



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 6/26/2023	BCC Date: 7/28/2023
Case Number:	230704ZP
CDP-AR:	30132
Type of Case:	Rezoning (Modification of PUD) PUD to PUD Expand from 288 units to 360 units via TDR acquisition.
Owner	Sunbelt Land Fund – Ocala South LLC
Applicant	Merrimac SWC Ocala LLC
Street Address	Property Address Not Assigned
Parcel Number	35369-027-01
Property Size	36.13 Acres
Future Land Use	High Residential
Zoning Classification	Planned Unit Development (PUD)
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	APPROVAL
P&Z Recommendation	APPROVAL (on Consent)
Project Planner	Kenneth Odom, Transportation Planner
Related Case(s)	211013Z (PUD Rezoning)

I. ITEM SUMMARY

Merrimac SWC Ocala LLC, on behalf of landowner, Sunbelt Land Fund – Ocala South LLC have filed a rezoning application to modify the PUD (Approved under 211013Z on 10/19/2021) in order to utilize Transfer of Development Rights (TDR) credits to increase the number of permitted multi-family units from 288 to 360. (see Attachment A). The Parcel Identification Number associated with the subject property is 35369-027-01 (36.13 Acres). No address is currently assigned to this parcel as it is unimproved, but the subject parcel is generally located on the east side of SW 60th Avenue, at the intersection of SW 52nd Street in Ocala, FL. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated within of the Urban Growth Boundary (UGB) and located within the Secondary Springs Overlay Protection Zone.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the applicant's request because it is consistent with Land Development Code (LDC) Section 2.7.3.E(2), which requires that granting a rezoning will not adversely affect the public interest, that the rezoning is in consistency with the Marion County Comprehensive Plan (MCCP), and that the rezoning is compatible with land uses in the surrounding area.

III. PUBLIC NOTICE

Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (21 owners) within 300 feet of the subject property on June 9, 2023. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on June 23, 2023, and consistent with LDC Section 2.7.3.E, due public notice was published in the Ocala Star-Banner on June 12, 2023. Evidence of the above-described public notices are 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: Staff finds the proposed uses are consistent with the uses allowed within the Urban Residential FLUMS designation (8-16 du/ac) and the maximum allowable intensity and density. Based on the above, staff concludes the PUD is consistent with this section.

- The project shall be developed consistent with the PUD Application, the approved PUD Concept Plan, and the conditions as provided in this approval.
 - The project shall contain up to 360 "cottage style" economic rental housing units of 3/2 and 2/2 layouts.
2. LDC Section 4.2.31.B.(2) provides uses identified as ordinarily requiring a Special Use Permit (SUP) may be authorized as permitted within all or a part of a PUD without the necessity of a separate SUP application provided it meets one of three criteria;

Analysis: Staff finds the Applicant is not proposing any SUP and, therefore, the rezoning is consistent with this requirement.

3. LDC Section 4.2.31.B.(3) provides 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:

This PUD modification request is not seeking an SUP, and, therefore this section is not applicable.

4. LDC Section 4.2.31.B.(4) establishes three (3) methods for setting forth the list of permitted and special uses.

Analysis: Staff finds the PUD is requesting a 360-unit residential development with a mixture of one-, two-, and three-bedroom apartment homes, as well as two- and three-bedroom townhome development. The conceptual plan shows the 360 residential units, and the application is limited to 360 dwelling units due to the fee paid and the advertisement was for 360 residential units. Any attempt to go beyond the 360 residential units will require a new application and new advertisements. The application also proposes the same accessory recreational uses for both the apartments and townhome areas. Those recreational uses include, a fitness center, pool, exercise trail, dog park, and dog wash.

5. LDC Section 4.2.31.B.(5) provides the intended character of the PUD shall be identified, including the structure types, architectural styles, ownership forms, amenities, and community management form (e.g., property owner association, community development classification, municipal service unit, etc.) or suitable alternative.

Analysis: Staff finds the intended character of the PUD is a mix of styles of multifamily homes. The structure types include two- and three-story apartments, attached townhome multifamily units, with covered garages available. The architectural style is defined as modern farmhouse; the sole owners are Sunbelt Land Fund I-Ocala South, LLC. And they hold title in fee simple, while the Applicant's agent has stated that the community management will be under an experienced property manager over the life of the community to oversee all aspects of residential living, including maintenance of all private roads, parking areas, retention areas, common areas, etc. perpetually after this site is complete. Examples of the architectural styles can be found in attachment A.

The PUD offers 22.89-acres of total open space or 63.37 percent of the 36.13-acre property size. The proposed recreational amenities include one (1) ±6,000 SF clubhouse inclusive of a community fitness center, one (1) ±2400 SF pool, 4,350 SF of an exercise trail, 10,000 SF of a dog park, and 1 dog wash area. Using Census data of 2.4 persons per household, which is the average for Marion County, at 360 dwelling units, the proposed PUD may generate 864 people. This

translates into 1,154 SF of open space per person, and 9.72 SF of clubhouse and pool per person.

