



**Marion County  
Board of County Commissioners**

Growth Services

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Ocala, FL 34470  
Phone: 352-438-2600  
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**PLANNING & ZONING SECTION  
STAFF REPORT**

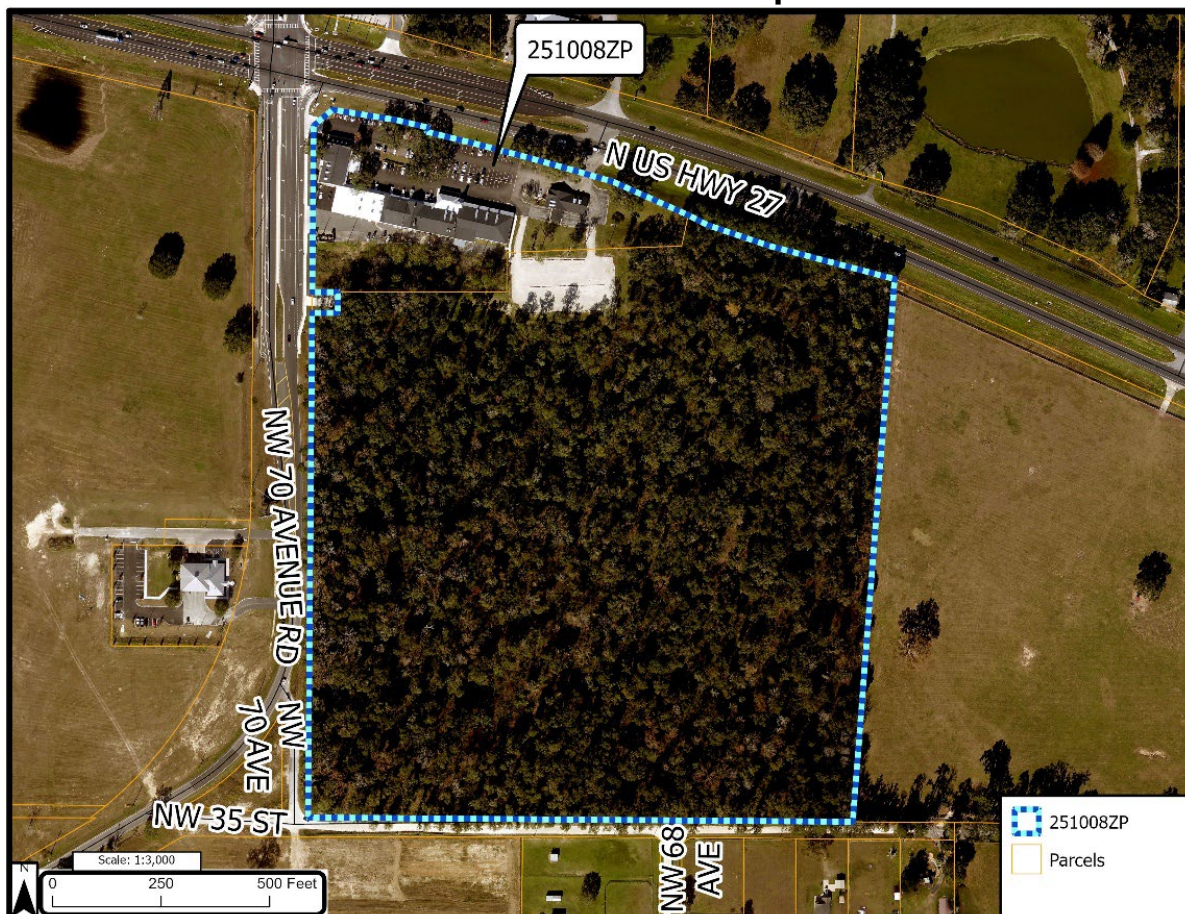
<b>Public Hearing Dates</b>	<b>P&amp;ZC: 09/29/2025</b>	<b>BCC: 10/21/2025</b>
<b>Case Number</b>	251008ZP	
<b>CDP-AR</b>	33148	
<b>Type of Case</b>	<b>Rezoning</b> to amend previously approved Planned Unit Development (PUD)	
<b>Owner</b>	Castro Plaza, LLC. and Austin International Realty, LLC.	
<b>Applicant/Agent(s)</b>	G. Matthew Brockway of Icard Merrill	
<b>Street Address / Site Location</b>	6998 N. US Hwy 27, Ocala, FL, 34482	
<b>Parcel Number</b>	13676-001-00, 13675-000-00	
<b>Property Size</b>	±43.62 acres	
<b>Future Land Use</b>	Commercial (COM)	
<b>Zoning Classification</b>	Planned Unit Development (PUD)	
<b>Overlay Zone / Scenic Area</b>	Urban Growth Boundary (UGB), Secondary Springs Protection Overlay Zone (SSPOZ)	
<b>Staff Recommendation</b>	<b>APPROVAL WITH CONDITIONS</b>	
<b>P&amp;ZC Recommendation</b>	<b>TBD</b>	
<b>Project Planner</b>	Kathleen Brugnoli, Planner	
<b>Historic/Related Case(s)</b>	860733Z – General Agriculture (A-1) to Neighborhood Business (B-2) – Approved; 120501Z – A-1 to Rural Activity Center (RAC) – Approved; 220905SU – Special use permit for overflow grass parking – Approved; 241008ZP - A-1, B-2, & RAC to PUD - Approved	

## I. ITEM SUMMARY

G. Matthew Brockway of Icard Merrill, on behalf of property owners, Castro Plaza LLC. & Austin International Realty, LLC., has filed an application to amend a previously approved Planned Unit Development (PUD) on two parcels with a combined total of 43.62-acres located on the south side of N.US Hwy 27 pursuant to the provisions of Land Development Code (LDC) Division 2.7 – Zoning and LDC Section 4.2.31.

