



**Marion County
Board of County Commissioners**

Growth Services

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

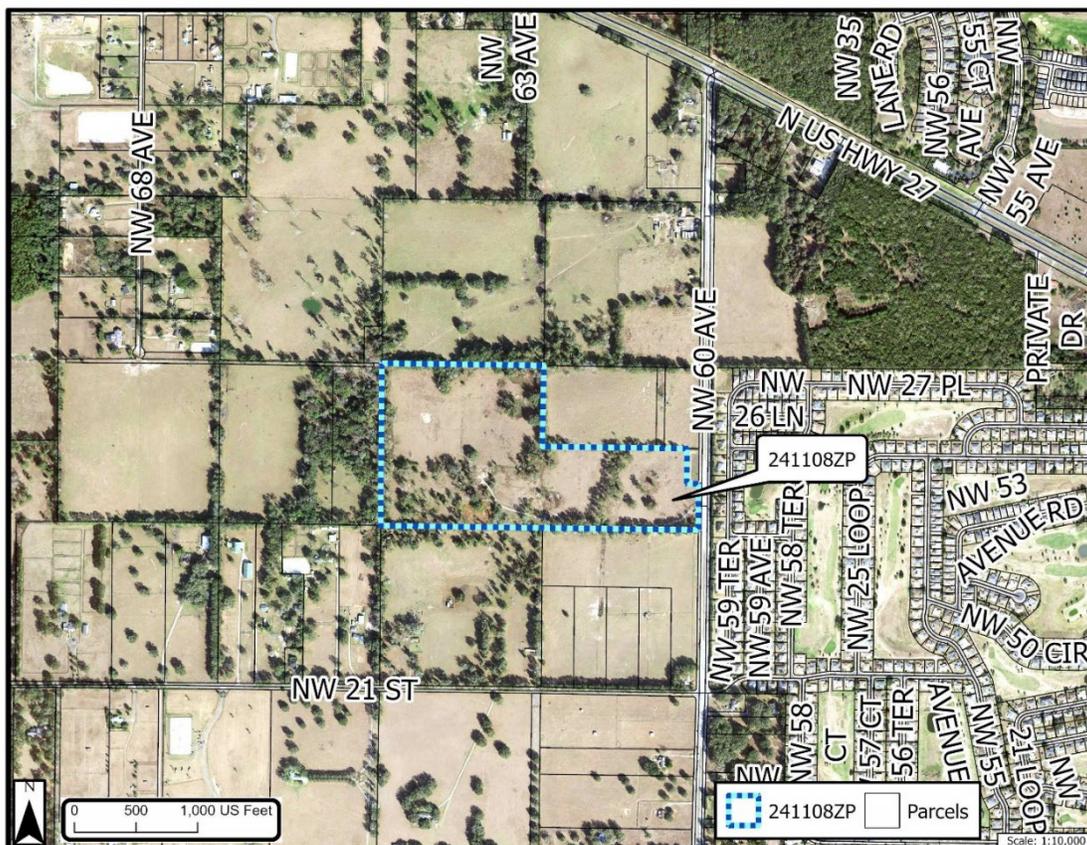
**PLANNING & ZONING SECTION
STAFF REPORT**

	P&ZC Date: 10/28/2024	BCC Date: 11/19/2024
Case Number:	241108ZP	
CDP-AR:	31946	
Type of Case:	Rezoning from General Agriculture (A-1) to Planned Unit Development (PUD) for 213 residential units (single family detached), total not to exceed 236 units.	
Owner	GUT Einhaus LLC	
Applicant	Tillman & Associates Engineering, LLC	
Street Address	2486 NW 60TH Ave, Ocala, FL 34482	
Parcel Number	21615-000-00	
Property Size	±59.11 acres	
Future Land Use	Medium Residential (MD)	
Zoning Classification	General Agriculture (A-1)	
Overlay Zone/Scenic Area	Urban Growth Boundary, Secondary Springs Protection Zone, and portions in Flood Prone Areas	
Staff Recommendation	DENIAL	
P&ZC Recommendation	No Recommendation (3 – 3)	
Project Planner	Xinyi Cindy Chen	
Related Case(s)	Previous PUD application: Motion for Approval failed by 2 Aye and 3 Nye. (210402Z – Rezoning from A-1 to PUD for 207 SFR units)	

I. ITEM SUMMARY

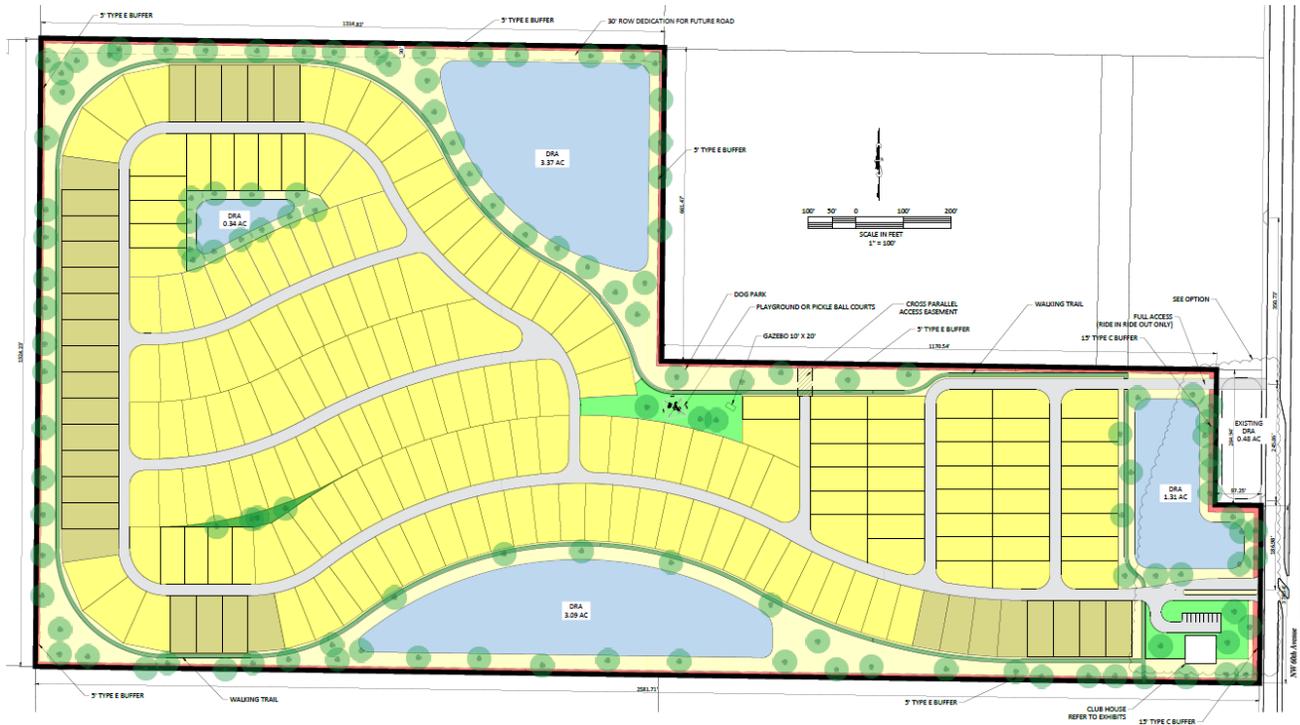
Tillman & Associates Engineering, LLC, the applicant on behalf of the owner GUT Einhaus LLC, has filed an application to rezone a 59.11-acre site located on 2486 NW 60TH Ave, Ocala, FL 34482 (Attachment A). The applicant proposes a rezoning from General Agriculture (A-1) to Planned Unit Development (PUD) to build up to 236 one-story and two-story single-family detached residential units, with a density up to 4 units per acre (see Attachment A). The parcel is 21615-000-00. The subject property is situated inside the Urban Growth Boundary (UGB) and Secondary Spring's Protection Overlay Zone (SSPOZ) and portions are located within the in Flood Prone Areas. Figure 1, below, is an aerial photograph showing the general location of the subject property.

