



MARION COUNTY GROWTH SERVICES

5/5/2022

P&Z: 2/21/2022 BCC: 5/17/2022

Item Number

220307Z

[CDP-AR# 27858]

Type of Application

Rezoning

Rezoning Request:

From: B-4 Regional
Business

To: PUD: Planned Unit
Development

Owner:

PC 200-1, LLC
PC 200-2, LLC
PC 200-3, LLC
c/o Todd Rudniansyn

Applicant:

Kimley-Horn
c/o Joe London

Location: North and
south sides of SW 106th
Place, ±500' east of SW
Hwy 200

**Parcel # / Acres per
Appraiser:**

35770-055020/ ± 4.9 ac.
35770-055-15/ ± 4.21 ac.
35770-055-20/ ± 12.5 ac.
35770-055-21/ ± 15.77ac.
Total Acreage: ± 37.38 ac

Future Land Use

Commercial

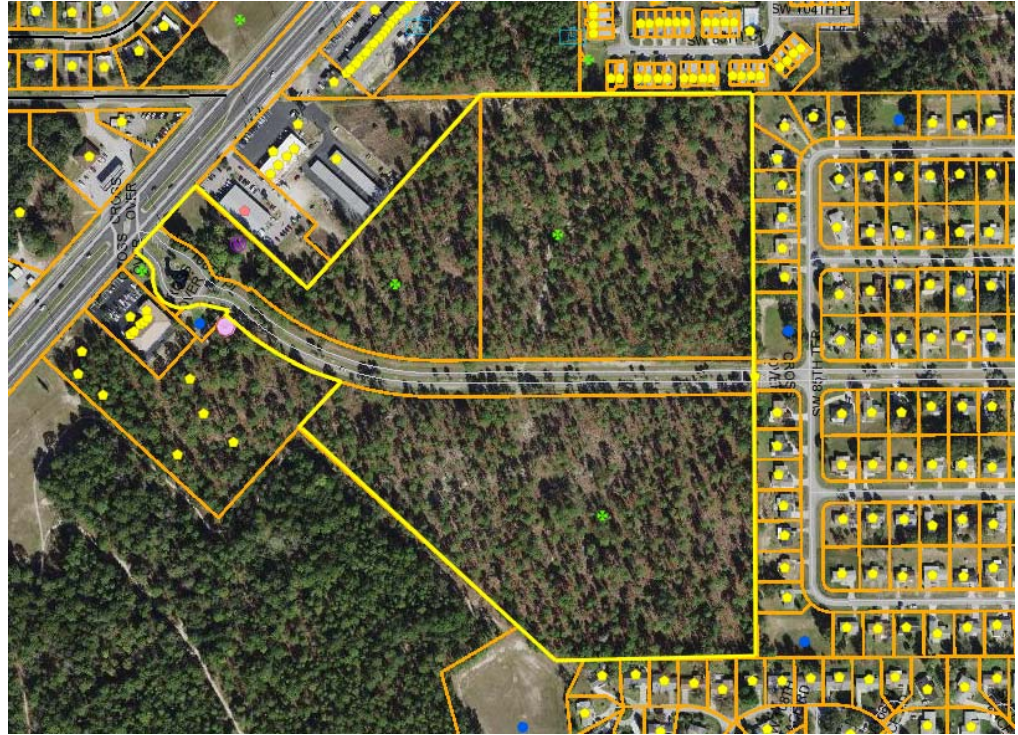
Historic Applications:

05-L07, Commercial to MF
High Residential (Urban
Residential) – Denied.
081211SU – 95 Bed ALF –
Approved.

Staff

Recommendation

Approval with
Development
Conditions



Item Summary

Staff is recommending **Approval** for a rezoning from B-4 (Regional Business) to PUD (Planned Unit Development) in accordance with Marion County Land Development Code (LDC), Article 2, Division 7 “Zoning Change.” The PUD proposes a total of 354 units consisting of 228 apartments (north) and 126 townhomes (south). The site’s current future land use designations do not provide sufficient density to achieve the number of dwelling units requested. A companion Comprehensive Plan Small-Scale Amendment (CPA 22-S05) to change the future land use designation for north ±17.4 acres of the site from Commercial to Urban Residential has been submitted; this PUD Rezoning Application is dependent upon approval of the CPA.

Public Notice

Notice of public hearing was mailed to (108) property owners within 300 feet of the subject property.

Location

The site consists of a series of four (4) parcels making up ±37.38 acres located north and south of SW 106th Place, ±500' east of SW HWY 200, between SW Hwy 200 and the Palm Cay Subdivision.

P&Z**Recommendation:**

Approval with Development Conditions, including applicant's buffer adjustment

Project Planner

Kathleen Brugnoli,
Planner II

Code Actions: N/A

Background/Request

The site is currently timberland or generally forested property, except for parcel 35770-055-15 which is the ROW access to the already developed single family residential area of Palm Cay. No flood zone or wetland areas are on the site, however flood prone areas are present. The site is not within an Environmentally Sensitive Overlay Zone (ESUZ) and is in the Secondary Springs Protection Zone. East and southeast of the site are Medium and High Residential designated residential properties with average lot sizes of ¼ acre or less. Southwest of the site is a Commercially designated property currently zoned PUD. Across Hwy 200 from the site and along the corridor are properties with Commercial land use and various business zonings, mostly B-2 and B-5. Northwest and southwest of the subject parcels, fronting Hwy 200, are B-4 zoned properties with Commercial land use.

Request

The applicant is proposing a gross maximum of 354 residential dwelling units, with the northern portion of the site being for higher density apartments and the southern portion being for townhomes. Of the 354 units, 228 are proposed to be apartments and 126 townhomes. The proposed development will not be age restricted.

