



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;ZC Date: 03/25/2024</b>	<b>BCC Date: 04/17/2024</b>
<b>Case Number:</b>	240409ZC
<b>CDP-AR:</b>	31112
<b>Type of Case:</b>	<b>Rezoning</b> , modification of an existing PUD from Multi-Family units to a lower number of Single-Family units.
<b>Owner</b>	Sabana Farms LLC
<b>Applicant</b>	Tillman and Associates Engineering, LLC
<b>Street Address</b>	3718 NW 44th Ave, Ocala, FL 34482
<b>Parcel Number</b>	13709-001-00 (Portion)
<b>Property Size</b>	± 47.8 acres
<b>Future Land Use</b>	High Residential (HR), 4-8 dwelling units per acre
<b>Zoning Classification</b>	Planned Unit Development (PUD)
<b>Overlay Zone/Scenic Area</b>	Urban Growth Boundary and Secondary Springs Protection Zone
<b>Staff Recommendation</b>	<b>Approval with Conditions</b>
<b>P&amp;ZC Recommendation</b>	<b>Approval with Conditions</b>
<b>Project Planner</b>	Marcus Lloyd
<b>Related Case(s)</b>	22-S10 (MR to HR FLU), 220512Z (Rezoning to PUD to allow for 282 townhomes)

## I. ITEM SUMMARY

Tillman and Associates Engineering, LLC, on behalf of the landowners, Sabana Farms LLC, has filed an application to modify an existing Planned Unit Development (PUD) for parcel 13709-001-00, a property located on 3716 NW 44th Ave, Ocala, FL 34482 (see Attachment A). The request is to modify a 47.8-acre portion of the 75.95-acre parcel, originally approved as a PUD under case number 220512Z and recorded under ordinance No.22-21. The concept plan as provided (Attachment A, page 20), reduces the total number of units from 270 townhomes to 205 single family residential units with amenities and will be taking place on the portion of the parcel that carries a High Residential (HR) land use designation. Figure 1 is an aerial image of the project location. The project is located inside of the Urban Growth Boundary (UGB) and the Secondary Springs Protection Zone. Non-residential use areas are not proposed under this PUD.