Figure 1
General Location Map



The applicant submitted a revised concept plan on November 4, 2024. At the time of this report is published (November 6, 2024), staff is still reviewing the updated plan. Figure 2 (Attachment A) below shows the proposed conceptual plan. It shows the layout for proposed 213 residential units. The overall proposed density for the PUD is up to 4.0 dwelling units per acre. All residential structures will be less than 50' height. The referenced images of houses can be found in Attachment A. The PUD proposes 14.71 acres of open space for the residential use including the amenity of a club house, a playground, a dog park, a gazebo, and a walking trail.

Figure 2
Conceptual Plan (submitted on Nov. 4th, 2024)



Based on the information reviewed to date, staff recommends denial of the application as outlined in the brief summary below. Additional time is needed to complete a thorough review by departments and to work with the applicant for a better concept plan. Staff's key findings and recommended conditions are summarized as follows:

- 1. Landlocking parcels:** Several surrounding parcels currently lack roadway access, and the proposed concept plan does not provide opportunity or potential solution to address this. The Land Development Code (LDC) requires that each parcel must have at least one access point to a roadway. Thus, ROW dedication and cross-access easements are needed for future development on adjacent properties. Per OCE Traffic comments, the plan does not address the landlocking issues. Staff recommends the following conditions:
 - Provide a connection to the right-of-way on the northwest and to allow future connection for adjacent parcels on the north.
 - All access point locations, ingress/egress, right-of-way dedication, easement, and connection to adjacent properties shall be worked out to the satisfaction of the Development Review Committee (DRC) during the time of Development Review before the Site Plan approval.
 - All internal and external vehicle circulation shall be paved.
- 2. Sidewalk:** The current plan lacks internal sidewalks or multimodal facilities, as required by the Land Development Code (LDC), which mandates at least one sidewalk along internal roads. Accessible sidewalks are necessary; trails alone do not fulfill this requirement. Staff recommends the following conditions:

- Show multimodal facilities on the PUD Master Plan. Include multimodal path for pedestrians and bikes externally and internally.
 - Show accessible pedestrian connections from PUD area to adjacent land uses on the site plan.
 - Show accessible sidewalks along at least one side of internal roads and along NW 60th Ave and connections to multimodal paths.
 - Show parking calculation on the site plan.
3. **Access:** The current plan channels all traffic to NW 60th Ave. A secondary full-access point to another major roadway is recommended. Staff recommends:
- Provide a second full access for the development.
 - All access point locations shall be worked out to the satisfaction of the Development Review Committee during the time of Development Review before the Site Plan approval.
 - If revised concept plan requires an updated traffic methodology and operational traffic study, both studies shall be completed to the satisfaction of the County Traffic Engineer and Growth Services Director, and adequate provision shall be made for the coordination of improvements with the PUD.
 - Depending on the study result and recommendation in the Traffic Method Study and Traffic Operational Study, the ingress/egress through the county-maintained parcel may or may not be necessary to the development of the subject parcel. If the Traffic Method Study and Traffic Operational Study indicate the necessity for cross-access and drive-in/out at county's and adjacent properties, the developer must secure agreement with the property owners prior to Site Plan approval. The Traffic Method Study and Traffic Operational Study are subject to the review and approval by the County Traffic Engineer.
 - If applicable, an easement agreement with the property owners to use the cross access through adjacent properties shall be obtained before the site plan is approved.
4. **Buffer:** The concept plan proposes a 5-foot-wide Type E buffer between the proposed single-family residential (SFR) area and existing agricultural uses, meeting minimum LDC requirements. However, adjacent properties feature active farming with cattle and horses. Staff recommends the following conditions to the boundary between development and existing agricultural lands:
- Buffers shall be provided as shown in concept plan,
 - Buffers along the perimeter shall use 7-gallon, 3-foot high plants, at the time of planting, and use 4-inch caliper trees at the time of planting.
 - Buffer type and its illustration shall be submitted with the site plan phase for approval.
 - Buffer type and its illustration shall be submitted with the site plan phase for approval.

For the buffer on the east side along NW 60th Ave and around the County-maintained DRA, the concept plan proposes a 15'-wide Type C buffer, which meets the LDC minimal requirement. Staff recommends the same.

5. **Compatibility with surrounding uses:** Surrounding parcels are predominantly agricultural, except for the County-maintained DRA. Staff recommends.
 - The PUD is restricted to a total of 213 dwellings units single-family residential with maximum total not exceed 236 units, consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Attachment A).

6. **Stormwater and utility:** Staff recommend the conditions as follow according to DRC comments:
 - The PUD shall connect to Marion County Utility. Developer shall work with Marion County Utility regarding water and sewer connection extension and construction of lift station during the site plan phase of the project. The owner will be responsible for funding the extension of the utility line to the property.
 - Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. Please ensure LDC 6.13 is met with the Major Site Plan.
 - The developer shall coordinate with the County to address the operation and maintenance of the existing County-maintained DRA if they wish to include this DRA as part of the development. The operation and maintenance plan shall be submitted to the satisfaction of the County Engineer and Growth Services Director. The design and maintenance shall meet the requirements of the Development Review Committee during the Development Review phase, prior to Site Plan approval.

7. **Additional conditions:** Staff recommends the conditions as follow:
 - Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the residential zoning classification of the LDC.
 - On the Master Plan provide a typical illustration and table showing a maximum height limits for principal and accessory structures.
 - A Master/Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site.
 - The final PUD Master Plan or equivalent (Major Site Plan) shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.

On the same property, the previous PUD application (210402Z) with a rezoning request from A-1 to PUD for 207 units on the subject parcel was heard during the Board of County Commissioners (BCC) public hearing on April 20, 2021. The motion for approval failed with a vote of 3 Nays to 2 Ayes. Key concerns and recommendations from the hearing are summarized below:

- a. **Development intensity and compatibility with surrounding uses:** The surrounding parcels are largely agricultural, with a substantial portion owned by the Stancil family, which has a long history of farming in the area. Concerns were raised about the development's intensity and its potential impact on adjacent farming activities, including cattle and horses. Staff recommended a condition that the development be limited to 100 units until a secondary access is provided. This condition was

addressed, as the applicant agreed to provide increased buffers and future access connections to the north and south, as outlined in items c and e below.

