



**Marion County  
Board of County Commissioners**

Growth Services

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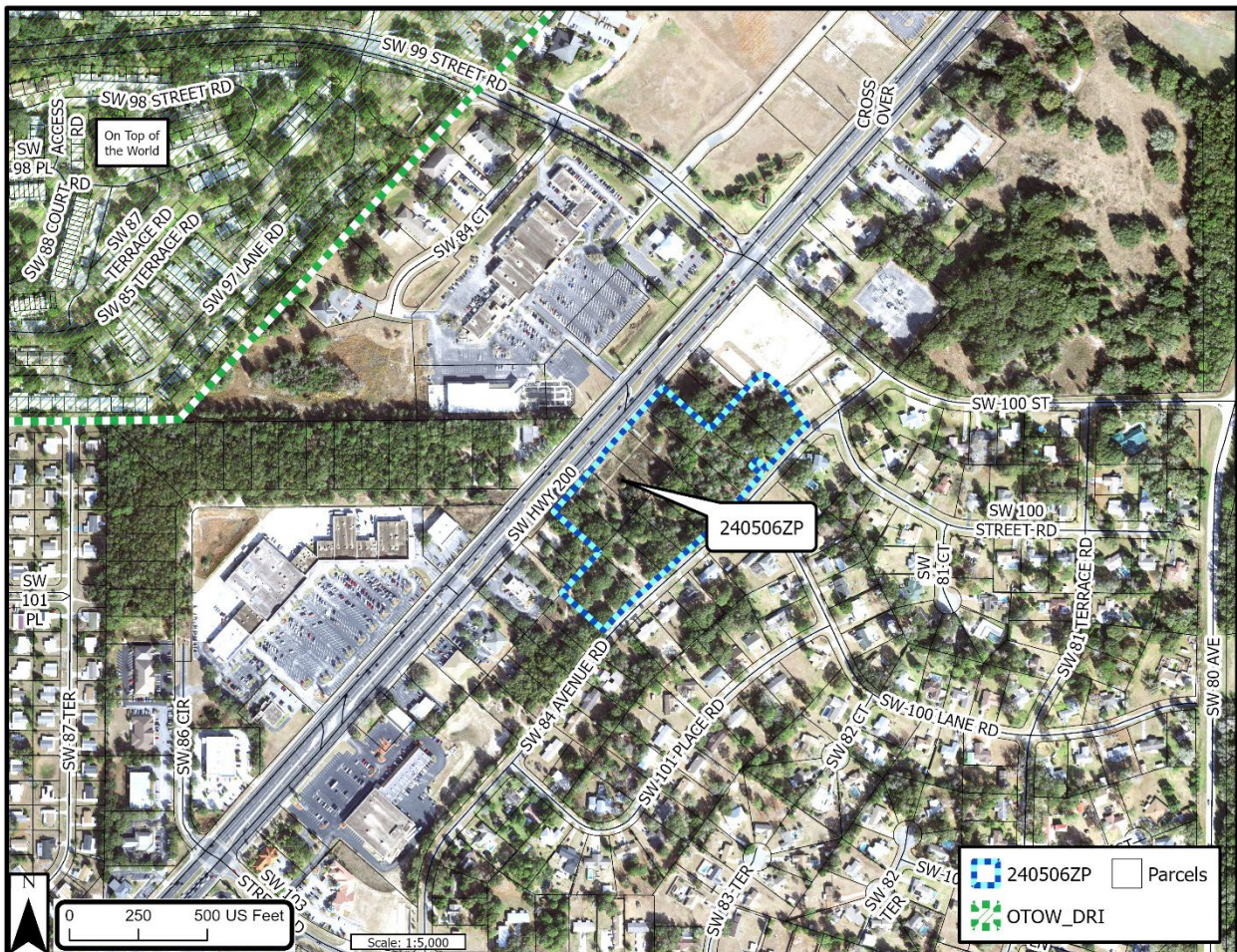
**PLANNING & ZONING SECTION  
STAFF REPORT**

	<b>P&amp;ZC Date: 04/29/2024</b>	<b>BCC Date: 05/21/2024</b>
<b>Case Number:</b>	240506ZP	
<b>CDP-AR:</b>	31123	
<b>Type of Case:</b>	<b>Rezoning</b> from Community Business (B-2) to Planned Unit Development (PUD) for multiple use development including 30 dwelling units (1.625 acres) and commercial use (7.1 acres).	
<b>Owner</b>	A. Saldarriaga Trust, and Whitehill of Ocala, LLC	
<b>Applicant</b>	CORTA Ocala, LLC	
<b>Street Address</b>	Vacant (No Assigned Address)	
<b>Parcel Number</b>	Numerous (3501-200-018,019,020,021,022 & 023; 3501-200-034, 035, 036, 037, 038, 039 & 040)	
<b>Property Size</b>	±8.76 acres	
<b>Future Land Use</b>	Commercial (COM)	
<b>Zoning Classification</b>	Community Business (B-2)	
<b>Overlay Zone/Scenic Area</b>	Urban Growth Boundary, Secondary Springs Protection Zone, and portions in FEMA Flood Zone A/AE and X	
<b>Staff Recommendation</b>	<b>Approval with Conditions</b>	
<b>P&amp;ZC Recommendation</b>	<b>TBD</b>	
<b>Project Planner</b>	Xinyi Cindy Chen	
<b>Related Case(s)</b>	N/A	