The proposed PUD amendment proposes changes to 1) modify the eastern access on to N US Hwy 27 based on requirements from FDOT as the current central access is expected to be limited due to expected US Hwy 27 modifications, 2) reconfiguration of a part of the residential area to commercial with respect to the FDOT access changes, 3) an increase from 100,000 sq. ft. to 225,000 sq. ft. of commercial, 4) enable second story commercial uses without an increase in building heights, and 5) an increase in potential residential dwelling units from 140 to 190 along with allowing additional detached and attached dwelling unit alternatives to be selected by the developer at the time of development based on market demand. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is in the Urban Growth Boundary (UGB) and the County's Secondary Silver Springs Protection Overlay Zone (S-SSPOZ).

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL with conditions** of the applicant's request because it is consistent with 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. The proposed PUD will not adversely affect the public interest based upon the intensity of use, consistency with the Comprehensive Plan, and compatibility with the surrounding uses.

## III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (15) within 300 feet of the subject property on September 12, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on September 19, 2025 and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on September 15, 2025. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition and two letters of support have been received.

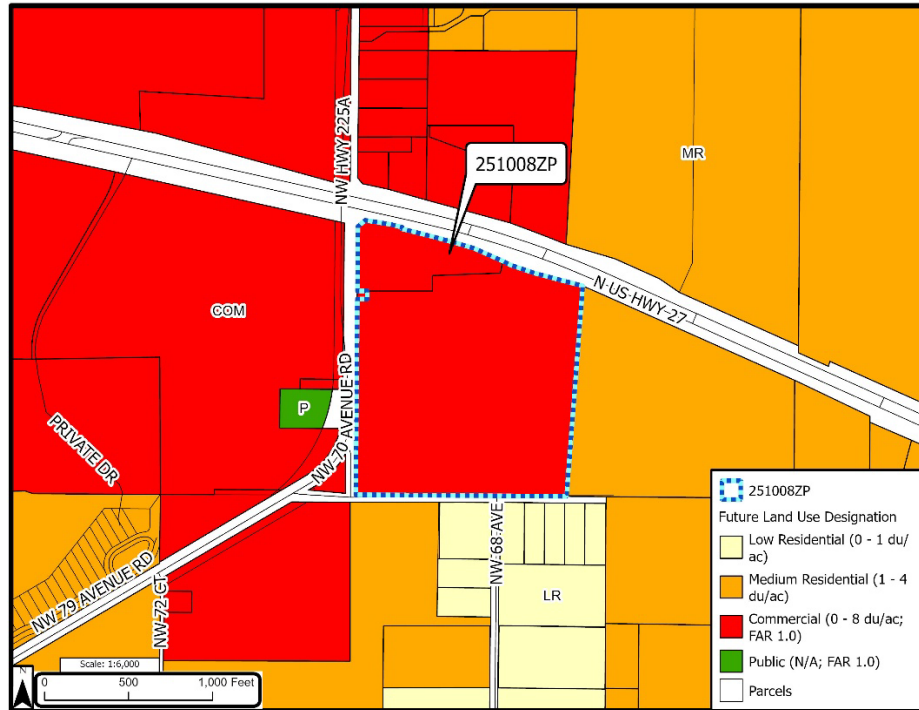
## IV. ANALYSIS

LDC 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 is 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 is an aerial photograph displaying existing and surrounding site conditions. Figure 2 displays the site and surrounding areas' future land use designations, Figures 3 and 4, respectively, display the existing and surrounding properties' existing zoning classifications and the site's proposed zoning classification. Figure 5 shows the uses of the subject property and surrounding properties as classified by the Marion County Property Appraiser. Table A displays the information from Figures 2, 3, and 5 in a table form.

Staff received two letters of support, with one being from the neighbor contiguous to the east. The letter provided support for the project and its proposed changes stating that the single-family homes will be compatible with the neighboring Medium Residential land use and the extensive buffers would act to mitigate any possible concerns or issues of compatibility.