- b. **Services:** Due to the scale of the proposed development, which includes over 200 units on this property, and the possibility of over 5,000 units in the broader area, there were concerns about inadequate recreational and community services at the time. No conditions were proposed to address this concern specifically.
- c. **Buffer:** To reduce the impact on surrounding agricultural activities (as noted in item a), the Board recommended the following conditions for approval, to which the applicant agreed:
- For the buffers between the proposed development and agricultural lands, provide 30'-wide buffers, including a 5'-high berm with landscaping on top of the berm. Use fast-growing type of landscaping.
 - Install irrigation system for the maintenance of buffer.
- d. **Potential existing cemetery:** A Black-family historic cemetery is potentially located at the southeast corner of the subject property. Staff recommends the condition as follow:
- The developer shall coordinate with the State or Federal agency on the investigation and permit on the possibility of cemetery and human remains on site, at the cost to the developer, not County.
- e. **Staff had two concerns regarding the previous application in addition to the items above:**
- (i) The traffic access is not being in the proper location; and (ii) Open Space does not meet the minimum requirement. Conditions are recommended and the applicant has agreed upon to:
- Provide stabilized access.
 - Provide secondary access points (to the north and south) following along the quarter line or section line.
 - Provide additional access to the properties to the north and south.
 - Provide additional ROW to put sidewalk required on NW 60th Ave.
 - Provide open space for the property to meet 20% requirement.
 - Provide sidewalk at least one-side of the development and along the NW 60th Ave.

Staff has verified that the new concept plan submitted on November 4, 2024, addresses the open space issue (item e.ii). However, other concerns remain in this PUD concept plan. Staff's recommendation remains as denial at the time of the report is published. Staff has incorporated all recommended conditions, including those from the staff initial review and those from the previous Board meeting, into a final set of conditions for alternative approval in Section VII.

II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** of the Applicant's request because it is not consistent with Land Development Code (LDC) Section 2.7.3.E.2, which requires that granting a rezoning

will not adversely affect the public interest, that the rezoning is consistent with the Marion County Comprehensive Plan (MCCP), and that the rezoning is compatible with land uses in the surrounding area, and with LDC Section 4.2.31 on Planned Unit Development (PUD).

III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all 23 property owners within 300 feet of the subject property on October 11th, 2024. As of the date of the initial distribution of this staff report, no opposition or support have been received. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on October 17th, 2024 and consistent with LDC Section 2.7.3.E. due public notice was published in the Ocala Star-Banner October 14th, 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.

1. LDC Section 4.2.31.B.(1) allows any permitted use, special use, or accessory use in any zoning classification listed within the County's LDC provided the proposed use is consistent with the County's future land use designation for the site, and the provisions of the LDC for each use.

Analysis: The Land Use of subject parcels are Medium Residential (MR). According to the Marion County Comprehensive Plan, Policy 2.1.18, this land use designation is intended to recognize areas suited for primarily single-family residential units within the UGB, PSAs and 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. This land use designation is an Urban Area land use. The proposed density of PUD is 4 dwelling unit per acre. The proposed use is consistent with the uses allowed within the Medium Residential FLUMS designation and the maximum allowable density. Staff recommends the following condition be imposed if approved:

- The PUD is restricted to a total of proposed 213 dwellings units single-family residential with maximum allowable units not exceed 236 units, consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Attachment A).
2. LDC Section 4.2.31.B.(2) provides uses identified as ordinarily requiring a Special Use Permit may be authorized as permitted within all or a part of a PUD without the necessity of a separate SUP application provided it meets on of three criteria;

Analysis: Staff finds the Applicant is not proposing any SUP.

3. LDC Section 4.2.31.B.(3) provides Owners of parcels within the PUD may subsequently request the authorization of additional special uses following approval of the PUD by undertaking the SUP application process for the proposed additional use without applying for an amendment to the PUD.

Analysis: Staff finds the Applicant is not proposing any SUP.

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 proposing a 213-unit residential development. Any attempt to go beyond approved residential units or change to proposed concept plan will require a new application and new advertisements. The existing Land Use designation as MR limits the density from one to four dwelling unit per acre, allowing up to 236 dwelling units on the total of 59.11-acre site.

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 to be a residential use. The structure types include one-story and two-story residential houses. Example images of house types are provided in Attachment A. The architectural style for houses is modern house look with exterior painting and sloped roof. The subject parcels are owned by GUT Einhaus LLC. The developer is ESP Apartment LLC. The applicant does not indicate ownership or community management for operation and maintenance after occupancy.

The PUD offers 14.71 acres (24.89%) of total open space for residential use. The proposed amenities include a clubhouse, dog park, playground/pickle ball courts, gazebo, and walking trail. Using Census data of 2.4 persons per household, which is the average for Marion County, at dwelling units, the proposed PUD may generate 512 people. This translates into 1251.50 SF of open space per person. The project does not propose external and internal sidewalk, except portion of NW 60th Ave or pay fee in lieu of construction.

- 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 59.11 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 59.11 acres in size with Medium Residential (ML) land use designation. The MR land use allows for 1 to 4 dwelling units per acre. The subject property, by FLUMs, allows for a maximum of 236 dwelling units. The proposed 213 dwelling units is allowed by the FLUMs of the subject property. The proposed density of the PUD is up to 4 dwelling units per acre.

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

Analysis: Staff finds that the PUD proposes one full access points and one emergency access at NW 60th Ave. The internal vehicle circulation within commercial area shall be paved and connected. The Office of the County Engineer has noted concerns regarding lack of connection to adjacent unplatted lands, lack of multimodal facilities, and the internal roadway width and sidewalk placement, as required by the LDC. There was also a major issue about lack of second full ingress/egress that contributed to the denial of previous PUD application as pointed by Traffic Engineering. Thus Traffic Engineering has recommended denial in Development Review Comments although the traffic study has been approved.

The subject property is within Marion County Utilities (MCU) service area. According to the Development Review Committee (DRC) comments, the development requires approximately 3,300 feet of offsite sewer main extension and 3,900 feet of offsite water main extension to connect to North US Hwy 27. The developer must also construct and convey water and sewer mains within the development, which may include a private or public lift station, to be determined. Wells, septic systems, or connections to any other utility systems will not be permitted. (see Attachment B) The developer will need to work with MCU concerning connection extension for centralized utilities.

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

Analysis: The project does not propose density increase.

LDC Section 4.2.31.D.(4) allows for blending of densities/intensities if the subject property has more than one FLUMS designation. Thus, staff concludes this section is not applicable.

4.

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 subject property located in Medium Residential (MR) land use is allowed for single-family residential development up to 4 du/ac. The PUD proposes a density of up to 4 dwelling units per acre is consistent with the LDC.

- 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 setbacks for single-family houses (see Attachment A). The PUD proposed the setback for front as 20', rear as 10', side/side yard as 5', and 15' side street setback. Compared with the LDC, residential with centralized utilities are 20' front, 20' rear, and 8' side for primary residential structures. The proposed setback is slightly less than the LDC standard but acceptable.

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

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

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

Analysis: A 15'-wide Type C buffer is proposed along NW 60th Ave around the existing DRA on the east side. A 5'-wide Type E is proposed on rest of perimeters between single-family residential PUD and surrounding agriculture. Staff recommends the following condition be imposed if PUD is approved:

- Buffers shall be provided as shown in concept plan.
- Buffers along the perimeter shall use 7-gallon, 3-foot high plants, at the time of planting, and use 4-inch caliper trees at the time of planting.
- Buffer type and its illustration shall be submitted with the site plan phase for approval.