The project's PUD Rezoning Application is accompanied by CPA 22-S05 proposing a change in land use for the northern portion of the PUD. The change from Commercial to rUrban Residential is proposed to accommodate the proposed apartments. The development area for the townhouse units is the southern portion of the site in which the Commercial designation may allow 0-8 du/ac for a max of up to 126 units (conforming to requested number of units). Architectural standards are proposed for both apartments and townhomes. The apartments will be buildings of 24 or 36 units up to 3-stories in height, and the townhouse portion will be a series of 4, 5, and 6-unit townhouse structures up to 2-stories in height with a 1-car garage in addition to a driveway to accommodate a single vehicle for each residential unit. The concept plan indicates a clubhouse and pool for the apartment portion and an amenity center with pool for the townhouse portion. The specifics of the clubhouse and amenities centers have not been specified at this time, and *staff recommends that further amenity details be provided with the project's formal PUD Master Plan for review by the Board.*

Transportation & Access

Access is provided by SW 106th Place, an existing paved access easement, that serves the site and the Palm Cay development to the east.

Traffic analysis for the project was provided by the applicant with the following figures based on the ITE Trip Generation Manual 11th Edition. Based on multifamily housing development, 2,346 daily trips were projected for this site with 133 peak AM trips and 173 peak PM trips. SR 200 is currently at 61% utilization with 2020 traffic counts at 36,700 trips and an overall capacity of 59,900 trips. Based on staff calculations using the ITE Trip Generation 10th Edition, the proposed PUD would increase potential traffic generated by ±2636 daily trips or ±159 peak AM trips and ±182 peak PM trips, based on a low rise multiple-family residential development of 354 units, as proposed.

MARION COUNTY BUFFER TYPES

A-Type Buffer: Minimum 30' wide, three shade trees & five accent trees per 100 LF, with shrubs & groundcovers for at least 50% of the buffer area.

B-Type Buffer: Minimum 25' wide with an internal wall, two shade trees & three accent trees per 100 LF, with shrubs & groundcovers for at least 50% of the buffer area.

C-Type Buffer: Minimum 15' wide, two shade & three accent trees per 100 LF, with shrubs & groundcovers for at least 50% of the buffer area.

D-Type Buffer: Minimum 15' wide with an internal wall, two shade & three accent trees per 100 LF, with shrubs & groundcover for at least 25% of the buffer area.

E-Type Buffer: Minimum 5' wide, four shade trees per 100 LF, and a double-staggered hedgerow to be six feet high within three years.

Open Space, Amenities, and Buffers

The PUD's Conceptual Plan provides for open space calculations related to the apartments and townhomes. For these areas, the plan proposes over 14.00 acres of open space, satisfying the areas required 7.48 acres of open space.

Clubhouse amenity sites are indicated for both apartment and townhouse areas, however details as to the type and extent of facilities are not provided. A specific amenity site or package is not indicated in concept plan. Staff understands that final amenities may be based on final occupancy forms, however, *staff recommends that the final PUD Master Plan or equivalent, be required to address final amenity details and provide information for the each residential development area (multiple-family townhouse, and multiple-family apartment).*

The PUD Conceptual Plan proposes a 15' wide Type "C" Buffer along SW 106th Place, consistent with LDC requirements. The applicant proposes a 30' wide Type "A" Buffer along all remaining perimeters of the site, including along the boundaries shared with the Palm Cay and Oak Run developments. This perimeter buffer complies with the LDC that requires a Type "A" Buffer in those locations. *At the Planning & Zoning Commission presentation, the applicant noted that following a community discussion, a 6' opaque privacy fence will be added to the buffer along the east side of the apartment complex portion of the site north of SW 106th Place. The applicant did not specify the fence location with the buffer, however, staff notes the LDC requires such fencing to be located on the internal side of any buffer, and not on the property line, and staff recommends compliance with LDC fence location requirement in the buffer. Following the first BCC meeting, it was proposed that the 6' opaque fence would be installed along the entire Eastern boundary line but a final consensus on the fence was tabled until the second meeting. For this reason, staff is keeping the development condition the same anticipating further discussion at the second BCC meeting.*

Setbacks, Height & Specialty PUD Setback

LDC Section 4.2.31.E(4)(b)2 states that for multiple-family residential uses within 100' of the boundary edge of a PUD, *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. In both Palm Cay and Oak Run, existing single-story single-family homes adjoin the PUD site, essentially establishing a two-story limit for multiple-family structures within 100' of the east PUD boundary. North of the site is the Oak Trace Villas townhouse project that includes 2-story townhomes. The PUD proposes a maximum height of 50' for the apartment portion of the PUD and 32' for the townhouse portion of the PUD; however, *within 100' of the boundaries shared with Palm Cay to the east, and Oak Run to the south, the maximum allowable height is recommended to be 40'.*

Analysis

In reaching its decision, the Commission must address the following:

- **Granting the proposed zoning change will not adversely affect the public interest.** This request is surrounded by existing residential uses and an undeveloped Oak Run commercial property to the southwest. The

proposed PUD zoning change will increase the diversity of housing types available in the vicinity as the majority of the homes in the area are single family residences. The PUD will provide opportunities for housing flexibility with supporting amenities, and result in a likely net decrease in potential traffic generation when compared to the current business zoning and Commercial land use, and supporting a neighborhood effect for the unique access share with the Palm Cay Subdivision. The proposed PUD, as recommended, will not adversely affect the public interest, subject to compliance with the conditions noted by staff.

