



**Marion County
Board of County Commissioners**

Growth Services

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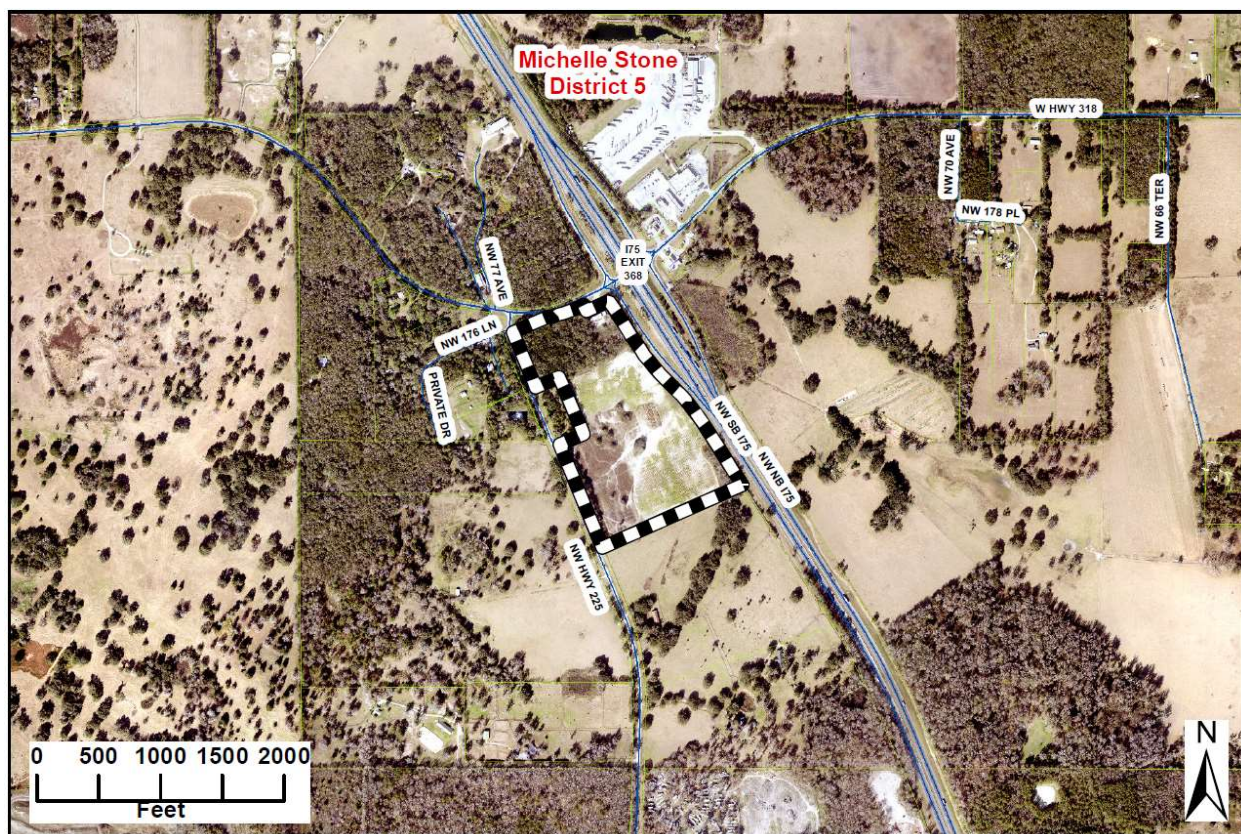
**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 11/28/2022	BCC Date: 12/20/2022
Case Number:	221211ZP
CDP-AR:	29235
Type of Case:	Rezoning from Planned Unit Development (PUD) to Planned Unit Development (PUD)
Owner	New Times Development, LLC
Applicant	Tillman and Associates Engineering, LLC
Street Address	7562 W HWY 318
Parcel Number	03165-001-00
Property Size	41.29 acres
Future Land Use	Employment Center (EC)
Zoning Classification	Planned Unit Development (PUD)
Overlay Zone/Scenic Area	Farmland Preservation Area and Secondary Springs Protection Zone
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	APPROVAL (On Consent)
Project Planner	Kenneth Weyrauch, Sr. Planner
Related Case(s)	Existing PUD 200506Z

I. ITEM SUMMARY

Tillman and Associates Engineering, LLC, on behalf of the landowners, New Times Development has filed an application to rezone a 41.29-acre property site located at 7562 W HWY 318 from Planned Unit Development (PUD) to Planned Unit Development (PUD) (see Attachment A). The request is for a 18.71 acres of commercial use and 336 multiple family apartment units. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated within the Farmland Preservation area and within the secondary spring's protection overlay zone. This location is outside of the Urban Growth Boundary (UGB).

**FIGURE 1
GENERAL LOCATION MAP**



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the Applicant's request because it is consistent with Land Development Code Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, that the rezoning is consistency 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 PUD proposes 18.71 acres of commercial use and 336 multiple family apartment units. The submitted conceptual plan (see Attachment A, page A-4), shows the 18.71