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

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

Analysis: Access to the property is shown on the conceptual plan. One full access and one emergency access are proposed on the subject parcels. According to the DRC comments, there are several major concerns: The traffic study indicated a southbound right turn lane is required at the main entrance to the subdivision. This will require a right-of-way dedication along NW 60th Avenue. Also, there are several large landlocked parcels with residential zoning adjacent to this property. Connections should be stubbed out to these parcels to allow for future connections. This issue was a concern in the previous PUD application and contributed to its denial. Furthermore, staff recommends a second full access to public roadway.

Based on the findings above, staff recommends denial to the proposed concept plan. If the PUD seeks to move forward, the applicant needs to

work with Traffic Engineer to address deficiencies including lack of second full access, lack of connection to surrounding parcels and other concerns regarding access. Staff recommends the following condition be imposed if PUD is approved:

- Provide a second full access for the development.
 - Provide a connection to the right-of-way on the northwest and to allow future connection for adjacent parcels on the north.
 - All access point locations, ingress/egress, right-of-way dedication, easement, and connection to adjacent properties shall be worked out to the satisfaction of the Development Review Committee (DRC) during the time of Development Review before the Site Plan approval.
 - All internal and external vehicle circulation shall be paved.
2. LDC Section 4.2.31.E.(1)(b) provides the PUD shall include pedestrian and/or bicycle facilities internally to address internal circulation needs and externally to provide for integration of the PUD to surrounding existing for future facilities.

Analysis: As discussed above, the project does not propose sidewalk on internal or external roadways, except portion along NW 60th Ave (or pay fee in lieu of construction). LDC requires at least one-side sidewalk to be provided along roadways internally and externally. Moreover, multimodal facilities are not proposed. According to DRC comments, multimodal design accommodating pedestrian, bicycle, transit, and vehicular access is recommended to provide for PUD development. DRC comments also point out the deficiency in roadway width: The proposed cross section shows 40' of right-of-way and 5' easements, while the standard requirement is 50' of right-of-way with 5' easements to accommodate the roadway, drainage, sidewalk, and utilities. The cross section does not demonstrate how all these elements will fit within the reduced space. Based on the concerns regarding lack of multimodal facilities, internal roadway width, and sidewalk placement, staff recommends denial to the proposed PUD concept plan. If the PUD is approved, staff recommends the following conditions be imposed:

- Show multimodal facilities on the PUD Master Plan. Include multimodal path for pedestrians and bikes internally as well as externally along NW 60th Ave.
 - Show accessible pedestrian connections from PUD area to adjacent land uses on the site plan.
 - Show accessible sidewalks along at least one side of internal roads and along NW 60th Ave and connections to multimodal paths.
3. LDC Section 4.2.31.E.(1)(c) provides the PUD shall include multimodal 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: Same analysis as above.

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

Analysis: The proposed parking shall meet minimum requirements outlined by Marion County LDC for residential uses. Following condition is recommended to be imposed:

- Show parking calculation on the master plan.

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: As discussed above, the subject property is within Marion County Utilities (MCU) service area. The development requires approximately 3,300 feet of offsite sewer main extension and 3,900 feet of offsite water main extension to connect to North US Hwy 27. The developer must also construct and convey water and sewer mains within the development, which may include a private or public lift station, to be determined. Wells, septic systems, or connections to any other utility systems will not be permitted. Developer shall work with Marion County Utilities regarding water and sewer connection extension during the site plan phase of the project. The owner will be responsible for funding the extension of the utility line to the project. Staff recommends the following conditions be imposed:

- The PUD shall connect to Marion County Utilities. Developer shall work with Marion County Utilities regarding water and sewer connection extension and construction of lift station during the site plan phase of the project. The owner will be responsible for funding the extension of the utility line to the property.

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: Portions of the subject property are within Flood Prone Areas. The PUD proposed private retention ponds to serve the site. During the Development Review phase, stormwater review will determine the size and depth of the retention area needed to serve the development. Please ensure LDC 6.13 is met with the Major Site

Plan Revision. Staff recommends the following conditions be imposed:

- A Master/Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site.
- Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. Please ensure LDC 6.13 is met with the Major Site Plan.

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

Analysis: Same analysis above.

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 the conceptual plan does not depict any easements. If provided any easements required for maintenance and upkeep of the PUD infrastructure will be determined during the Development Review phase of the process.

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

Analysis: Staff finds that the conceptual plan shows the buildable areas but does not depict any easements. Any easements required will be determined during the Development Review phase of the process.

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

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

Analysis: Proposed setback has been provided and shown on the Concept Plan (see Attachment A). As discussed above, the proposed setback is slightly less than the LDC standard but acceptable.

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 discuss this item in the application. For compatibility with the residential 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 residential 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 feet, In the event a dedicated easement is between the structures, the separation between structures shall be increased to provide a minimum of five feet of separation from each structure to the boundary of the easement.

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

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

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

Analysis: Staff finds that the PUD proposes building heights of 40' for all structures. Thus, this is consistent with the section.

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: Building height limitation is shown on the Concept Plan (see Attachment A). However, the typical elevation illustration showing height limits is not provided in the submittal.

- On the Master Plan provide a typical illustration and table showing a maximum height limits for principal and accessory structures.
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: No commercial, industrial, or institutional uses are proposed in the PUD. Thus, this section is 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: No multi-family uses are proposed in the PUD. Thus, this section is 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 Major Site Plan shall conform to Section 6.19 for lighting design and will be consistent with this section.

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. The Major Site Plan shall conform to Section 6.19 for lighting design and will be consistent with this section.

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. The Major Site Plan shall conform to Section 6.19 for lighting design and will be consistent with this section.

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: As addressed earlier in the report, the conditions about buffers are recommended to be imposed.

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 ±14.71 acres of open space which is more than the required 11.82 acres of open space.

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 Conceptual Plan displays a non-build area including landscape, DRA, and a playground for residential use. The IOS area is 6.07 acres which is 10.26% of total residential development area. 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 of five percent IOS. The PUD is consistent with the 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: Same analysis as addressed above.

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: The project does not propose commercial use. Thus, this section is 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 before submitting the application. Thus, this application meets this requirement.

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

Analysis: The PUD application is accompanied by a Conceptual Plan (see Attachment A).

3. LDC Section 4.2.31.F.(2)(b) requires the PUD Rezoning Application shall be accompanied by a Conceptual Plan provide documentation addressing the following:
 - a. The name of the proposed PUD shall be centered at the top of the sheet along the long dimension of the sheet.
 - b. Vicinity map that depicts relationship of the site to the surrounding area within a 1-mile radius.
 - c. Drawing of the boundaries of the property showing dimensions of all sides.
 - d. Provide the acreage of the subject property along with a legal description of the property.
 - e. Identify the Comprehensive Plan future land use and existing zoning of the subject property and for all properties immediately adjacent to the subject property.
 - f. Identify existing site improvements on the site.
 - g. A list of the uses proposed for the development.
 - h. A typical drawing of an interior lot, corner lot, and cul-de-sac lot noting setback requirements. For residential development, the typical drawings will show a standard house size with anticipated accessory structure.
 - i. Proposed zoning and development standards (setbacks, FAR, building height, etc.).
 - j. Identify proposed phasing on the plan.
 - k. Identify proposed buffers.
 - l. Identify access to the site.

- m. Preliminary building lot typical 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. The site plan shall show phasing on the plan. Thus, it is consistent.

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

Analysis: The DRC considered the application at September 16th, 2024 meeting and recommended to transmit to PUD with the conceptual plan. Thus, it is consistent.