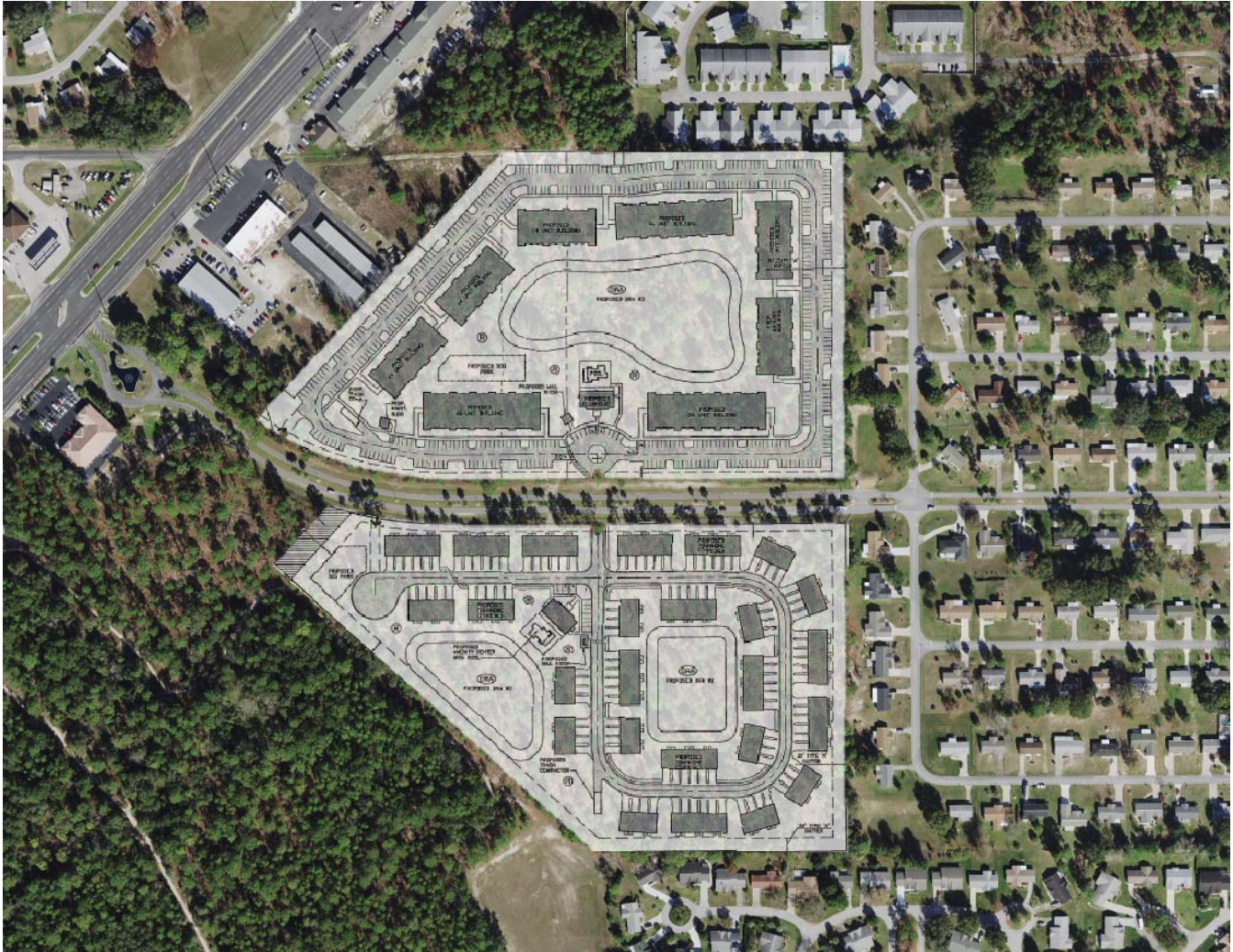
- **The proposed zoning change is consistent with the current Comprehensive Plan.** The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates the south part of this property Commercial. The north part is subject to a request for Urban Residential designation that is proposed by a companion CPA; in the event that CPA is not approved, this PUD could still be consistent with the Comprehensive Plan but only at a lower density. The proposed PUD will provide for infill development within the Urban Growth Boundary and increase housing variety in the area while remaining consistent with the site's final existing and proposed land use designations. The proposed PUD, as recommended, is consistent with the Comprehensive Plan and approval of the companion CPA 22-S05.
- **The proposed zoning change is compatible with land uses in the surrounding area.** The proposed PUD will be consistent with the Comprehensive Plan and allow a design option to further diversify housing types available to the area, while complying with setback, height, and buffer requirements as recommended. The surrounding area is comprised of medium density residential, high density residential, and commercial land uses. The residential use to the North includes townhomes, a multi-family residential use similar to what is being requested with this application.

Recommendation: Approval with Development Conditions:

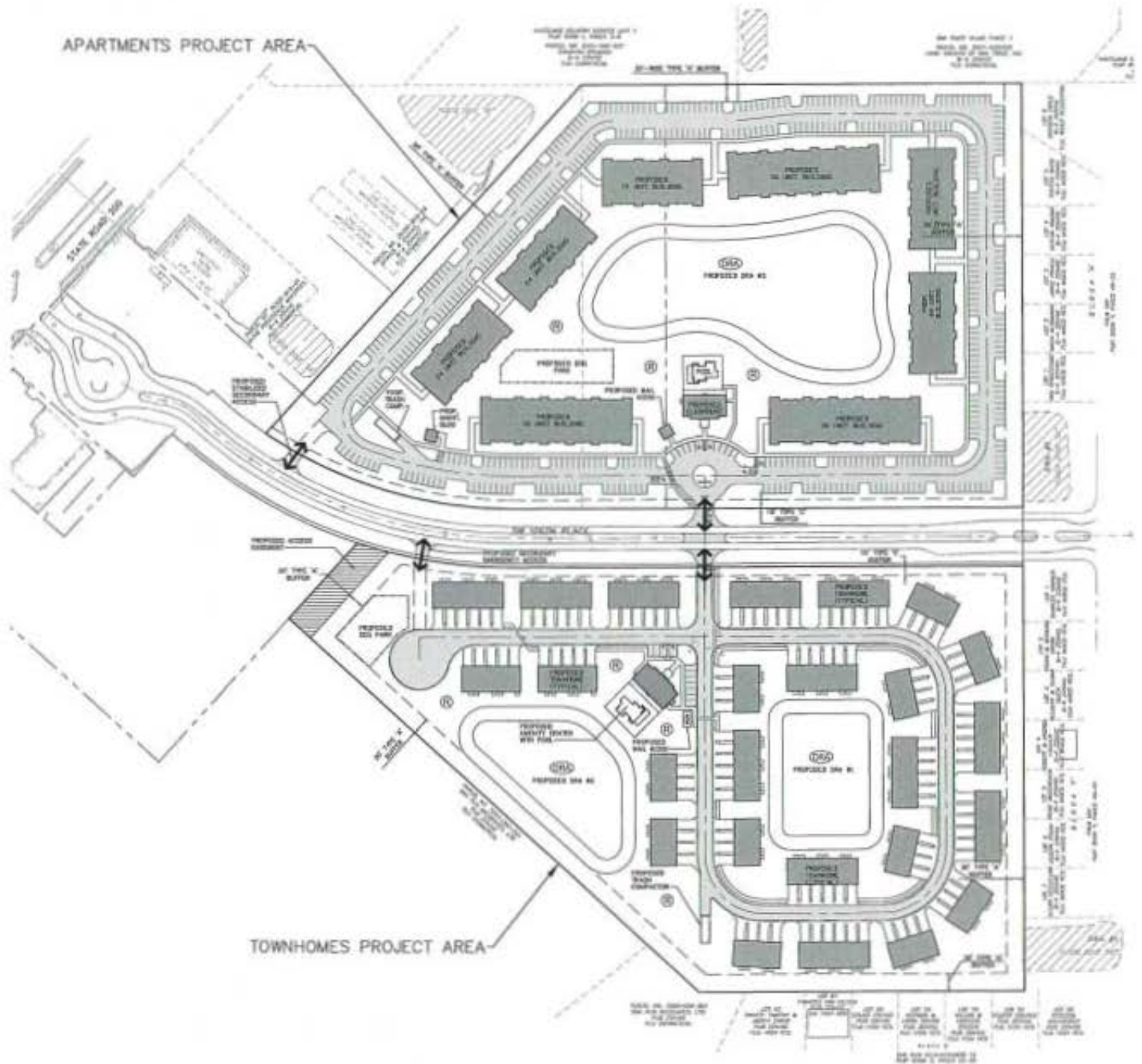
1. The PUD shall be developed consistent with the PUD Application and PUD Concept Plan Set (attached – dated Jan. 2022) and the development conditions for this approval.
2. The PUD shall consist of multiple-family residential (MFR) apartments & townhouses consistent with the development and use standards provided in LDC and within the PUD Concept Plan.
3. The project shall be limited to a maximum total of 354 site-built dwelling units consisting of a maximum of 228 apartments and a maximum of 126 townhomes. All development shall be consistent with the PUD Conceptual Plan, subject to compliance with the PUD's typical development designs and standards.
4. Specialty PUD height limitations and setbacks shall be met per LDC Section 4.2.31.E(4)(b)2
5. For the PUD's multiple-family development;
 - a. The apartment and townhouse development areas shall be owned, operated, and managed as a singular commonly owned rental development without individual unit ownership.
 - b. All townhouse units shall include a minimum 1-car garage as shown in the PUD architectural information.

6. A master sign plan shall be provided for the overall PUD consistent with LDC requirements for such plans.
7. Prior to completion and approval of the final PUD Master Plan, or equivalent, an updated project Traffic Study shall be completed and adequate provision shall be made to provide for the dedication of thoroughfare and major local collector rights-of-way along with necessary supporting transportation system and/or access improvements, consistent with applicable County and State provisions.
8. The PUD shall comply with the minimum provision of 14.03 acres of total open space as shown on the PUD Conceptual Plan.
9. Buffers shall be provided consistent the buffers as provided in Table 1 following, and shown for reference on the PUD Conceptual Plan in addition, for the apartment portion of the PUD lying north of SW 106th Place, 6' high opaque privacy fencing shall provided and maintained along the internal side of the buffer provided along east property boundary line shared with the existing Palm Cay Subdivision to the east.
10. The emergency access points as proposed on the PUD Concept Plan shall be provided at a minimum, subject to the County Engineer's final determination if they should be modified to be a fully paved access for ingress/egress as part of the final PUD Master Plan, or equivalent, review.
11. Bus stop or bus pullouts for school buses and/or public transit shall be provided and shown within the final PUD Master Plan, or equivalent, to address each of the apartment and townhouse sections of the PUD subject to design approval by the County Engineer.
12. The final PUD Master Plan, or equivalent, shall provide final amenity provision details (clubhouse, pool, playground, play area, etc.) demonstrating the amenities comply with national home builder association residential community amenity package practices and rates and the minimum amenities established by the PUD Conceptual Plan, whichever is greater.
13. 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 Zoning Application notice provisions at the applicant's expense.