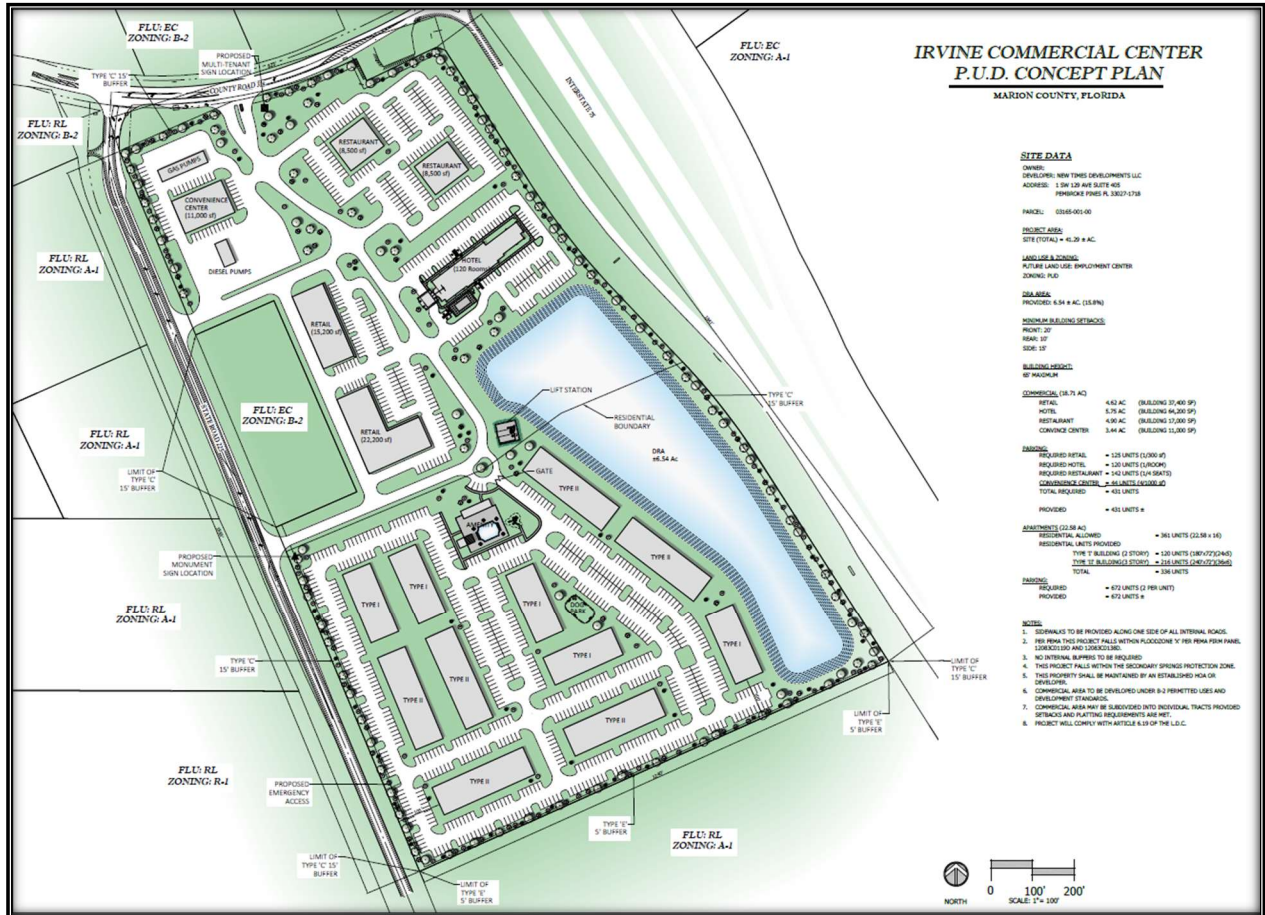
acres of commercial use under the community business (B-2) uses and development standards being broken down into; one hotel, two restaurants, a gas station, and 37,400 sf of retail use. The overall proposed commercial development is 129,000 GSF, which is an Floor Area Ratio (FAR) of 0.158 or 15.8% of the 18.71 acres devoted to commercial development. The 336 apartment units consist of 11 buildings on 22.57 acres of land for a density of 14.89 dwelling units per acre (du/ac). The proposed building height for both the commercial and residential areas is 65 feet.

The PUD proposes over 15.98 acres of open space with a clubhouse, pool, playground, and dog park. Figure 2 (also found in Attachment A, page A-4) below shows the proposed conceptual plan and figure 3 below shows the conceptual plan overlaid on an aerial map to better show the adjacent area. The overlaid aerial also shows two recently approved developments within the area. Adjacent to the west, across HWY 225, The WEC Jockey Club PUD was approved in 2022.

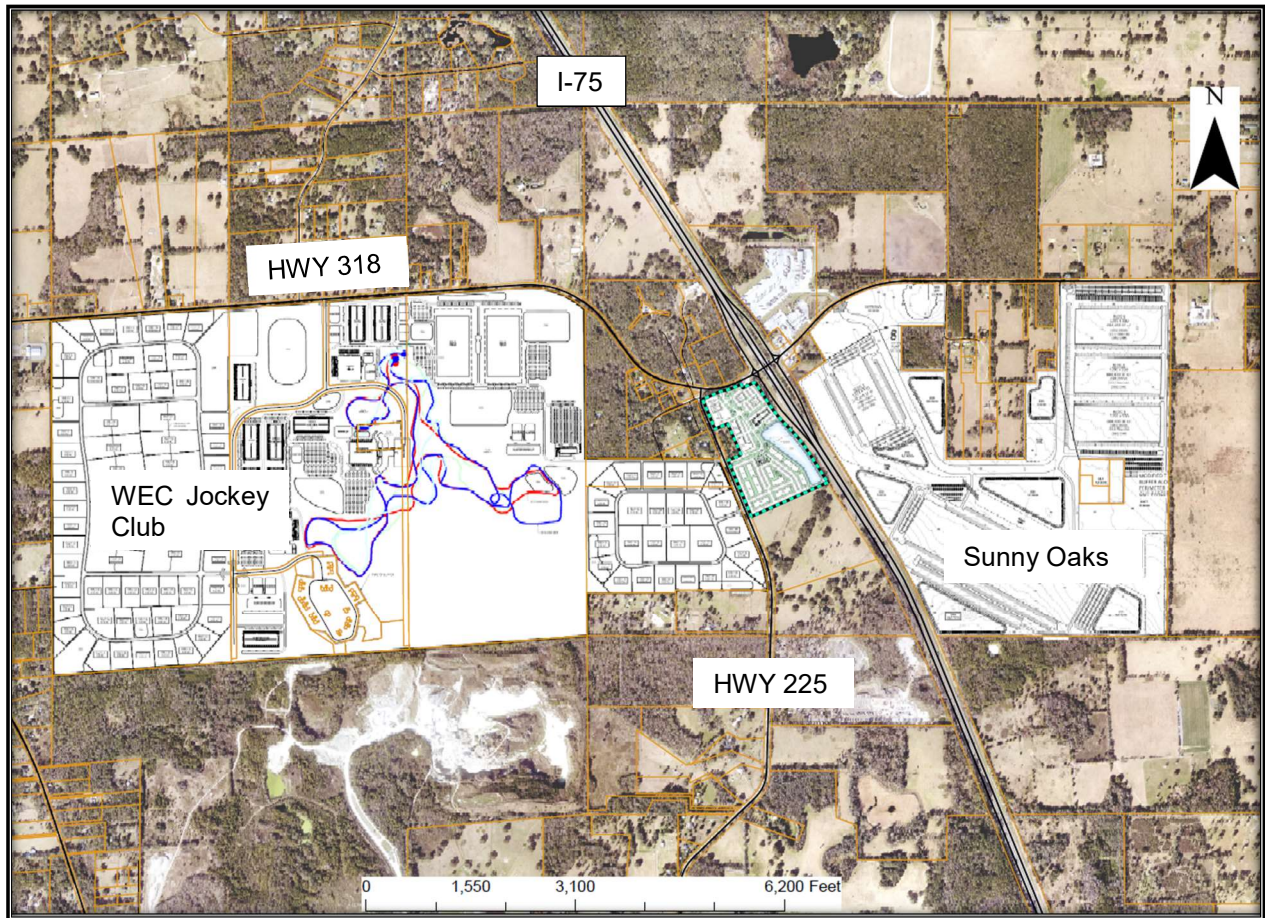
This development consists of almost 100 detached single-family homes, an RV Park, equestrian eventing uses, and accessory commercial uses. To the east, across Interstate 75, the Sunny Oaks PUD was also approved in 2022. This PUD consists of commercial and industrial uses on over 450 acres of land. The Sunny Oaks property is also a Regional Activity Center, (RGAC), as adopted within the Marion County Comprehensive Plan (MCCP). This RGAC originally intended to be a multiple use or mixed use development, allowing for commercial, industrial and residential uses so that the jobs created on site would have housing options nearby. With the 2022 approval, that residential use was removed from the plan. A couple of notes concerning this area of the county, HWY 318, the Sunny Oaks PUD, and the WEC Jockey Club PUD. A traffic study is required for this segment of HWY 318 as traffic is a major concern with the recent approvals and potential development. Also, centralized water and sewer are required. It is anticipated that that a waste water treatment facility (WWTF), will be developed within the Sunny Oaks PUD and that WWTF will service the area under the Marion County Utilities ownership. Currently, both of the approved PUDs, WEC Jockey Club and Sunny Oaks, are idle.