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

Analysis: Final development plan is necessary and shall be approved before the development is constructed if the PUD Concept Plan is approved.

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

Analysis: If the Board desires the final development plan to be brought back before the Board for final action, staff proposes the following condition:

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

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

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

8. 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' intervals for 100' 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 offsite within 200' 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: N/A

- M. LDC Section 4.2.31.J addresses PUD time limits and provides
1. The Board may establish time limits for the submittal of a master plan, major site plan, preliminary plat, or final plat for the development of an approved conceptual plan.
 2. Any such time limits may be extended by the Board for reasonable periods upon the petition of the developer for an amendment to the conceptual plan and based upon good cause, as determined by the Board; provided that any such extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval, or other development order. If time limits contained in the approved development plan are not completed or not extended for good cause, no additional permits will be approved.

3. Time limits for completion and close out of master plans, major site plans, preliminary plats, and final plats once approved shall be according to Article 2 of this Code Review and approval procedures.

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

N. LDC Section 4.2.31.K addresses PUD amendments.

1. LDC Section 4.2.31.K.(1) provides changes to the plan of development which will affect the following items shall be subject to review and approval by Development Review Committee:
 - a. Changes in the alignment, location, direction or length of any internal local street,
 - b. Changes or adjustments in lot or parcel development standards which do not reduce the minimum lot or parcels standards listed in item (a)3, C
 - c. Changes in commercial gross leasable areas (GLA) for individual lots or tracts which do not result in increased overall GLA square footage,
 - d. Changes in industrial building square footage or lot coverage percentage which do not result in increased overall building square footage or total lot coverage percentage,
 - e. Changes in mixed use land uses and overall dwelling unit densities, or commercial GLA square footage or industrial building square footage or total lot coverage percentage, which do not result in an increase to the above categories,
 - f. Reorientation or slight shifts or changes in building or structure locations including setbacks,
 - g. Major changes listed below which are subject to final review and approval by the Board.
2. LDC Section 4.2.31.K.(1) provides Changes which will modify or increase the density or intensity of items shall be subject to review and approval by the Board through the PUD rezoning application process.
 - a. Intent and character of the development.
 - b. Location of internal and external arterial or collector streets and connection points between and to those streets within the development.
 - c. Minimum lot/parcel sizes including heights or project design standards based on use such as residential vs. non-residential.
 - d. Building setbacks.
 - e. Dwelling unit types or mixes and maximum development density and units.
 - f. Maximum commercial gross leasable areas (GLA) for individual lots or tracts and project wide.
 - g. Industrial building square footage or lot coverage percentage for individual lots or tracts and project wide.
 - h. Minimum size and general location of common open space including buffer areas or zones and method of ownership and maintenance.

- i. Conservation open space areas with intended method of preservation ownership or maintenance.
- j. Location of water and sewage facilities.

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

V. ANALYSIS

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

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

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. NW 60th St is a four-lane divided roadway maintained by Marion County. One full access and one emergency access are proposed at NW 60th St. The internal vehicle circulation will be paved and connected. Proposed internal roadway does not meet the width requirement. No multimodal facilities proposed for this project. At least one side of internal and external roadways shall be provided with sidewalk. As discussed above, staff concerns deficiencies such as lack of a second full ingress/egress, lack of connection to adjacent un-platted lands, lack of multimodal facilities, right-of-way dedication, and the internal roadway width and sidewalk placement, as required by the LDC.
 - b. Public transit. The public transit is not observed near the property.
 - c. Other mobility features. At least one-side sidewalks shall be provided internally as well as externally along NW 60th St. There is no existing sidewalk along NW 60th St. A connection to the existing right-of-way on the northwest and extension to connect NW 60th St should be addressed, to allow future connection and accessibility for adjacent parcels on the north.

Based on the above findings, it is concluded the application's proposed **transportation impacts would adversely affect the public interest. The PUD shall incorporate the recommendations above to address issues including access, roadway width, sidewalk placement, connectivity not only within the subject development but also in consideration of the neighborhood and its impact for long run. The PUD shall facilitate safe and functioning multimodal transportation.**

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential

demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on the 213 proposed dwelling units (generating 512 people), the proposed rezoning would result in an increase of 76,800 gallons per day. The property will connect to centralized water and sewer by Marion County Utilities. According to the DRC comments, offsite water main extension at developer's expense required and shall be coordinated with MCU during the Major Site Plan review. Offsite sewer main extension connection plan can be included with the Site Plan for concurrent review. Thus, it is concluded the application's **potable water impacts would not adversely affect the public interest.**

3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of 110 gallons per person per day for residential demand and approximately 2,000 gallons per acre per day for commercial and industrial demand. Based on the 213 proposed dwelling units, the proposed rezoning would result in an increase of 56,320 gallons per day. According to the DRC comments, offsite sewer main extension and a private lift station at developer's expense required and shall be coordinated with MCU during the Major Site Plan review. Offsite sewer main extension connection plan can be included with the Site Plan for concurrent review. Thus, it is concluded the application's **sanitary sewer impacts would not adversely affect the public interest.**
4. Solid waste impacts. Solid Waste Element Policy 1.1.1 adopts a LOS standard of 6.2 pounds of solid waste generation per person per day. The SWE does not establish a LOS standard for solid waste generation for non-residential uses. Based on the addition of 312 units multiplied by 2.4 persons per household equals 512 persons, which will generate a demand of an additional 3,174.40 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, it is concluded the application's **solid waste impacts would not adversely affect the public interest.**
5. Fire rescue/emergency services. Fire Station #20, located at 3600 NW 70th Ave, Ocala, FL, is roughly 3 miles northwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, it is concluded the proposed rezoning fire rescue/emergency impacts **would not adversely affect the public interest.**
6. Law enforcement. Sheriff's Main Operations Office, located at 692 NW 30th Ave, Ocala, FL 34475, is roughly 6 miles southeast 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. College Park Elem Elementary School (108.80% utilization), located at 1330 SW 33rd Ave, is about 5 miles to the northwest. Howard Middle School (65.21% utilization), located at 1655 NW 10th St, is about 6 miles to the east. West Port High School (116.83% utilization) is located at 3733 SW 80th Ave, about 5 miles to the southwest. While the local schools within the area are experiencing overcrowding, the school district as a whole has ample capacity for any new students generated by this development.

In conclusion, staff finds that the proposed zoning change **would adversely affect the public interest due to transportation impacts.**

B. *Comprehensive Plan consistency.*

1. FLUE Policy 5.1.2 on Review Criteria – Changes to the Comprehensive Plan and Zoning Provides, “Before approval of a Comprehensive Plan Amendment (CPA), Zoning Change (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is suitable. The County shall review, and decide that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:
 1. Market demand and necessity for the change;
 2. Availability and potential need for improvements to public or private facilities and services;
 3. Allocation and distribution of land uses and the creation of mixed-use areas;
 4. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
 5. Agricultural activities and rural character of the area;
 6. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
 7. Consistency with the UGB;
 8. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
 9. Compatibility with current uses and land uses in the surrounding area;
 10. Water Supply and Alternative Water Supply needs; and 12. Concurrency requirements.