CONCEPT PLAN EXCERPTS – Overall Layout



CONCEPT PLAN EXCERPTS – Overall Layout cont'd



Open Space and Drainage Retention Areas

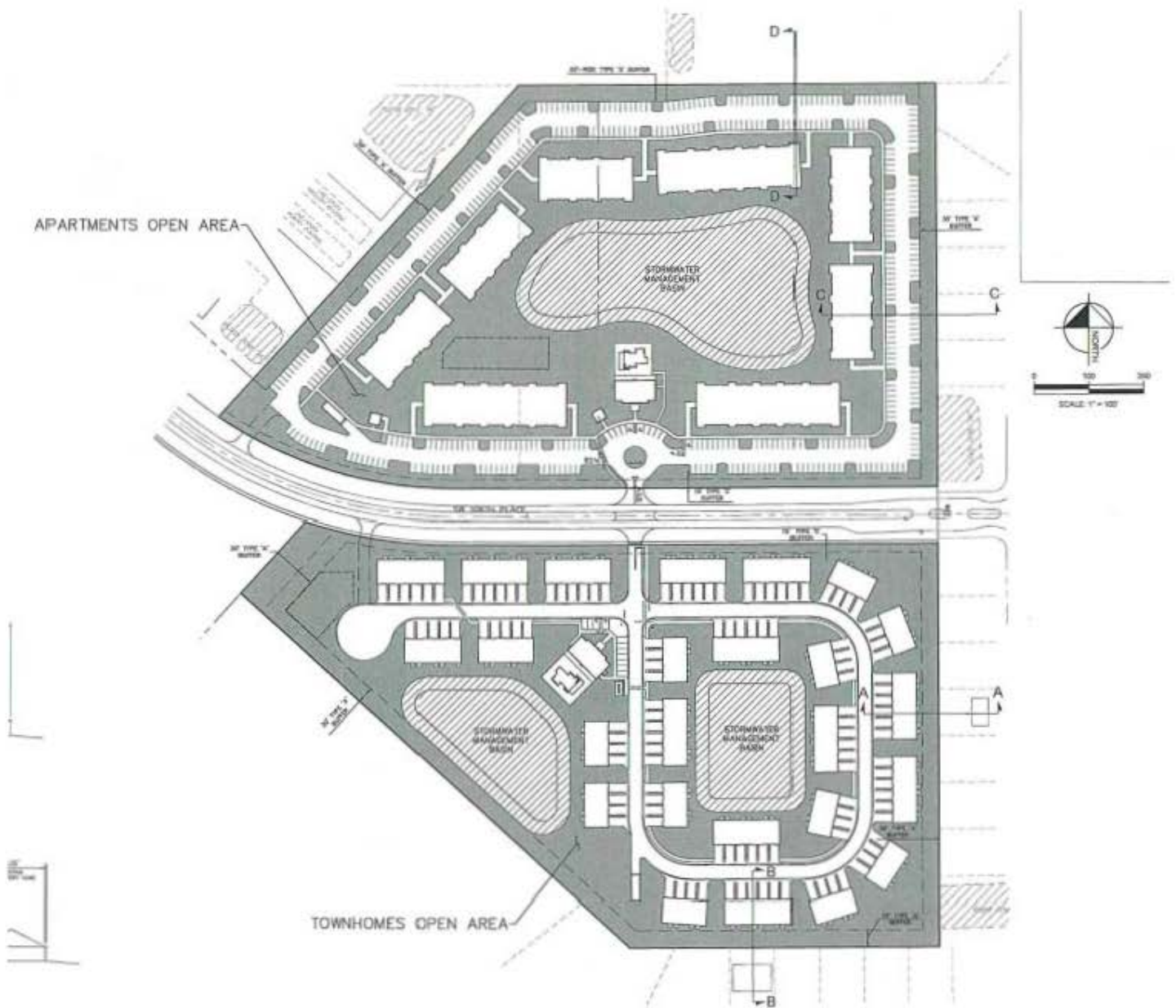
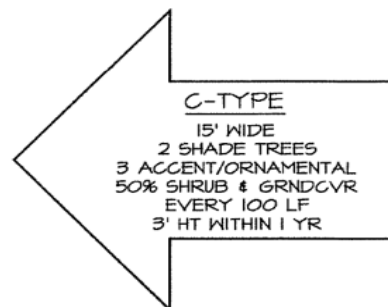
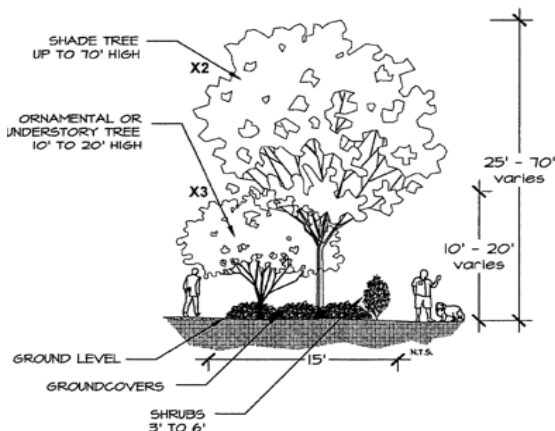
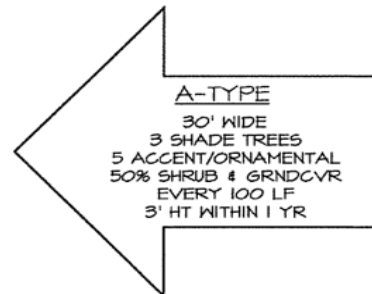
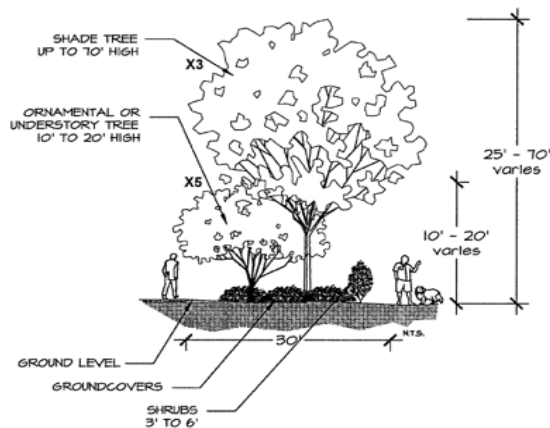
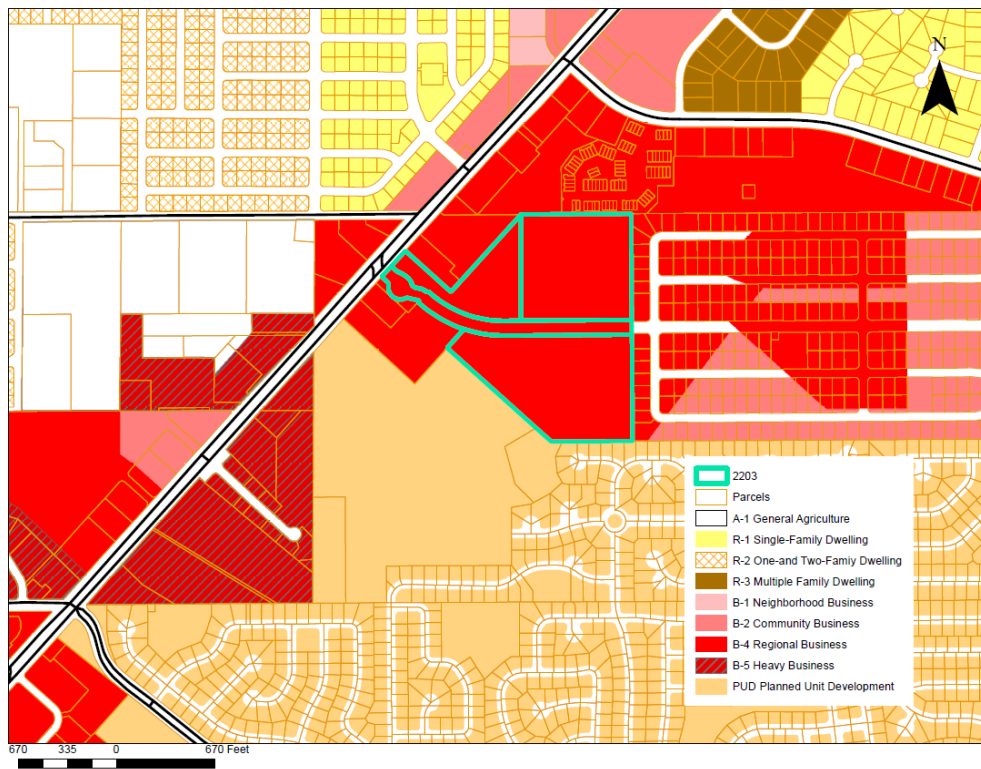


