwelling units will need to be developed to meet the minimum density of the land use designation to be consistent with the Marion County Comprehensive Plan. In 2016, this property had an application for a zoning change from A-1 to Multifamily (R-3) and that application was converted to an application for a zoning change from A-1 to PUD, which was approved for 123 multifamily units. However, the approved PUD has since expired, and the zoning has reverted to A-1 per the Marion County Land Development Code (Sec. 4.2.31). Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is located within the Urban Growth Boundary (UGB), the Silver Springs Shores urban area, and the Silver Springs Primary Springs Protection Overlay Zone.

Green is new language after the Planning and Zoning Commission meeting. Underline is a new condition proposed by staff since the Planning and Zoning Commission meeting.

*At the Planning and Zoning Commission meeting, the applicant's agent had concerns with Condition Numbers 2 and 11. Planning staff also met with other departments to discuss other concerns that came up after the report was written. Condition 2 recommends that no two-story homes be placed along the boundaries of the PUD. The applicant's agent stated they need the ability to do some two-story homes along the boundary of the PUD. To the PUD's north and east, residential properties are either adjacent to or within 200 feet of the boundary. Condition 11 deals with amenities and states that the amenities (playground, two pavilions, and a dog park) be installed and operational by the 79th residential Certificate of Occupancy (CO). The applicant's agent has asked that this be pushed out until one year after the first CO.

**After the Planning and Zoning Commission meeting, Planning staff met with members of other departments to clarify a few concerns that came up at the first hearing. 1) The timing of the installation of the buffers and landscaping was not addressed in the original report. Planning staff recommends installing buffers and landscaping before the first CO. 2) The conceptual plan proposes 30' right-of-ways (ROW) with 15' easements. The Marion County Land Development Code (LDC) requires subdivision ROW be 50' plus 5' easements on each side for a total of 60'. The applicant's proposal would put 15' easements into the 20' front setback of residential lots and on at least one side of the road there would be a 5' sidewalk within that 30' ROW. The office of the County Engineer's Traffic Division has asked that the size of the ROW be determined during the Development Review phase of the project after Board of County Commissioners' approval and reflected on the Master Plan. The planning staff recommends that the size of the ROW and easements be determined during the Development Review phase and depicted on the Master Plan for the Board of County Commissioners' final approval.

**Figure 1
General Location Map**

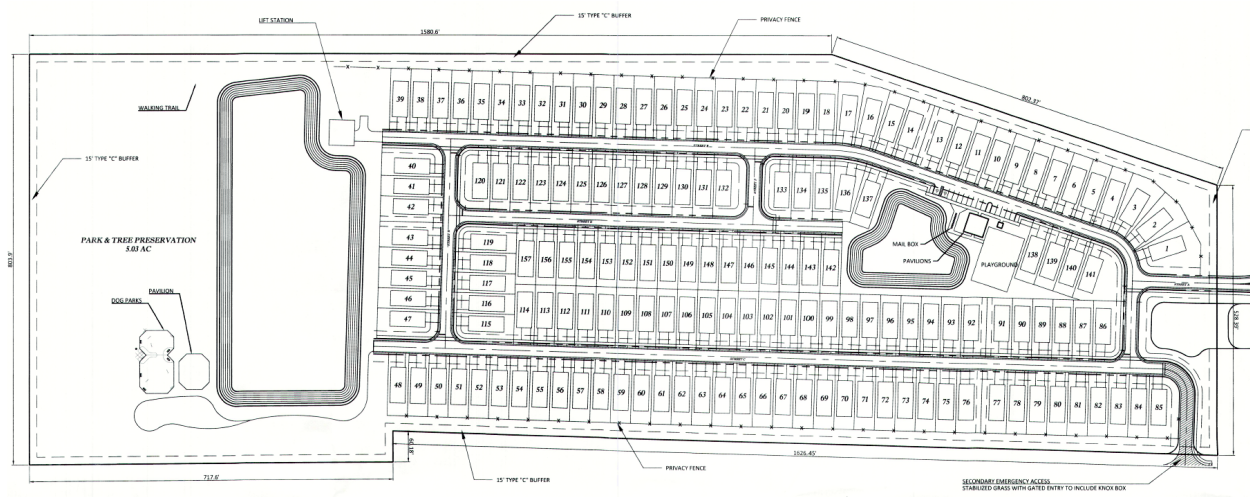


II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the applicant's request because it is consistent with Land Development Code Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, is consistent with the Marion County Comprehensive Plan (MCCP), and that it would be compatible with land uses in the surrounding area, and also meet the requirements set forth in LDC Section 4.2.31 on Planned Unit Development. The PUD proposes 157 detached single-family residential units (see Attachment A).