Analysis: The site is designated as Medium Residential and lies within the Urban Growth Boundary. While the west side of NW 60th Ave is characterized by large farms, the broader area is urbanizing due to development spreading east from the World Equestrian Center and west from the NW 44th Ave commerce area. Access points must be coordinated to ensure accessibility in line with LDC requirements, and the developer will need to acknowledge the existing agricultural operations adjacent to the project, as required by state statutes. Project buffering will be designed to maintain consistency with the surrounding area. With the recommended conditions, the proposed PUD zoning change would be compatible with surrounding land uses.

2. 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 PUD Zoning Change is scheduled for October 28th, 2024, Planning and Zoning Commission. Therefore, the application is **consistent** with this FLUE Policy 5.1.3.

3. FLUE Policy 5.1.4 on Notice of Hearing states, "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 described in page 3 of this report and, therefore, concludes the application is being processed **consistent** with FLUE Policy 5.1.4.

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

Analysis: As discussed above, the concept plan proposes a reduced 40-foot right-of-way instead of the required 50 feet, which is insufficient to accommodate the necessary roadway, drainage, sidewalks, and utilities. Furthermore, no multimodal facilities, such as bike lanes or pedestrian pathways, are included. This directly conflicts with the objective's mandate to ensure adequate rights-of-way for roadways, transit, bicycle, and pedestrian pathways, as well as to protect future rights-of-way from encroachment. The lack of space and multimodal provisions compromises the County's ability to meet these future needs. Thus, the proposed PUD is **inconsistent** with Comprehensive Plan Objective 3.1.2 on Adequate Rights of Way/Encroachment.

5. 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." Also, Policy 2.2.3. Single Access says "Marion County shall discourage single access residential development along arterial and collector roadways, requiring connection to existing and future development where opportunities for connectivity exist."

Analysis: The development lacks sufficient access controls and fails to provide adequate connections to adjacent landlocked parcels, which is

essential for managing traffic flow and maintaining the intended functionality of Marion County's roadway network. By relying solely on NW 60th Avenue for access, the plan increases traffic pressure on a single point without addressing the need for future connections to surrounding parcels. This violates the objective's goal to manage the number and location of public and private roadways, driveways, and traffic signals, ensuring efficient and controlled access. Thus, the proposed PUD is **inconsistent** with Comprehensive Plan Objective 2.2 on Access Management.

6. TE Objective 2.3. on Connectivity provides "To ensure a balanced and efficient transportation system within the Urban Growth Boundary, Marion County shall encourage the development of interconnected multimodal transportation infrastructure that serves residential neighborhoods, commercial development, and commerce/employment centers."

Analysis: The development lacks multimodal transportation infrastructure, such as sidewalks or bike paths, which are essential for promoting connectivity within the Urban Growth Boundary. By not incorporating these facilities or providing connections to adjacent parcels, the plan fails to create an interconnected transportation network that serves residential neighborhoods and nearby commerce or employment centers in consideration of the current situation and future growth. This undermines the objective's intent to develop a balanced and efficient multimodal system, essential for supporting the long-term growth and functionality of the area. The proposed PUD is **inconsistent** with Comprehensive Plan Objective 2.3 on Connectivity.

7. SSE Policy 1.1.1 provides "The LOS standard of 110 gallons per person per day for residential demand and approximately 2,000 gallons per acre per day for commercial and industrial demand is adopted as the basis for future facility design, determination of facility capacity, and documentation of demand created by new development. This LOS shall be applicable to central sewer facilities and to package treatment plants but shall not apply to individual OSTDS. DRIs and FQDs that demonstrate the suitability of differing LOS standards may be allowed to adhere to the differing standard if approved by the County."

Analysis: Staff finds that based on the addition of 213 units multiplied by 2.4 persons per household equals 512 persons, which will generate a demand of 56,320 gallons per day. 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 the development will be served by Marion County Utilities and required connection. Developer shall work with Marion County Utilities regarding sewer connection extension during the site plan

phase of the project. The owner will be responsible for funding the extension of the sanitary sewer line to the property. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.1.3.

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

Analysis: The subject property is within the Marion County Utilities Service Area. Extension is required for the development. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.2.1.

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

Analysis: Staff finds that based on the addition of 213 units multiplied by 2.4 persons per household equals 512 persons which will generate a demand of an additional 76,800 gallons per day. The water treatment plant serving this area has sufficient capacity to serve this demand. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.1.1.

11. 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 outside within County Utilities Service Area. A lift station may be needed for the connection. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.6.4.

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

Analysis: Staff finds that, based on the addition of 213 units multiplied by 2.4 persons per household, it equals 512 persons, which will generate a demand of an additional 446.4 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.

13. 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. Based on the above findings, it is concluded the application is **consistent** with SWE Policy 1.1.5.

14. 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). A Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site. Based on the above, it is concluded the application is **consistent** with SE Policy 1.1.4.

15. 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 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 **not consistent** with the Comprehensive Plan.

- C. *Compatibility with surrounding uses.* Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is an aerial photograph displaying existing and surrounding site conditions. Attachment C displays site photographs. Figure 6 displays the FLUMS, which assumes the subject property is designated Low Residential, not Medium Residential. Figures 5 and 4 display the existing and proposed zoning classification for the subject property and surrounding properties. Figure 7 shows the uses of subject property and surrounding properties as classified by Marion County Property Appraiser.

Table A displays the information from figures 4 and 7 in tabular form. Figure 8 shows the PUD developments with units that were reviewed, approved, and permitted.

