



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>Hearing Dates:</b>	<b>BCC Date 1: 12/5/2023</b>	<b>BCC Date 2: 2/6/2024 (Continued from 12/19/2023)</b>
<b>Case Number</b>	23-DM10	
<b>CDP-AR</b>	TBD	
<b>Type of Case</b>	<b>Development Agreement Modification:</b> OR Book 4641, Page 281, Utopia/Gaekwad Village PUD	
<b>Owner</b>	DDMM Villages, LLC. (fka Utopia 42, LLC.), Digvijay Gaekwad, and Villages of Marion County GP, LLC.	
<b>Applicant</b>	W. James Gooding, III, Esq. Gooding & Batsel, PLLC.	
<b>Street Address/Site Location</b>	7725 SE Hwy 42	
<b>Parcel Number(s)</b>	47659-000-00, 47659-001-00, 48366-000-00, 48367-000-00, and 48369-000-00	
<b>Property Size</b>	±338 acres	
<b>Future Land Use</b>	Medium Residential, High Residential, Commercial	
<b>Existing Zoning Classification</b>	Planned Unit Development (PUD)	
<b>Overlays Zones &amp; Special Areas</b>	Outside the Urban Growth Boundary (UGB) but within the SE Hwy 441 Urban Area, In the County-wide Secondary Springs Protection Zone (SSPZ), Marion County Utilities Service Area	
<b>Staff Recommendation</b>	<b>APPROVAL</b> of the Modification, subject to final direction from the Board	
<b>Project Planner</b>	Christopher D. Rison, AICP	
<b>Related Cases</b>	20220102Z, 2005-L02, 2005-L29, 2017-S04 [20060423Z, 20061208Z, 20061209SU, 20170804Z]	

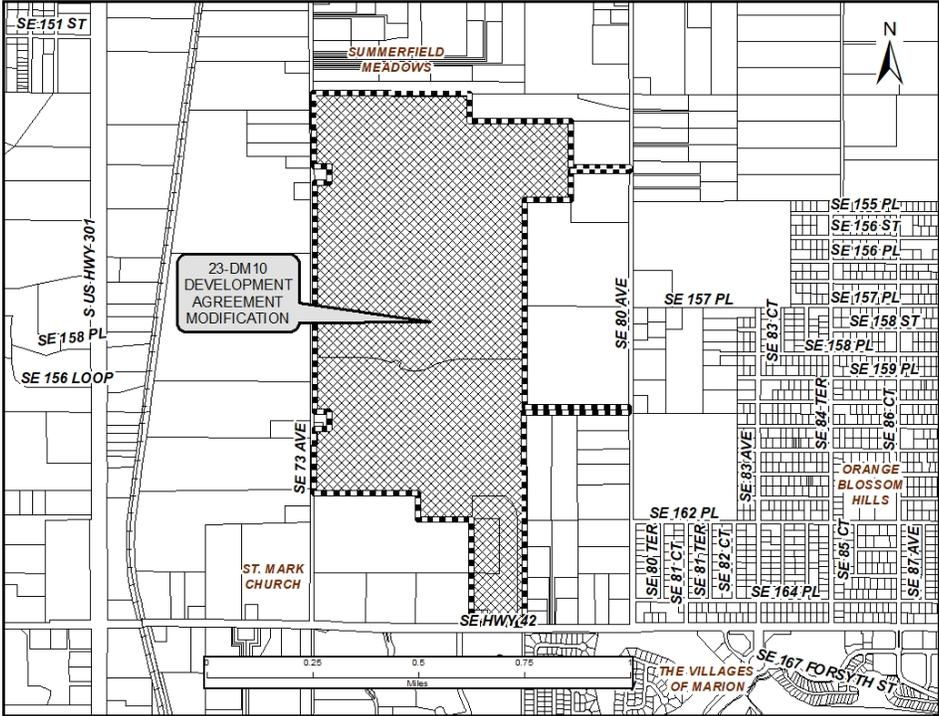
## I. ITEM SUMMARY

James E. Gooding, III, Esq. as agent for DDMM Villages, LLC. (fka Utopia 42, LLC.), Digvijay Gaekwad, and Villages of Marion County GP, LLC., has filed a Chapter 163, Florida Statutes (F.S.) Amended and Restated Development Agreement for a Developer's Agreement (Modification) related to ±338 acres currently identified as the Utopia/Gaekwad Village Planned Unit Development (PUD). The Parcel Identification Numbers (PIDs) for the overall property are 47659-000-00, 47659-001-00, 48366-000-00, 48367-000-00, and 48369-000-00 and one parcel is currently identified as 7725 SE Hwy 42 while the other parcels are not currently addressed; the legal description is contained within proposed Modification. The request proposes to update the historic Developer's Agreement to address the development of the site related to the Developers' payment of utility capital charges, the general provision of central utility services, requirements and potential transportation impact fee credits related to right-of-way and transportation improvements, project buffer adjustments, and the placement and design of the project's SE 80<sup>th</sup> Avenue access point.