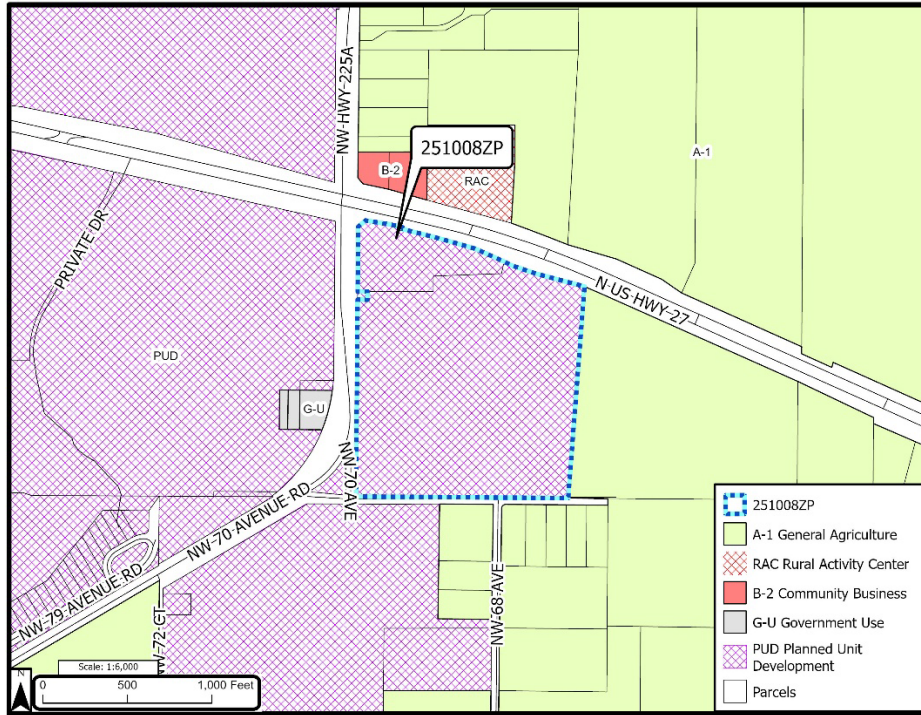
**Figure 2  
FLUMS Designation**



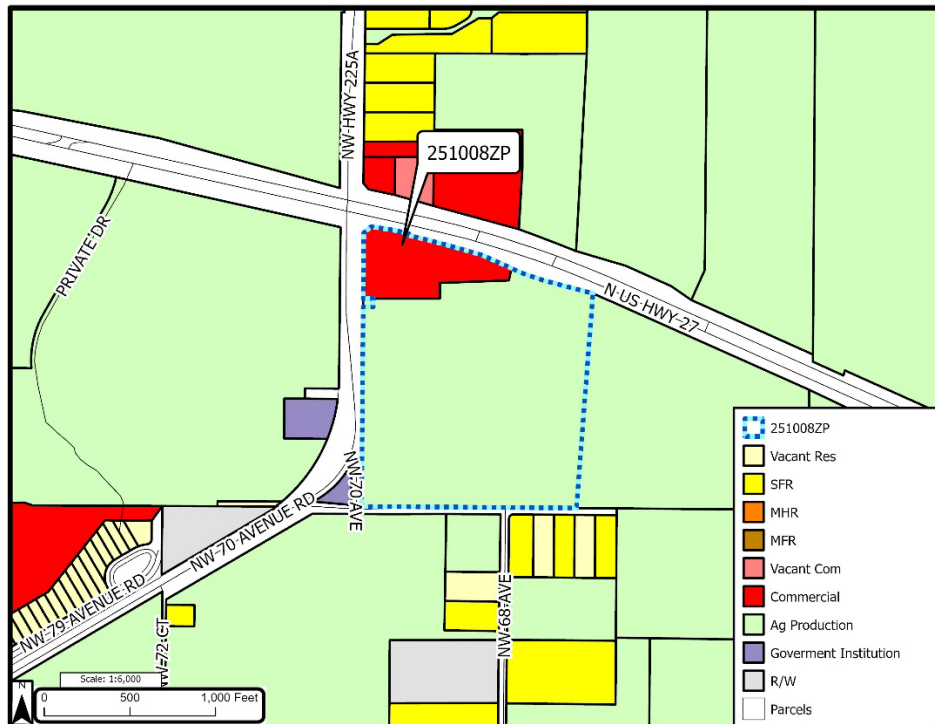
**Figure 3  
Existing Zoning Classification**



### Figure 4 Proposed Zoning Classification



### Figure 5 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>
<b>Site</b>	Commercial (COM)	Planned Unit Development (PUD)	Community Shopping Center Timberland
<b>North</b>	Commercial (COM)	General Agriculture (A-1) Community Business (B-2) Rural Activity Center (RAC)	Commercial Grazing Land
<b>South</b>	Low Residential (LR) Medium Residential (MR)	Planned Unit Development (PUD) General Agriculture (A-1)	Cropland Grazing Land Improved Residential Vacant Residential
<b>East</b>	Medium Residential (MR)	General Agriculture (A-1)	Grazing Land
<b>West</b>	Commercial (COM) Public (P)	Planned Unit Development (PUD) Government Use (G-U)	County Property Cropland

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (Attachment B) on September 19, 2025, and finds the northwestern 4.5-acre portion of the site to be developed. Golden Hills Shopping Center includes two strip commercial structures and a free-standing Credit Union. The rest of the property remains undeveloped and filled with trees and vegetation. There were no changes to the site's appearance since the previous visit was conducted in 2024.

Development standards (Attachment C) state the maximum building height for Commercial buildings is limited to 45' while the Residential component proposes a maximum building height of 35' for townhomes and 30' for single-family detached homes. These figures are the same as the previously approved PUD's height restrictions (Attachment D). Likewise, setbacks from property lines are provided below and remain unchanged from those approved with the previous PUD (Attachment D).

Table 2 below summarizes the PUD's proposed and *staff's required setbacks for the PUD*:

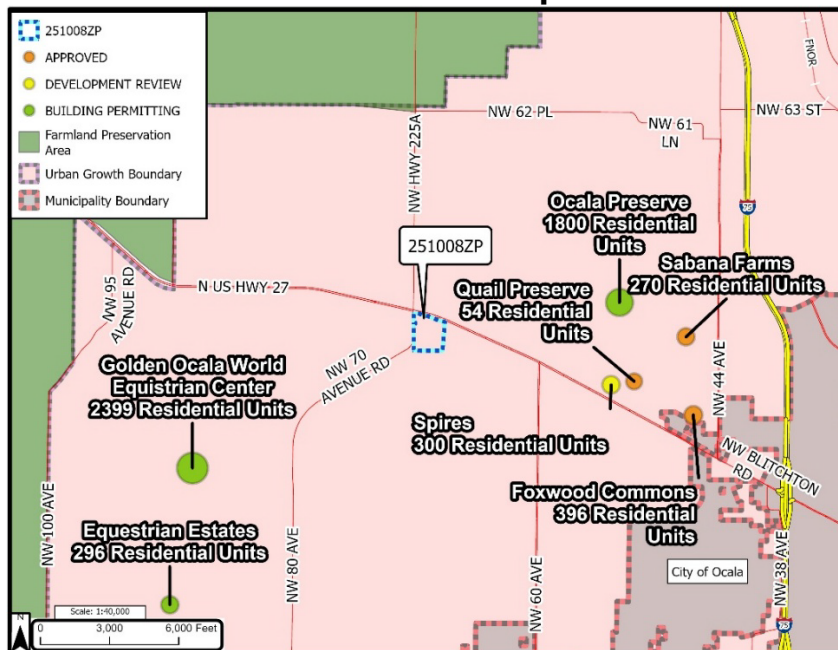
<b>TABLE 2. SETBACKS (IN FEET)</b>			
<b>Direction</b>	<b>Adjoining Use</b>	<b>Proposed</b>	<b>Required</b>
<b>North</b>	ROW	40'	40'
<b>South</b>	ROW	30'	30'
<b>East</b>	Agriculture	30'	30'
<b>West</b>	ROW	40'	40'

Table 3 summarizes the proposed buffers for the PUD. Attachment A Page 29 includes specifics on buffers and plantings which have not changed from the previously approved PUD buffers. The PUD will still allow development signage within perimeter landscape buffers provided they are integrated into the buffer design in an aesthetically pleasing manner. Staff will keep this as a condition from the previous approval to allow for signage within the buffers.