- 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 36.13 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 36.13 acres in size with High Residential FLUMS. The High Residential FLUMS allows for 4-8 dwelling units per acre. The subject property, by FLUMS, allows for a minimum of 144 dwelling units and a maximum of 288 dwelling units. The proposed 360 dwelling units is 125% of the maximum residential development allowed by the FLUMS of the subject property. The additional 72 units are the result of a purchase of Transfer Development Credits (TDCs). The proposed density of the PUD is 10 dwelling units per acre. The properties to the east and south of the proposed PUD include; High Residential (HR 4-8 du/ac). The properties to the north of the proposed PUD include; High Residential, Medium Residential (MR 1-4 du/ac), and Commercial (COM 0-8 du/ac). The properties to the west of the proposed PUD include; High Residential, Commercial, and Public (P 1.0 max Floor Area Ratio). The proposed PUD attempts to address the transition from single-family homes to the south of the PUD, and the commercial uses to the north and west of the PUD, by clustering the multifamily units to the northern portions of the property, with focusing the townhomes in the south. The PUD also places 50' Setback Type C buffer to the south, a 20' Setback Type E buffer to the east, and a 20' Setback Type C buffer to the north and west of the property to help provide a buffer between the PUD and the surrounding properties. The proposed PUD is consistent with this section.

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: This PUD proposes two access points. The northern, secondary access point is on SW 52nd Street and leads directly to SW 60th Avenue. In the future, SW 52nd Street will extend westward into the Calesa development and have connections to SW 80th Avenue or SW 38th Street by way of the Calesa development. The main access point is on SW 60th at an unsignalized intersection. The subject property has nearby (less than a

mile) access to public transit (Suntran) along SW College Road. However, once developed, Suntran will service this property with hourly routes. The existing PUD for 288 residential multifamily units has an approved traffic study. This traffic study will need to be updated to account for the additional 72 residential units requested with this application. There is no FEMA flood zone on the subject properties.

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

Analysis: This application is proposing to increase density through the Transfer of Development Rights (TDR) Program, according to LDC § 4.2.31.D(3)(a). The applicant is in the process of acquiring 72 Transfer Development Credits (TDCs) from a property owner with credits available and is proposing to redeem them under this PUD to increase their maximum density from 288 total dwelling units to 360 total dwelling units. Therefore, this application is consistent with this section.

4. LDC Section 4.2.31.D.(4) allows for blending of densities/intensities if the subject property has more than one FLUMS designation.

Analysis: Staff finds that the subject property has only one FLUMS designation. Thus, staff concludes this section is not applicable.

5. LDC Section 4.2.31.D.(5) addresses averaging.

- a. LDC Section 4.2.31.D.(5)(a) provides, “[t]he 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: The FLUMs of the subject property is a unified High Residential which allows for 4-8 dwelling units per acre. After the redemption of the 72 TDCs, the PUD proposes a density of 10 dwelling units per acre, which exceeds the maximum density that would be permitted, however, through the Transfer of Development Rights density bonus (FLUE Policy 9.1, Marion County Comprehensive Plan) a development within the Urban Growth Boundary is eligible for a density bonus of up to two dwelling units per acre, pending Board of County Commissioners approval. This proposed PUD is neither subject to special setback nor protection zone/area requirements, and therefore, with approved redemption of the 72 TDCs to be acquired, the application is consistent with this section.

- b. LDC Section 4.2.31.D.(5)(b) allows “alternative setback and/or protection zone/areas meeting the intent of the Code for uses internal to the PUD site as part of the PUD review and consideration, subject, however to the Comprehensive Plan.”

Analysis: Staff finds that internally, the PUD proposes setbacks for the entire PUD of 20 feet from the north, west, and east property lines and 50 feet from the south property line. Compared with the LDC, residential with centralized utilities are 20’,

20', and 8' for primary residential structures and 8' for rear and side for accessory structures.

- 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 within the Urban Growth Boundary and is not in a rural area. The PUD is not a hamlet or rural residential cluster. Thus, this section is not applicable.

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

Analysis: Buffer details are proposed within the application (see Attachment A). Staff finds that the PUD is proposing a C-type buffer (15' wide landscape strip without a buffer wall. At least 2 shade trees and 3 accent/ornamental trees for every 100 lineal feet or fraction thereof) along the right-of-way SW 52nd Street and SW 60th Avenue, as well as along the southern border, which is consistent with the LDC. The PUD also proposes a E-type buffer (5' wide landscape strip without a buffer wall. At least 4 shade trees and shrubs every 100 lineal feet or fraction thereof) along the eastern boundary adjacent to the agriculturally-zoned properties, currently used as grazing land with a future land use of High Residential, which is identical to the current future use of the proposed PUD. The LDC-required buffer along the boundaries adjacent to the residentially-zoned, agricultural properties to the east is a Type E buffer (5' wide landscape strip without a buffer wall. At least 4 shade trees and shrubs every 100 lineal feet or fraction thereof). The Type E Buffer is more intense than requirement on the boundaries adjacent to the agricultural properties. Additionally, inside the buffer and setback is a drainage retention area on the northern portion of the property, and on the southern portion, the 8' wide fitness trail winds through the open space between the buildings and boundary lines, which continues around the property on the outer portions of all sides of the property where there isn't a drainage retention pond, providing even more space between the residential uses of the PUD and the adjacent properties. Therefore, the application meets or exceeds requirements within this section. Notwithstanding, staff recommends the following condition be imposed:

- Project buffers shall be provided consistent with those in the approved Concept Plan, including the incorporation of an 8' walking trail, within the buffers, that circumnavigates the proposed development.