TABLE 1: PALM CAY APARTMENT & TOWNHOME PUD BUFFERS				
PERIMETER BUFFERS				
Direction	Adjoining	Uses	Required	Proposed Minimum
N	Oak Trace Villas	MFR To MFR	N/A	Type "A"
East	Palm Cay	MFR To SFR	Type "A"	Type "A", including a minimum 6' high opaque privacy fence provided along the interior side of the buffer.
South	Oak Run	MFR To SFR	Type "A"	Type "A"
South-West	Oak Run (undeveloped)	MFR To SFR	Type "A"	Type "A"
West- South	Neighborhood Storage	MFR To COM	Type "A"	Type "A"
West-North	Various Businesses	MFR To COM	Type "A"	Type "A"
Interior - North	SW 106 th Place	MFR To ROW	Type "C"	Type "C"
Interior – South	SW 106 th Place	MFR To ROW	Type "C"	Type "C"

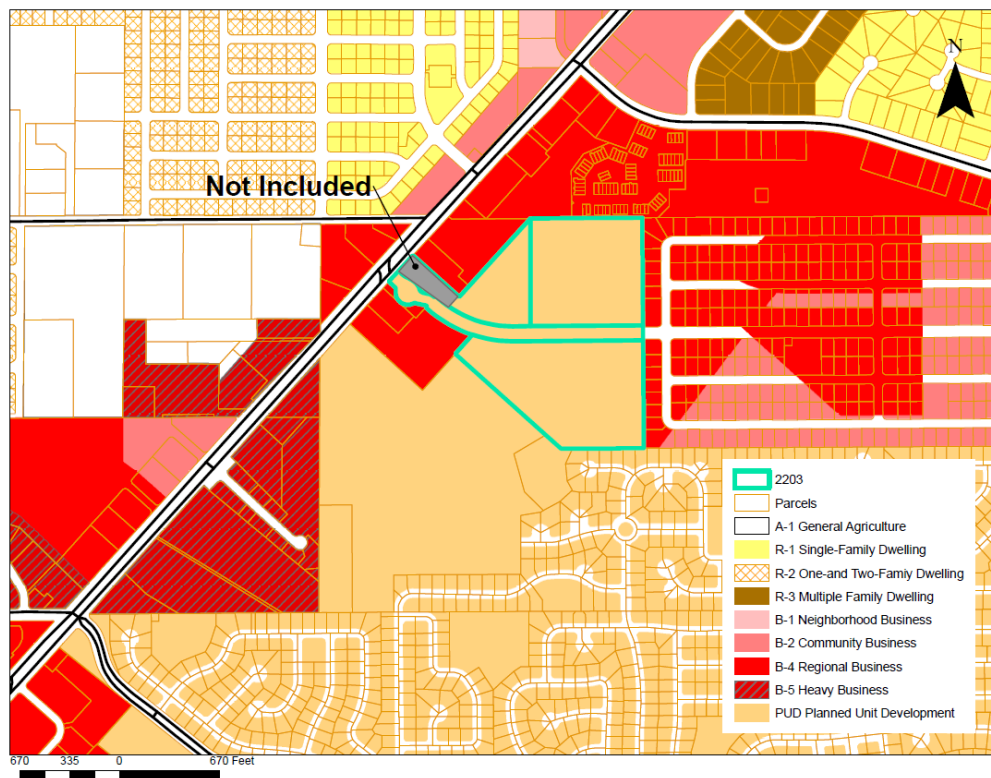
Proposed Buffers



CURRENT ZONING



PROPOSED ZONING



Photos



Turn lane & entrance to Palm Cay from Hwy 200



Travelling East on SW 106th Place



Southern portion of proposed PUD for townhomes



Approaching guardhouse and entrance of existing Palm Cay subdivision



Vegetation and Eastern boundary line of South portion of proposed PUD property (abutting existing Palm Cay subdivision)



Turn around for SW 106th Place



Vegetation and Eastern boundary line of North portion of proposed PUD property (abutting existing Palm Cay subdivision retention area)



Northern portion of proposed PUD for apartments



Heading West on SW 106th Place



Exit on to Hwy 200 (right turn only)

PUD HEIGHT STANDARDS

LDC SECTION 4.2.31.E (4) **Heights:**

(a) All PUD maximum heights shall be set forth with the PUD, and be identified in a manner that addresses height limits for all principal and accessory structures as follows:

1. Similar to the authorization of uses in Section 4.2.6.A(4), the PUD may use or reference an existing standard zoning classification's maximum height standard or propose alternative height limits.
2. 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.
3. 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.

(b) **Dissimilar Uses:**

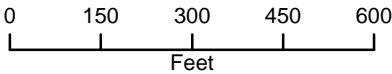
1. Residential and non-residential. When commercial, industrial, or institutional uses are provided within a PUD within 100 feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use or zoning classification outside the PUD is residential:

- a. 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.
- b. 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.
- 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 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.