TABLE 3. BUFFERS				
Direction	Adjoining Use	Per LDC	Proposed	Required
North	ROW	Type "C"	15' wide landscaped buffer with split rail farm fencing	Proposed Buffer
South	ROW	Type "C"	20' wide landscaped buffer with proposed fencing	Proposed Buffer
East	Agriculture	Type "E"	20' wide landscaped buffer with existing fencing	Proposed Buffer
West	ROW	Type "C"	15' wide landscaped buffer with split rail farm fencing	Proposed Buffer

Figure 6 below shows residential development in the surrounding area and the number of units approved for each.

**FIGURE 6**  
**Residential Development**



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

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

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

- a. Roadways. The PUD application includes an updated and approved Traffic Methodology (Attachment E) while they await approval of their new Traffic Study (AR 33366) as required for the PUD. The project is expected to generate approximately 9,629 daily trips with 293 peak AM and 762 peak PM trips. The Office of the County Engineer Traffic Division (OCE-Traffic), in their DRC comments, deferred most remarks until the formal Traffic Study is provided. However, they did include some information regarding improvements that were provided on the previously approved Traffic Study that will be similar to those required with the newly updated study, *“The former traffic study concluded that extended green time for the signal of the intersection of CR 225A/NW 70<sup>th</sup> Avenue Rd. and US 27 was required in addition to some additional turn lanes or an extension to the length of existing turn lanes. That traffic study for the site contemplated 7,063 net new trips daily with 288 occurring during the AM peak hour and 656 occurring in the PM peak hour with no significant and adverse impact on the surrounding transportation network, provided the recommended updates in the conclusionary remarks are implemented.”*
- b. Public transit. There are no fixed route services available in this area.
- c. Other mobility features. The PUD master plan shows internal sidewalks throughout and includes the following statement in the PUD notes, *“The PUD must provide an internal pedestrian network and must connect to the pedestrian facilities existing and planned for NW 70<sup>th</sup> Avenue Rd. Sidewalks are not required adjacent to US Hwy 27 or NW 35<sup>th</sup> Street.”*

Based on the above findings, it is concluded the application’s proposed **transportation impacts would not adversely affect public interest.**

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 proposed 190 residences and maximum 5.5 acres of commercial, the rezoning could result in an overall generation of approximately 86,375 gallons per day. DRC comments (Attachment F) provided by Department of Health indicate the area is served by central water and sewer with no change from the previous PUD,

wherein Marion County Utilities indicated immediate availability to serve this development and the changes proposed by the rezoning as a result of its potential approval. As long as the applicant abides by the requirements put in place by Utilities, 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 190 residences and maximum potential 5.5 acres of commercial, the proposed rezoning would result in an overall generation of approximately 63,250 gallons per day. The DRC comments from Utilities, as indicated with the previous PUD approval, note this development would have immediate availability from Marion County Utilities for sanitary sewer services. As long as the applicant abides by the requirements put in place by Utilities, 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. 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. Golden Ocala Fire Station #20, located at 3600 NW 70<sup>th</sup> Avenue Rd., is directly across NW 70<sup>th</sup> Avenue Rd. from the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**
6. Law enforcement. The Sheriff's Main Operations Center, located at 692 NW 30<sup>th</sup> Ave., Ocala, is roughly 4.8 miles southeast of the subject property. Due to the proximity of the facility, it is concluded the application's **law enforcement impacts would not adversely affect the public interest.**
7. Public schools. Fessenden Elementary is ±8.5 miles from the subject site at 4200 NW 89<sup>th</sup> Place, Howard Middle School is roughly 4.8 miles away at 1655 NW 10<sup>th</sup> St., and West Port High School is also roughly 5.5 miles away at 3733 SW 80<sup>th</sup> Ave. Based on figures provided by the Director of Student Assignment and Records with Marion County Public Schools (MCPS), Stephen Ayres, the most recent attendance figures are as follows, Fessenden was at 90% capacity, Howard Middle was at 80% and West Port High was at 121% (Attachment G). While there are areas of localized

overcrowding the county, overall, has capacity. It is concluded that the proposed rezoning's impact to **public schools would not adversely affect the public interest.**

In conclusion, staff finds **the public facility impacts will not adversely affect the public interest** as proposed and recommended, as the potential impacts will be addressed by the proposed PUD development conditions.

C. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.1: Marion County Planning Principles: The County shall rely upon the following principles to guide the overall planning framework and vision for the County:

1. Preserve, protect and manage the County's valuable natural resources.

2. Recognize and protect the rural equestrian and agricultural character as an asset of the County's character and economy while providing clear, fair and consistent standards for the review and evaluation of any appropriate future development proposals.

3. Support the livability of the existing cities and towns in the County by planning for the logical extension of development in a manner that enhances the scale, intensity and form of these areas through the introduction of sustainable smart growth principles and joint planning activities.

4. Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities and that foster a local economic development environment that is conducive to the creation and growth of new businesses, the expansion of existing businesses, and is welcoming to private entrepreneur activities.

**Analysis:** Staff finds the property is located with the Urban Growth Boundary (UGB) on a site already developed with a commercial plaza that has been in operation since its construction in the 70's. The intent is to expand on the success of the existing operation on-site and provide an actual mix of uses encouraged by planning principles by proposing a product with commercial, residential, and community-oriented development with walkability throughout. The development also fronts three roads and has immediate availability to Utilities making this an ideal area for development as the addition of new infrastructure is not needed. Staff concludes the proposed amendment **is consistent** with FLUE Policy 1.1.1.

2. FLUE Policy 1.1.5: Higher Density/Intensity Uses. 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:** The project site is located within the UGB and, as previously stated, has immediate availability to public water and sewer services. Staff concludes the proposed amendment **is consistent** with FLUE Policy 1.1.5.

