



# Marion County Growth Services

Date: 4/10/2023

P&Z: 4/24/2023 BCC: TBD (Pending 5/16/2023, 5:30 P.M.)

Application No:  
**2023-05DA**  
[AR# 29895]

Type of Application:  
Developer's Agreement

Developer's Agreement:  
Pending

Related Comprehensive  
Plan Amendment(s):  
N/A

Related Rezoning(s):  
21108Z and 21109Z

Current Owner(s):  
Ocala SW 100<sup>th</sup>, L.L.C.

Applicant:  
W. James Gooding, III,  
Esq.

Parcel #/Acreage:  
SW 100<sup>th</sup> St ROW, ±8.00  
AC  
211008Z, ±45.00 AC  
211009Z, ±55.72 AC  
Total, ±108.72 AC

Existing Use:  
Vacant / forested.

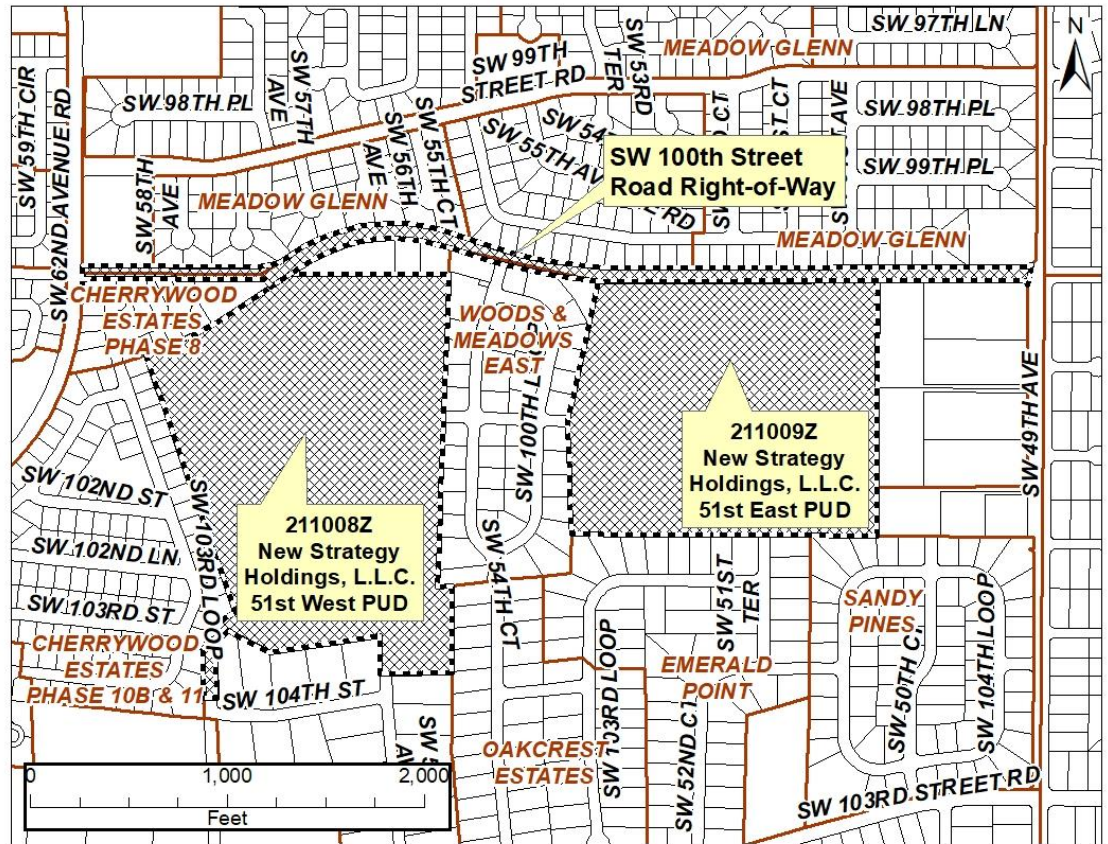
Location: ±1/4 north of SW  
103<sup>rd</sup> St. Rd, extending to  
and including the SW 100<sup>th</sup>  
St. ROW, between SW 49<sup>th</sup>  
Avenue and SW 62<sup>nd</sup>  
Avenue Road.

Staff Recommendation:  
**APPROVAL WITH  
CONDITIONS**

P&Z Recommendation:  
TBD

Project Planner:  
Christopher D. Rison,  
AICP, Senior Planner

Code Enforcement  
Action: N/A



## Item Summary

Staff is recommending **APPROVAL** to implement a Chapter 163, Florida Statutes (F.S.) Development Agreement for the design and construction of SW 100th Street road extending west from SW 49th Avenue to SW 62nd Avenue Road, as related to the New Strategy Holdings, L.L.C. 51st West PUD (211008Z) and East PUD (211009Z) encompassing ±109 acres.

## Public Notice

Notice of public hearing was mailed to 276 property owners within 300 feet of the subject property.