## I. ITEM SUMMARY

CORTA Ocala, LLC, on behalf of the landowners, A. Saldarriaga Trust, has filed an application to rezone a total of 8.76-acre site located on the east, northbound side of SW SR-200 between SW 103<sup>rd</sup> Street Road and SW 100<sup>th</sup> Street, bound by SW 84<sup>th</sup> Avenue Road to the East in Marion County, Florida. The applicant proposes a rezoning on numerous parcels listed below from Community Business (B-2) to Planned Unit Development (PUD). The proposed site will be developed as five newly commercial use parcels totaling of 7.1 acre and a 30-unit multi-family use parcel (see Attachment B). Proposed commercial uses intend to encompass a Sprouts Farmers Market, commercial shops, a free-standing Chipotle with mobile pickup drive-thru, a free-standing store. The parcels are 3501-200-018,019,020,021,022 & 023 and 3501-200-034, 035, 036, 037, 038, 039 & 040. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated within the Urban Growth Boundary (UGB) and is located within the secondary spring's protection overlay zone. Portions of the site is located in the FEMA Flood Zone A/AE and Zone X.

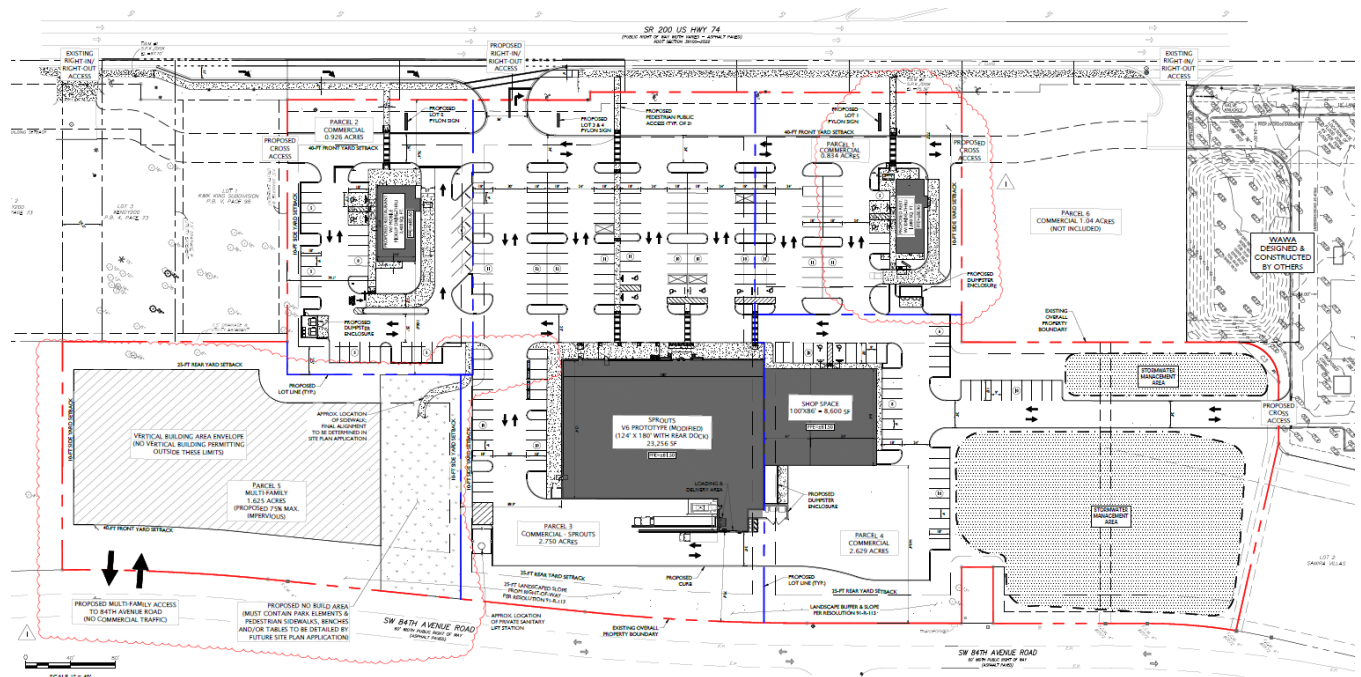
**Figure 1**  
**General Location Map**



## 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 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). The submitted conceptual plan (see Attachment A) shows proposed multifamily buildings for 30 units and 7.1-acre commercial land use. The conceptual plan shows one three-story multifamily building and four commercial structures. The overall proposed density for the PUD is 4 dwelling units per acre. All commercial and residential structures will be less than 50'. The renderings of multifamily and elevations of commercial buildings can be found in Attachment A. The PUD proposes 0.34 acres of improved open space for the multifamily use including park elements, benches and tables. Figure 2 (Attachment F) below shows the proposed conceptual plan.

**Figure 2  
Conceptual Plan**



### III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners 54 within 300 feet of the subject property on April 12th, 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 March 13th, 2024 and consistent with LDC Section 2.7.3.E. due public notice was published in the Ocala Star-Banner April 15th, 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 Commercial (COM). According to the Marion County Comprehensive Plan, Policy 2.1.22, this land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas. Commercial land use allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0. Therefore, staff finds the proposed uses are consistent with the uses allowed within the Commercial FLUMS designation and the maximum allowable density. Based on the above, staff concludes the PUD is consistent with this section and recommends the following condition be imposed:

- The PUD is restricted to a total of 30 dwellings units multifamily and 7.1-acre commercial uses 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 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:** Staff finds this is the initial PUD request 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 30-unit multifamily residential development and commercial development. Any attempt to go beyond the 30 residential units will require a new application and new advertisements. 7.1-acre commercial use is proposed under this PUD application.