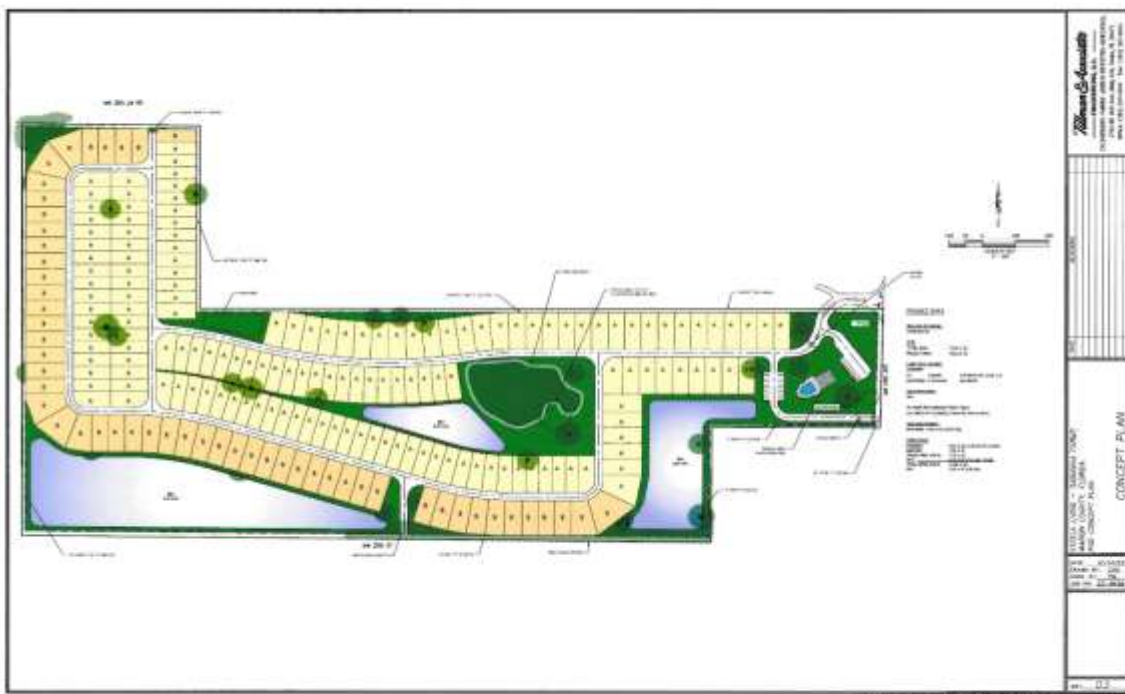
**Figure 1**  
**General Location Map**



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the Applicant's request due to consistency with the Land Development Code (LDC) Section 2.7.3.E.2; which requires that the rezoning is consistent with the Marion County Comprehensive Plan and that the proposed use is compatible with the surrounding area and with LDC Section 4.2.31 on PUD's. The submitted conceptual plan (Attachment A, page 20), shows 205 single family homes and will be compliant with the LDC's requirement for open space. The applicant uses the LDC allotted calculation for amenity areas, buffers, and drainage retention areas (DRAs) to exceed the 9.47 acres required, and the concept plan, as proposed, calculates open space at 11.06+/- (Attachment A, page 19). The proposed development standards propose 50' and 40' wide lots (Attachment A, page 19). While these proposed development standards are consistent with the County's LDC and other PUD designs throughout the county, one concern is that the size of the homes on the lots and additional accessory structures could exceed the 35% lot coverage standard for impervious surfaces under LDC section 2.21.1.A(1). Any new structures placed by future owners may need to seek waivers to Major Site Plans which can be granted by the Development Review Committee (DRC) after working with the Office of the County Engineer to get in compliance with this standard. The Sabana Farms Conceptual Home Designs and Amenity Package proposes an amenity area that will have a resort style pool, a 2,000-sf pool cabana, and poolside lounges. Additional Amenities will include a dog park for small and large breeds, a tot lot, outdoor game area, and walking trails.

**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 (131) within 300 feet of the subject property on March 8th, 2024. As of the date of the initial distribution of this staff report, 3 letters of opposition and 0 letters of support have been received. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on February 23rd, 2024 and consistent with LDC Section 2.7.3.E. due public notice was published in the Ocala Star-Banner March 11th, 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 in a PUD, 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 property owner, Sabana Farm LLC, originally proposed a maximum of 282 DUs. With the current land use (granted in companion with the original rezoning) could develop a maximum of 376 DU. As proposed under the modification of this PUD, the maximum proposed units on this subject site would be 205. Based on the reduction of total units, staff recommends the following conditions be imposed:

- *The PUD project on the 47.8-acre portion is restricted to a maximum of 205 Single Family Homes with guest homes or accessory dwelling units being prohibited inside of the PUD. Accompanying accessory amenities consistent with the PUD concept plan (Attachment A, page 20), provided that any proposed accessory structures will be compliant with the R-1 zoning permitted structures.. Setbacks will be required to meet the standards as proposed under this PUD's conceptual layout plan (Attachment A, Page 19).*

2. LDC Section 4.2.31.B.(2) states uses ordinarily requiring a Special Use Permit may be permitted within all or part of a PUD without the necessity of a separate SUP application, provided it meets one of three criteria;

**Analysis:** Staff finds the Applicant is not proposing any SUP and that the proposed single-family use on the subject property is allowed by the current High Residential (HR) land use classification.

3. LDC Section 4.2.31.B.(3) provides owners of parcels within the PUD may subsequently request 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 a modification of an existing 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 205 single family residential unit development. Any attempt to go beyond the 205 units as proposed will require a new application and new advertisements for public notice. The application also proposes community uses for the development, which will be subject to the review of the PUD conceptual Plan or final PUD Master Plan. These amenities include pool and cabana area, dog park area, tot lot (Playground), and outdoor activities area. No commercial uses are proposed under this PUD application. Staff finds that the proposed PUD zoning standards (with conditions prohibiting the use of guest homes or accessory dwelling units), with any additional structures being subject to what is permitted under the Single Family Residential (R-1) zoning as defined in Sec. 4.2.9. Staff finds that this is appropriate to this site and the character of the surrounding area.

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 offers 11.06 acres (481,773.6 Sq. ft) of total open space or 23.1% percent of the 47.8- acre property. The proposed amenities include one 2000 SF cabana with a resort style pool, with exact measurements of additional amenities area to be determined during the approval stage of the PUD's conceptual plan or master plan. Using Census data of 2.4 persons per household, the average for Marion County, at 205 dwelling units, the proposed PUD may generate 492 people. This translates into 979 SF of open space per person, which exceeds the requirement of Policy 2.1.4 in the Comprehensive Plan.

- 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 47.8 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 rights.

**Analysis:** The subject property could develop at 376 DU total or 8 DU per acre under the HR FLU, with 205 DU proposed this would be roughly 4.3 units per acre, lower than the possible density allowed on the subject property while exceeding the required minimum density of 191 DU.

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 two access points on NW 44th Ave, and one emergency access point on NW 35th St. While the two main entrance areas are gated, there will be a parking area near the amenities area that could be used for emergency turn arounds by non-residents on NW 44th Ave, accessed on the northern most access point, with the gate being proposed after the additional parking area (Attachment A, page 20). The subject property is within the connection distance of centralized water and sewer. The subject property is not located in any FEMA floodplains and only a small portion is listed a County flood prone area, and this area is where a DRA is proposed to be placed according to the concept plan. Roughly 7.93 acres or 16.75% of the conceptual plans area will be dedicated to drainage retention areas.