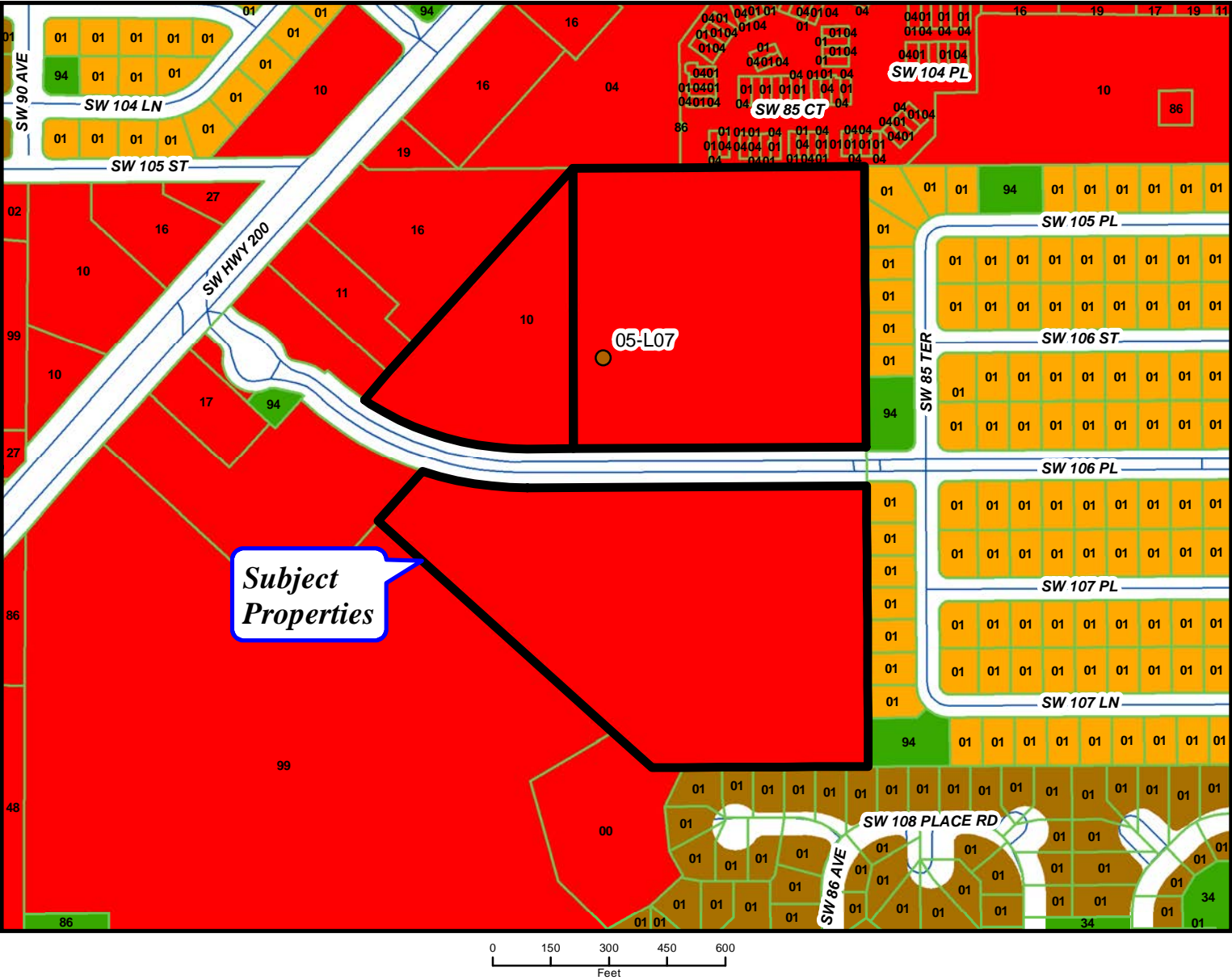
2. **Single-family and multiple-family residential.** When multiple-family residential uses are provided within a PUD within 100 feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use is a single-family use or the zoning classification outside 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.

Aerial: 22-S05, 220307Z



Existing Land Use Designation 22-S05, 220307Z



Use per MC Property Appraiser		OWNER(S): PC200-1 LLC, PC200-2 LLC, and PC200-3 LLC - Todd Rudnianyn	
01	Single Family Res	AGENT: Joe London – Kinley-Horn	
50-69/99	Agricultural	PARCEL(S): 35770-055020, 35770-055-15, 35770-055-20, 35700-055-21	
00/10/40/70	Vacant	<div><p>All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific visual information, contact the appropriate county department or agency. The information is provided visual representation only and is not intended to be used as legal or official representation of legal boundaries.</p></div> <div></div>	
71	Church		
02	Mobile Home		
06-07/11-39	Commercial		
41-49	Industrial		
83-98	Public		
82	Recreation		
03-05/08	Multi-Family	Legend	
77	Club/Lodge/Union Hall		
Policy 1.20		<div><div><div><div><div>● All Amendments</div><div>☆</div></div><div><div>Low Residential (0 - 1 du/ac)</div><div>Medium Residential (1 - 4 du/ac)</div><div>High Residential (4 - 8 du/ac)</div><div>Farmland Preservation Area</div></div><div><div>Rural Land (1 du/10 ac)</div><div>Rural Activity Center (0 - 2 du/ac; FAR 0.35)</div><div>Rural Community (0 - 3 du/ac; FAR 0.70)</div><div>Environmentally Sensitive Overlay Zone (ESOZ)</div></div><div><div>Urban Residential (8 - 16 du/ac)</div><div>Commerce District (N/A; FAR 2.0)</div><div>Public (N/A; FAR 1.0)</div><div>Preservation (N/A; N/A)</div><div>Municipality</div></div></div></div></div>	



**Marion County
Board of County Commissioners**

Growth Management ♦ Zoning

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2675
Fax: 352-438-2676

APPLICATION FOR ZONING CHANGE

Application No.: 220307Z

The undersigned hereby requests a zoning change of the Marion County Land Development Code, Article 4, Zoning, on the below described property and area, from B-4
to PUD, for the intended use of:

Residential

Legal description: (please attach a copy of the deed and location map)

Parcel account number(s): 35770-055020, 35770-055-15, 35770-055-20, 35770-055-21.

Property dimensions: See attached **Total acreage:** 37.46

Directions: From I-75 take Highway 200 west approximately 8 miles to the property on your left hand side.