Growth Services Staff recommends that at least 158 dwelling units be developed to be consistent with the Marion County Comprehensive Plan. The overall proposed density for the PUD, with 157 detached single-family units, is 3.9 dwelling units per acre, which is below the minimum of 4 dwelling units per acre. The PUD proposes maximum building height of 50', and the architectural renderings depict two-story units. Lot typicals can be found in Attachment A, and propose 40' interior lot widths and a minimum width of 55' for the corner lots. The PUD proposes approximately 14.79 acres of open space, and within that open space the application proposes a playground area and a dog park. Figure 2 (also found in Attachment A) below shows the proposed conceptual plan with 157 proposed detached single-family lots, a playground, dog park, and pavilion.

**Figure 2
Conceptual Plan**



III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (19) within 300 feet of the subject property on November 8, 2024. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on November 14, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner November 11, 2024. Evidence of the above-described public notices is on file with the Growth Services Department and is 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 for Planned Unit Developments.

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 uses are consistent with the uses allowed within the High Residential FLUMS designation and the maximum allowable intensity and density. The one inconsistency with the High Residential is the density, the application needs one more dwelling unit to be consistent. Based on the above, staff concludes the PUD is **consistent** with this section. However, staff is concerned about the potential of two-story homes along the property boundary, and therefore makes the following recommendations to address this concern:

- The PUD shall develop 158 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 9/20/2024; attached).
 - The PUD shall be restricted to one-story homes along the boundaries of the project.
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 one 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 that the 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 the applicant is not requesting the authorization of additional special uses, 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: Staff finds the PUD is requesting a 157-unit single-family residential development. The application also proposes accessory uses as allowed in Single Family Dwelling (R-1) zoning. Amenities include a playground area. The application also provides architectural renderings of both the dwelling units, and the playground amenity. The proposed lot sizes are 40' wide by 85' deep. With the 20' front setback and 10' rear setback, accessory structures have a 5' rear and side setback. This does not provide much room for many accessory uses. However, R-1 does allow for guest cottages. Therefore, staff recommends the following conditions.

- All residential structures shall meet the 10' rear setback.
 - Accessory structures are limited to 20' in height.
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. Examples of the architectural styles can be found in Attachment A.

The PUD offers 14.79 acres of open space, meeting the minimum requirement of 7.3 acres of open space. The application proposes a playground, dog park, and pavilion area for 157 residential units. Using Census data of 2.4 persons per household, which is the average for Marion County, at 157 dwelling units, the proposed PUD may generate 377 people. This translates into 1,708 SF of open space per person.

The PUD does not address the heights of the homes along the southeast and southwest border. There is only mention in the concept plan and renderings of two-story units. One-story units would be more appropriate along the boundaries of the project that border one-story single-family residential lots to stay consistent with the neighboring single-story units, reserving the internal units, and the units along the rights of way for the two-story units.

Figure 3
Prior PUD (160504Z) Conceptual Plan (now expired)



- 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 ±39.36 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 right.

Analysis: Staff finds that the subject property is 39.36 acres in size with High Residential FLUMS. The High Residential FLUMS allows for 4-8

dwelling units per acre. The subject property, by FLUMs, allows for a minimum of 158 dwelling units and a maximum of 314 dwelling units. The proposed 157 dwelling units is 49% of the maximum residential development allowed by the FLUMs of the subject property. The proposed density of the PUD is 3.99 dwelling units per acre. The proposed PUD **is not consistent with this section**. The aforementioned condition requiring the PUD to develop 158 dwelling units will make this project consistent with this section.

2. LDC Section 4.2.31.D.(2) on approval, 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: While the future land use designation of the subject parcel is High Residential, the parcels to the north, west, and south are Low Residential (LR) which allow for 0-1 dwelling units per acre. To the south is also a school site. To the east is Urban Residential (UR) which allows for 8-16 dwelling units per acre. The parcels with UR land use are zoned R-3 to allow for multifamily development. Note, regarding the character of the area, the UR parcels to the east are the western boundary of Silver Springs Shores Development of Regional Impact (DRI) while all parcels to the west of the DRI, subject property included, are metes and bounds properties within the Urban Growth Boundary that have not been redeveloped yet but are expected to redevelop over time. Staff recommends that in consideration of these factors, while the Board is not obligated to authorize the maximum density/intensity as is allowed by the future land use designation of the project site, that the Board enforce the minimum density/intensity of 4 dwelling units per acre, as discussed above.