Given that the PUD conceptual plan proposes a lower number of units than what the HR FLU allows, the property has sufficient access and emergency access, connection to centralized to water and sewer, and sufficient flood mitigation through placement of proposed DRA's, staff concludes that this rezoning is appropriate in accordance with Sec. 4.2.31 of the LDC.

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 under the Comprehensive Plan. 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 PUD is requesting a 205 unit single family residential development. Any attempt to go beyond the 205 units, as proposed, will require a new application and new advertisements for public notice. The application also proposes the community uses for the development, which will be subject to the review of the PUD conceptual Plan or final PUD Master Plan. These amenities include pool and cabana area, dog park area, tot lot (Playground), and outdoor activities area. No commercial use is proposed under this PUD application.

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 is proposing a density that is significantly lower than what the HR FLU allows, thus staff concludes that this would be allowed under this section.

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

**Analysis:** Staff finds that the PUD proposes setbacks for the homes and amenities (see Attachment A, Page 19). Any accessory structures allowed by Single Family (R-1) zoning would be permitted uses within the PUD. Proposed setbacks are listing front as 20', rear as 10', and side/side yard as 5' for all lots. For accessory structures, setbacks would be 5' in the rear and 5' on the side with a max height of 20' while complying with the primary/principle structure front setback. Compared with the LDC R-1 zoning development standards, residential lots with centralized utilities require setbacks that require 20' front, 20' rear, and 8' side for primary residential structures and 8' for rear and side for accessory structures.

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

**Analysis:** Staff finds that the PUD is 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:** Buffer details are proposed within the application (see Attachment A, Page 19). Staff finds that the PUD is proposing a 15' C-type buffer along the ROW on NW 44th Ave and on the southernmost boundary. This will also include tree preservation incorporated into the C-type buffer on the south. Along the west property line the conceptual plan proposes a modified 10' ft C-type buffer. Along NW 35th LN RD and the northwestern boundary of the PUD, a 10' modified C-type buffer is also proposed. On the Southeastern boundaries of the PUD adjoining a County DRA, a 5' E-type buffer is proposed. Each of the C-type buffers shall contain two shade trees and three understory trees per every 100' lineal feet, or as modified for the specific buffers proposed in the concept plan. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer and form a layered landscape screen with a minimum height of three feet achieved within one year. The E-type buffer includes four shade trees per every 100 lineal feet, and shrubs that meet ground coverage requirements. Shrubs shall be planted in a double-staggered row and reach a maintained height of six feet in three yrs. Notwithstanding, staff recommends the following condition be imposed:

- *Buffers shall be provided as shown on the submitted conceptual plan. ~~In order to be in compliance with the LDC, a waiver must be granted for the 10' modified C-type buffer; this request must be~~*



~~initiated by the applicant prior to completion of the final PUD Master Plan. If this waiver is not granted, the applicant will need to provide an alternative buffer type that would satisfy the requirements of the LDC or as the Board deems appropriate.~~

D. LDC Section 4.2.31.E.(1) addresses three types of access.

1. LDC Section 4.2.31.E.(1)(a) provides all properties resulting from a PUD shall have paved access to paved public or private street right-of-way; however, ingress/egress or cross-access easements may be proposed as an alternative to a right-of-way as part of the PUD, provided all access is paved.

**Analysis:** Access to the property is shown on the conceptual plan. There are two gated access points to the PUD from NW 44th Ave, with one of the gates to the north being after entrants would reach a common parking area that is external to the pool area (See Attachment A, page 20). An emergency access point on NW 35th St. is also proposed for first responders. All roads as part of this PUD will be paved. Notwithstanding, staff recommends the following conditions are imposed:

- *Prior to completion and approval of the final PUD Master Plan, or equivalent, the project's Operational Traffic Study shall be completed to the satisfaction of the County Engineer, and adequate provisions shall be made for the coordination of improvements internal to the PUD.*
- *A minimum of two access points will be provided, with all access points 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 circulation needs and externally to provide for integration of the PUD to surrounding existing for future facilities.

**Analysis:** Staff finds the PUD proposes sidewalks along the adjacent rights-of-way and on at least one side of all internal roads. There is also an integrated trail system through the PUD that is incorporated into the open space provided to residents. However, there are no multimodal facilities shown on the conceptual plan. Sidewalks along all unnamed roads shall be provided connecting the PUD and all adjacent land uses. During the staff site visit, staff observed the sidewalks in the adjacent PUD to the north were used by bicyclists and pedestrians, and golf carts were driven on the internal roads. Staff recommends the following conditions be imposed:

- *Show pedestrian connections from PUD area to all adjacent land uses on the project plans.*

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:** Staff finds the PUD proposes sidewalks along the adjacent rights-of-way and on at least one side of all internal roads. However, multimodal circulation is not shown within the conceptual plan, but could be done so with local roadway connections for bicyclists and golf carts. There are no bus stops shown within the application. Staff recommends the following condition be imposed:

- *Show sidewalks along at least one side of all 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:** Staff finds the PUD provides parking calculations for community uses. The concept plan proposes two separate parking areas for the common amenities area, one internal and one area that is external. The number of parking stalls has not yet been calculated. LDC requires 1.5 parking spaces for each residential unit. Notwithstanding, the following condition is imposed:

- ~~*The amount of parking spaces provided will need to be calculated by the applicant and will need to satisfy conditions imposed by the LDC prior to fully building out the amenities as proposed by the PUD.*~~

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 to Marion County utilities. Staff recommends the following condition be imposed:

- *The PUD shall connect to Marion County centralized water and sewer.*

6. LDC Section 4.2.31.E.(1)(f) requires all appropriate and necessary stormwater infrastructure shall be provided for the PUD development to ensure compliance this Code.

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

**Analysis:** The subject property is not located within a FEMA designated flood zone. The PUD proposes a private retention pond to serve the site with many drainage retention areas on the subject property as proposed in the concept plan. During the Development Review phase, stormwater review will determine the size and depth of the retention areas needed to serve the development. The DRC letter notes the Major Site Plan or Platting process must be consistent with LDC.see Attachment C, Page 1). Staff recommends the following conditions be imposed:

- *A Major Site Plan or Platting Process 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 entire development. Requirmennts of the LDC shall be met with the Major Site Plan or Platting Process.*

- 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 as proposed on the concept plan. 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 depicts 10' easements on standard lots and 12' easements on corner lots. These easements will be required for maintenance and upkeep of the PUD infrastructure and 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 the conceptual plan shows the buildable areas and does depict the easements. Final easement requirements 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:** A table of proposed setbacks has been provided (See attachment A, page 19). Setbacks were proposed for front as 20', rear as 10', and side/side yard as 5'. For accessory structures, setbacks will be 5' in the rear and 5' on both sides, with front setbacks the same as the primary/principle residence. Front and side proposed setbacks are less than the LDC requires for similar zoning classification development standards (20' for front and rear and 8' for side).

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. For compatibility with the single 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 consistent with the requirements for these items within the Single-Family Dwelling (R-1) zoning classification of the LDC.*

3. LDC Section 4.2.31.E.(3)(d)2. a provides at a minimum, structures on the same property shall be separated by a minimum of ten feet, In the event a dedicated easement is between the structures, the separation between structures shall be increased to provide a minimum of five feet of separation from each structure to the boundary of the easement.

**Analysis:** Staff finds that the building separations for the PUD are 10' at a minimum, thus this application is consistent with this section.

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

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

**Analysis:** Staff finds that the PUD proposes building heights of roughly 40' for the house with 20' for accessory structures, but does not have a proposed building height for the clubhouse at this time. Staff recommends the following condition be imposed:

- *A maximum height for the clubhouse will be 40', which would be consistent with the maximum height of other structures in place on the subject property.*
2. LDC Section 4.2.31.E.(4)(a)3. provides all maximum height limits for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

**Analysis:** Staff finds that a table has been provided for the proposed maximum height of homes and their accessory structures, and staff has recommended a maximum height for the clubhouse structure.

3. LDC Section 4.2.31.E.(4)(b) addresses dissimilar uses.
  - a. LDC Section 4.2.31.E.(4)(b)1 provides that when commercial, industrial, or institutional uses are provided within a PUD within 100 feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use or zoning classification outside the PUD is residential:
    - 1) A non-residential structure may not exceed a height that is twice the height of the closest existing abutting residential structure; however, the height of the non-residential structure shall also not exceed the maximum height allowed in the abutting residential zoning classification.
    - 2) If the residential zoned land directly adjacent to the PUD is vacant land, then the height of a non-residential structure within the PUD shall not exceed the maximum height allowed in the abutting residential classification.

- 3) An alternative height limit may be proposed; however, it is the PUD applicant's responsibility to fully demonstrate the alternative will be sufficiently mitigated to address potential impacts of the increased height of the non-residential use in relation to the existing residential use and/or residential zoning classification; however, the Board is not obligated to agree and/or accept the alternative proposal.

**Analysis:** There are no commercial uses within 100' of the boundary, this section is not applicable.

- b. LDC Section 4.2.31.E.(4)(b)1 provides that when multiple-family residential uses are provided within a PUD within 100 feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use is a single-family use or the zoning classification outside the PUD permits only single-family residential uses:
  - 1) 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.
  - 2) 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.
  - 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 multiple-family residential use in relation to the existing residential use and/or residential zoning classification.

**Analysis:** There are single-family uses on adjacent parcels and, consistent with the concept plan provided, the PUD will build 1- and 2-story single family homes but limits homes along the south, west, and north boundaries to a single-story (Attachment A, Sheet 20).

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 or Plat will have to 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. 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 not 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:

J.