The property owner must sign this application unless he has attached written authorization naming an agent to act on his/her behalf.

PC 200-2, LLC, PC 200-3, LLC and PC 200-1, LLC

Property owner name (please print)

2441 NE 3rd St #201

Mailing address

Ocala, FL 34470

City, state, zip code

352-239-1555

Phone number (please include area code)

Email Address: toddrudd@gmail.com, Joe.London@kimley-horn.com

Joe London and Todd Rudniansyn

Applicant or agent name (please print)

101 E Silver Springs Boulevard, Suite 400

Mailing address

Ocala, FL 34470

City, state, zip code

352 438 3033

Phone number (please include area code)

Signature

Please note: the zoning change will not become effective until 14 days after a final decision is made by the Marion County Board of County Commissioners. The owner, applicant or agent is encouraged to attend the public hearing where this application will be discussed. If no representative is present and the board requires additional information, the request may be postponed or denied. Notice of said hearing will be mailed to the above-listed address(es). All information given by the applicant or agent must be correct and legible to be processed. The filing fee is \$1,000.00, and is non-refundable. For more information, please contact the Zoning Division at 352-438-2675.

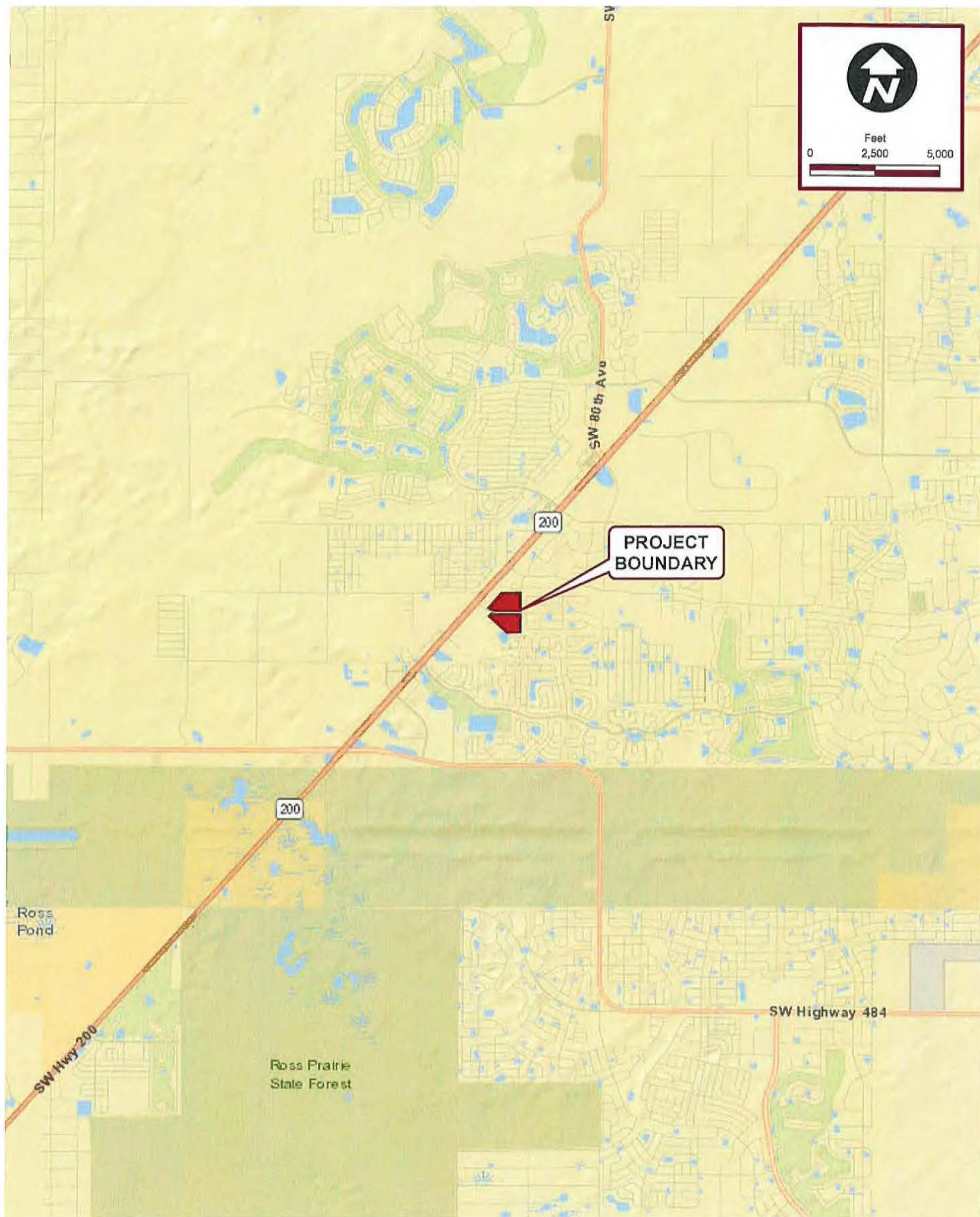
FOR OFFICE USE ONLY

RECEIVED BY: _____ DATE: _____ ZONING MAP NO.: _____
LAND USE: _____ ZONING: _____ SEC/TWP/RGE: _____/_____/_____

Rev. 07/02/2019

"Meeting Needs by Exceeding Expectations"

www.marioncountyfl.org



Kimley»Horn

© 2022 Kimley-Horn and Associates, Inc.
 101 E Silver Springs Blvd, Suite 400, Ocala FL 34470
 Phone: (352) 438-3000
www.kimley-horn.com Registry No. 696

2 - VICINITY MAP

PALM CAY APARTMENT & TOWNHOME DEVELOPMENT
 MARION COUNTY, FLORIDA

Scale: As Noted

Project No.: 142191000

January 2022

Figure 2



Kimley»Horn

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Phone: (352) 438-3000
www.kimley-horn.com Registry No. 696

5 - FEMA

**PALM CAY APARTMENT & TOWNHOME DEVELOPMENT
MARION COUNTY, FLORIDA**

Scale: As Noted

Project No.: 142191000

January 2022

Figure 5