3. FLUE Policy 1.1.6: Buffering of Uses: The County shall require new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties, as further defined in the LDC.

**Analysis:** The PUD Master plan submitted shows commercial development towards the north/northwest of the subject site, abutting NW 70<sup>th</sup> Avenue Rd. and N US Hwy 27 and with the proposed retention area for the development being in the southwestern corner of the property acting as a buffer from NW 35<sup>th</sup> Street and properties across the road. Residential that was previously near the northeast entrance of the property has been moved to allow for the FDOT required access point and has been modified to allow for some commercial in an effort to avoid having residential uses split by the access shown as NW 38<sup>th</sup> Lane (Attachment C Page 3). Residential development borders around the commercial and acts as a buffer to surrounding properties to the east and south. In addition, proposed buffers for the PUD exceed those required by the LDC, providing additional vegetative buffering between proposed uses on the property and existing uses in the surrounding area. The application **is consistent** with FLUE Policy 1.1.6.

4. FLUE Policy 1.1.7: Discourage Strip Commercial and Isolated Development: The County shall discourage scattered and highway strip commercial development by requiring the development of such uses at existing commercial intersections, other commercial nodes, and mixed-use centers with links to the surrounding area.

**Analysis:** Golden Hills Center is an existing commercial plaza located on-site that provides retail, personal services, and restaurants to the nearby area. The commercial use is established and at a location fronting multiple roadways. The expansion requested will not only provide additional commercial uses to the area, but will also establish a new residential use, making this a genuine mix of uses within a single PUD. The expansion would encourage growth in the appropriate area, based on zoning and land use standards, and would not encourage the proliferation of strip commercial or isolated development. Staff finds the rezoning **is consistent** with FLUE Policy 1.1.7.

5. Policy 2.1.22: Commercial (COM): 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; and 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, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

**Analysis:** The parcels included in the PUD are both designated as

Commercial Land Use. The 43.62-acre property allows for 1.9 million sq. ft of commercial or 348 residential units, or a mixture of the two. The FAR and number of residences both fall within the allowable density based on this Commercial land use and proposed mix of commercial and residential development. Based on this information, staff finds the rezoning is **consistent** with FLUE Policy 2.1.22.

6. Policy 3.1.2: Planning Principles within the UGB: The County shall implement long-term planning principles to guide the creation of land use policy and development regulations within the County, which shall be implemented through the policies contained in the County Comprehensive Plan and as further defined in the LDC. These principles shall include:
  1. Preserve open space, natural beauty and critical environmental areas.  
Allow for a mix of land uses to create compact residential, commercial, and employment hubs.
  2. Strengthen and direct development towards existing communities and development.
  3. Encourage compact and mixed-use building design.
  4. Foster distinctive, attractive communities with a strong sense of place.
  5. Create walkable and linked neighborhoods.
  6. Create a range of housing opportunities and choices.
  7. Provide a variety of transportation choices.
  8. Encourage community and stakeholder collaboration.
  9. Make development decisions predictable, fair and cost effective.
  10. Encourage interconnected development, multi-modal transportation opportunities, links to the surrounding neighborhoods, and alternative transportation routes.
  11. Establish priority areas for public facility and service infrastructure.

**Analysis:** The proposed PUD will create a mix of uses that include both commercial and residential in a compact development expanding on an existing commercially developed location. The residential offers options for a mix of styles, either detached single-family or attached “townhome” style single-family homes. Internal sidewalks throughout create a walkable and linked development with convenient access from residential to commercial and encouraging interconnected development. The site has immediate availability for central water and sewer services through Marion County Utilities and will connect. Based on the principles being met as shown above, staff finds the rezoning is **consistent** with FLUE Policy 3.1.2.

7. 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 Zoning Change PUD Amendment is scheduled for the September 29, 2025, Planning and Zoning Commission and, therefore, the application **is consistent** with this FLUE Policy 5.1.3.

8. 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.

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:** A traffic methodology has been approved and a traffic study is underway for the proposed PUD. Once the traffic study is complete, it will be submitted for review and, ultimately, for approval. An approved traffic study will be available before this item goes to the BCC. Once an approved traffic study is received, the application will be **consistent** with TE Policy 2.1.4.

6. 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 PUD Master plan indicates the project will be served by four driveways, two on N US Hwy 27 and two on NW 70<sup>th</sup> Avenue Rd. The easternmost access point on N US Hwy 27 was labeled as, “Potential second access to be coordinated with FDOT” on the previous PUD’s Master plan; this is the access point shown on the amended PUD Master plan as now required by FDOT. Once the traffic study determines any needed improvements to be implemented by the owner, the application will be **consistent** with TE Objective 2.2.

8. SSE Policy 1.1.3 provides “The County shall encourage the construction of sanitary sewer facilities by public or private sources, or jointly, in accordance with the Marion County Water and Wastewater Utility Master Plan, and the LDC.”

**Analysis:** The analysis given with the previous PUD approval has not changed. The site is within the Marion County Utilities Service Area and the PUD Master plan provided gives information on sanitary sewer services. The narrative provided with the application states, “A 16” sanitary sewer force main is located adjacent to the Property in the U.S. Highway 27 right-

of-way and an existing Marion County Utilities sanitary sewer lift station is located on the western portion of the Property. The Martingale PUD will connect into this lift station (with applicable capacity upgrades) and force main, which presently serves the existing plaza and has sufficient capacity to serve the project. Based on the above findings, it is concluded the application **is consistent** with SSE Policy 1.1.3.

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

**Analysis:** The amended PUD has immediate availability to Marion County Utilities as was detailed in the previous PUD approval. Based on the sanitary sewer availability, it is concluded the application **is consistent** with SSE Policy 1.2.1.