The subject property has an existing PUD zoning (200506Z), this PUD allows for two hotels, two restaurants, a convenience store with gas station, retail, and commercial uses. Overall the commercial use allowed with the existing PUD is 358,360 Gross Square Foot (GSF). The existing PUD approval is currently idle, there has not been a traffic study nor any development plans submitted to the Development Review Committee, this PUD is expected to expire in 2025 and revert back to the original zoning. If the proposed PUD is approved, the existing PUD approval (200506Z) will be come voided by way of a condition of approval herein.

**FIGURE 2
CONCEPTUAL PLAN**



**FIGURE 3
CONCEPTUAL PLAN OVERLAYED ON AERIAL PHOTOGRAPH**



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 (8 owners) within 300 feet of the subject property on November 10, 2022. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on November 18, 2022 and consistent with LDC Section 2.7.3.E. due public notice was published in the Ocala Star-Banner on November 14th, 2022. 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 or support have been received.

IV. PLANNED UNIT DEVELOPMENT (PUD) ANALYSIS

Land Development Code Section 4.2.31 establishes specific requirements for a PUD. An analysis of conformance to those requirements are addressed below.

- A. LDC Section 4.2.31.B addresses permitted uses.
1. LDC Section 4.2.31.B.(1) allows any permitted use, special use, or accessory use in any zoning classification listed within the County's LDC provided the proposed use is consistent with the County's future land use designation for the site, and the provisions of the LDC for each use.
 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;
 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.
 4. LDC Section 4.2.31.B.(4) establishes three (3) methods for setting forth the list of permitted and special uses.
 5. LDC Section 4.2.31.B.(5) provides the intended character of the PUD shall be identified, including the structure types, architectural styles, ownership forms, amenities, and community management form (e.g., property owner association, community development classification, municipal service unit, etc.) or suitable alternative.

Analysis: Staff finds the proposed uses are consistent with the uses allowed within the Employment Center FLUMS designation and the maximum allowable intensity and density. The Employment Center FLUMs designation allows for commercial, light industrial, and residential up to 16 du/ac. Staff finds the PUD proposes 18.71 acres of commercial use and 336 multiple family apartment units. The submitted conceptual plan (see Attachment A, page A-4), shows the 18.71 acres of commercial use under the community business (B-2) uses and development standards being broken down into; one hotel, two restaurants, a gas station, and 37,400 sf of retail use. The overall proposed commercial development is 129,000 GSF, which is an Floor Area Ratio (FAR) of 0.158 or 15.8% of the 18.71 acres devoted to commercial development. The 336 apartment units consist of 11 buildings on 22.57 acres of land for a density of 14.89 dwelling units per acre (du/ac). The proposed building height for both the commercial and residential areas is 65 feet. The PUD proposes over 15.98 acres of open space with a clubhouse, pool, playground, and dog park. The architectural style is defined as modern; the maintenance of the apartments and common areas will be through a Property Owner Association. Examples of the architectural styles can be found on page 5 of attachment A.

- The PUD is restricted to a total of 129,000 GSF of Community Business (B-2) commercial use on 18.71 acres and up to 336 dwellings units (apartments) and accompanying accessory amenities consistent with the

Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 10/4/2022; attached).

- 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 41.29 acres and therefore is **consistent** with this section.

- C. LDC Section 4.2.31.D addresses density and intensity.

1. LDC Section 4.2.31.D.(1) provides the maximum allowable density/intensity for a PUD cannot exceed that established by the FLUMS designation(s) for the site, along with any density/intensity bonuses or vested right.

Analysis: Staff finds that the subject property is 41.29 acres in size with Employment Center FLUMS. The Employment Center FLUMS allows for commercial and light industrial uses as well as residential use of 0-16 dwelling units per acre. The 18.71 acres of commercial area proposed by the PUD, by FLUMs, allows for a maximum of 815,007 GSF of commercial and light industrial use (1.0 FAR) and the PUD proposes 129,000 GSF of commercial use (0.15 FAR). Residentially, the PUD offers 22.57 acres of residential area, by FLUMs this area allows for a maximum of 361 dwelling units. The PUD proposes 336 dwelling units at 14.89 du/ac. The proposed PUD is **consistent** within the allowable maximum density and intensity.

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 three access points. The northern access point is on HWY 318, and two access points to the west on NW HWY 225. The proposes uses within the limitations of the Employment Center Land Use Designation.

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. Thus, staff concludes this section is not applicable.

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

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

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

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

Analysis: Staff finds that the FLUMs of the subject property is a unified Employment Center which allows for 2.0 FAR or 0-16 dwelling units per acre. The PUD proposes 129,000 GSF commercial development is 129,000 GSF, which is an FAR of 0.158 over the 18.71 acres devoted to commercial development. The residential 22.57 acres portion of the property consists of 336 apartment units for a density of 14.89 dwelling units per acre (du/ac). Thus, staff concludes **is consistent** with this section.