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 mixture of commercial and multifamily use. The structure types include three-story multifamily building and free-standing commercial structures on proposed shopping plaza. The architectural style for multifamily is modern look with a flat roof and exterior painting. Elevations for Sprout Farmers Market can be found in Attachment B, Pages 10-14 and 85-87. The multifamily development plan and design are not fully developed yet. A render of three-story multifamily is submitted for initial consideration. (See Attachment B, Page 10-14) The applicant also indicated a potential change of multifamily architectural design to a two-story multifamily building similar to the example images in Attachment G. The subject parcels are owned by two owners. The A. Saldarriaga Trust owns thirteen parcels and the Whitehill of Ocala, LLC owns two parcels. The project is developed by CORTA Ocala, LLC. The multifamily will be leased to multiple tenants after construction. A third-party community management will be actively operating these units who are local to the property.

The PUD offers 0.34 acres (20.8%) of total open space for multifamily use. Using Census data of 2.4 persons per household, which is the average for Marion County, at 30 dwelling units, the proposed PUD may generate 72 people. This translates into 205.7 SF of open space per person. The PUD project proposes 34.4% of total commercial area as open space including including perimeter buffers, walkways, dra area (dry pond design), etc.

- 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 8.764 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 8.764 acres in size with Commercial land use designation. The Commercial land use allows for 0-8 dwelling units per acre. The subject property, by FLUMs, allows for a maximum of 63 dwelling units. The proposed 30 dwelling units is allowed by the FLUMs of the subject property. The proposed density of the PUD is 8 dwelling units per acre. 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:** Staff finds that the PUD proposes one new access point for commercial area at SW HWY 200. The project intends to use the existing accesses at SW HWY 200 on adjacent properties. However, the developer has no easement agreement with the property owners on the west side of the property yet. The internal vehicle circulation within commercial area will be paved and connected. The multifamily area will be accessed through a proposed drive-in and drive-out at SW 84th Avenue Road. This access is limited to residential access only. The subject property is within connection distance of centralized water and sewer. Marion County Utilities (MCU) has available infrastructure within the area. The developer will need to work with MCU concerning connection extension for centralized utilities (see Attachment D). Part of the subject parcels is in FEMA flood zone and County Flood Prone Area. DRA is proposed 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:** Staff finds the application does not propose any density/intensity increase and follows the allowed density. Thus, staff concludes this section is not applicable.

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

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

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

- a. LDC Section 4.2.31.D.(5)(a) provides the gross amount of density/intensity of uses in a PUD may be allocated to any area of the total PUD site; however, proposed uses that are subject to the special setback and/or protection zone/area requirements shall be required to comply with those applicable standards as established within the Comprehensive Plan and this Code both within, and to areas outside the boundary, of the PUD.

**Analysis:** Staff finds that the subject property located in Commercial land use is allowed for multi-family residential development up to 8 du/ac. The PUD proposes a density of 8 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 multifamily and commercial (see Attachment A). For multifamily area, it proposed the setback for front as 40', rear as 25', and side/side yard as 10'. This setback also applies to the commercial area. There is zero setback between lots 3 and 4, which is acceptable given lot 3 and 4 are both used for commercial shops and the layout as shown in the conceptual plan. Compared with the LDC, residential with centralized utilities are 20' front, 20' rear, and 8' side for primary residential structures and 8' for rear and side for accessory structures. B-2 zoning requires 40' front, 25' rear, and 10' side. The setback meets the LDC standard.

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

requirements of the particular PUD cluster type as required by the Comprehensive Plan and this Code.

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

6. LDC Section 4.2.31.D.(6) requires the PUD comply with the minimum buffer requirements as established in this Code, or an alternative design meeting the intent of the Code may be proposed for consideration. If an alternative design is proposed, the proposal shall include, at a minimum, scaled typical vertical and horizontal cross-sections of the buffer, including depictions of all proposed alternative buffer improvements and scaled representations of the existing principal structures and improvements that are located on the adjoining properties being buffered from the PUD. LDC Section 4.2.31.E.(6) provides 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:** The applicant indicated the PUD project will adhere to the LDC buffer requirement and follow the buffer requirement in Resolution 91-R-113. Staff recommends the following condition be imposed:

- Buffers along SW Highway 200 shall be Type-C per LDC,
- Buffers along the property boundary of multifamily area shared with the existing adjoining commercial uses on the west side of the property shall be Type-A per LDC,
- Buffers between proposed parcel 5 (multi-family) and parcels 2 & 3 (commercial) shall be modified Type B/C as 10' wide on each lot totaling 20' wide landscape strip without a wall. The modified buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer, subject to the approval of the Marion County Landscape Architect,
- Buffers along SW 84th Road Avenue shall be a 25' landscape slope beginning at the present elevation of the right of way (SW 84<sup>th</sup> Ave. Road) and thence rising to a minimum elevation of 5' at a setback of 25' from the right of way SW 84<sup>th</sup> Ave. Road. The choice of landscape material will be subject to the approval of the Marion County Landscape Architect,
- 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. There are three access points to paved SW 99<sup>th</sup> Street Rd through two unnamed roads. Both unnamed roads shown on the conceptual plan are paved. 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. Notwithstanding, staff recommends the following conditions be imposed:

- Before submitting the site plan, the Operational Traffic Study shall be completed to the satisfaction of the County Engineer and Planning Director, and adequate provision shall be made for the coordination of improvements with the PUD.
- Submit the traffic methodology for approval. A review of PUD will not be completed until the traffic methodology is properly approved.
- 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 SW HWY 200 and some of internal roads. However, there is no multimodal facilities shown on the conceptual plan. Accessible sidewalk, bike lane, golf cart lane, and multimodal facilities would be recommended to provide on the property. There is no existing sidewalk along SW 84<sup>th</sup> Avenue Road. Applicant will request a sidewalk waiver along this road. A pedestrian connection between the residential and commercial is proposed on the conceptual plan. Staff recommends the following conditions be imposed:

- Show multimodal facilities on the PUD Master Plan. Include multimodal path for pedestrians, bikes, and golf carts externally and internally.
- Show accessible pedestrian connections from PUD area to all adjacent land uses on the site plan.

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. While the transit route is nearby, there are no bus stops shown within the application. Staff recommends the following conditions be imposed:

- Show accessible sidewalks along at least one side of internal roads and connections to multimodal paths.
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 applicant states that the proposed parking shall meet minimum requirements outlined by Marion County LDC for residential and commercial uses. LDC requires 1.5 parking spaces for each residential unit. Total of 45 parking stalls is required for 30 units.

- Show parking calculation on the site 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:** Staff finds that the subject property is within connection distance of centralized water and sewer Marion County Utility service area.

- The PUD shall connect to Marion County Utility. Developer shall work with Marion County Utility 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 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:** Part of the subject property is located in the flood zone. The PUD proposed a private retention pond 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. The DRC letter notes the Major Site Plan must be consistent with LDC Section 6.13 (see Attachment D). Staff recommends the following conditions be imposed:

- A 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:** This site will be required to have a stormwater management system, and the applicant proposes a DRA on the east side of the property. There is a County Flood Prone Areas and FEMA flood zone (AE/A and X). Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development.

- E. LDC Section 4.2.31.E.(2) addresses easements.

1. LDC Section 4.2.31.E.(2)(a) provides easements shall be provided to address the maintenance and upkeep of all PUD infrastructure (e.g., Stormwater systems, utilities, etc.) and/or when necessary to allow adjoining property owners reasonable access for the maintenance and upkeep of improvements (e.g., access for zero-lot line structure, etc.). Any easements necessary shall be provided, established, and conveyed consistent with the provisions of Article 6.

**Analysis:** Staff finds 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. Staff also finds the applicant is negotiating with the property owners to the west of the property to obtain an agreement of using the right of way and intersection to access SW HWY 200.

- An easement agreement with the property owners to use the cross-access through adjacent properties shall be obtained before the site plan is approved.
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). However, the typical illustration and table are not provided in the submittal. It proposed the setback for front as 40', rear as 10', and side/side yard as 25'. This setback applies to both commercial and residential structures. The setback between parcel 3 and 4 have zero setback, which is acceptable since two parcels are both for commercial shops. Proposed setbacks are more than the LDC requires for residential development standards and meet the requirement for B-2 zoning classification.

- On the Master Plan provide a typical illustration and table showing all setbacks.
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 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 most building separations for the PUD are 10' minimum. Only buildings between proposed parcel 3 and parcel 4 have 0' distance. Given the two buildings are both for shopping use, 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 50' 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:** Proposed elevations have been provided for commercial structures. (See Attachment) Building height limitation is shown on the Concept Plan (see Attachment A). However, the typical illustration and table are 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:** The proposed maximum height of commercial buildings is consistent with this section.

- 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:** The proposed maximum height of multifamily buildings is no more than 50'. Given the design of multifamily is not fully developed yet, the multifamily development shall meet the conditions below:

- The multiple-family structure may not exceed a height that is twice the height of the closest existing single-family residence.
- 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.

- 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:** Staff finds that the external and internal buffers, addressed earlier in the report, will comply with the buffer requirement of B-2 zoning in the LDC. Applicant shall submit buffer illustration at Site Plan phase for approval. Thus, it 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  $\pm 0.34$  acres of improved open space which is more than the required 0.325 acres of open space for multifamily use. The PUD project proposes 34.4% of total commercial area as open space including including perimeter buffers, walkways, dra area (dry pond design), etc.

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 park element, tables and benches for the multifamily use. The IOS area is 0.34 acres which is 20.8% 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 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:** The Site Data documents the number of acres and percentage of open space provided, including open space, buffers, and IOS areas. The IOS area is 0.34 acres which is 20.8% of total residential development area. The PUD project proposes 2.45 acres (34.4%) of total commercial area as open space including including perimeter buffers, walkways, dra area (dry pond design), etc.

- 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 is in Commercial future land use designation. 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 in October 2023 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 multifamily plan and design are not fully developed yet. A conceptual rendering is provided for initial consideration. Further detailed design of multifamily area will be submitted at Site Plan phase for review. 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 February 2nd, 2024 meeting and recommended to transmit to PUD with conceptual plan. 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.

- 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.

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.