10. 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 analysis given with the previous PUD approval has not changed. Provided in the previous PUD narrative was the following information regarding potable water availability, “A 16” potable water main is located adjacent to the Property in the US Hwy 27 right-of-way and in the NW 70<sup>th</sup> Avenue Rd. right-of-way, which has sufficient capacity to serve the project without affecting its LOS. Martingale will connect to this water main via an existing 12” water main extension to the property, which serves the existing plaza.” Based on the above findings, it is concluded the application **is consistent** with PWE Policy 1.6.4

11. 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 could potentially include reducing the form, intensity, and/or density of the proposed development (e.g., units, building SF, impervious square feet). Based on the above, it is concluded the application **is consistent** with SE Policy 1.1.4.

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

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

## V. 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 PUD proposes a mix of commercial and residential uses, both of which are permitted within a Commercial land use designation. A table provided in Attachment C on Page 21 of the development standards indicates the commercial portion of the PUD will include permitted uses and special uses compliant with Neighborhood Business (B-1) and Community Business (B-2) zoning classifications. Also called out within permitted uses were outdoor markets and retail sales as well as event venues. The commercial development proposes up to 225,00 square feet of commercial related activities within the PUD and the ability to develop second story commercial.

The development standards also included a list of prohibited uses as Exhibit F which can be found within Attachment A Pages 21-22. As an example, some of the prohibited uses listed for Martingale include auto paint and body shops, golf courses, parking of commercial vehicles in excess of 16,000 lbs., gas stations, schools, and storage/mini-warehouses.

The Residential portion of the PUD looks to develop single-family attached townhomes and single-family detached homes with townhomes making up 140 of the proposed residences and single-family detached being the remaining 50 as proposed. However, this update to the PUD Master plan includes alternatives regarding residential development of the PUD (Attachment C Page 3). Inset A as referenced on Page 3 of Attachment C is an alternative for townhomes to be placed near the southwestern portion of the property where commercial/event venue are shown.

Inset B, also Attachment C Page 3, includes an all townhome option or an option where townhomes are shown along the eastern boundary line but with single-family homes still being shown in the southeastern corner. The

application states alternatives were provided as the mix of home styles will be driven by market demand.

Based on the above, staff concludes the application **is consistent** with this section, subject to the following conditions:

1. *The PUD shall be developed consistent with the PUD Master Plan, and the development conditions provided. In the event an alternative use other than those listed individually or within the B-1 and B-2 zoning classifications is proposed; the site shall go through the Special Use Permit Application process to ensure due public notice is provided.*
  2. *Residential dwelling types are limited to single-family attached dwelling units (townhomes) and single-family detached dwellings units.*
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 application includes all B-1 and B-2 uses, special and permitted, are allowed within the PUD along with outdoor market and retail sales and event venues. Therefore, the application is **consistent** with LDC Section 4.2.31.B.(2).

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 that a list of allowable uses was provided with the PUD as well as a list of prohibited uses. The owners have indicated that future owners within the PUD may apply for a special use permit so long as the use requested is not one of the uses listed as prohibited.

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

**Analysis:** The PUD proposes all allowed uses as well as a list of prohibited uses. As such, the PUD **is consistent** with this requirement.

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:** The PUD provides that the intended architectural style will be that of an Ocala Equestrian Vernacular to serve as a transitional space between the more urban area to the east and the equestrian area to the west.

Residences will include single-family detached and/or single-family attached townhome products with a maximum building height of 35' for townhomes and 30' for single-family detached homes. Amenities will include retail shops/restaurants with full pedestrian connectivity from residential to commercial areas, a festival lawn, and an open lawn area to provide open passive space for activities. The amenity center included within the residential portion of the PUD will have a central building  $\pm 3500$  square feet in size with a fitness center, multipurpose room, cafe area with kitchenette, lounge area, and changing rooms/restrooms. The outdoor patio attached to the amenity center will be roughly 5500 square feet in size and will include a community pool, outdoor kitchen and BBQ area, fire pits/outdoor fireplaces, and a pergola type shade structure. An additional paved walking trail will be provided around the drainage area in the southwestern portion of the property, roughly 0.5-mile distance. A property owners' association will provide care for common areas, signage, roads, stormwater, and other project infrastructure. To ensure amenities will be available to residents in a timely manner, staff recommends the following condition:

- *The 3500 square foot amenity center including fitness center, multipurpose room, café area with kitchenette, lounge area, and restrooms shall be built concurrently with the residential development and be completed by CO of the 50<sup>th</sup> residential unit.*

As recommended, staff finds the application to **be consistent** with this section of code.

- 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  $\pm 43.62$  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 Comprehensive Plan Future Land Use Designation(s) for the site, along with any density or intensity bonuses and/or transfers acquired for the site as enabled by the Comprehensive Plan and the LDC; however, if the PUD site is vested for a higher density/intensity as established consistent with the Comprehensive Plan and the LDC, the PUD may propose densities and/or intensities consistent with the vested status.

**Analysis:** The PUD Master Plan includes  $\pm 43.62$  acres of property with a Commercial land use designation. As such, the density permitted is 0-8 du/acre or a FAR of 1.0. Even at a FAR of .35, a more realistic ratio, commercial uses could include over 570,000 square feet. Residential development at a rate of eight dwellings per acre could develop up to 348 homes. The mix of commercial and residential being requested with this PUD falls well within the density and

intensity permitted by the site's Commercial land use by asking 225,000 square feet of commercial and 190 units of residential. 5.5 acres at a FAR of 1.0 (5.5 x 43,560) for the commercial uses proposed would meet, and slightly exceed, the square footage desired resulting in a maximum of 239,580 square feet. That would leave a remaining 38.12 acres to devote to residential uses at a density of 0-8 du/ac (38.12 x 8) for a maximum of 304 dwellings. These figures illustrate that the request being made falls within the maximum allowable for both the commercial and the residential. The proposed PUD is **consistent** with the 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:** The PUD Master Plan falls within the available density and intensity permitted by their land use, they have immediate availability to water and sewer connection, and their location provides frontage on three roads, two of which will be used for multiple access points. The proposed PUD is **consistent** with the section.