1. Buffers shall be provided between the proposed PUD uses and the PUD's surroundings, and between the PUD's internal uses, in a manner that conforms to the requirements of Section 6.8.6; however, a PUD may propose alternative buffer standards and designs provided the intent of the buffer requirement is satisfied,
2. A PUD may propose the elimination of internal buffers within the PUD; however, for significantly dissimilar uses (e.g., residential versus industrial), mechanisms to ensure future PUD residents and occupants are aware of the elimination of such requirements may be required in response to such a proposal.

**Analysis:** Staff finds that the external buffers, addressed earlier in the report, meet or exceed the standard buffers of the LDC. Thus, is consistent with the LDC Section 4.2.31.E(6), subject to the outcome of obtaining a design waiver for the proposed modified Type-C buffer along the west and north boundaries.

- K. 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  $\pm 11.06$  acres of open space which is more than the required 9.47 acres of open space. The PUD also requires a minimum of 2.37 acres of IOS. The PUD also provides 1.05 acres of IOS and 1.98 acres of buffers for a total of 3.03 acres as IOS. The sum of open space is 11.06 acres which is about 23% of the total PUD area. The PUD is consistent with the requirement.

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 series of recreational amenity areas including a clubhouse, a pool, a pet playground, walking trail and



children's play area. Perimeter buffers are also provided. The IOS area is 3.03 acres which is 6.4% of total 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 (Attachment A, page 19) documents the number of acres and percentage of open space provided, including open space, buffers, and IOS areas.

L. LDC Section 4.2.31.E.(8) addresses Maximum Commercial Use Area in a Residential PUD in a Residential Future Land Use Designation.

1. LDC Section 4.2.31.E.(8)(a) provides commercial uses may be provided within the PUD, at a ratio of two acres of commercial use area per each 250 dwelling units, with a minimum of 250 units required before any commercial use area may be authorized in the PUD.

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

3. LDC Section 4.2.31.E.(8)(c) provides the commercial use areas shall be situated internally to the PUD and buffered so as not to create a detrimental effect on adjacent internal residential areas. Said areas shall be located so as to best serve the residents of the project. Said areas shall not be located at the perimeter of the project with frontage on or direct access to an existing functionally classified or major through road so as to attract a market substantially outside of the project; however, a PUD that provides for the creation of a new internal functionally classified or major through road which is not access controlled and is open and available to the public may establish the commercial use area along that roadway, subject to compliance with the traffic and access management provisions of Divisions 6.11 and 6.12.

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

4. LDC Section 4.2.31.E.(8)(d) provides the commercial use area shall be specifically included in the development schedule.

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

M. 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, Tillman and Associates, had a pre-application meeting with staff on the day application was submitted. 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, Page 20).

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. 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 January 22nd, 2024 meeting and recommended to transmit the 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:** The final development plan will meet the standards of LDC Section 4.2.31.F(4)(a) and additional approvals will follow appropriate standards as deemed necessary.

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, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Code's 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:** A conceptual plan was submitted, as such the listed items of LDC Sec. 4.2.31.F(4)(d) will need to be reviewed by DRC with the subsequent plan review processes, including any other documents deemed necessary for the project to be approved.

- N. 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.

- O. 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 modification to an existing PUD approval, specifically the number of dwelling units and character of the developer. Thus,

consistent with aforementioned section of the LDC, the item shall be subject to review and approval by the Board of County Commissioners.

## 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. NW 44th Ave Road is a four-lane divided roadway adjacent to the PUD. Both access points to the PUD are on this road. According to the Revised Traffic Impact Assessment (TIA) provided with the application, the proposed modified PUD will decrease the total amount of daily trips by 54. PM peak hour trips will increase by 37 as identified in the traffic impact assessment (Attachment B, Page 1). 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 for multimodal transportation.
  - b. Public transit is not observed near the property.
  - c. Other mobility features. Sidewalks and walking trails will be available to service the property internally.

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 be required satisfy the recommendations of the Revised TIA above to facilitate safe and functioning roadways, consistent with the LDC.**

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 205 proposed dwelling units, the proposed rezoning would result in an increase of 73,800 gallons per day. The property will connect to centralized water and sewer by Marion County Utilities. 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 205 proposed dwelling units, the proposed rezoning would result in an increase of 54,120 gallons per day. The property will connect to centralized water and sewer by Marion County Utilities. 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 205 units multiplied by 2.4 persons per household equals 492 persons, which will generate a demand of an additional 3,050.4 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 #20, located at 3600 NW 70th Ave, Ocala, FL 34482 and is roughly 4.6 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. S Marion County Sheriff's Office located at 692 NW 30th Ave, Ocala, FL 34475; is roughly 3.8 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. Fessenden Elementary School (100.23% utilization), located at 4200 NW 89th Pl, is 5.5 miles to the north. Howard Middle School (67.2% utilization), located at 1655 NW 10th St, is 4.5 miles west. West Port High School (109.81% utilization) is located at 3733 SW 80<sup>th</sup> Ave, about 10.2 miles to the south. While the local schools within the area are experiencing overcrowding, the school district as whole has ample capacity for any new students generated by this development. It is concluded that the proposed rezoning **public schools' impacts could adversely affect the public interest.**