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' 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. SW HWY 200 is a six-lane divided roadway maintained by the Florida Department of Transportation. There is one intersection proposed to access the commercial area of PUD property at SW HWY 200. The internal vehicle circulation within commercial area will be paved and connected. The internal vehicular circulation will require the cross access to adjacent properties to use existing ingress and egress at SW HWY 200. The applicant shall obtain the agreement of using easement on parcels to the west with these property's owners.

The multifamily area will be accessed through a proposed drive-in and drive-out at SW 84th Avenue Road. No cross connection or commercial traffic is proposed to the residential area and this new ingress and egress. There was a Condition in Resolution 91-R-113 that there shall be no ingress or egress to the subject property from SW 84th Avenue Road. The PUD rezoning will amend the condition. In consideration of the proposed drive-in and -out will only use for residential and the properties across the street are also residential. Staff finds that the proposed interstation at SW 84th Avenue Road is acceptable for residential-only.

A detailed operational traffic study is required to determine any on or off-site improvements that will need to be made. This will also help ensure that the roads and intersections connected to the PUD are safe and functioning properly. Before submitting the operational traffic study, the traffic method shall be submitted and approved.

- b. Public transit. The public transit is not observed near the property.

- c. Other mobility features. Sidewalks will be available to service the property along SW HWY 200 and internally. Sidewalk will be provided between commercial and residential area. There is no existing sidewalk along SW 84<sup>th</sup> Avenue Road, so the applicant will submit a sidewalk waiver along this road. The PUD development shall consider the safety and operation for golf cart and bike uses as well.

Based on the above findings, it is concluded the application's proposed **transportation impacts would not adversely affect the public interest. However, the PUD shall incorporate the recommendations above to obtain the agreement of using cross access with adjacent properties and 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 30 proposed dwelling units and 5.01 acre commercial use, the proposed rezoning would result in an increase of 24,577.5 gallons per day. The property will connect to centralized water and sewer by Marion County Utilities. According to the DRC comments, provided all lots are combined, the water main condition is met for offsite connection. Offsite sewer main extension at developer's expense along SW Hwy 200 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 30 proposed dwelling units and 5.01 acre commercial use, the proposed rezoning would result in an increase of 17,940 gallons per day. The property will connect to centralized water and sewer by Bay Laurel Utility. 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 30 units multiplied by 2.4 persons per household equals 72 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, it is concluded the application's **solid waste impacts would not adversely affect the public interest.**

5. Fire rescue/emergency services. Friendship Fire Station #21, located at 7884 SW 90<sup>th</sup> Street, is roughly 1.5 miles northwest of the subject property. 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 proposed rezoning fire rescue/emergency impacts **would not adversely affect the public interest.**
6. Law enforcement. Sheriff's Southwest SR 200 District Office, located at 9048 SW HWY 200, is roughly 2 miles southwest 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. Hammett Bowen Jr Elem Elementary School (118.33% utilization), located at 4397 SW 95<sup>th</sup> St, is 3.78 miles to the east. Liberty Middle School (111.64% utilization), located at 4773 SW 95<sup>th</sup> ST, is 3.78 miles east. West Port High School (109.81% utilization) is located at 3733 SW 80<sup>th</sup> Ave, about 5.8 miles to the north. 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 **will not adversely affect the public interest.**

B. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.5 on higher density/intensity uses provides "The County shall require higher densities and intensities of development to be located within the Urban Growth Boundaries and Planned Service Areas, where public or private facilities and services are required to be available."

**Analysis:** Staff finds the property is located within the COM and Urban Growth Boundary. Both commercial and residential are proposed within density limit and permitted use. Staff concludes the proposed amendment is **consistent** with FLUE Policy 1.1.5.

2. FLUE Policy 2.1.4 on Open Space Requirement provides "A minimum of 350 square feet of open space for each residential lot shall be required in either single or linked multiple tracts within residential development and the open space shall be accessible to all residents within the development, as further defined in the LDC."

**Analysis:** The application proposes total of 0.34 acres (14810.4 SF) of open spaces which equals 205.7 SF of open space per person. Based on the above, it is concluded the application is consistent with FLUE Policy 2.1.4.

3. FLUE Policy 5.1.3 on Planning and Zoning Commission provides "The County shall enable applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County's Local Planning Agency. The purpose of the advisory board is to make recommendations on CPA, ZC, and SUP requests to the County Commissioners. The County shall implement and maintain standards to allow for a mix of representatives from the community and set standards for the operation and procedures for this advisory board.

**Analysis:** The proposed PUD Zoning Change is scheduled for May 21st, 2024, Planning and Zoning Commission. Therefore, the application is **consistent** with this FLUE Policy 5.1.3.

4. 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.

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 proposed development specifies exactly the number of units to be developed under this PUD. Brands that will be placed in the commercial uses are defined in the PUD application. According to the Development Review Comments Letter (see Attachment D), a detailed operational traffic study will be required for this development. A traffic methodology must be approved prior to conducting the study.

Based on the above findings, it is concluded the application is **not consistent** with TE Policy 2.1.4. A detailed operational traffic study needs to be completed. An easement agreement with adjacent properties will be obtained to be 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 located in UGB. 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:** An operational traffic study and easement agreement to use cross access through adjacent properties are required.

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:** The subject property has access to SW HWY 200 at proposed drive-in and -out for commercial uses. However, the applicant has not achieved an agreement with the properties regarding the cross access to the west and existing ingress and egress. The residential area has a proposed access to SW 84<sup>th</sup> Avenue Road. The access shall be managed and maintained to allow safe and functional operation and connect to the roadways. Based on the above findings, staff concludes the application is **not consistent** with TE Objective 2.2 until further agreement established between the subject parcel and the adjacent properties.