## Location

The overall site generally begins approximately ¼-mile north of SW 103rd Street Road and extends approximately ¼-mile further north to the alignment of SW 100th Street, and then extends west from SW 49th Avenue to SW 62nd Avenue Road, with the main bodies of the properties located along the south side of the SW 100th Street alignment and approximately 1,000' west of SW 49th Avenue and approximately 1,000' east of SW 62nd Avenue Road.

## Request

In November 2021, the Board of County Commissioners approved two (2) Planned Unit Developments (PUD – 211008Z and 211009Z) for two (2) properties along the south side of the alignment of SW 100<sup>th</sup> Street. The approvals required the Developer to

construct a segment of SW 100<sup>th</sup> Street to provide access for development and construction of each respective PUD as well as for the residential development and long-term use of the PUDs once they were completed. The construction of SW 100<sup>th</sup> Street will enable a connected street network allowing each PUD's traffic to disperse more effectively while providing alternative access for other adjoining subdivisions. Further, the construction is proposed to include a 12-foot wide multi-use trail along one side of the roadway to accommodate non-vehicular travel. The Developer is preparing plans for the SW 100<sup>th</sup> Street construction and is proposing a Development Agreement consistent with Chapter 163.3220-3243, F.S. to address the roadway construction and obtain impact fee credits, concurrency reservations, and proportionate share credits for the improvements based on the proposed traffic improvement and construction costs.

#	AGREEMENT	LDC
1	Definitions	Standardizes terms of the Agreement
2	Representations and Warranties	Obligations and requirements of the Parties
3	Development Uses Permitted	List of potential development as required by Chapter 163.3227, F.S.
4	Traffic Study	Identification of completed Study
5	Developer's Construction of Developer's Improvements	Listing of Developer design and construction obligations
6	Conveyance of Right-of-way (ROW)	Provisions for obtaining and conveying ROW
7	Impact Fee Credits	Provisions for addressing Credits for costs incurred per F.S. and LDC
8	Proportionate Share Mitigation	Provisions for recognition of proportionate share obligations and application of proposed project towards improvement obligations
9	Capacity Reservations	Provisions for reserving traffic capacities based on funds expended/contributed
10	Maintenance	Provisions to address maintenance of improvements
11	Force Majeure	Provisions to address reasonable delays
12	Acknowledgment Upon Compliance	Provides for recognition of completion of improvements
13	Development Permits Required	List of required permits per F.S.
14	Public Facilities	Summary of public facilities potentially affected
15	Additional Provisions	Reference to Agreement's F.S. status
16	General Provisions	Standard Agreement Terms regarding notices, etc. with 30-year duration.

## Analysis

The proposed Agreement reflects the findings of a traffic study analyzing both PUDs and the study is an attached exhibit with the initial Agreement draft. The improvements to SW 100<sup>th</sup> Street include the road paving, a paved trail, and associated stormwater improvements along with improvements at the intersections with SW 49<sup>th</sup> Avenue and SW 62<sup>nd</sup> Avenue Road. To offset the construction costs, the Developer is seeking Transportation Impact Fee Credits for costs incurred. The findings of the traffic study determined no roadway level of service deficiencies will result from the PUDs, but an intersection level of service deficiency due to the PUDs is expected at the SW 49<sup>th</sup> Avenue & SW 95<sup>th</sup> Street intersection. Additionally, a signal will be required at the future SW 100<sup>th</sup> Street & SW 49<sup>th</sup> Avenue intersection upon buildout of the PUDs. As part of the Agreement, the Developer is proposing to address the intersection deficiency as part of a proportionate share contribution addressed in the Agreement.

The construction of SW 100<sup>th</sup> Street is a requirement of the PUDs. The construction of the roadway will provide the major access to the PUDs, while also providing an additional access route for adjoining subdivisions that currently act as “cul-de-sacs” on SW 103<sup>rd</sup> Street Road. The traffic study determined a level of service deficiency is expected at the SW 103<sup>rd</sup> Street Road and SW 62<sup>nd</sup> Avenue Road intersection but that failure is due to current background traffic projections rather than the development of the PUDs. As such, the ability to access the new SW 100<sup>th</sup> Street segment from the existing adjoining subdivisions may be beneficial for conditions at that intersection. Additionally, the completion of SW 100<sup>th</sup> Street will complete a “grid” pattern to accommodate a uniform structured transportation network that provides the noted alternative access and dispersal of traffic. These aspects of the SW 100<sup>th</sup> Street completion correspond to Comprehensive Plan Future Land Use Element Policy 10.4.1 and 10.4.3; Transportation Element Policies 1.1.1-3, 1.1.1-6, 2.3.1, 2.3.2, 2.3.4, 2.3.5, 2.3.7, and 6.2.7,

The construction of SW 100<sup>th</sup> Street is not a scheduled improvement in the County’s current 5-Year Transportation Improvement Plan (5-Year TIP). County ordinances ordinarily require a project to be listed as part of the 5-Year TIP to be eligible for Impact Fee Credit; however, the Board may authorize such credits for projects outside the 5-Year TIP window if the proposed project is deemed to be an integral part of the major road network and the request obtains a super majority vote for approval (4 out of 5 votes). The County Engineer and Growth Services staff support the proposal for impact fee credit as the project will complete a “grid” pattern along a Section Line that will provide for traffic dispersal and an alternative means of access for some of the adjoining subdivisions that currently only access SW 103<sup>rd</sup> Street Road where a project intersection level of service failure is anticipated.