3. LDC Section 4.2.31.D.(3) provides density/intensity increases may be attained through one of three methods: Transfer Development Rights (TDRs); Transfer of Vested Rights (TVR); and density bonuses.

Analysis: Staff finds the application does not propose any density/intensity increase through any of the three methods. 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 only one FLUMS designation. Thus, staff concludes 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: Staff finds that the PUD is not 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 3,400 square feet with lot widths of 40' for interior lots and 55' for corner lots. The proposed front, rear, and side/side yard for single-family homes are 20', 10', and 5', respectively, and 5' rear and side setbacks for accessory uses. The proposed accessory uses on the conceptual plan are internal to the development. For comparison with the LDC, residential with centralized utilities are 20', 20', and 8' for primary residential structures and 8' rear and side for accessory structures.

Table A. Setbacks Comparison

| | Front | Rear | Side |
|-------------------------------|--------------|-------------|------------------|
| Proposed Primary (SFR) | 20' | 10' | 5' 20' corner |
| LDC Primary (SFR) | 20' | 20' | 8' 15' corner |
| Proposed Accessory Use | --- | 5' | 5' |
| LDC Accessory Use | --- | 8' | 8' |

- 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 that *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. (emphasis added)

Analysis: The application proposes a modified Type C Buffer around the perimeter of the project. The modified Type C Buffer includes 2 shade trees, 3 accent trees per 100 linear feet, shrubs, and ground cover. Growth Services staff is unable to determine what the proposed modification is with the Type C Buffer of the Marion County Land Development Code. While not in the buffers, the Conceptual Plan shows a 6' opaque fence at the rear of the property lines internal to the site but not within the buffer area. This will add additional visual screening of the project from adjacent properties. Due to staff being unable to determine what modification is proposed, staff recommends the following condition.

- A Type C Buffer shall be installed along all property lines. Existing vegetation may be counted toward the buffer requirements if approved by the Marion County Landscape Architect or designee.

D. LDC Section 4.2.31.E.(1) addresses 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). The PUD proposes one primary and one secondary access

point. During the pre-application meeting on July 29, 2024, the applicant was successful in obtaining Marion County Public Schools' verbal agreement to allow the emergency access to connect to the school property to the south. At this time, neither Growth Services nor the Office of the County Engineer (OCE) have concerns about the primary access point.

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. This project shall not be eligible for waivers to the sidewalks as they appear in the instant Concept Plan, and per OCE-Traffic, this connectivity should be a condition for development. Therefore, staff recommends the following condition be imposed:

- Sidewalks are required along Juniper Road and along the emergency access with a crosswalk and connection to the sidewalk at the school entrance. No waivers shall be granted to this requirement.
- Sidewalks shall be provided internally along one side of the roads.

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 by complying with the above sidewalk requirement, 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. Staff notes that the driveway length is shown on the Concept Plan to be 15' from the face of the garage to the right-of-way. Inside that 15' is the internal 5' sidewalk on at least one side of the right-of-way. Table 6.11-4 under Section 6.11.8 of the LDC, regarding Parking requirements, requires two (2) off-street parking spaces per single-family home with up to three (3) bedrooms, and requires three (3) parking spaces for single-family detached homes with four (4) or five (5)

bedrooms. Section 6.11.8 further provides in subsection B, subparts (2)-(3), that

"(2) A one-car garage or carport and driveway combination shall count as two off-street parking spaces provided the driveway measures a minimum of 25 feet in length between the face of the garage or carport door and the sidewalk, or 30 feet to the curb line. (3) A two-car garage or carport and driveway combination shall count as four off-street parking spaces, provided the minimum width of the driveway is 20 feet and its minimum length is as specified above for a one-car garage or carport."

Therefore, the PUD will be producing units where vehicles will be impeding the internal sidewalks, as there is not enough space for vehicles to park in front of the owner's house. This is **inconsistent** with this section.

However, the PUD does propose additional parking at the small neighborhood park, and the park is within walking distance of the entire PUD. Currently the Conceptual Plan proposes the parking spaces at the playground to back out into the subdivision road. Comments from OCE-Traffic do not address this but will address this issue during the Site Plan or Improvement Plan stage of Development Review.

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 the City of Belleview's utility service area and within connection distance of centralized water and sewer. The Concept Plan outlines this requirement, and intention to connect (see Attachment A).