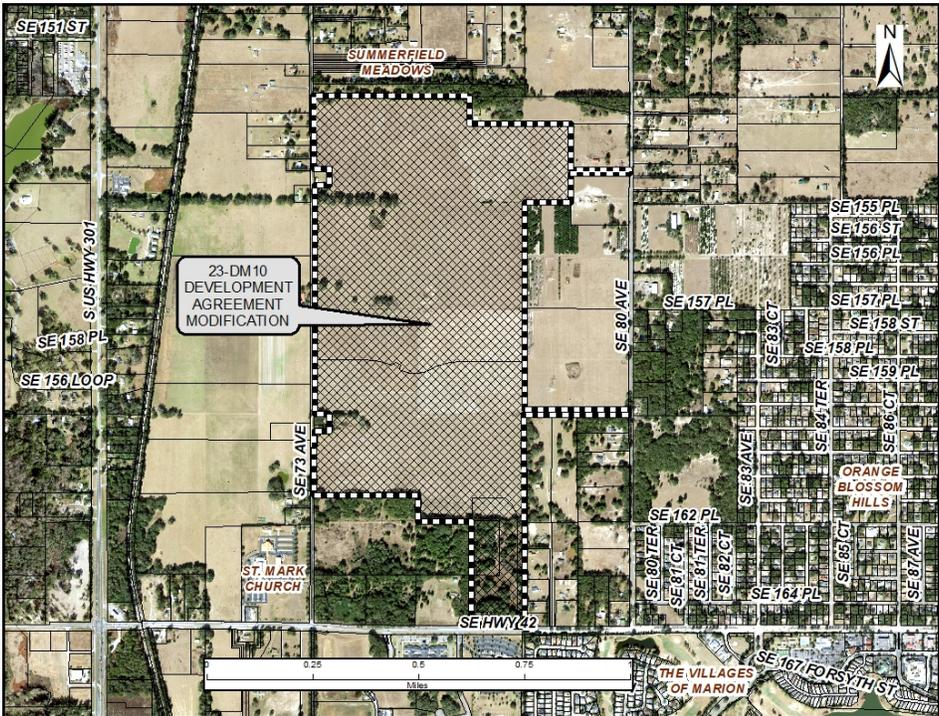
## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the Modification, subject to final direction from the Board. The Modification includes language regarding the buffer along the eastern boundary of the PUD (a portion of the townhouse section and spine road entry) along adjoining parcels no. 48344-000-00 and 48356-04-00 (Troy Adkins Parcels) wherein a previously discussed 50-foot wide setback was to include a 30-foot Type A Buffer and the townhouses adjoining that buffer/setback shall not exceed one-story. Following discussion between Mr. Adkins and David Tillman, Engineer for the Developers, the buffer along those parcels will be revised to provide the 50-setback to instead include an undisturbed ("no touch") 30-foot wide Buffer preserving existing trees with a minimum 6-foot high privacy fence within the west 10-feet of that Buffer, and the townhouses adjoining the buffer shall not exceed one-story. Additionally, the north boundary of the SE 80<sup>th</sup> Avenue access point will include a minimum 6-foot high privacy fence to screen/buffer the side/rear yard of the existing residence to the north, with the fencing beginning ±80' west of the SE 80<sup>th</sup> Avenue right-of-way and extending ±87-feet further west. The SE 80<sup>th</sup> Avenue access point route and western extension have been revised in concept plan (see Attachment C-2) to provide a more linear route to the PUD's proposed spine road in a manner satisfactory to staff.

**Figure 1  
General Location Map**



**Figure 2  
Aerial Map**



### III. NOTICE OF PUBLIC HEARING

Consistent with Chapter 163.3225(2)(a), F.S., notice of public hearing was mailed to all property owners (55 owners) within 300 feet of the subject property on November 22, 2023. Consistent with Chapter 163.3225(2)(a) due public notice was published in the Ocala Star-Banner on November 29, 2023, December 12, 2023, and January 30, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

### IV. ANALYSIS

Table 1 identifies each of the proposed Modification's (Attachment A) sections, their corresponding sections (if any) in the current Developer's Agreement (Attachment B), their title, and staff's remarks and/or review comments regarding the sections.

Staff notes the Modification will also clarify some obligations between the current owner/developer parties, address provisions for potable water and sanitary sewer (wastewater) services including the potential for capital charge credits from Marion County Utilities, and address concurrency and transportation improvement requirements, including but not limited to obligations, coordination, and potential transportation impact fee credits. The Modification proposes credits for improvements not listed in the approved Marion County Transportation Improvement Plan (TIP) and proposes a 20-year duration period for the use of such credits which was supported by Board motion on December 5, 2023. *However, a supermajority vote of the Commission is required to authorize providing transportation impact fee credits for any project not listed in the County's approved TIP.*

<b>Proposed</b>	<b>Current</b>	<b>PROVISION</b>	<b>REMARKS/RECOMMENDATIONS</b>
1	1	Recitals	No objection.
2	n/a	Amended and Restated Agreement	New; no objection.
3	2	Definitions	No objection.
4	3	Encumbrance on Property	No objection.
5	4	Density Limitation	Eliminated prior specific amount of 950 residential units, instead refers to the project site's future land use designations and approved PUD; no objection.
6	5	PUD Zoning (formerly Usage Restriction)	Refers to approved PUD and acknowledges project may be developed in phases; no objection.
7		Performance of Developer Obligations	New; addresses responsibility among the owning and/or property developer parties; no objection.
8	7	Potable Water & Sanitary Sewer (Wastewater) Services	Will connect to both services. Will provide for regional water treatment plant site, and capital charges; no objection.