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. There are two full access points to paved public roads, and all roads within the PUD will be paved. The location and improvements of access points will have to be worked out through the Development Review phase of site planning. The subject property is less than a mile from a transit route. Notwithstanding, staff recommends the following condition be imposed:

- Prior to completion and approval of the final PUD Master Plan, the project Traffic Study shall be completed to the satisfaction of the County Engineer and Planning Director, adequate provision shall be made for the coordination of improvements with the PUD
 - All access point locations will be worked out to the satisfaction of the Development Review Committee during the time of Development Review.
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: Staff finds PUD proposes sidewalks along the adjacent right-of-ways and on at least one side of all internal roads. The proposed PUD is consistent with this section.

3. LDC Section 4.2.31.E.(1)(c) provides the PUD shall include multi-modal design accommodating pedestrian, bicycle, transit, and vehicular access focusing on integrating the modes with the proposed PUD uses and expected activity levels and/or focus (e.g., employment, residential, institutional, etc.).

Analysis: Staff finds PUD proposes sidewalks along the adjacent right-of-ways and on at least one side of all internal roads. The proposed PUD is on a transit route. The proposed PUD is consistent with this section.

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

Analysis: Staff finds the PUD provides parking calculations for all uses within the PUD and is consistent with this section.

5. LDC Section 4.2.31.E.(1)(e) requires all appropriate utility infrastructure shall be made available to and provided for the PUD.

Analysis: Staff finds that the subject property is within connection distance of centralized water and sewer. The property is within the Marion County service area but there is a prior agreement to connect to the City of Ocala's utilities (see Attachment B).

- The PUD shall connect to centralized water and sewer.
6. LDC Section 4.2.31.E.(1)(f) requires all appropriate and necessary stormwater infrastructure shall be provided for the PUD development to ensure compliance this Code.
 - a. LDC Section 6.13.2 addresses the minimum requirements for stormwater management.

Analysis: The DRC letter notes the Major Site Plan must be consistent with LDC Section 6.13 (see Attachment B).

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

Analysis: The PUD proposes a private retention ponds to serve the entire site, based on the conceptual plan (see Attachment A). Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. The Development Review phase consists of advertised public meetings with public comment for items on the agenda.

- 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. The Development Review phase consists of advertised public meetings with public comment for items on the agenda.

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. The Development Review phase consists of advertised public meetings with public comment for items on the agenda.

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: The Conceptual Plan's data table shows setbacks of 20 feet from the north, east, and west boundary lines and a 50-foot setback from the southern boundary line. This is consistent with the previously approved PUD.

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

Analysis: The application does not address this item. Therefore staff concludes that the application is **not consistent with LDC Section 4.2.31.E.(3)(c)**. For compatibility with the multiple family uses found in the LDC, staff recommends the following condition:

- Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Multiple Family Dwelling (R-3) 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 the building separations for the PUD are 10' minimum, thus this application **is consistent with this section**.

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

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

Analysis: Staff finds that the PUD proposes building heights of 49'. The adjacent parcels adjacent are limited to 40' and 50' in height. For compatibility with adjacent uses, staff proposes the following condition.

- Apartments shall be a maximum of 50' in height, townhomes shall be a maximum of two story in height. Any clubhouse buildings heights shall be a maximum of 40' and accessory structures shall be limited to 20'.
2. LDC Section 4.2.31.E.(4)(a)3. provides all maximum height limits for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

Analysis: Staff finds that a typical illustration and table have been provided for the main residential structures and height indication is provided on the illustration. **Thus, this application is consistent with this section.**

3. LDC Section 4.2.31.E.(4)(b) addresses dissimilar uses.
 - a. LDC Section 4.2.31.E.(4)(b)1 provides that when commercial, industrial, or institutional uses are provided within a PUD within 100 feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use or zoning classification outside the PUD is residential:
 - 1) A non-residential structure may not exceed a height that is twice the height of the closest existing abutting residential structure; however, the height of the non-residential structure shall also not exceed the maximum height allowed in the abutting residential zoning classification.
 - 2) If the residential zoned land directly adjacent to the PUD is vacant land, then the height of a non-residential structure within the PUD shall not exceed the maximum height allowed in the abutting residential classification.
 - 3) An alternative height limit may be proposed; however, it is the PUD applicant's responsibility to fully demonstrate the alternative will be sufficiently mitigated to address potential impacts of the increased height of the non-residential use in relation to the existing residential use and/or residential zoning classification; however, the Board is not obligated to agree and/or accept the alternative proposal.

Analysis: There are no commercial uses within 100' of the boundary, 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: Staff finds that multiple family structures are proposed within 100' of the boundary adjacent to properties with single-family homes. These structures will be required to comply with the height limitations of 4.2.31.E.(4)(b).

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 Concept Plan does display the location of exterior lighting at potentially dangerous or hazardous locations. Thus, is 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 addressed in the application. Division 6.19 of the LDC does not allow for lighting to cast glare on adjacent properties. This provision will be required during the Development Review phases and checked once again as the as-builts are provided for the individual site plans. The Development Review phase consists of advertised public meetings with public comment for items on the agenda. Thus is 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: This item is addressed above.