- The PUD shall connect to the City of Belleview's Utility System for 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 Comments Letter notes PUD Master Plan will have to provide calculations and more details in order to get the Master 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 areas to serve the entire site, based on the conceptual plan (see Attachment B). 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: The Concept Plan indicates these areas. Staff finds that buildable areas and easements will be finalized 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.

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 (10) feet. In the event a dedicated easement is between the structures, the separation between structures shall be increased to provide a minimum of five (5) 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. This is made up of the 5' side setbacks between homes and lot lines. These 5' side setbacks also coincide with a 5' drainage easement. This does not meet the minimum requirements as set forth in this provision. Thus, this application **is inconsistent** 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 (75) 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 a maximum height of 50'. Building heights for primary structures in all residential zoning is 40' per the Marion County Land Development Code. The PUD does not address the height of accessory structures. [Building heights for accessory structures has already been conditioned at 20'.] For compatibility with adjacent uses, staff proposes the following condition:

- Single-Family homes shall be a maximum of 40' in height.
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 illustrations or tables have been provided for accessory uses. Therefore, the request is **inconsistent** with this section.

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: Not applicable.

- 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: Not applicable.

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 or Improvement 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, fail to meet the standard buffers of the LDC. Thus, this request is **inconsistent 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 approximately 14.7 acres of open space, and within that open space is a playground, dogpark, and pavilion. The applicant did not propose any timeline for amenities to be installed. Open space was addressed earlier in the report, and this request was found to **meet or exceed** this requirement. To ensure amenities are

developed in a timely manner along with the overall project, staff imposes the following condition:

- Amenities shall be developed and finalized prior to the 79th residential Certificate of Occupancy (CO).
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 playground amenity area of 2.9 acres. 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 (5) percent IOS. This request **meets or exceeds** this requirement.

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 Concept Plan 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. This request **meets or exceeds** this requirement.

- 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 July 29, 2024. 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 B). Thus, this application **meets this requirement**.

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 October 28, 2024, Meeting and recommended to transmit to PUD with concept plan. Thus, this submittal is being processed as if it **meets this requirement.**

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: Not Applicable

5. LDC Section 4.2.31.F.(4)(b) requires the 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: If the Board desires the final development plan to be brought back before the Board for final action, staff proposes this optional condition.

- 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 Land Development Codes notice provisions at the Applicant's expense.

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 Master Plan has not yet been submitted reflecting the current request. This requirement is not yet due. Thus, this requirement is **not yet applicable**.

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 not yet submitted a Master Plan and thus, this requirement is not yet due, and is **not applicable** in the analysis of this request.

- 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 additional conditions to address time limits. This requirement 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 (3) criteria are addressed below.

A. *Effect on the public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The subject property will align with Juniper Pass (a paved local subdivision road, maintained by the County) to the east of the project site, to access Juniper Road, a paved, county-maintained major local road. The PUD also proposes a secondary emergency connection to the school site to the south. This access will be gated and will include a Knox box. The access to Juniper Road is proposing to run through an existing designated Water Retention Area (PID 9025+0644-03). Staff understands this area to be subject to a land swap pursuant to an agreement made with the Office of the County Engineer. The cover sheet submitted with this application is silent as to this agreement. The material details of this agreement need to be noted on the Cover Sheet of plans submitted for site plan review, to include information regarding the additional stormwater devices to

be installed on-site providing for additional stormwater capacity that replaces the capacity offered by the existing WRA which will be destroyed by the creation of the primary access from the project to Juniper Road through the WRA. Also appearing on the Cover Sheet should be the material details as agreed upon with the School Board regarding the secondary emergency access onto school property.

The Traffic Methodology dated August 12, 2024, was approved on August 16, 2024. A Traffic study is required in accordance with the approved Methodology.

The DRC Comments Letter state that, "a traffic study has been submitted and approved. This development is expected to generate 1,528 daily trips and 152 PM Peak-hour trips. The traffic study determined that all intersections within the study will operate at acceptable levels at build-out of the development with the exception of the intersection on Juniper Road at SE 79th Street. This intersection currently fails in the morning peak hour primarily as a result of school traffic. The traffic study recommended the implementation of a 4-way stop at this intersection to improve overall operations. The Office of the County Engineer is reviewing this recommendation in more detail for possible implementation. No other traffic improvements are needed at the project entrance on Juniper Road."

Also of note, is that per the Marion County Interactive map, Juniper Road and Juniper Pass, which access or will access this property, appear to be included in MSTU assessments for road maintenance.