In conclusion, staff finds that while the impact to schools could adversely affect the public interest, when weighing the overall factors, it is concluded 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 UGB and has the FLU designation to develop the number of units proposed. 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 11.06 (481,773 SF) of open spaces which equals 979 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 March 25th, 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:** A Traffic Impact Assessment is provided in the application package and estimates the change in trips from what the original PUD proposed. The original PUD rezoning case was for 270 attached single family residences (townhomes). The modification to 205 single family homes results in a reduction of daily trips, from 2,007 to 1,953 trips. This also will result in an increase of AM Peak trips, from 135 to 143, and an increase in PM Peak trips from 158 to 195 trips. Professional planning

practice requires that when considering the transportation impacts of a rezoning amendment, the most intense development allowed within the zoning district should be analyzed. According to the Development Review Comments Letter (see Attachment C, page 2), 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 and off-site improvements will need to be completed as well as potential right-of-way dedication before this PUD will 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:** The development used a traffic impact assessment for the generated residential units and trips. An operational study is required prior to BCC approval of the final PUD Master Plan or equivalent.

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 two points of access from NW 44<sup>th</sup> Ave. 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 **consistent** with TE Objective 2.2.

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:** Based on the 205 proposed dwelling units, the proposed rezoning would result in an increase of 54,120 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 public utility services of Marion County. 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, rezoning, 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. 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 205 proposed dwelling units, the proposed rezoning would result in an increase of 73,800 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 ample capacity is available. 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 205 units multiplied by 2.4 persons per household equals 492 persons, which will generate a demand of an additional 3,050.4 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. A portion of subject parcel is located in the County Flood Prone Areas. According to the Development Review Comments Letter (see Attachment C, page 1), this site will be required to have a stormwater management system. 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:** 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 11.06 acres of open space which is more than the required 9.47 acres of open space. The open space includes open space, community amenities, 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 photograph displaying existing and surrounding site conditions. Attachment D displays site photographs. Figure 4 displays the FLUMS, which shows the subject property is designated (HR) High Residential and Medium Residential (MR) on the portions of the property not included in this PUD modification. Figures 4 and 5 display the existing and proposed zoning classification for the subject property and surrounding properties. Figure 6 shows the uses of subject property and surrounding properties as classified by Marion County Property Appraiser. Table 1 displays the information from figures 4, 5, and 6 in tabular form.