- I. LDC Section 4.2.31.E.(6) provides buffers shall be provided externally and internally, between the PUD and surroundings and between internal PUD uses, in order to maintain compatibility between uses and avoid and/or limit adverse impacts between uses and nuisance situations as follows:
 1. Buffers shall be provided between the proposed PUD uses and the PUD's surroundings, and between the PUD's internal uses, in a manner that conforms to the requirements of Section 6.8.6; however, a PUD may propose alternative buffer standards and designs provided the intent of the buffer requirement is satisfied,
 2. A PUD may propose the elimination of internal buffers within the PUD; however, for significantly dissimilar uses (e.g., residential versus industrial), mechanisms to ensure future PUD residents and occupants are aware of the elimination of such requirements may be required in response to such a proposal.

Analysis: Staff finds that the external buffers, addressed earlier in the report, meet or exceed the standard buffers of the LDC. Thus, is consistent with the LDC Section 4.2.31.E.(6).

- 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 22.89 acres of open space which is more than the required 7.2 acres of open space. Within this open space, the application proposes two sections, each with a 6,000 SF clubhouse, a pool with a with Playground. Thus, is consistent with this section.

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 recreational amenity area north of the commercial area but the Site Data does not display the size of this 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 five percent IOS. This calculation has been provide on the Conceptual Plan, thus, is consistent with this section.

4. LDC Section 4.2.31.E.(7)(d) establishes the following improved open space eligibility standards:
 - a. Landscape buffers required for the PUD perimeter to surrounding properties, and within the PUD to provide internal buffering shall be counted at 100 percent,
 - b. Parks, playgrounds, beaches, bikeways, pedestrian walks, equestrian trails, and other similar improved, usable outdoor areas shall be counted at 100 percent,
 - c. Up to 25 percent of stormwater facilities may be counted to satisfy area/acreage requirements for required IOS. A higher percentage may be approved by DRC, depending on the design and lay of the facility, wherein the stormwater facilities provide a stable, dry, surface for extended periods of time and are not subject to erosion and/or damage to key design components when subjected to active use by PUD residents, employees, and patrons.

- d. Parking areas and road rights-of-way may not be included in calculations of IOS; however, separate tracts exclusive of rights-of-way providing landscaping buffers, or landscaped pedestrian, bicycle and other non-vehicular multi-use trails may be classified as IOS.
- e. Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space requirements in accordance with the following criteria:
 - 1) Waterbodies available and used for active water-oriented recreation uses such as boating, kayaking, canoeing, paddle boarding, fishing, water/jet skiing, and swimming may be used in calculations of IOS area of waterbodies but shall not exceed 50 percent of the total IOS; however, the adjoining recreational lands supporting the active water oriented recreation uses may be counted at 100 percent.
 - 2) Waterbodies not available or used for the noted active water-oriented recreation uses may be used in calculations of IOS but shall not exceed 10 percent of the total IOS; however, the adjoining recreational lands supporting the waterbody that are established as recreation/amenity space may be counted at 100 percent recreational space. Only those waterbodies which are available to the development for water-oriented recreation use such as boating, fishing, water skiing, swimming and have associated recreational land areas may be used in meeting these requirements.
- f. If golf courses and/or driving ranges are provided to partially fulfill recreation space requirements, a maximum of 60 percent of the golf course and/or driving range land may be counted toward the required IOS. A golf course, driving range, and waterbodies combined cannot exceed 75 percent of the required IOS.

Analysis: The Site Data does document the number of acres and percentage of open space provided, including separate entries for landscape buffers, parks, stormwater facilities and waterbodies.

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

Analysis: Staff finds the FLUMS is Urban Residential. If the development is approved for a maximum of 360 residential units, then the PUD would be allowed 2 acres of commercial development. However, the PUD does not propose any commercial development.

- 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: Staff finds the PUD does not propose any commercial uses. Thus, staff concludes this section is 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: Staff finds the PUD does not propose any commercial uses. Thus, staff concludes this section is 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: Staff finds the PUD does not propose any commercial uses. Thus, staff concludes this section is not applicable.

L. LDC Section 4.2.31.F. addresses the pre-application meeting.

1. LDC Section 4.2.31.F.1 requires a pre-application meeting be conducted before a PUD rezoning application can be accepted.

Analysis: The Applicant had a pre-application meeting with staff on April 28, 2023. Thus, this application meets this requirement.

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

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

3. LDC Section 4.2.31.F.(2)(b) requires the PUD Rezoning Application shall be accompanied by a Conceptual Plan provide documentation addressing the following:
 - a. The name of the proposed PUD shall be centered at the top of the sheet along the long dimension of the sheet.
 - b. Vicinity map that depicts relationship of the site to the surrounding area within a 1-mile radius.
 - c. Drawing of the boundaries of the property showing dimensions of all sides.