- b. Public transit. The subject property is close in proximity to the historic Red Route for SunTran, which has been running since 1998. Routes change depending on the time of year (for example when school is back in session), and according to the City of Ocala's website outlining the Routes and Service of Sun Tran, the nearest stop on the red route is at the intersection of SE 58th Avenue (Baseline Road) and SE Maricamp Road, which is approximately 4.5 miles away from the project site.
- c. Other mobility features. Sidewalks will be provided internally throughout the project, and also connect to the existing sidewalks external to the project (along Juniper Road and along the emergency access with a crosswalk and connection to the sidewalk at the school entrance). Staff has recommended conditions to address this concern earlier in this report.

Based on the above findings, it is concluded the application's proposed transportation impacts **would 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. Based on the 157 proposed dwelling units, the proposed rezoning would result in an increase of 56,520 gallons per day. The City of Belleview will determine connection requirements and applicant will need to seek confirmation from City of Belleview Utilities before Marion County Utilities would approve any utility components of an upcoming project (plat, site plan), as stated in the DRC Comments Letter (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. Based on the 157 proposed dwelling units, the proposed rezoning would result in an increase of 41,448 gallons per day. The applicant will need to confirm connection distance with the City of Belleview before Marion County Utilities would approve any utility components of an upcoming project (plat, site plan). 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. Based on 157 proposed dwelling units. The proposed rezoning would result in an increase of approximately 2,336.16 pounds per day. 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. That being said, the Marion County Landfill, and main office of Marion County Solid Waste is located north of the project on SE 58th Avenue (Baseline Road), approximately 3 miles from the project site. 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. Silver Springs Shores Fire Station #17, located at 2122 Pine Road, is roughly 6.07 miles northeast of the subject property, using Chestnut Road to SE 58th Ave (Baseline Road), to Dogwood Road, to Pine Road to the east toward the fire station, which is just across Maricamp Road. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services.

The Fire Marshall made some comments in the DRC Comments Letter. First, applicant will need to "ensure the site plan meets the minimum requirements per NFPA 1 Chapter 18 for fire department access. Need to show fire department access road with a minimum of 20 feet in width of a stabilized surface to support the weight of a fire truck within 50 feet of the access door." The fire marshall also commented that, "Site plans shall note on the plans if a new hydrant is installed and shall be installed, tested, and painted per NFPA 291, by a third party contractor and witnessed by a Marion County Fire Inspector." And lastly, that "Fire Review conditionally approved for a special use permit. Any site improvements and building

construction shall comply with the minimum requirements of the Florida Fire Prevention Code."

Based on the above, it is concluded the proposed rezoning fire rescue/emergency impacts **would adversely affect** the public interest.

6. Law enforcement. Sheriff's South Multi-District District Office, located at 3260 SE 80th Street, Ocala, FL 34470, is roughly 1.75 miles northwest of the subject property. The Comprehensive Plan does not establish a level of service standard for law enforcement 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 law enforcement impacts **would not adversely affect the public interest.**
7. Public schools. Legacy Elementary School, is on the southern border of the proposed development, and is showing 81.37% capacity. Belleview Middle School is approximately 4.5 miles southwest of the proposed development, and is currently showing 104.5% capacity. Belleview High School is next door to the middle school, and is therefore also approximately 4.5 miles southwest of the proposed development, currently showing 117.46% capacity. The proposed PUD proposes 157 residential units. Based on the above finding, the proposed Zoning Classification amendment would generate additional student enrollment, but because Marion County Public Schools has district-wide capacity, the project **would not adversely affect the public interest.**

In conclusion, staff finds that while the impact to fire/emergency services 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 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: Per the Concept Plan Details map provided in the application, the proposed project provides more than 4,000 sf of opens pace per lot. Based on the above, it is concluded the application is **consistent** with FLUE Policy 2.1.4.

2. FLUE Policy 2.1.16: High Residential (HR) provides, This land use designation is intended to recognize areas suited for primarily single-family residential units, but allows for multi-family residential units to allow for a mix of uses for existing development and new development along the outer edges of the UGB or Urban Area. The density range shall be from one (1) dwelling unit per one (1) gross acre to four (4) dwelling units per one (1)

gross acre, as further defined in the LDC. This land use designation is allowed in the Urban Area.

Analysis: The land use designation allows for a minimum of 157.44 dwelling units. Since 0.44 dwelling units cannot be developed, the proposed development must develop at least 158 dwelling units to be consistent with this policy. Growth Services staff has conditioned that at least 158 dwelling units be developed. Based on the above, it is concluded the application is **consistent** with FLUE Policy 2.1.16.