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

Analysis: Staff finds that internally, the PUD proposes setbacks for all uses. The setbacks proposed for apartments are Front, Rear, Side/side yard (20', 15', 15'), for the commercial development, the setbacks are Front, Rear, Side/side yard (20', 10' 15'). Compared with the LDC, residential with centralized utilities are 20', 20', and 8' for primary residential structures and 8' for rear and side for accessory structures. And typical commercial setbacks are 40' 25' and 10'. Typically, setbacks for commercial and multifamily developments are slightly larger than the proposed PUD. Those setbacks also include room for buffers and utility maintenance easements. The PUD is required to have buffers along the boundaries and between the commercial and residential uses. The proposed setbacks are internal to the PUD and staff does not see where any other department has had issues with the proposed setbacks. Reducing the front setbacks for the commercial buildings can bring the buildings closer to the road which provides for a better sense of place and encourages walkability within the development.

- 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 A-3 and A-4). Staff finds that the PUD is proposing a C-type buffer (15' wide landscape strip without a buffer wall. At least 2 shade trees and 3 accent/ornamental trees for every 100 lineal feet or fraction thereof) along the right-of-way HWY 318, HWY 225, and Interstate 75, which is consistent with the LDC. The PUD also proposes a Type E buffer (5' wide landscape stripe without a buffer wall. At least 4 shade trees for every 100 lineal feet or fraction thereof). The LDC required buffer along the right of ways be a Type C buffer, however, the existing approved PUD is required to provide for gateway buffers along HWY 318 and HWY 225 to provide for a visually enhanced scenic view. The existing PUD is also required to provide a larger buffer adjacent to the Interstate. The only difference between the existing PUD and the proposed PUD is the proposed PUD has multifamily adjacent to the agricultural land to the south. While the PUD proposes a Type E buffer as required in the LDC, staff recommends an enhanced buffer due to this location being inside the Farmland Preservation Area. Internally, the PUD does not propose a buffer. Typically, if commercial develops adjacent to multifamily the commercial development is required to provide a Type B Buffer (20' wide with a wall), and the multifamily developing adjacent to commercial land is required to provide a Type A buffer (30' wide without a wall). The normal total buffer area is 50' between the two uses. Since there is an internal road separating the commercial and residential area of the PUD, staff recommends a Type C buffer between these uses to provide a landscaped and treed area as a visual and physical transition between the two areas of the PUD. Notwithstanding, staff recommends the following condition be imposed:

- Buffers along HWY 318 and HWY 225 shall be a 20-foot landscape buffer and shall include landscape plantings on a berm, which shall not be less than two feet in height, and a three-board wood fence. The fence is to be black, white, or neutral earth-tone in color. A minimum of two shade trees and three ornamental trees for every 100 lineal feet or fraction thereof shall be provided in the buffer. Shrubs and groundcover shall be provided to create a layered visual effect. A Type A buffer shall be placed along the eastern and southern boundaries.
- A Type C buffer shall be placed, on the southern side of the road, between the commercial and multifamily areas. The buffer shall allow for pedestrian access from the multifamily to the commercial retail area.

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

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

Analysis: Access to the property is shown on the conceptual plan. There are three access points to paved public roads, and all roads within the PUD will be paved. The PUD proposes one access to HWY 318 and two accesses to HWY 225. There are several operational issues concerning access points within this location, especially due to other approved PUDs nearby. The Traffic Department within the Office of the County Engineer (OCE-Traffic) writes, "There are operational concerns with the type and location of driveways presented on the concept plan. The full access to CR 318 is too close to the existing intersection of with CR 225. The traffic created by this development along with the other recently approved developments of Jockey Club and Sunny Oaks may possibly create a need for a traffic signal at CR 318 and CR 225. This will likely require a longer westbound left turn at CR 225 and the proposed turn lane into this development will take up that needed space. There are also safety concerns with have an additional full access with the curve. It is recommended that the access onto CR 318 is limited to a right-in/right-out only and that access management features like a raised concrete traffic separator be placed on CR 318 to limit access. There is an old service station at the northeast corner of the property near the southbound on-ramp for I-75. It has two driveway connections to CR 318. Both driveways will need to be closed off.

There is also a concern with the two proposed full access points on CR 225. Neither one of them meets the spacing requirements for full access. It is recommended that the southernmost driveway be a full access while the northernmost driveway is limited access as determined in the traffic study.

The northern most driveway will also need coordination with the proposed driveway with the Jockey Club which has not been shown on the concept plan.” And “both CR 318 and CR 225 have limited right-of-way. A right-of-way dedication will be required along each of the roads to provide for the proposed roadway improvements. The needed right-of-way on CR 318 is 27 feet while the needed right-of-way on CR 225 is 10 feet. This dedication needs to be noted on the master plan.” Notwithstanding, staff recommends the following condition be imposed:

- At least two weeks before the Board of County Commissioners Adoption Hearing, the project’s Traffic Study shall be completed to the satisfaction of the County Engineer and Growth Services Director, adequate provision shall be made for the coordination of improvements with the PUD and submitted for staff review.
 - All uses within the PUD shall access streets internal to the PUD, no direct access to HWY 318 or HWY 225.
 - The PUD shall have no more than one access connection to HWY 318 and no more than two access connections to HWY 225.
 - The access onto HWY 318 shall be limited to a right-in/right-out only. Access management features, such as a raised concrete traffic separator to be placed on HWY 318 to limit access. The service station at the northeast corner of the property near the southbound on-ramp for I-75. It has two driveway connections to HWY 318. Both driveways will need to be closed off.
 - All access point locations will be worked out to the satisfaction of the Development Review Committee during the time of Development Review.
 - The required ROW dedications, to the satisfaction of the Development Review Committee, shall be noted on the Master Plan.
2. LDC Section 4.2.31.E.(1)(b) provides the PUD shall include pedestrian and/or bicycle facilities internally to address internal circulation needs and externally to provide for integration of the PUD to surrounding existing for future facilities.

Analysis: Staff finds PUD proposes sidewalks along one side of all internal roads. Due to recently approved commercial and residential development within the area, pedestrian and multimodal activity is very likely within the area. To ensure consistency with this section, staff recommends the following condition be imposed:

- Sidewalks and/or multimodal paths shall be developed along the right-of-ways of HWY 318 and HWY 225.
- The PUD shall coordinate with staff to provide multimodal circulation within the area to all PUDs within ½ mile of the limits of the PUD and nearby commercial areas. This coordination will be completed during the Development Review phase and shown on the Master Plan and all development plans beyond.

- The PUD shall provide for bike lanes or 12' multimodal paths (instead of sidewalks) throughout the PUD along all internal roads to ensure multimodal access. If multimodal paths are used, then pedestrian access shall be provided from the path to all commercial and residential uses within the PUD.
3. LDC Section 4.2.31.E.(1)(c) provides the PUD shall include multi-modal design accommodating pedestrian, bicycle, transit, and vehicular access focusing on integrating the modes with the proposed PUD uses and expected activity levels and/or focus (e.g., employment, residential, institutional, etc.).