- d. Provide the acreage of the subject property along with a legal description of the property.
- e. Identify the Comprehensive Plan future land use and existing zoning of the subject property and for all properties immediately adjacent to the subject property.
- f. Identify existing site improvements on the site.
- g. A list of the uses proposed for the development.
- h. A typical drawing of an interior lot, corner lot, and cul-de-sac lot noting setback requirements. For residential development, the typical drawings will show a standard house size with anticipated accessory structure.
- i. Proposed zoning and development standards (setbacks, FAR, building height, etc.).
- j. Identify proposed phasing on the plan.
- k. Identify proposed buffers.
- l. Identify access to the site.
- m. Preliminary building lot typicals with required yard setbacks and parking lot locations.
- n. Preliminary sidewalk locations.
- o. Proposed parallel access locations.
- p. Show 100-year floodplain on the site.
- q. Show any proposed land or right of way dedication.
- r. Identify any proposed parks or open spaces.
- s. A note describing how the construction and maintenance of private roads, parking areas, detention areas, common areas, etc. will be coordinated during development and perpetually after the site is complete.
- t. Architectural renderings or color photos detailing the design features, color pallets, buffering details.

Analysis: The application submitted was determined to meet the minimum requirements for application submission. Thus, is consistent.

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

Analysis: The DRC considered the application at their July 10, 2023 meeting and recommended to transmit to PUD with conceptual plan. (see Attachment B). Thus is consistent.

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

Analysis: N/A

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

Analysis: If the Board desires the final development plan to be brought back before the Board for final action, staff proposes this optional condition (Condition #9). However, the PUD has been through the Master Plan approval process, on June 21, 2022, when it was proposed as 288 dwelling units. This occurred prior to the applicant opting to utilize the TDR process in order to increase the number of allowable dwelling units to 360.

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

Analysis: Staff finds that only a conceptual plan was submitted for consideration. And a Master Plan has been submitted to the Development Review Office within the Office of the County Engineer.

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

Analysis: 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.

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. *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 and Figure 4 illustrate the adjacent and surrounding current land uses as being predominantly residential, to the north, south and east while Commercial to the west. Zoning designations are predominantly A-1 to the north and east but widely varied between residential and commercial designations to the south and west. Figure 2 displays the existing FLUMS designation of the subject and surrounding properties. It shows the subject property is designated High Residential (HR) and General Agriculture with High Residential (HR), Medium Residential (MR), Urban Residential (UR), Commercial (COM) and Public (P) land uses nearby.

Figure 2
Future Land Use Map Series Designation



The application proposes modification of the existing PUD as approved under Application #211013Z to increase the number of permitted units from 288 to 360 by utilizing the TDR program (*Marion County Comprehensive Plan – Future Land Use Element – Objective 9.1*) to increase the allowable residential units by 72. The holder of the credits being transferred are owned by Merrimac SWC Ocala, LLC, and are being received by Sunbelt Land Fund, LLC. (See Attachment C)