3. 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 November 25, 2024, Planning and Zoning Commission Meeting, and therefore, the application is **consistent** with this FLUE Policy 5.1.3.

4. 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: The PUD proposes two access points, one on Juniper Road and one connecting to the school site to the south. Juniper Road is a paved, County-maintained local major road. The location of access points will have to be worked out through the Development Review phase of site planning, however, this project is now expected to instead generate 1,528 daily trips, with 152 PM Peak Hour trips.

Based on the above findings, it is concluded that the application is **consistent** with TE Policy 2.1.4.

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: The PUD is proposing two accesses for this development. The location of access points will have to be worked out through the Development Review phase of site planning, and the Office of the County Engineer is currently reviewing the applicant's proposal to implement a 4-way stop at the intersection of Juniper Road and SE 79th Street which might improve overall operation of the intersection. Based on the above findings, staff concludes the application is **consistent** with TE Objective 2.2.

7. SSE Policy 1.1.1 provides, "The LOS standard of 110 gallons per person per day for residential 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: Staff finds that based on the addition of 157 units multiplied by 2.4 persons per household equals 376.8 persons, which will generate a demand of 41,448 gallons per day. Marion County Utilities requires confirmation of capacity from the City of Belleview Utilities before approval will be given for any utilities component of this project. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.1.1.

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: Staff concludes that connection distance will be determined during site plan review and Marion County Utilities requires confirmation of capacity from the City of Belleview before approval will be given for any utilities component of this project. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.1.3.

9. 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."

Analysis: Staff finds that based on the addition of 157 units multiplied by 2.4 persons per household equals 376.8 persons which will generate a demand of an additional 56,520 gallons per day. Marion County Utilities requires confirmation of capacity from the City of Belleview before approvals will be given for any utilities component of this project. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.1.1.

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: The site is in the City of Belleview Utilities Service Area and Marion County Utilities will require confirmation of capacity before any approvals will be given for any utilities component of this project. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.6.4.

11. 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: Staff finds that based on the addition of 157 units multiplied by 2.4 persons per household equals 376.8 persons, which will generate a demand of an additional approximately 2,336.16 pounds per day. 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, it is concluded the application is **consistent** with SWE Policy 1.1.1.

12. 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. That being said, the Marion County Landfill is just to the north of the subject site off of Baseline Road. Based on the above findings, it is concluded the application is **consistent** with SWE Policy 1.1.5.

13. 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.

14. 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.

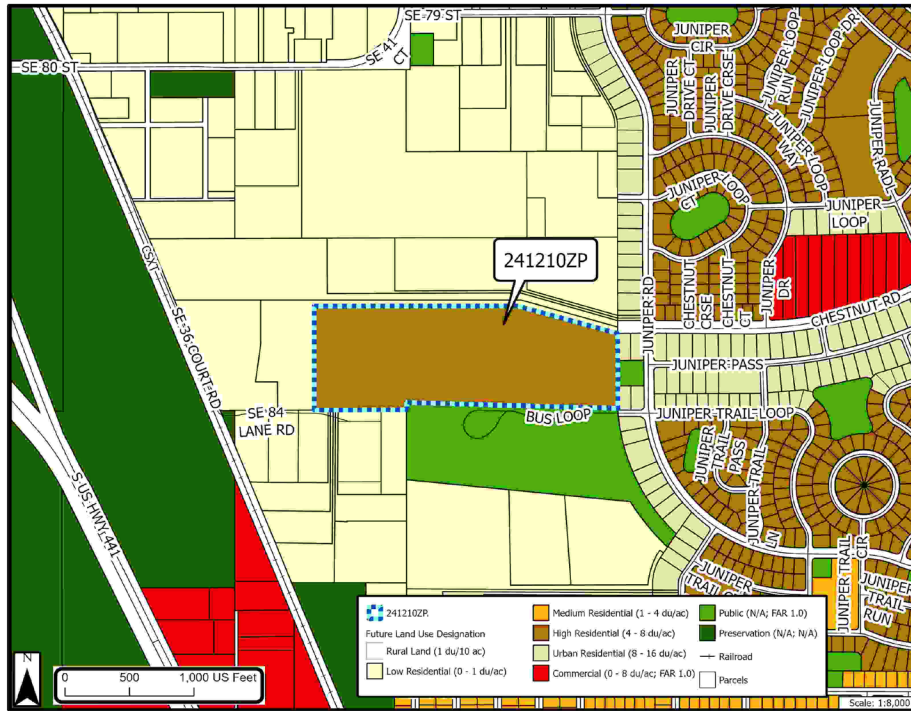
In conclusion, based upon the totality of the circumstances, staff concludes the rezoning application is **consistent** with the Comprehensive Plan.