Analysis: Staff finds PUD proposes sidewalks along the adjacent right-of-ways and on at least one side of all internal roads. However, multi-modal circulation is not shown within the conceptual plan. Staff has provided recommendations, above, to address these issues. The proposed PUD **is inconsistent with this section.**

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

Analysis: Staff finds the PUD provides parking calculations for the all proposed uses. The PUD also demonstrates the location of the required parking spaces. The proposed PUD **is consistent with this section.**

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

Analysis: Staff finds that the subject property is within connection distance of centralized water and sewer and connection to Marion County Utilities (MCU) system will be required. Review comments from MCU state "developer strongly urged to work with MCU on connection requirements which may include but not be limited to: (1) connecting to existing mains by developer funded extension of offsite water & sewer mains (2) developer funded water and sewer plants (3) coordination with MCU on planned/proposed PUDs which may offer connection by shorter offsite water & sewer mains to upcoming (timetable TBD) water & sewer plants east of I-75 within a short distance of this planned PUD (see Attachment B, Page B-2).

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

Analysis: The PUD proposes a private retention pond to serve the entire site, based on the conceptual plan (see Attachment A, Page A-4). Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. The Stormwater department within the Office of the County Engineer (OCE-Stormwater) writes “A Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site. This site will be required to have a stormwater management system and the applicant proposes 1 DRA. There is a large Flood Prone Area (NAVD 105.5’) that runs along NW SB I75 Exit 368. Please ensure LDC 6.13 is met with the Major Site Plan.”

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

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

Analysis: Staff finds the conceptual plan does not depict any easements. If provided any easements required for maintenance and upkeep of the PUD infrastructure will be determined during the Development Review phase of the process.

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

Analysis: Staff finds that the conceptual plan shows the buildable areas but does not depict any easements. Any easements required will be determined during the Development Review phase of the process.

F. LDC Section 4.2.31.E.(3) addresses setbacks and separation requirements.

1. LDC Section 4.2.31.E.(3)(a)3 provides all setbacks for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

Analysis: Setbacks were addressed earlier in this report.

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

Analysis: The application does not address this item for the multifamily area. Within the commercial area, the PUD proposes the development standards be the same as Community Business (B-2) within the LDC. Therefore staff concludes that the application is **not consistent with LDC Section 4.2.31.E.(3)(c)**. For compatibility with the multiple family uses found in the LDC, staff recommends the following condition:

- For the multifamily section of the PUD, overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Multiple Family Dwelling (R-3) zoning classification of the LDC.

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

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

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

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

Analysis: Staff finds that the PUD proposes building heights of 65' for both the commercial and multifamily areas. The existing PUD is limited to 50' in building height unless the development can satisfy the Marion County Fire Rescue requirements for buildings taller than 50'. For this reason, staff proposes a similar condition.

- All building heights shall be limited to 50'. If the development satisfies Marion County's Fire Rescue requirements, then the building height shall be limited to 65' with approval from the Development Review Committee.
2. LDC Section 4.2.31.E.(4)(a)3. provides all maximum height limits for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

Analysis: Staff finds that a typical illustration and table have been provided for the main structures but no height indication is provided on the illustration. No illustrations have been provided for the accessory structures, recreational uses, or commercial uses. Thus, as conditions of approval:

- At least 14 days before the Board of County Commissioners Public Hearing, the conceptual plan shall be amended to provide a typical illustration and table showing the maximum height of all residential and non-commercial structures.
3. LDC Section 4.2.31.E.(4)(b) addresses dissimilar uses.
- a. LDC Section 4.2.31.E.(4)(b)1 provides that when commercial, industrial, or institutional uses are provided within a PUD within 100 feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use or zoning classification outside the PUD is residential:
- 1) A non-residential structure may not exceed a height that is twice the height of the closest existing abutting residential structure; however, the height of the non-residential structure shall also not exceed the maximum height allowed in the abutting residential zoning classification.
 - 2) If the residential zoned land directly adjacent to the PUD is vacant land, then the height of a non-residential structure within the PUD shall not exceed the maximum height allowed in the abutting residential classification.
 - 3) An alternative height limit may be proposed; however, it is the PUD applicant's responsibility to fully demonstrate the alternative will be sufficiently mitigated to address potential impacts of the increased height of the non-residential use in relation to the existing residential use and/or residential

zoning classification; however, the Board is not obligated to agree and/or accept the alternative proposal.

Analysis: Staff finds that the adjacent zoning classifications are not residential.

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

Analysis: Staff finds that the adjacent zoning classifications are not residential.

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 Conceptual Plan does provide a note stating the exterior lighting shall be consistent with LDC Article 6, Division 19. As a condition of approval:

2. LDC Section 4.2.31.E(5)(b) provides all lighting shall be installed in a manner to illuminate the identified structure, facility, or activity while ensuring the lighting does not cast direct light on adjacent dwellings or properties in a negative manner, or cast light in an upward manner so as to illuminate the night sky and/or become a hazard to air navigation.

Analysis: Outdoor lighting is addressed in the application.

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: The proposed PUD is within the Farmland Preservation area, FLUE Policy 3.3.1: Elements of Rural Character states “Rural Lighting: In order to preserve the rural character of the area, artificial illuminating devices, emission of undesirable rays into the night sky, glare to oncoming traffic and intrusion of light onto adjacent properties shall be prevented to the greatest extent possible, as further defined in the LDC.” Because of this, staff proposes the following conditions.

- The developer shall work with staff to comply with FLUE Policy 3.3.1.
- The PUD shall comply with Section 6.19 of the LDC and only light areas that need to be lit and at times that those area need to be lit. The lighting shall be no brighter than required by the LDC. The lighting shall minimize blue light emissions and eliminate upward-directed light.

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

Analysis: Staff finds that the external buffers have been addressed earlier in the report and conditions have already been placed. Thus, **is consistent** with the LDC Section 4.2.31.E.(6).

- J. LDC Section 4.2.31.E(7) addresses open space.
 1. LDC Section 4.2.31.E.(7)(a) provides that for a PUD implementing a Rural Land - Residential Cluster, Rural Land - Hamlet, or Rural Community development form as authorized by the Comprehensive Plan future land use element and Division 3.3, the PUD shall be subject to the following:
 - a. The PUD shall identify all the required natural open space (NOS) acreage to be permanently conserved consistent with the Comprehensive Plan and this Code, with particular attention to Sec.