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 through comprehensive plan amendment. 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 the subject property has a single land use designation of Commercial. As such, staff finds 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 future land use of the subject property does not propose a blending of intensity or density. However, the proposed

development does intend to include both commercial and residential which are calculated differently, Commercial by FAR and Residential by du/ac. As was analyzed in section C above, 5.5 acres would be needed to meet/exceed the maximum allowable of 225,000 sq. ft. of commercial leaving 38.12 acres for residential density resulting in a maximum of up to 304 dwellings. The commercial square footage and residential density requested both fall under the maximum allowable. Staff finds this section is **not applicable**.

- 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 the PUD proposes its own setbacks and height limitations. Setbacks proposed are 40' from northern and western property lines and 30' from southern and eastern property boundary lines. Maximum building heights proposed are 45' for commercial, 35' for single-family attached townhomes and 30' for single-family detached homes. Staff finds the PUD is **consistent with this section**.

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

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

6. LDC Section 4.2.31.D.(6) requires the PUD to comply with the minimum buffer requirements as established in this Code, or an alternative design meeting the intent of the Code may be proposed for consideration. If an alternative design is proposed, the proposal shall include, at a minimum, scaled typical vertical and horizontal cross-sections of the buffer, including depictions of all proposed alternative buffer improvements and scaled representations of the existing principal structures and improvements that are located on the adjoining properties being buffered from the PUD. LDC Section 4.2.31.E.(6) provides buffers 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 PUD Master Plan proposes a series of buffers that either meet or exceed those required by the LDC as demonstrated previously in this report. Attachment A Page 29 includes a table with details labeling the buffers and the

items included in each. Staff finds the applicant buffers to be appropriate making this item **consistent** with the provision.

- *Buffers shall be as indicated in the PUD's Landscape Buffer Plan.*
  - *North – 15' wide landscaped buffer with proposed fencing.*
  - *East – 20' wide landscaped buffer with existing fencing.*
  - *South – 20' wide landscaped buffer with proposed fencing.*
  - *West – 15' wide landscaped buffer with proposed fencing.*

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:** The approved traffic methodology provided as Attachment E states there will be two full access connections to US-27, one existing roughly 750' east of the intersection of CR225A/NW 70<sup>th</sup> Avenue Rd. and another full/directional access proposed further east on N US Hwy 27 as required by FDOT. Additionally, there are three access connections on NW 70<sup>th</sup> Avenue, an existing right-in right-out close to the intersection of CR 225A/NW 70<sup>th</sup> Avenue Rd. and N US Hwy 27 that will be removed once the existing plaza is redeveloped, a proposed right-in right-out south of the existing one, and a full access driveway aligned with the Marion County Fire Rescue Station 20 driveway to the west. Staff finds access does exist to the property and proposed access points will be required to meet Traffic's requirements making this application **consistent** with this provision as recommended.

- *Requirements provided as a result of the approved Traffic Study and Traffic review must be implemented regarding access to the property.*

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:** The PUD Master Plan shows sidewalks internally throughout the project in both the residential and commercial areas. Staff finds the application **is consistent** with this provision as recommended.

- *Sidewalk to be provided internally as shown in the PUD Master plan.*

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:** The traffic methodology provided (Attachment E) states, “The Traffic study will include a discussion of available pedestrian and bicycle facilities adjacent to the site, and proposed connectivity from the development to the surrounding pedestrian and bicycle network.” The PUD itself shows design accommodations for cars as well as people by providing sidewalks throughout. Staff finds the application is **consistent** with this provision, provided any connectivity required by the traffic study is implemented.

- *Connectivity to surrounding pedestrian and bicycle networks must be implemented if it is found to be available by the traffic study.*

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 Development Standards provided (Attachment C Pages 21-23) state the following, “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.” Staff finds the application, therefore, **consistent** with this with the provision.

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:** Central water & sewer service are addressed and there’s immediately available to the site. As such, the plan is **consistent** with this provision.

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 with this Code.

- a. LDC Section 6.13.2 addresses the minimum requirements for stormwater management.

**Analysis:** Attachment A Page 31, provides “*Martingale will be designed and developed with stormwater facilities that meet all applicable regulations and requirements to accommodate post-development runoff.*” The plan is **consistent** with these provisions.

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

**Analysis:** The drainage analysis, Attachment A Pages 49-74, will include a primary basin that will send runoff captured in to the proposed DRA, capable of holding runoff generated from the 100-year, 24-hour storm event, and requiring no off-site discharge. The plan is **consistent** with these provisions.

- 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 any easements required for maintenance and upkeep of the PUD infrastructure will be determined during the Development Review phase of the process.

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

**Analysis:** Staff finds that buildable areas and easements will be finalized and/or determined during the Development Review phase of the development 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:** The PUD Master Plan proposes the sites various setbacks, height, and floor area ratio amounts.

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 PUD Master Plan does not propose any such encroachments for setbacks. Specific building separations are not provided as design and construction of the buildings will be subject to building and fire code requirements wherein firewalls and or sprinkler systems may permit reduced separations or common walls. Reflecting this formal construction need, staff recommends noting the compliance as a development condition and, as such, the PUD will be **consistent with this section**

- *Development of the PUD's buildings related to setbacks and building separations shall conform to the PUD's development standards and applicable building code and fire safety code provisions.*

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 any additional separations made a requirement due to development relative to easements and on-site structures shall be addressed during the Development Review phase of the process.

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.
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:** Design standards provided list the maximum building height but a typical illustration specifying the maximum height was not provided.

3. LDC Section 4.2.31.E.(4)(b) addresses PUD heights in relation to dissimilar uses.

**Analysis:** As previously provided in this report, single-family dwellings with a 30' or 35' maximum building heights are the development immediately abutting the Agricultural parcel to the east. This neighboring parcel, as Agriculture, would allow a maximum of 50' in height exceeding what's allowed by this PUD. All other property boundary lines abut rights-of-way. As such the PUD will be **consistent with this section**.