C. *Compatibility with Surrounding Uses.*

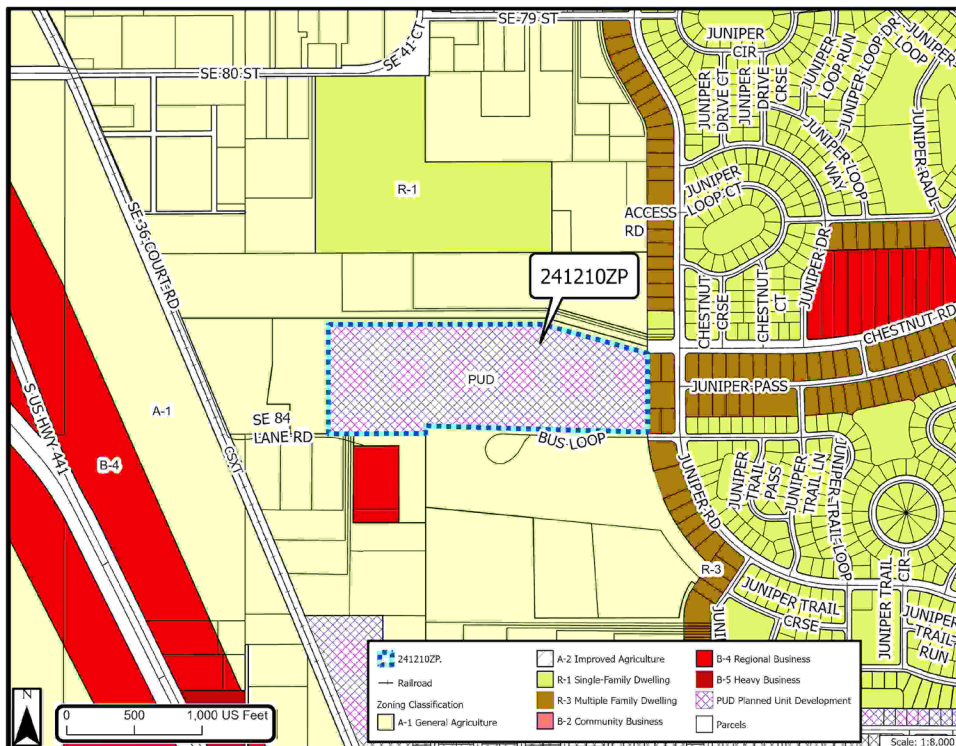
Compatibility is defined in Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

Figure 1, above, is an aerial photograph displaying existing and surrounding site conditions. Attachment C displays site photographs. Figure 6, below, displays the current FLUMS, which demonstrates that the subject property is designated High Residential, as is the surrounding area. Figure 7, below, displays the proposed zoning classification for the subject property and surrounding properties. Figure 8, below, shows the existing uses of subject property and surrounding properties as classified by Marion County Property Appraiser. Table B displays the information from figures 6, 7, and 8, in tabular form.