- 6.6.6.A., along with the intended form and/or method of conservation.
- b. If the PUD is also subject to a native habitat vegetation preservation requirement as listed in Section 6.6.5, the minimum 15% native habitat to be preserved should be included within the natural open space, thereby simultaneously complying with the NOS and native habitat conservation requirements; additionally, the Applicant is encouraged to preserve as much of the native habitat within the NOS as possible.
 - c. The PUD shall provide a minimum of five percent improved open space as provided in Section 6.6.6.B, with this improved open space being focused on satisfying the recreation facility needs of the PUD as listed in (c) below.

Analysis: Staff finds the application is not on Rural Land. Thus, staff concludes this section is not applicable.

2. LDC Section 4.2.31.E.(7)(b) provides for all other PUDs, whether residential, institutional, commercial, industrial, or mixed-use, improved open space (IOS) consistent with Section 6.6.6.B shall be provided as a minimum of 20 percent of the PUD gross land area.

Analysis: Staff finds that the PUD proposes 11.76 acres of open space which is more than the required 8.26 acres of open space. The development will have to demonstrate that it meets the open space minimum requirements of 20% for both the commercial and residential areas. For the residential portion of the development, there is 3.79 acres of open space proposed with one amenity area and a dog park. This is about 205 sf of open space per person for the residential area, using the US Census average of 2.4 persons per residential unit in Marion County. The amenity area offers a clubhouse (1,500 sf), a pool (1,500 sf), and a playground. Thus, **is consistent** with this section.

3. LDC Section 4.2.31.E.(7)(c) establishes the following design guidelines for open space:
 - a. Improve Open Space (IOS) shall be permanently set aside and shall be designated on the PUD and be established as separate properties/tracts to be owned and managed by a governing association for the PUD, whether a private property owners association, community development district, or municipal service unit, unless otherwise approved by the Board upon recommendation by the DRC.
 - b. The PUD's minimum required IOS amounts shall be listed on the PUD's related plans, and shall be depicted to depending on the level of development review, allowing for more general with conceptual and proceeding to detailed for platting and/or site planning.
 - c. IOS is intended to be integrated into the PUD design and provide the primary avenue for satisfying overall landscaping requirements for all development as required in Divisions 6.7, 6.8, and 6.9.

- d. IOS shall be integrated throughout the PUD to provide a linked access system to the IOS.
- e. IOS shall be improved, including compatible structures, to the extent necessary to complement the PUD uses.

Analysis: The Conceptual Plan displays a recreational amenity area and the Site Data does not display the minimum size of this area. LDC Section 6.6.6.B addresses the IOS design standards and LDC Section 4.2.31.E.(7)(b)2 provides the PUD shall provide a minimum five percent IOS. Thus, **is consistent** with this section.

- 4. LDC Section 4.2.31.E.(7)(d) establishes the following improved open space eligibility standards:
 - a. Landscape buffers required for the PUD perimeter to surrounding properties, and within the PUD to provide internal buffering shall be counted at 100 percent,
 - b. Parks, playgrounds, beaches, bikeways, pedestrian walks, equestrian trails, and other similar improved, usable outdoor areas shall be counted at 100 percent,
 - c. Up to 25 percent of stormwater facilities may be counted to satisfy area/acreage requirements for required IOS. A higher percentage may be approved by DRC, depending on the design and lay of the facility, wherein the stormwater facilities provide a stable, dry, surface for extended periods of time and are not subject to erosion and/or damage to key design components when subjected to active use by PUD residents, employees, and patrons.
 - d. Parking areas and road rights-of-way may not be included in calculations of IOS; however, separate tracts exclusive of rights-of-way providing landscaping buffers, or landscaped pedestrian, bicycle and other non-vehicular multi-use trails may be classified as IOS.
 - e. Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space requirements in accordance with the following criteria:
 - 1) Waterbodies available and used for active water-oriented recreation uses such as boating, kayaking, canoeing, paddle boarding, fishing, water/jet skiing, and swimming may be used in calculations of IOS area of waterbodies but shall not exceed 50 percent of the total IOS; however, the adjoining recreational lands supporting the active water oriented recreation uses may be counted at 100 percent.
 - 2) Waterbodies not available or used for the noted active water-oriented recreation uses may be used in calculations of IOS but shall not exceed 10 percent of the total IOS; however, the adjoining recreational lands supporting the waterbody that are established as recreation/amenity space may be counted at 100 percent recreational space. Only those waterbodies which are available to the development for water-oriented recreation use such as boating, fishing, water skiing, swimming and have associated recreational land areas may be used in meeting these requirements.

- f. If golf courses and/or driving ranges are provided to partially fulfill recreation space requirements, a maximum of 60 percent of the golf course and/or driving range land may be counted toward the required IOS. A golf course, driving range, and waterbodies combined cannot exceed 75 percent of the required IOS.

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

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

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

Analysis: Staff finds the FLUMS is Employment Center. Employment Center allows for commercial, light industrial, and residential uses. Thus, Staff finds that 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 on residential land use. 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 FLUMS is Employment Center. Employment Center allows for commercial, light industrial, and residential uses. Thus, Staff finds that 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 a phasing plan at this time.

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

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

Analysis: The Applicant had a pre-application meeting with staff on October 5th, 2022. 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 A-4).

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 November 7th, 2022 meeting and recommended to transmit to PUD with conceptual plan with a condition that a full traffic study be provided for staff review at least two weeks before the board of County Commissioners Public Hearing (see Attachment B). **Thus is consistent.**

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

Analysis: N/A

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

Analysis: If the Board desires the final development plan to be brought back before the Board for final action, staff proposes this optional condition.

- The final PUD Master Plan shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.
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.

- M. LDC Section 4.2.31.J addresses PUD time limits and provides
1. The Board may establish time limits for the submittal of a master plan, major site plan, preliminary plat, or final plat for the development of an approved conceptual plan.
 2. Any such time limits may be extended by the Board for reasonable periods upon the petition of the developer for an amendment to the conceptual plan and based upon good cause, as determined by the Board; provided that any such extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval, or other development order. If time limits contained in the approved development plan are not completed or not extended for good cause, no additional permits will be approved.
 3. Time limits for completion and close out of master plans, major site plans, preliminary plats, and final plats once approved shall be according to Article 2 of this Code Review and approval procedures.

Analysis: Staff does not recommend the imposition of any conditions to address time limits as timing is already addressed under LDC Section 4.2.31.L.

V. ANALYSIS

Land Development Code Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and that it is compatible with land uses in the surrounding area. Staff's analysis of compliance with these three criteria are addressed below.