Figure 3
Zoning Classification Map

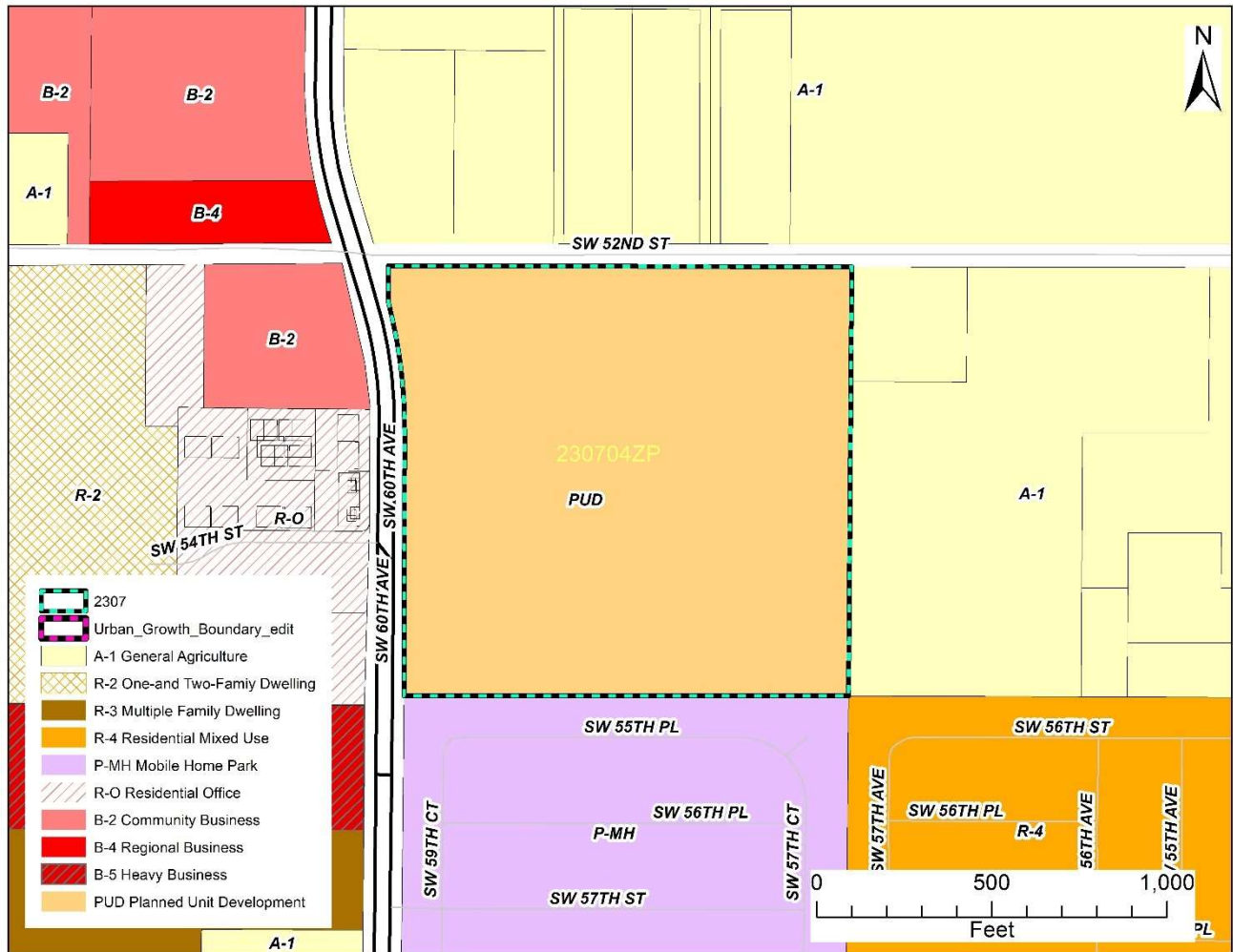


Figure 4 shows the existing uses of subject property and surrounding properties. Table A displays the information from Figures 2 through 4 in tabular form. Consistent with LDC Section 2.7.3.D, staff have conducted multiple site visits and find the subject property be mostly unimproved and was previously utilized for cattle husbandry.