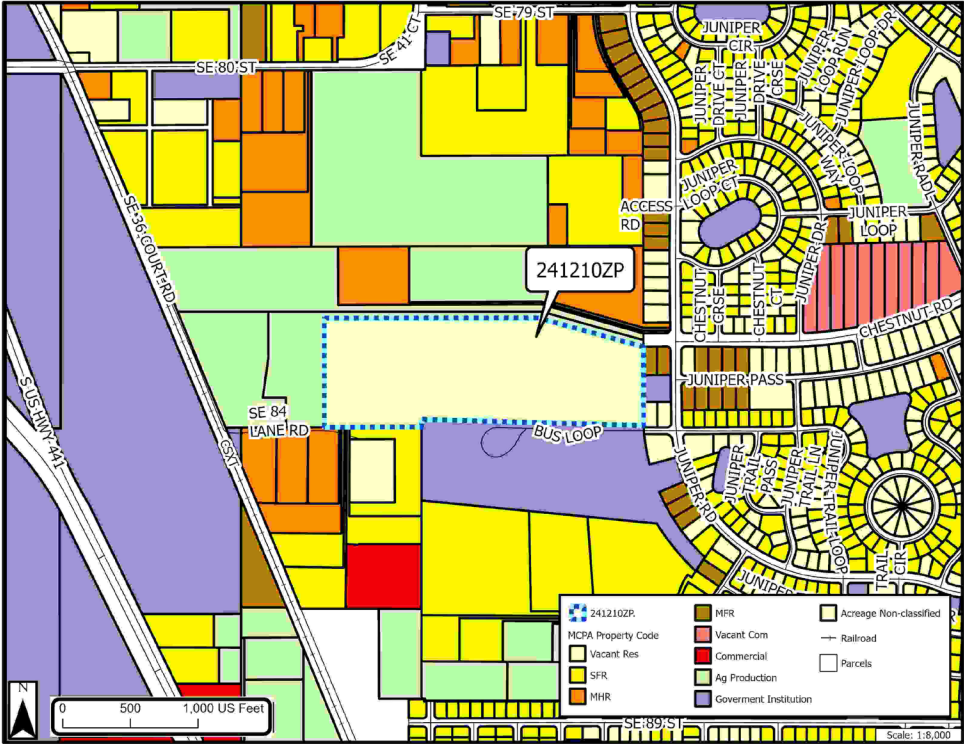
**Figure 6
FLUMS Designation**



**Figure 7
Zoning Classification**



**Figure 8
Existing and Surrounding Land Uses**



| TABLE B ADJACENT PROPERTY CHARACTERISTICS | | | |
|--|------------------------------------|---|---|
| Direction | FLUMS | Zoning | Existing Use |
| Subject Property | High Residential | General Agriculture (A-1) (expired PUD) | Acreage, Non-classified |
| North | Low Residential (LR) | General Agriculture (A-1) | Ag Production, Manufactured Home Residential |
| West | Low Residential (LR) | General Agriculture (A-1) | Ag Production |
| South | Low Residential (LR), Public (P) | General Agriculture (A-1) | Government Institution (school), Single-Family Residential, Manufactured Home Residential |
| East | Urban Residential (UR), Public (P) | Multiple Family Dwelling (R-3) | Multi-Family Residential, Government Institution (WRA), Vacant Residential |

Consistent with LDC Section 2.7.3.D, staff conducted a site visit and finds the subject property is currently vacant. The property has High Residential land use designation. The properties surrounding this PUD, are a mostly ag production, or built-out single-family and manufactured and multi-family residential homes.

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

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 WITH AMENDED CONDITIONS** 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 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 CONDITIONS** 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 2.1.4, 2.1.16, 5.1.3, and 5.1.4;
 2. TE Policy 2.1.4, and Objective 2.2;
 3. SSE Policy 1.1.1, and 1.1.3;
 4. PWE Policies 1.1.1, and 1.6.4;
 5. SWE Policies 1.1.1, and 1.1.5; and
 6. SE Policies 1.1.4, and 1.1.5;
- C. Is **compatible** with the surrounding uses due to the potential intensity of the commercial use.
- D. The recommended development conditions include:
[Green are new conditions.](#)

Black underline are conditions the applicant's agent would like to discuss.

1. The PUD shall develop 158 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 9/20/2024; attached).
2. The PUD shall be restricted to one-story homes along the boundaries of the project.
3. All residential structures shall meet the 10' rear setback.
4. Accessory structures are limited to 20' in height.
5. A Type C Buffer shall be installed along all property lines. Existing vegetation may be counted toward the buffer requirements if approved by the the Marion County Landscape Architect or designee.
6. Sidewalks are required along Juniper Road and along the emergency access with a crosswalk and connection to the sidewalk at the school entrance. No waivers shall be granted to this requirement.
7. Sidewalks shall be provided internally along one side of the roads.
8. The PUD shall connect to the City of Belleview's Utility System for centralized water and sewer.
9. 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.
10. Single-Family homes shall be a maximum of 40' in height.
11. Amenities shall be developed and finalized prior to the 79th residential Certificate of Occupancy (CO). or Amenities shall be developed and finalized within one year after the first Certificate of Occupancy.
12. Buffers and landscaping be installed before the first CO.
13. The size of the ROWs and easements shall be determined during the Development Review phase and depicted on the Master Plan for Board of County Commissioners' final approval.
14. 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 Land Development Codes notice provisions at the Applicant's expense.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approved with Conditions as recommended by staff.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for December 17, 2024, at 2:00 PM.

X. LIST OF ATTACHMENTS

- A. PUD Application
- B. DRC Comments Letter
- C. Site Photos
- D. Approval Letter for Expired PUD, Chestnut PUD (160504Z)
- E. Traffic Methodology Approval Letter
- F. DRC Comments Letter, Correct AR Type (31750)