Figure 4 - FLUMS Designation

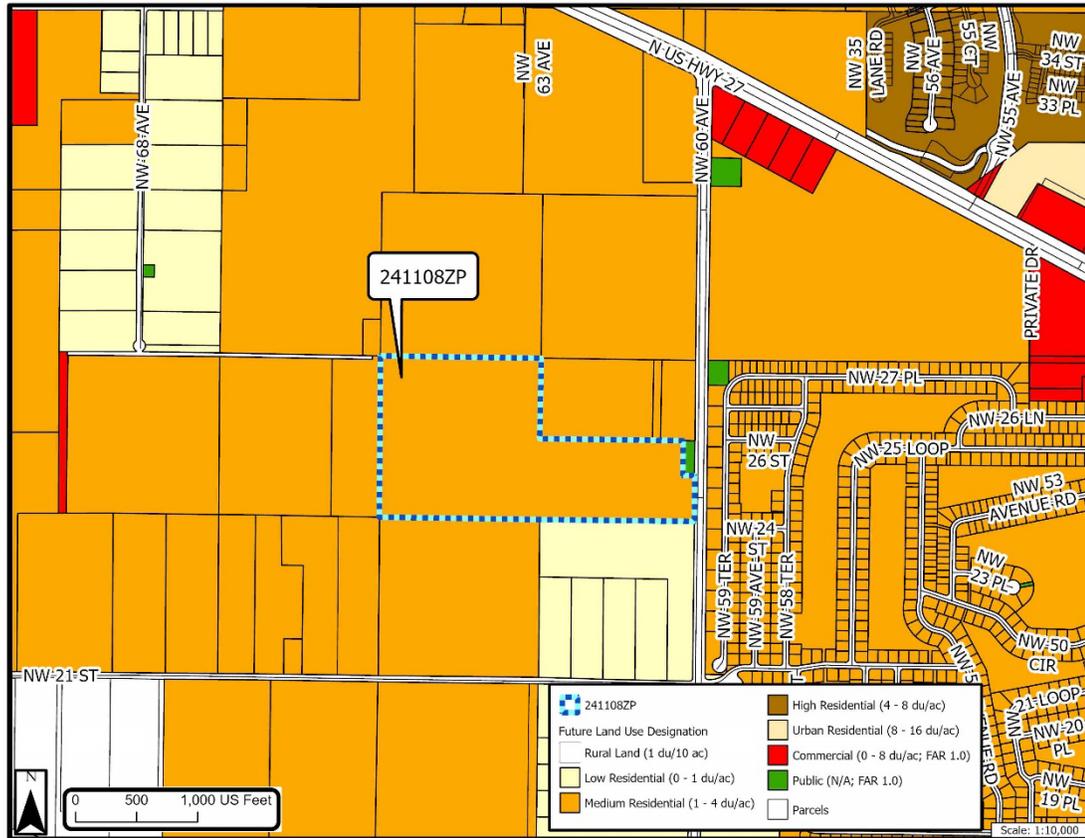


Figure 5 - Zoning Classification

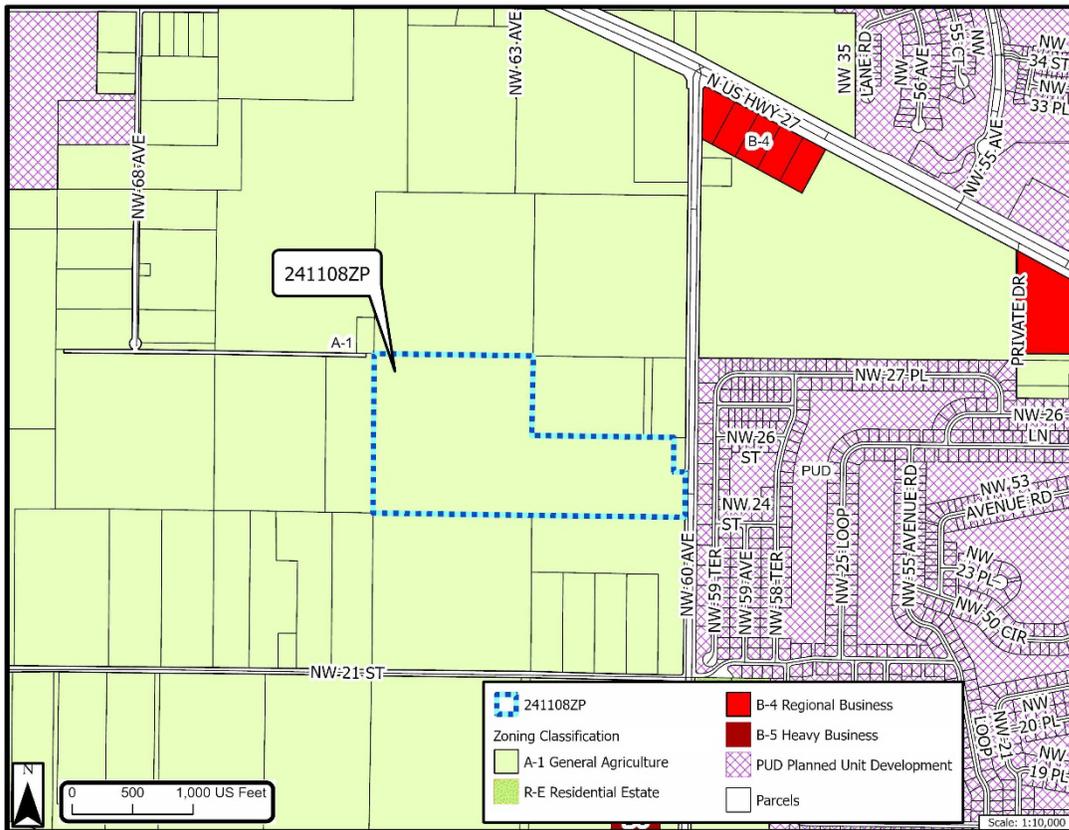


Figure 6 - Proposed Zoning Re-classification

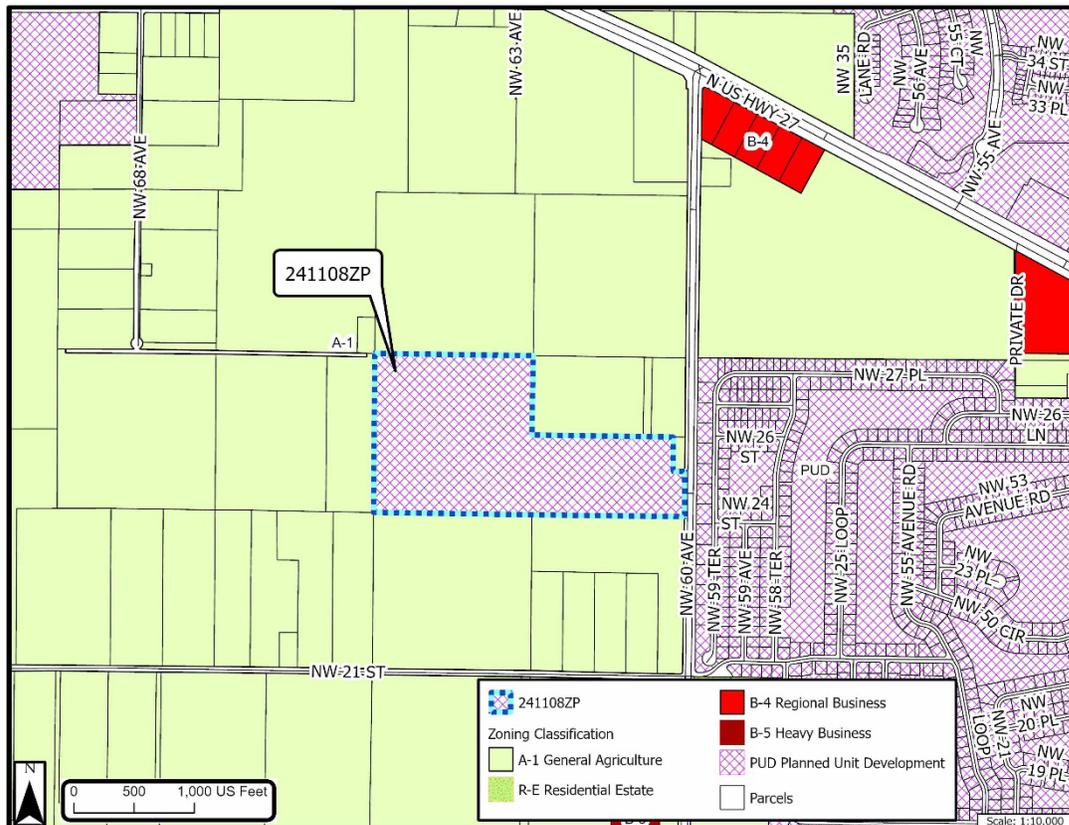


Figure 7 - Existing and Surrounding Land Uses

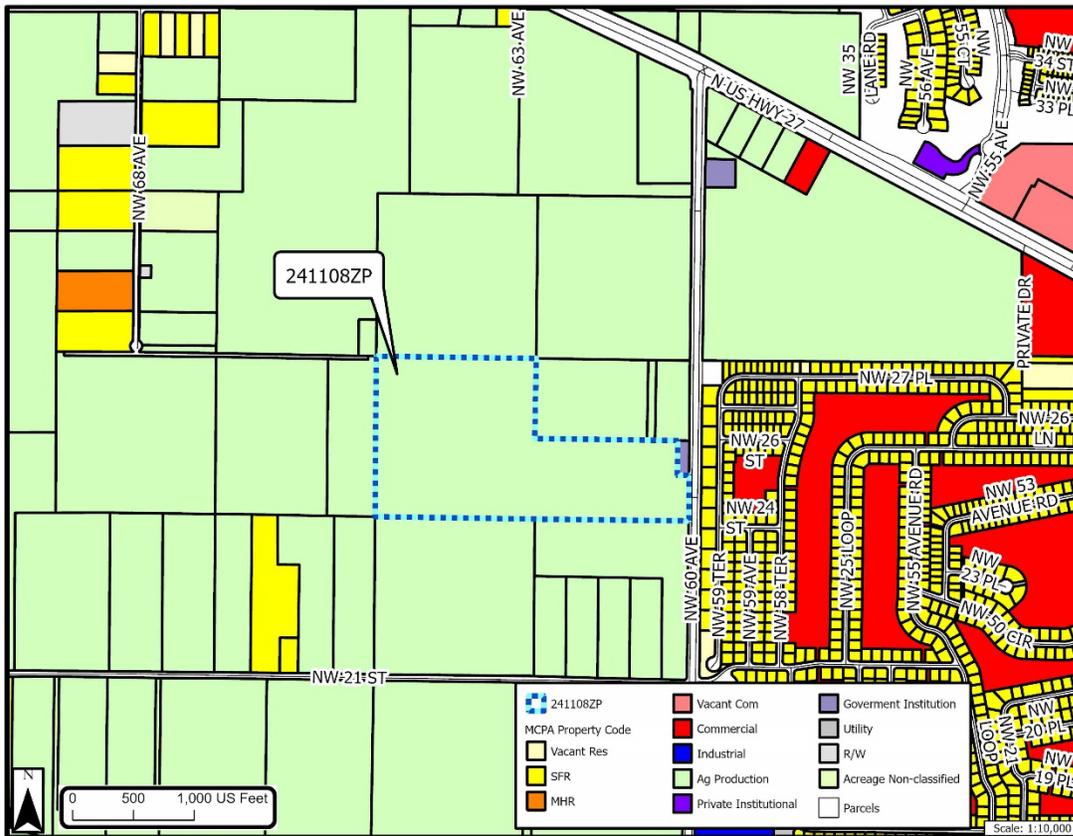


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Marion County Property Appraiser Existing Use
Subject Property	Medium Residential (MR)	General Agriculture (A-1)	Ag Production
North	Medium Residential (MR)	General Agriculture (A-1)	Ag Production
South	Medium Residential (MR), Low Residential (LR)	General Agriculture (A-1)	Ag Production
East	ROW, Medium Residential (MR), Public (P)	General Agriculture (A-1), ROW	Ag Production, ROW, Government Institution
West	Medium Residential (MR)	General Agriculture (A-1)	Ag Production

as to support the approval of the Ordinance, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE** the rezoning amendment.

- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. STAFF RECOMMENDATION

Staff recommends the 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 **DENY** the proposed rezoning because the application:

- A. Is not consistent with the following Comprehensive Plan provisions
1. TE Objective 2.2
 2. TE Objective 2.3, and
 3. TE Objective 3.1;
 4. Incompatible with surrounding uses.
- B. If the PUD rezoning is approved, the recommended development conditions include:
1. The PUD is restricted to a total of 213 dwellings units single-family residential with maximum total not exceed 236 units, consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Attachment A). The development shall be limited to 100 units until a secondary access to the north and/south is provided.
 2. Access shall be provided as required below:
 - a. Provide a secondary full access following along the quarter section line.
 - b. Provide additional access to the properties to the north and south.
 - c. The easement agreement with the property owners to use the cross access through adjacent and surrounding properties shall be obtained before the site plan is approved.
 - d. All access point locations and easements shall be worked out to the satisfaction of the Development Review Committee during the time of Development Review before the Site Plan approval.
 3. Buffers shall be provided as required below. *Two options* for the Board to discuss and consider:
 - a. *Option 1 – staff recommendation:* Buffers shall be provided as shown in the concept plan. Buffers along the perimeter shall use 7-gallon, 3-foot high plants, at the time of planting, and use 4-inch caliper trees at the time of planting.
 - b. *Option 2 – previous Board recommendation:* For the buffers between the proposed development and agricultural lands, provide 30'-wide

- buffers, including a 5'-high berm with landscaping on top of the berm. Use a fast-growing type of landscaping.
- c. Install an irrigation system for the maintenance of buffer.
 - d. Buffer type and its illustration shall be submitted with the site plan phase for approval.
4. If the revised concept plan requires an updated traffic methodology and operational traffic study, both studies shall be completed to the satisfaction of the County Traffic Engineer and Growth Services Director, and adequate provision shall be made for the coordination of improvements with the PUD.