Figure 4 Subject Property and Surrounding Land Use Map

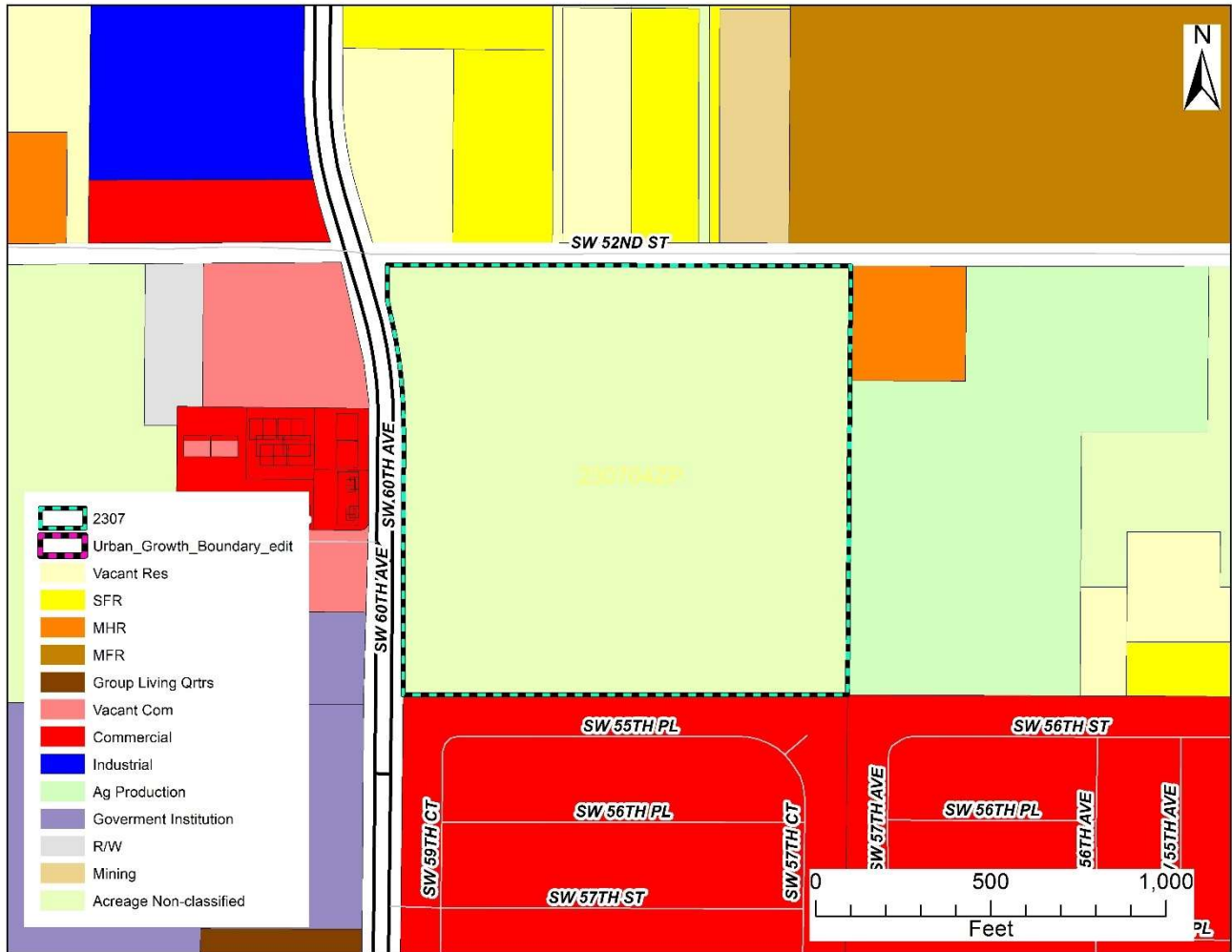


Table A
SUBJECT PROPERTY AND ADJACENT PROPERTY CHARACTERISTICS

Direction of Adjacency	Future Land Use Map Series Designation	Zoning Classification Map	Existing Use/MCPA Property Class
Site	High Residential	PUD	(60-65) Grazing
North	Medium Residential & Commercial	General Agriculture (A-1)	(01) Improved Residential
South	High Residential	Mobile Home Park (P-MH)	(01) Improved Residential
East	High Residential	General Agriculture (A-1)	(51-53) Cropland & (01) Improved Residential
West	High Residential & Commercial	Residential Office (R-O) & Community Business (B-2)	(18) Multi-Story Office

B. *Effect on the public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.

- a. Roadways. The previously approved site plan indicated that access will be located on SW 52nd Street and SW 60th Avenue. Current count data is not available for this segment of SW 52nd Street. At this location, SW 60th Avenue has recorded traffic counts of approximately 15,100 trips per day. The adopted LOS threshold is 35,820, so approximately 42% of the corridor capacity is currently utilized.

The applicant has previously provided a trip generation study for the original 280 units that were initially proposed. An updated study for 288 units has not been received to date as the applicant was exploring alternatives to increase the density of the units for this project even further. That number is now proposed to be increased to 360 through the TDR program. An updated traffic study will be required if the transfer of credits is permitted.

- b. Public transit. Fixed-route services (SunTran – Silver Route) will provide hourly service to this location.
- c. Other mobility features. Sidewalks and bicycle lanes currently exist on SW 60th Avenue. Additional sidewalks will be included at this location on SW 60th Avenue and SW 52nd Street.

2. 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 an average household size of 2.4 people, the proposed zoning would allow for 360 multi-family residences which could generate up to approximately 95,040 gallons per day. Sanitary sewer is not yet available at this location but the City of Ocala will make services available prior to this property being permitted for occupancy. Thus, it is concluded the application's **sanitary sewer impacts would not adversely affect the public interest.**
3. 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 360 multi-family residences, the proposed zoning would allow for the potential of approximately 129,600 gallons of water use per day. Municipal water services are not yet available at this location but the City of Ocala will make services available prior to property being permitted for occupancy. Thus, it is concluded the application's **potable water 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 for residential demand. Based on 360 multi-family residences, the proposed zoning would allow for the potential of generating approximately 5.356 pounds of solid waste 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. Marion County Fire Rescue Station #21 – Friendship is located approximately 3.9 miles southwest of the subject parcels. The City of Ocala Fire Station #6 is located 0.55 miles due east of the subject parcel. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, it is concluded the application's fire rescue/emergency impacts **would not adversely affect the public interest.**
6. Law enforcement. The Marion County Sheriff's Department – Southwest District Office is located approximately 5.7 miles southwest of the subject parcel. 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 application's **law enforcement impacts would not affect the public interest.**

7. Public schools. Public educational institutions serving this area of Marion County include:
- Saddlewood Elementary School – 3700 SW 43rd Court
2.45 Miles northeast
 - Hammett Bowen Elementary School – 4397 SW 95th Street
4.65 Miles southeast
 - Liberty Middle School – 4773 SW 95th Street
4.5 Miles southeast
 - West Port High School – 3733 SW 80th Street
2.78 Miles northwest

In summation, staff finds that this rezoning application is in conformance with the seven public facility and services level of service standards, and therefore, staff concludes that **the public interest is not adversely affected.**

C. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.3: Accommodating Growth, provides, “The County shall designate on the Future Land Use Map sufficient area in each land use designation to distribute development to appropriate locations throughout the county. Changes to the Future Land Use Map shall be considered in order to accommodate the existing and projected population and its need for services, employment opportunities, and recreation and open space while providing for the continuation of agriculture activities and protection of the environment and natural resources.”

Analysis: The FLUMS designates this parcel as High Residential. The proposed rezoning will maintain the subject parcel in a conforming status with the land use of the 2045 FLUMS and the land use of the surrounding properties.

2. FLUE Policy 5.1.3 on Planning and Zoning Commission provides, “The County shall enable applications for CPA, ZP, 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, ZP, 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 zoning change is scheduled for the June 26, 2023 Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

3. FLUE Policy 5.1.4 on Notice of Hearing provides, “The County shall provide notice consistent with Florida Statutes and as further defined in the LDC.”

Analysis: Staff finds public notice has been provided as required by the LDC and Florida Statutes and, therefore, concludes the application is being processed consistent with FLUE Policy 5.1.4.

4. FLUE Policy 9.1.1: Maximum Density and Intensity Bonus with Transfer of Rights Programs. The County shall allow for density and intensity increases with the Transfer of Rights Programs as follows:
 1. Density Bonus: A maximum of two (2) dwelling units per one (1) gross acre is permitted. The number of Transferrable Development Credits (TDC) required shall comply with the Transfer of Rights Programs. If property developed with the density bonus cannot meet the appropriate Zoning development standards, such as setbacks, minimum lot size, etc., then a PUD zoning shall be required.