9. 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 0.82-acre commercial use and 30 units multiplied by 2.4 persons per household equals 72 persons, which will generate a demand of 9,560 gallons per day. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.1.1.

10. 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 Utility and required connection. Developer shall work with Marion County Utility 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.

11. 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 and services are located within the vicinity. Extension of offsite sewer mains are required to reach the development. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.2.1.

12. 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 0.82-acre commercial use and 30 units multiplied by 2.4 persons per household equals 72 persons which will generate a demand of an additional 13,055 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.

13. PWE Policy 1.6.4 provides "Adequate potable water supplies and facilities which meet the adopted LOS standards shall be available concurrent with the impacts or development."

**Analysis:** The site is in Marion County Utilities Service Area and services are located within the vicinity. Provided all lots are combined, the water main condition is met for offsite connection. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.6.4.

14. 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 30 units multiplied by 2.4 persons per household equals 72 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.

15. 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.

16. 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). The partial of subject parcel is located in the County Flood Prone Areas. A stormwater facility is proposed on the site. 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.

17. SE Policy 1.1.5 provides "Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development."

**Analysis:** The owner is advised the owner will be responsible for funding the stormwater facilities with sufficient capacity to accommodate the post-development runoff. Based on the above findings, it is concluded the application is **consistent** with SE Policy 1.1.5.

18. ROSE Policy 1.4.6 provides "All new residential developments (e.g., subdivisions and particularly developments of regional impact) shall be required to comply with the open space per dwelling unit standard established by FLUE Policy 2.1.4, unless an alternative form of compliance is provided by the developer consistent with Policy 1.3.4.

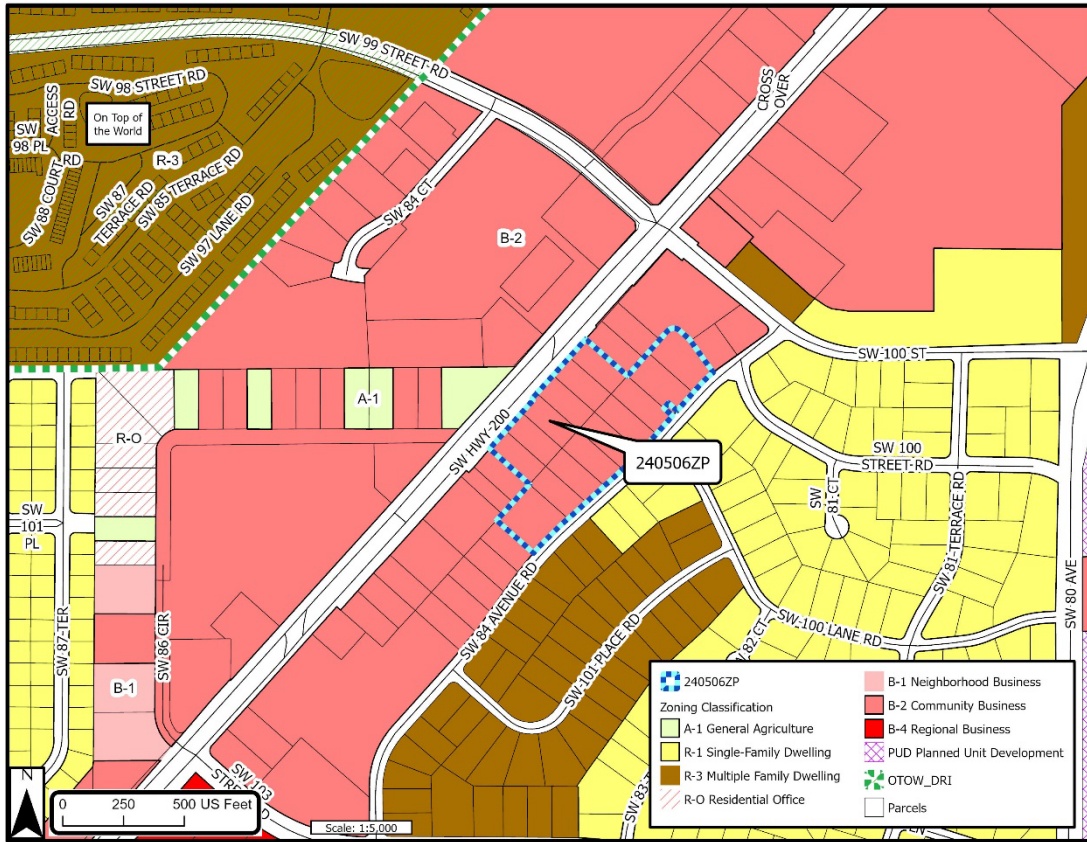
**Analysis:** The PUD is proposing 0.34 acres of improved open space for multifamily use which is more than the required 0.325 acres of improved open space. The open space includes improved open space and buffers. Thus, staff finds the application is **consistent** with Policy 1.4.6.