 5. Depending on the study result and recommendation in the Traffic Method Study and Traffic Operational Study, the ingress/egress through the county-maintained parcel may or may not be necessary to the development of the subject parcel. If the Traffic Method Study and Traffic Operational Study indicate the necessity for cross-access and drive-in/out at county's and adjacent properties, the developer must secure agreement with the property owners prior to Site Plan approval. The Traffic Method Study and Traffic Operational Study are subject to the review and approval by the County Traffic Engineer.
 6. All internal and external vehicle circulation shall be paved.
 7. Show multimodal facilities on the PUD Master Plan. Include multimodal path for pedestrians and bikes externally and internally.
 8. Show accessible pedestrian connections from PUD area to adjacent land uses on the site plan.
 9. Show accessible sidewalks along at least one side of internal roads.
 10. Provide additional right-of-way along NW 60th Ave to put required sidewalk.
 11. Show parking calculation on the site plan.
 12. The developer shall coordinate with the State or Federal agency on the investigation and permit on the possibility of cemetery and human remained on site, at the cost on developer, not County.
 13. The PUD shall connect to Marion County Utility. Developer shall work with Marion County Utility regarding water and sewer connection extension and construction of lift station during the site plan phase of the project. The owner will be responsible for funding the extension of the utility line to the property.
 14. Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. Please ensure LDC 6.13 is met with the Major Site Plan.
 15. The developer shall coordinate with the County to address the operation and maintenance of the existing County-maintained DRA if they wish to include this DRA as part of the development. The operation and maintenance plan shall be submitted to the satisfaction of the County Engineer and Growth Services Director. The design and maintenance shall meet the requirements of the Development Review Committee during the Development Review phase, prior to Site Plan approval.
 16. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the residential zoning classification of the LDC.
 17. On the Master Plan provide a typical illustration and table showing a maximum height limits for principal and accessory structures.

18. A Master/Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site.
19. The final PUD Master Plan or equivalent (Major Site Plan) shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

No Recommendation (3 - 3). Staff has previously indicated that a tie vote means no recommendation or no vote.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. PUD rezoning application package (including concept plan, traffic method study, application form, etc.). The revised concept plan submitted on Nov. 4th, 2024 is included.
- B. DRC Rezoning Comments Letter (AR 31268).
- C. Site Photos.
- D. Approved Traffic Study (AR31754)
- E. Previous PUD application in 2021, including denial letter, case withdrawal letter, and concept plan (210402Z).