- A. *Will not adversely affect the public interest.*
1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The subject property will access both HWY 318 and HWY 225. A full 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 functioning properly. This development is expected to have a significant impact on CR 318 and CR 225 including the intersection of CR 318 at CR 225 and the I-75 interchange at CR 318. None of

these roads are currently at or near capacity based on the adopted level of service standard. However, the analysis shows that, with this development alone will create an impact of 358 trips onto CR 318. When this is combined with the anticipated background traffic, CR 318 west of I-75 will operate near capacity with a v/c ratio of 0.97 with an adopted Level of Service B. This will leave a remainder of 12 trips before it exceeds the adopted LOS B. CR 318 east of I-75 and CR 225 are both expected to remain well below their adopted level of service standard.

However, this analysis does not consider the recently approved Jockey Club and Sunny Oaks developments. While these two developments do not have approved traffic studies and thus are not considered committed traffic yet, all this development together is expected to cause the interchange at I-75 and CR 318 to fail.

- b. Public transit. The subject property is not nearby to a public transit route.
- c. Other mobility features. Sidewalks will be required for this development. Sidewalks and/or multimodal paths will also be required along the right-of-ways of HWY 318 and HWY 225.

Based on the above findings, it is concluded the application's proposed **transportation impacts may adversely affect the 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 336 proposed dwelling units and 18.71 acres of commercial use, the proposed rezoning would result in an increase of 172,413 gallons per day. The DRC comments letter finds a potable water force main connection would be required but a timeline of when that infrastructure will be available is not yet determined (see Attachment B, Page B-2). 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 336 proposed dwelling units and 18.71 acres of commercial use, the proposed rezoning would result in an increase of 126,124 gallons per day. The DRC comments letter finds a sanitary sewer force main connection would be required but a timeline of when that infrastructure will be available is not yet determined (see Attachment B, Page B-2). 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. 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. Orange Lake Fire Station #9, located at 18945 N US HWY 441, is roughly 2.19 miles northeast of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, it is concluded the proposed rezoning fire rescue/emergency impacts **would not adversely affect the public interest.**
6. Law enforcement. Sheriff's Southwest SR 200 District Office, located at 18945 N US HWY 441, is roughly 2.19 miles northeast 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. Reddick-Collier Elementary School (51.02% utilization), located at 4595 W Hwy 316, is 1.6 miles to the east. North Marion Middle School (75.12% utilization), located at 2085 NW Hwy 329. North Marion High School (73.81% utilization), located at 151 W Hwy 329, about 2 miles to the northwest. Schools within this area have ample capacity for new students. It is concluded that the proposed rezoning **public schools' impacts will not adversely affect the public interest.**

In conclusion, staff finds that while the impact to the local road system could adversely affect the public interest, a detailed traffic study is required before this item can go before the Board of County Commissioners. 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 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 491 SF of open space per residential unit (see Attachment A, page 3). Based on the above, it is concluded the application **is consistent** with FLUE Policy 2.1.4.

2. FLUE Policy 2.1.23: Employment Center (EC) This land use is intended to provide a mix of business, enterprise, research and development, light to moderate intensity commercial, and light industrial, activities. This designation also allows residential uses, campgrounds and recreational vehicle parks (RVP). - This land use designation will allow for and encourage mixed use buildings. The density range for residential units shall be up to sixteen (16) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 2.0, as further defined by the LDC. This land use designation is an Urban Area land use.

Analysis: The PUD proposes 0.15 FAR in the commercial area and 14.89 du/ac within the residential portion (see Attachment A, page 3). Based on the above, it is concluded the application is consistent with FLUE Policy 2.1.23.

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 FLUM amendment is scheduled for the November 28, 2022 Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

4. 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 described in page 5 of this report and, therefore, concludes the application is being processed consistent with FLUE Policy 5.1.4.

5. FLUE Policy 3.3.1: Elements of Rural Character. The County shall preserve and protect rural and equestrian/agricultural character within the Rural Lands, specifically the Farmland Preservation Area, by requiring that all appropriate future development activities within this Area preserve, support, and enhance the fundamental elements of rural character:
 - a. Scenic Views: The viewshed of arterial and collector roadways in the Rural Area shall be protected from land clearing and other visual intrusions associated with development; such protections, however, shall not restrict the fundamental agricultural uses permitted within this Area.
 - b. Open Space Protection: Residential development options shall include incentives to promote the protection of open spaces.
 - c. Rural Lighting: In order to preserve the rural character of the area, artificial illuminating devices, emission of undesirable rays into the night sky, glare to oncoming traffic and intrusion of light onto adjacent

properties shall be prevented to the greatest extent possible, as further defined in the LDC.

- d. **Transportation:** Roadway design within the Rural Area shall be consistent with the principles of context sensitive design, which considers the relationship of land uses and all aspects of roadway design, including speed, travel lane width, access management, and landscaping. Where feasible, expansion or alteration of existing roadway corridors, including State Facilities, will be the preferred method to meet long-range transportation needs. New transportation corridors intended to be used specifically for the construction of expressways or limited access roadways within the Farmland Preservation Area shall be developed in such a way as to avoid negative impacts to vital farmlands, key environmental areas, and valuable open space so that transportation and land use are compatible with the rural character of the area. The development of any such corridor shall be closely coordinated with the Board of County Commissioners and County Staff.
- e. **Infrastructure:** Other infrastructure including water and sewer utilities and stormwater facilities within the Rural Area shall reflect a rural level of service and shall not be modified to the point that it encourages or allows for urban development.

Analysis: Staff notes that FLUE Policy 3.3.1 exists and will need to be complied with when expanding roads and other infrastructure within the area.

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

Analysis: The adopted LOS for HWY 318 is a B, currently HWY 318 and HWY 225 have ample capacity but this does not take in account the anticipated background traffic of other PUDs approved in this area. As mentioned above, OCE-Traffic wrote "However, this analysis does not consider the recently approved Jockey Club and Sunny Oaks developments. While these two developments do not have approved traffic studies and thus are not considered committed traffic yet, all this development together is expected to cause the interchange at I-75 and CR 318 to fail."

Based on the above findings, it is concluded the application is **not consistent** with TE Policy 2.1.4.

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: Right-of-way dedication is going to be required along both ROWs adjacent to this property. Once the ROW is dedicated, it is concluded the application **is consistent** with TE Objective 3.1.2.

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

Analysis: The DRC Comments letter notes the primary concern associated with this rezoning is access and impacts to the local transportation network (see Attachment B). Access has been addressed earlier in the report. Once those conditions are complied with, 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: Staff finds that based on the addition of 336 units multiplied by 2.4 persons per household equals 806 persons, plus the 18.71 acres of commercial, which will generate a demand of 126,124 gallons per day. The sanitary treatment plant intended to serve this area has not been built yet so it does not have sufficient capacity to serve this demand. Based on the above findings, it is concluded the application is currently **not 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 a sanitary sewer line for this area has not been built yet, the owner will be responsible for funding the extension of the sanitary sewer line to the property. Based on the above findings, it is concluded the application is **not consistent** with SSE Policy 1.1.3.