Analysis: The applicant has purchased 72 TDCs in compliance with the TDR Program with intent to use those credits within this PUD. This is the maximum amount of TDCs allowed for the project. Based on the above findings, it is concluded the application is **consistent** with FLUE Policy 9.1.1

5. TE Policy 2.1.4 on determination of impact provides in part, "All proposed development shall be evaluated to determine impacts to adopted LOS standards."

Analysis: The (DRC) comments letter on the proposed amendment statement from Marion County Utilities states "Marion County Utilities service area but prior agreement to be served by the City of Ocala Utilities east of SW 60th Ave. Service subjects parcel to annexation at City's timeline." An update to the existing traffic study reflecting the additional multi-family units shall be required. Based on the above findings, it is concluded the application is **consistent** with TE Policy 2.1.4

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

Analysis: The subject property is within the UGB and, based on the maximum number of potential trips, the proposed rezoning would not pose any significant impacts, above what has already been approved on the subject parcel, to infrastructure in the immediate area. Based on the above, it is concluded the application is **consistent** with TE Objective 3.1.

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

Analysis: The primary corridor providing access to the subject parcel is SW 60th Avenue which is a Marion County maintained Collector road. Secondary access is also available via SW 52nd Street which is a Marion

County maintained Minor Collector road. Sidewalk and bike lane facilities already exist on SW 60th Avenue, but not SW 52nd Street. Based on the number of trips that are projected to be generated it is concluded the application is **consistent** with TE Objective 3.1.2.

8. TE Objective 2.2. on Access Management provides, “To maintain the intended functionality of Marion County’s roadway network, access management standards shall be established which provides access controls and manage the number and location of public roadways, private roadways, driveways, median openings, and traffic signals.”

Analysis: Access will be available to the subject parcel from SW 52nd Street and SW 60th Avenue once the multi-family use is constructed. Access points have been previously reviewed both through the site plan and traffic study process. An updated traffic study will also be required for the proposed increase in multi-family residential units. Based on the above findings, staff concludes the application is **consistent** with TE Objective 2.2.

VI. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and **DENY** the application.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed, and **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed decision.

VII. STAFF RECOMMENDATION

Staff recommends the Board 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 **APPROVE** three different items: 1) the sale/transfer of the TDCs to the Applicant, 2) the assignment and use of the TDCs for this PUD, and 3) the PUD Amendment to use the TDCs and increase the maximum number of residential units permitted, including the remaining originally recommended development conditions (see Attachment I).

- A. Will not adversely affect the public interest based upon staff finding that the proposed rezoning conforms with the public facility and services level of service standards, and therefore, staff concludes that when weighting the totality of the circumstances, the public interest is not adversely affected.;
- B. Is consistent with the following Comprehensive Plan provisions;
 1. FLUE Policies 1.1.3., 5.1.3., 5.1.4 and 9.1;
 2. TE Objectives 2.2, 3.1, and TE Policy 2.1.4
 3. SSE Policy 1.1.1
 4. PWE Policy 1.1.1

5. SWE Policy 1.1.1

C. Is compatible with the surrounding uses because the maximum allowable densities on the property are consistent with the maximum allowable densities on properties located to the west and southwest of the subject parcel. Mobile Home Park (P-MH) uses to the south will be buffered by a fifty-foot wide vegetative buffer with additional distance between apartments and mobile homes by garage areas for the development on the subject parcel.

D. The recommended development conditions include:

1. The project shall be developed consistent with the PUD Application, the approved PUD Concept Plan, and the conditions as provided in this approval.
2. The project shall contain up to 360 “cottage style” economic rental housing units of 3/2 and 2/2 layouts.
3. Project buffers shall be provided consistent with those in the approved Concept Plan, including the incorporation of an 8’ walking trail, within the buffers, that circumnavigates the proposed development.
4. A traffic study was completed for this project under PUD rezoning request 211013Z. That traffic study only included 280 dwelling units in the trip generation. A new traffic study shall be completed to the satisfaction of the County Engineer and Planning Director, which includes the newly approved 360 dwelling units that are proposed through the use of Transfer Development Rights. This study shall be approved prior to the permitting of any activity on the subject parcel except clearing, grubbing and mass grading.
5. All access point locations will be worked out to the satisfaction of the Development Review Committee during the time of Development Review.
6. The PUD shall connect to centralized water and sewer.
7. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Multiple Family Dwelling (R-3) zoning classification of the LDC.
8. Apartments shall be a maximum of 50’ in height, townhomes shall be a maximum of two story in height. Any clubhouse buildings heights shall be a maximum of 40’ and accessory structures shall be limited to 20’.
9. Due to the increase of the dwelling units proposed by the applicant, and upon direction by the Board of County Commissioners, an amended final master plan approval by the Board shall be required prior to the commencement of any permitted construction activities.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval (On Consent)

IX. LIST OF ATTACHMENTS

- A. Rezoning Application
- B. Property Record Card
- C. Transfer Development Rights Form
- D. Deed

- E. Photos & Renderings
- F. DRC Comments
- G. Updated Plan Set
- H. Comprehensive Plan – Transfer of Development Rights
- I. 211013Z Staff recommendation including original recommended development conditions.