9	n/a	Capital Charge Credits – Use; Sale; or Redemption	Credits eligible for use, sale, or redemption of credits, with map exhibit for eligible credit sales; no objection.
10	n/a	Final PUD Master Plan [East boundary: setback with buffer and 1-story townhouses; SE 80 <sup>th</sup> Avenue Access with 6' vinyl privacy fence]	Reference to final PUD Master Plan; plan is in DRC review AR# 28998, including Buffer and single-story townhouse limitation to adjoining T. Adkins property along with privacy fencing to SFR adjoining SE 80 <sup>th</sup> Avenue Access Route
n/a	8	Buffering	Delete; no objection by staff as addressed by approved PUD and subsequent Master Plan.
n/a	9	School Concurrency	Delete; no objection. Now addressed with School ILA.
11	11	Stormwater Management – Western Outparcel	Corrects locational reference for outparcel, no objection.
12	10	Traffic Study	Methodology (AR# 29009) and Study (AR# 29371) Approved.
13	10	Deficient Facilities	Deficient roadways: None. Deficient intersections: Exhibit “F”
14	10	Developer Transportation Obligations	Reference to Exhibit “F”
15	10	Developer’s Construction of Developer Transportation Improvements	Design, construction, and right-of-way requirements related to access points, spine road, and obligations as listed in Exhibit “F”
16	10	Conveyance of Developer ROW	Updated timeframes for right-of-way conveyance
17	10	Proportionate Share Mitigation	Completion of Exhibit “F” required improvements will satisfy proportionate share requirements
18	10	Impact Fee Credits	Credits based on requested Developer’s transportation improvements and right-of-way including addressing proportionate share mitigation.
19	10	Transportation Capacity Reservations	Capacity trip reservations based on proportionate share up to 1,087 trips.
20	13	Environmental Impact Assessment	Will comply with LDC Divisions 6.5 and 6.6.
21	14	Stormwater Management System Design and Maintenance	Will comply with LDC Division 6.13, including stormwater design for northwest outparcel previously referenced.
22	15	Water Conservation	Will comply with LDC Divisions 6.8, 6.9, and 6.17.
23	n/a	Force Majeure	No objection.
24	n/a	Acknowledgement Upon Completion	No objection.
25	6	Age Restrictions	No restriction; eligible to propose as development proceeds.
26	16	Minimum Requirements	No objection.
27	17	Violations	No objection.

28	n/a	Information Required by the Act (Chapter 163.3227, F.S.)	Provides required information and referenced PUD Master Plan; no objection.
n/a	18	Notice of Agreement	No objection.
n/a	19	Related Application by Joinder by Additional Owner	No objection.
n/a	20	Contingent Obligations	No objection.
29		Effective Date	No objection.
31	21	General Provisions	No objection.

## V. STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners:

- A. Receive public comment,
- B. Provide direction to staff (if any), and
- C. Motion to approve the Amended and Restated Development Agreement.

## VI. BOARD OF COUNTY COMMISSIONERS ACTION #1 – 12/5/2023

The Board acted to schedule the second public hearing regarding the Modification for Tuesday, December 19, 2023, at 2:00 p.m. subject to providing that the eastern boundary of the townhouse section, along adjoining parcels no. 48344-000-00 and 48356-04-00, will continue comply with a minimum 50-foot setback, including a 30-foot Type A Buffer, and the townhouses adjoining that buffer shall not exceed one story; further, the final complete design for the eastern access point to SE 80<sup>th</sup> Avenue shall be brought forward for approval with the final PUD Master Plan for the project.

## VII. BOARD OF COUNTY COMMISSIONERS ACTION #2 – 12/19/2023

The Board opened the second public hearing on Tuesday, December 19, 2023, at 2:00 p.m. Immediately prior to the hearing, the applicant proposed further revisions to the Modification. Following public comment, the *Board acted to continue the hearing to February 6, 2024, at 10:00 a.m.* to allow staff to complete review of the added revisions, and allow the Developer's agents to confer with an adjoining owner regarding buffers along their shared property boundary (Mr. Adkins as noted previously).

## VIII. BOARD OF COUNTY COMMISSIONERS ACTION #3 – 2/6/2024

TBD

## IX. LIST OF ATTACHMENTS

- A. Proposed Development Agreement Modification
- B. Current recorded Development Agreement, OR Book 4641, Page 281.
- C.
  1. DRAFT Final PUD Master Plan (Nov 2022 Set)
  2. Revised DRAFT Final PUD Master Plan Sheets 5.01 and 8.01 (1/18/2024)
- D. Utopia/Gaekwad Village PUD Approval Letter