**Figure 4 - FLUMS Designation**

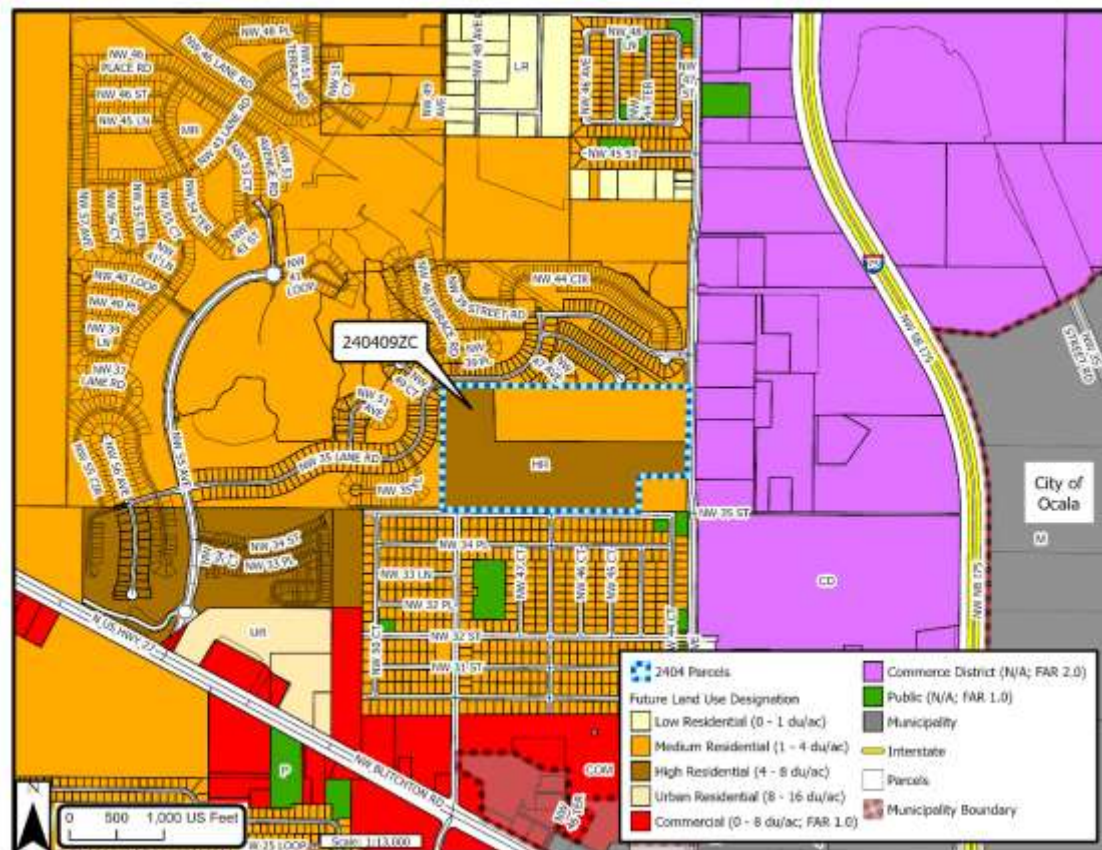
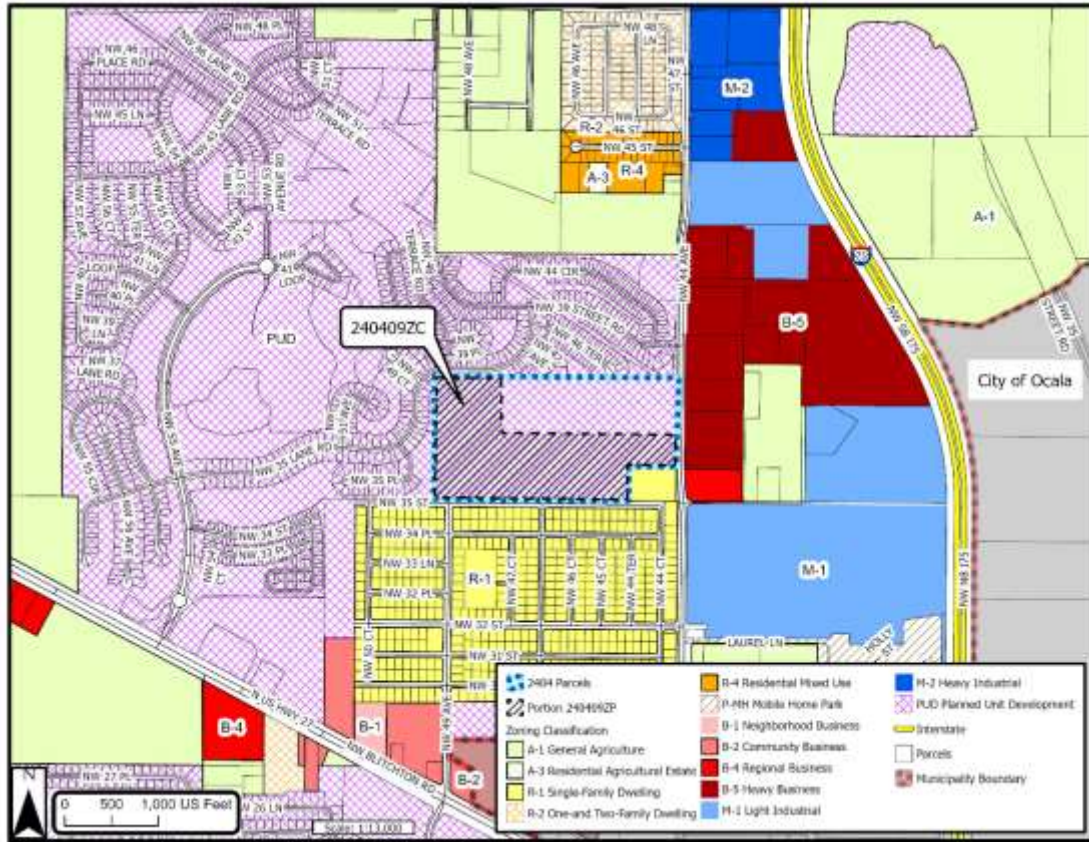
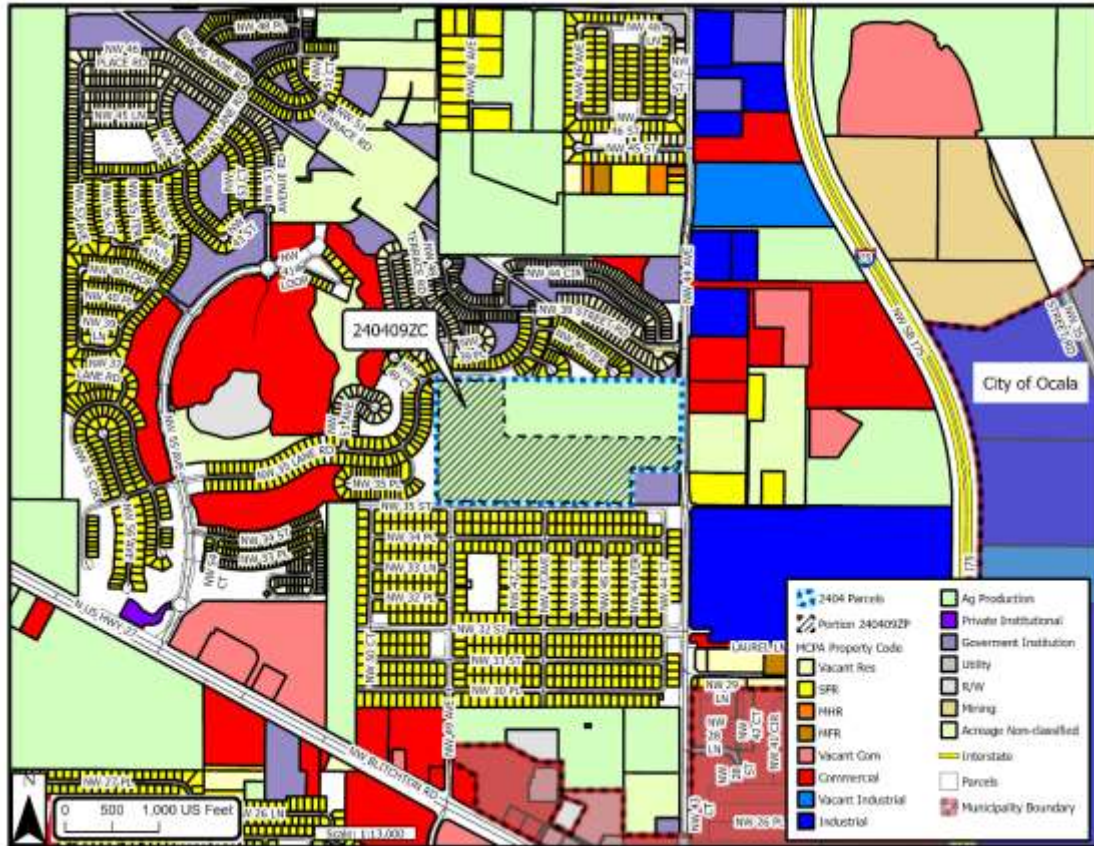