- 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:** Attachment C Page 20 includes the following regarding lighting, *“Drive access and parking lot areas should be illuminated for safe maneuvering of motor vehicles. Lighting assemblies along driveway shall be consistent in type and color with those used in the common areas and should generally not exceed 24 feet in height; pedestrian level lighting should generally not exceed 16 feet in height and shall be used adjacent to existing residential. Light fixtures may allow for additional elements such as non-commercial banners or hanging planters. Lighting should include cut-off fixtures, where appropriate, and light shall not spill beyond parcel boundaries.”* To ensure lighting cast stays within the confines of the subject property boundary lines, staff recommends the following condition:

- *PUD site must comply with the County’s LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.*
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 was addressed above and a condition has already been recommended to address this issue.

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 addressed in the application. A condition has already been recommended to address this requirement.

- 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:** The provision of perimeter buffers has been previously addressed. A condition has already been recommended to address this requirement. The PUD is not proposing vegetative buffers between the commercial and the residential.

- 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 (7)(c) below.

**Analysis:** The PUD site has a Commercial FLUMS designation and does not propose a Rural Land Residential Cluster or Hamlet, therefore this section of the LDC 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:** The PUD Master plan states it will meet the improved open space requirement of 20%. For this 43.62-acre parcel, a total of 8.72-acres must be provided for improved open space.

3. LDC Section 4.2.31.E.(7)(c) establishes the following design guidelines for open space:
  - a. 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 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 PUD Master plan states it will meet the improved open space requirement of 20%.

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 similarly 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 PUD Master plan states it will meet the improved open space requirement of 20%.

- K. LDC Section 4.2.31.E.(8)(a through e) address Maximum Commercial Use Area in a Residential PUD in a Residential Future Land Use Designation.

**Analysis:** The PUD site features a Commercial FLUMS designation, therefore this section of the LDC 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:** A pre-application meeting was conducted. 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 Master Plan.

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 is consistent with this provision.

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 is due to consider the application at their September 29, 2025, meeting and the DRC's recommendation regarding the PUD will then be provided to the Planning & Zoning Commission at the time of this application's consideration.

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:** The PUD application included a Master Plan.

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:** Due to the overall completeness of the Master Plan provided, Staff believes final development could move through DRC following BCC approval without having to return for a final board action.

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 a Master Plan was submitted for consideration.

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.

**Analysis:** Based on the changes proposed and included in the item summary of this report, the PUD includes changes that must come back before the Board for review and approval of this amended PUD Master Plan.

## 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 with amended conditions** 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 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 make a recommendation to the to **APPROVE with conditions** the proposed rezoning because the application:

- A. **Will not adversely** affect the public interest based upon impacts to the surrounding area;
- B. **Is consistent** with the following Comprehensive Plan provisions
  1. FLUE Policy 1.1.1, 1.1.5, 1.1.6, 1.1.7, 2.1.22, 3.1.2, 5.1.3, 5.1.4;
  2. TE Policy 2.1.4, and Objective 2.2;
  3. SSE 1.1.3, 1.2.1;
  4. PWE 1.6.4;
  5. SE 1.1.4, 1.1.5
- C. **Is compatible** with the surrounding uses as the request is to expand the existing commercial use of the property to include more commercial and introduce a mix of residential.

The following development conditions are proposed to mitigate the potential for any negative impacts to the surrounding area:

1. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below

<b>TABLE 2. SETBACKS (IN FEET)</b>		
<b>Direction</b>	<b>Adjoining Use</b>	<b>Minimum Setback Recommended</b>
<b>North</b>	ROW	40'
<b>South</b>	ROW	30'
<b>East</b>	Agriculture	30'
<b>West</b>	ROW	40'

2. Development signage may be permitted within perimeter landscape buffers provided they are integrated in to the required buffer design.
3. The 3500 square foot amenity center including fitness center, multipurpose room, café' area with kitchenette, lounge area, and restrooms shall be built concurrently with the residential development and be completed by CO of the 50<sup>th</sup> residential unit.
4. The PUD shall comply with the PUD Development Buffers listed in Table 3 below under "required" and as listed within the buffering plan provided.

<b>TABLE 3. BUFFERS</b>		
<b>Direction</b>	<b>Adjoining Use</b>	<b>Required</b>
<b>North</b>	ROW	<b>Proposed Buffer per PUD Master Plan (Sheet C006)</b>
<b>South</b>	ROW	<b>Proposed Buffer per PUD Master Plan (Sheet C006)</b>
<b>East</b>	Agriculture	<b>Proposed Buffer per PUD Master Plan (Sheet C006)</b>
<b>West</b>	ROW	<b>Proposed Buffer per PUD Master Plan (Sheet C006)</b>

5. The PUD shall be developed consistent with the PUD Master Plan, PUD Development Standards, and PUD List of Permitted, Prohibited, and Special Uses (Exhibits "A" PUD Master Plan, "B" PUD Development Standards, and "C" Applicants list of permitted, prohibited, and special uses, respectively, along with the development conditions provided. The maximum commercial square footage allowed shall be 225,000 sq. ft. and the maximum number of dwellings shall be 190 units. In the event an alternative use other than those listed individually or within the B-1 and B-2 zoning classifications is proposed; the site shall go through the Special Use Permit Application process to ensure due public notice is provided.
6. Residential dwelling types are limited to single-family attached dwelling units (townhomes) and single-family detached dwellings units.
7. Requirements provided as a result of the approved Traffic Study and Traffic review must be implemented.
8. Sidewalk to be provided internally as shown in the PUD Master plan.
9. Connectivity to surrounding pedestrian and bicycle networks must be implemented if it is found to be available by the traffic study.

10. Development of the PUD's buildings related to setbacks and building separations shall conform to the PUD's development standards and applicable building code and fire safety code provisions.
11. The PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.

## **VIII. PLANNING & ZONING COMMISSION RECOMMENDATION**

To be determined.

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

To be determined.

## **X. LIST OF ATTACHMENTS**

- A. Rezoning Application.
- B. Site Photos.
- C. PUD Master Plan & Standards.
- D. 2024 Report and Resolution.
- E. Traffic Methodology.
- F. DRC Staff Comments.
- G. MCPS Information.
- H. Surrounding Property Owner Notification.