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

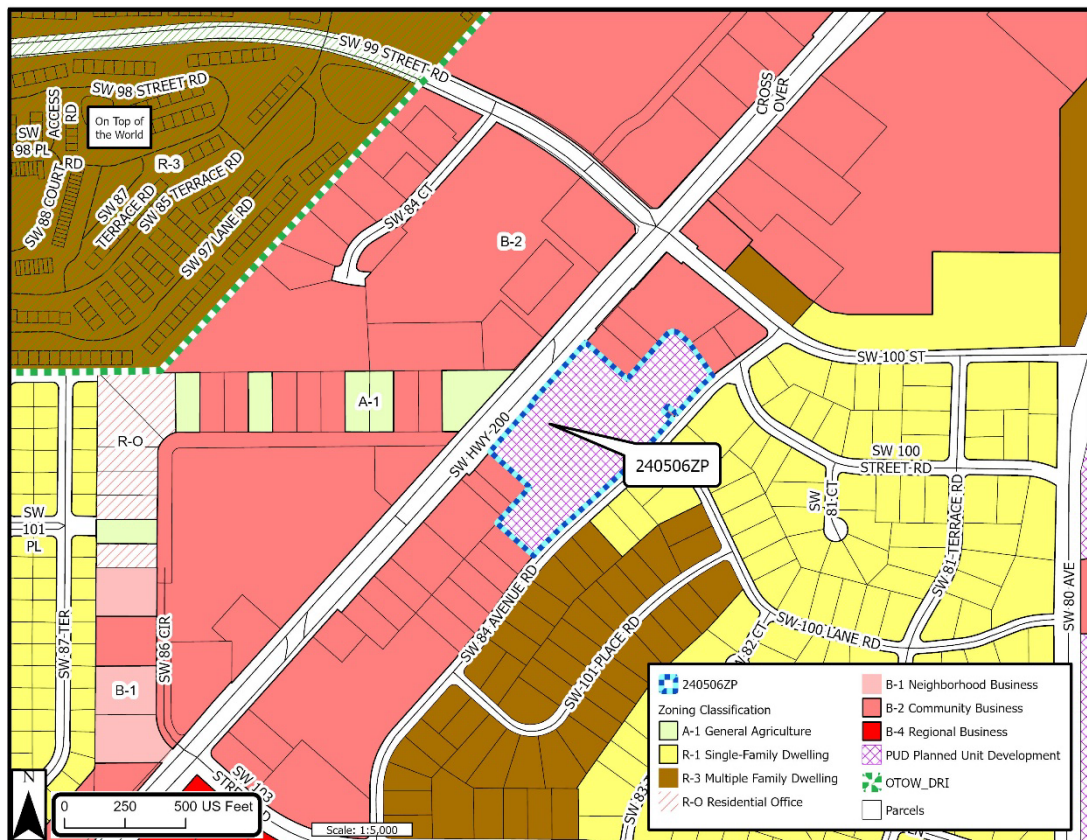
- C. *Compatibility with surrounding uses.* Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is an aerial