Figure 5 - Zoning Classification



**Figure 6 - 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>
North	Medium Residential (MR)	Planned Unit Development (PUD)	Residential
South	Medium Residential (MR)	Single Family Residential (R-1)	Residential
West	Medium Residential (MR)	Planned Unit Development (PUD)	Residential
East	Commerce District (CD)	Heavy Business (B-5)	Commercial & Vacant Commercial

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (see Attachment D) and finds the subject property has existing structures and farm buildings. Within one mile from the PUD are a supermarket, restaurants, hotel, bank, gas stations, and retail options. The subject parcel is also adjacent to many other single-family residential neighborhoods.

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 adjacent subdivisions (I.E. Quail Meadows) and PUD's in the surrounding area.



D. The recommended development conditions include:

1. *The PUD project on the 47.8-acre portion is restricted to a maximum of 205 Single Family Homes with guest homes or accessory dwelling units being prohibited inside of the PUD. Accompanying accessory amenities consistent with the PUD concept plan (Attachment A, page 20), provided that any proposed accessory structures will be compliant with the R-1 zoning permitted structures.. Setbacks will be required to meet the standards as proposed under this PUD's conceptual layout plan (Attachment A, Page 19).*
2. *The Buffers shall be provided as shown on the submitted conceptual plan. ~~In order to be in compliance with the LDC, a waiver must be granted for the 10' modified C-type buffer and this request must be initiated by the applicant prior to completion of the final PUD Master Plan. If this waiver is not granted, the applicant will need to provide an alternative buffer type that would satisfy the requirements of the LDC or as the Board deems appropriate.~~*
3. *Prior to completion and approval of the final PUD Master Plan, the projects Operational Traffic Study shall be completed to the satisfaction of the County Engineer, and adequate provision shall be made for the coordination of improvements with the PUD.*
4. *A minimum of two access points will be provided with all access points worked out to the satisfaction of the Development Review Committee during the time of Development Review.*
5. *Pedestrian connections from PUD area to all adjacent land uses must be shown on the project plans.*
6. *Sidewalks must be shown along at least one side of all internal roads and connections to multimodal paths.*
7. ~~*The amount of parking spaces provided will need to be calculated by the applicant and will need to satisfy conditions imposed by the LDC prior to fully building out the amenities as proposed by the PUD.*~~
8. *Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed consistent with the requirements for these items in the Single-Family Dwelling (R-1) zoning classification of the LDC.*
9. *The PUD shall connect to Marion County Utilities centralized water and sewer.*
10. *A maximum height for the clubhouse will be 40', which would be consistent with the maximum height of other structures in place on the subject property.*
11. *A Major Site Plan or Plat 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 entire development. Ensure requirements of the LDC are being met with the Major Site Plan or Platting Process.*
13. *The final PUD Master Plan, or equivalent, 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. PUD rezoning application package and concept plan.
- B. Traffic Impact Assessment.
- C. DRC Minutes with DRC Rezoning Comments Letter.
- D. Site Photos.