County staff have reviewed the draft Agreement and provided comments to the Developer and Applicant who are currently preparing revisions. DRC Staff Comments are also attached for reference. The staff comments have been provided to the Developer’s Attorney for the completion of revisions and resubmission of a revised Agreement. Staff anticipates the comments may be resolved in advance of the Board of County Commissioners’ final consideration of the Agreement.

**STAFF RECOMMENDATION: APPROVAL, PENDING FINAL REVISIONS (EXPECTED PRIOR TO FINAL BOARD OF COUNTY COMMISSIONER CONSIDERATION)**

**P&Z RECOMMENDATION – 4/24/2023: TBD**

**BOARD OF COUNTY COMMISSIONER ACTION: TBD**  
(est. 5/16/2023, 2:00 P.M.)

## **ATTACHMENTS:**

- A. Draft Proposed Development Agreement,
- B. Project Traffic Study,
- C. SW 100<sup>th</sup> Street PUD – EAST – Proposed Preliminary Plat in active review. No plan has yet been filed related to the WEST PUD.



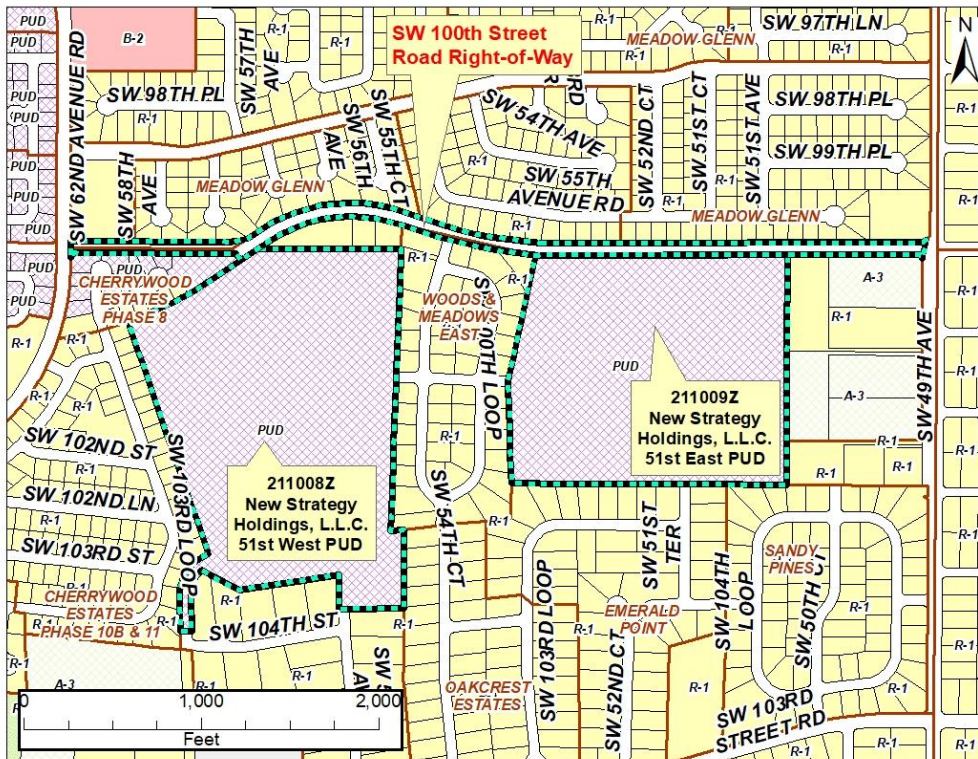
## Existing Future Land Use Designations:



**Future Land Use Designation Legend**

RL - Rural Land (1 du/10 ac)	UR - Urban Residential (8-16 du/ac)	CD - Commerce District (N/A; FAR 2.0)
LR - Low Residential (0-1 du/ac)	COM - Commercial (0-8 du/ac; FAR 1.0)	P - Public (N/A; FAR 1.0)
MR - Medium Residential (1-4 du/ac)	EC - Employment Center (0-12 du/ac; FAR 2.0)	PR - Preservation (N/A; N/A)

## Existing Zoning



**Zoning District Classifications Legend**

A-1 General Agriculture	P-RV Recreational Vehicle Park	B-3 Specialty Business	B-5 Heavy Business	PUD Planned Unit Development
R-1 Single-Family Dwelling	B-2 Community Business	B-4 Regional Business	M-1 Light Industrial	