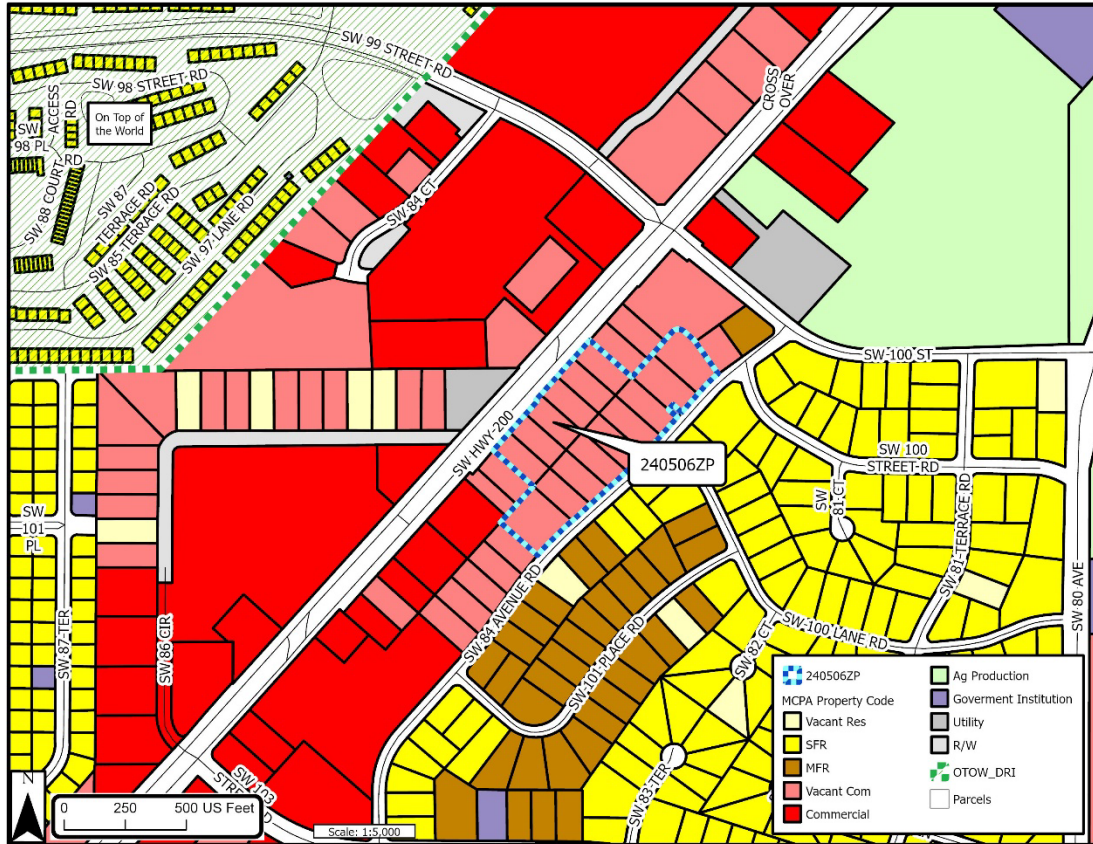
**Figure 5 - Zoning Classification**



**Figure 6 - Proposed Zoning Re-classification**



**Figure 7 - Existing and Surrounding Land Uses**



<b>TABLE 1 ADJACENT PROPERTY CHARACTERISTICS</b>			
<b>Direction</b>	<b>FLUMS</b>	<b>Zoning</b>	<b>Existing Use</b>
Northwest	Commercial (COM)	Community Business (B-2) & General Agriculture (A-1)	Commercial, Vacant Commercial, Utility
Southwest	Commercial (COM)	Community Business (B-2)	Commercial, Vacant Commercial
Northeast	Commercial (COM)	Single Family Dwelling (R-1) Community Business (B-2)	Commercial, Vacant Commercial, & Single Family Residential
Southeast	Medium Residential (MR)	Single Family Dwelling (R-1) Multiple Family Dwelling (R-3)	Single Family Residential & Multiple Family Residential

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (see Attachment C) and finds the subject property is currently vacant. The property has vested right for land use designation as multi-family residential. Within one mile from the PUD

exists supermarket, restaurants, hotel, bank, gas stations, and retail options. The subject parcel is also adjacent to single family and multi-family neighborhood.

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

## VI. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **DENY** the rezoning amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE** the rezoning amendment.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

## VII. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission (PZC) enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **APPROVE WITH CONDITIONS** the proposed rezoning because the application:

- A. Will not adversely affect the public interest;
- B. Is consistent with the following Comprehensive Plan provisions
  - 1. FLUE Policies 1.1.5, 2.1.4, 5.1.3, and 5.1.4;
  - 2. TE: 2.1.4, 3.1, 3.1.2, and 2.2;
  - 3. SSE: 1.1.1, 1.1.3, and 1.2.1;
  - 4. PWE: 1.1.1, and 1.6.4;
  - 5. SWE 1.1.1, and 1.1.5;
  - 6. SE 1.1.4, and 1.1.5;
  - 7. ROSE: 1.1.1, and 1.4.6;
- C. Is compatible with the surrounding uses due to the potential intensity of the commercial use.
- D. The recommended development conditions include:
  - 1. The PUD is restricted to a total of 30 dwellings units multifamily and 7.1-acre commercial uses consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Attachment A).

2. Buffers shall be provided as shown on the submitted conceptual plan and the following requirements:
  - A. Buffers along SW Highway 200 shall be Type-C per LDC,
  - B. Buffers along the property boundary of multifamily area shared with the existing adjoining commercial uses on the west side of the property shall be Type-A per LDC,
  - C. Buffers between proposed parcel 5 (multi-family) and parcels 2 & 3 (commercial) shall be modified Type B/C as 10' wide on each lot totaling 20' wide landscape strip without a wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer, subject to the approval of the Marion County Landscape Architect,
  - D. Buffers along SW 84th Road Avenue shall be a 25' landscape slope beginning at the present elevation of the right of way (SW 84th Ave. Road) and thence rising to a minimum elevation of 5' at a setback of 25' from the right of way SW 84th Ave. Road. The choice of landscape material will be subject to the approval of the Marion County Landscape Architect,
  - E. Buffer types and illustrations shall be submitted with the site plan phase for approval.
3. Before submitting the site plan, the Operational Traffic Study shall be completed to the satisfaction of the County Engineer and Planning Director, and adequate provision shall be made for the coordination of improvements with the PUD.
4. Submit the traffic methodology for approval. A review of PUD will not be completed until the traffic methodology is properly approved.
5. All access point locations will be worked out to the satisfaction of the Development Review Committee during the time of Development Review.
6. Show multimodal facilities on the PUD Master Plan. Include multimodal path for pedestrians, bikes, and golf carts externally and internally.
7. Show accessible pedestrian connections from PUD area to all adjacent land uses on the site plan.
8. Show accessible sidewalks along at least one side of internal roads and connections to multimodal paths.
9. Show parking calculation on the site plan.
10. The PUD shall connect to Marion County Utility. 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 property.
11. A Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site.
12. 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.
13. An easement agreement with the property owners to use the cross access through adjacent properties shall be obtained before the site plan is approved.
14. On the Master Plan provide a typical illustration and table showing all setbacks.

15. 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.
16. On the Master Plan provide a typical illustration and table showing a maximum height limits for principal and accessory structures.
17. The multiple-family structure may not exceed a height that is twice the height of the closest existing single-family residence.
18. 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.
19. The final PUD Master 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**

Approval with Conditions.

## **IX. BOARD OF COUNTY COMMISSIONERS' ACTION**

To be determined.

## **X. LIST OF ATTACHMENTS**

- A. Revised concept plan submitted by the applicant.
- B. Original PUD rezoning application package submitted by the applicant.
- C. Site Photos.
- D. DRC Minutes with DRC Rezoning Comments Letter (PUD).
- E. Email correspondence with the applicant.
- F. Community Outreach Memo and Letter to Neighbors by applicant.
- G. Additional Renderings for the Shopping Center.