11. 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 336 units multiplied by 2.4 persons per household equals 806 persons plus the 18.71 acres of commercial use which will generate a demand of an additional 172,413 gallons per day. The water treatment plant serving has not been built yet so it does not have sufficient capacity to serve this demand. Based on the above findings, it is concluded the application is currently **not consistent** with PWE Policy 1.1.1.

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

Analysis: The site is in Marion County Utilities Service Area and services are currently not available within the vicinity; however, extension of offsite water mains are required to reach the development. The owner is advised the owner will be responsible for funding the extension of the potable water line to the property. Based on the above findings, it is concluded the application is **not 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: 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. The owner is placed on notice that should disposal facilities become unavailable, permits shall not be issued for the dwelling units. Based on the above findings, it is concluded the application **is consistent** with SWE Policy 1.1.5.

16. SE Policy 1.1.4 provides "The demand for stormwater facility capacity by new development and redevelopment shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the applicable design storm LOS standard adopted in Policy 1.1.1 and facility design procedures consistent with accepted engineering practice."

Analysis: At the time of development order approval, the owner will need to demonstrate post-development stormwater runoff can be accommodated by the proposed stormwater facility, which facility could potentially including 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.

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

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

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

Analysis: Recreational Open Space has been addressed earlier in the report. The proposed PUD does meet the open space and recreational open space requirements of the Comprehensive Plan and LDC. 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. The inconsistencies for sanitary sewer and potable water do exist. There are agreements in place for a waste water treatment facility that will serve this area to be built on another property within the area. There are also plans for centralized water facilities to be built within the area. Once the centralized water and centralized sanitary sewer facilities are built, Marion County Utilities will then be able to service the surrounding area. There are also concerns about this project when it comes to access and adding additional vehicle trips on both HWY 225 and HWY 318. A detailed traffic study is required to determine full impacts this project will have and the traffic study will determine how those impacts are mitigated.

- 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 C displays site photographs. Figure 6 displays the FLUMS, which assumes the subject property is designated Commercial and not Rural Lands. Figures 5 and 4 display the existing and proposed zoning classification for the subject property and surrounding properties. Figure 7 shows the uses of subject property and surrounding properties as classified by Marion County Property Appraiser. Table A displays the information from figures 4 and 7 in tabular form.

FIGURE 4 FLUMS DESIGNATION

The current Land Use Designation is Employment Center. This Land Use Designation was approved in 2008.

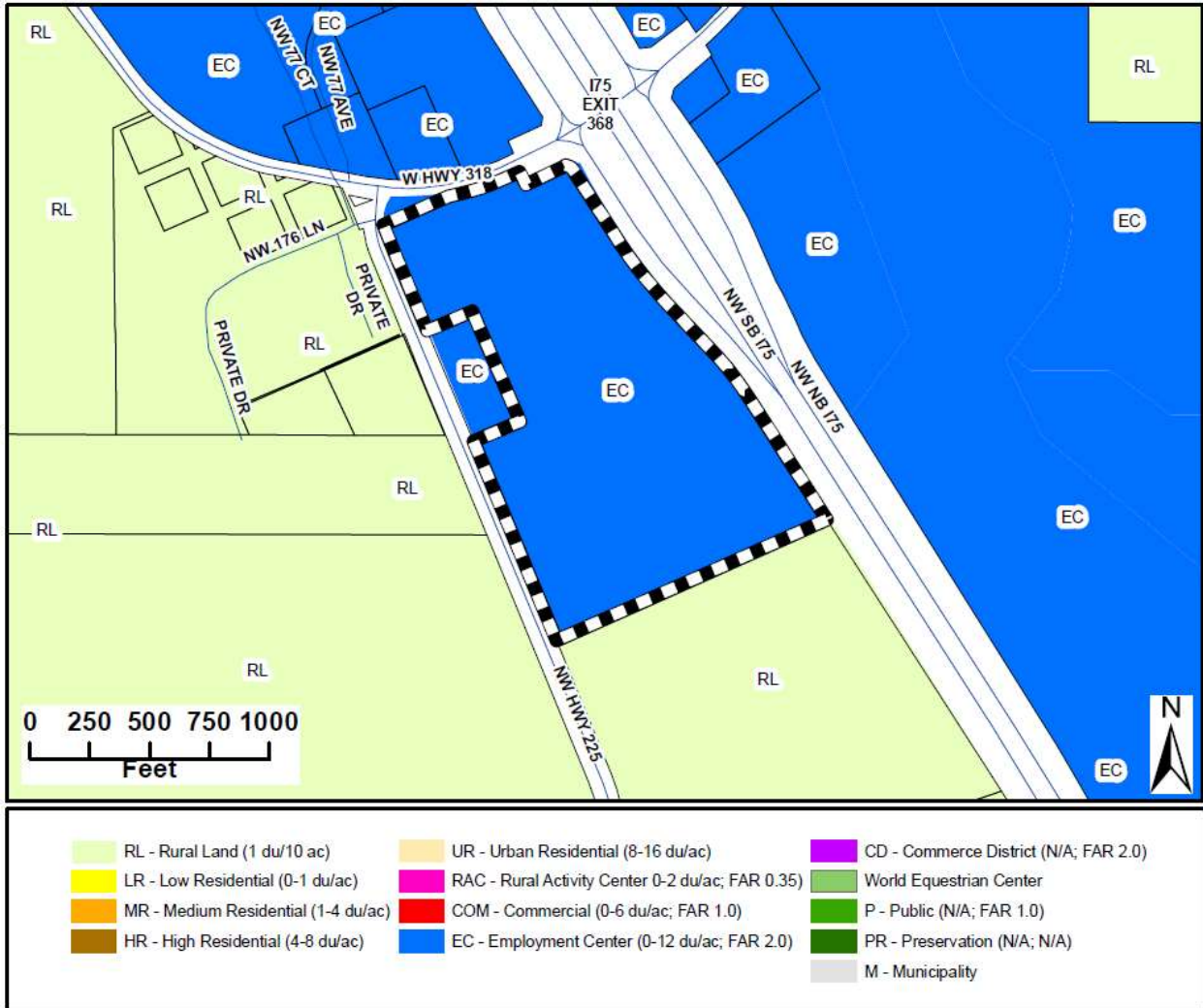


FIGURE 5 ZONING CLASSIFICATION

In 2009, the subject property underwent a zoning change from Community Business (B-2) to PUD. In 20202, the property had another zoning change to PUD to reactive the 2009 PUD.

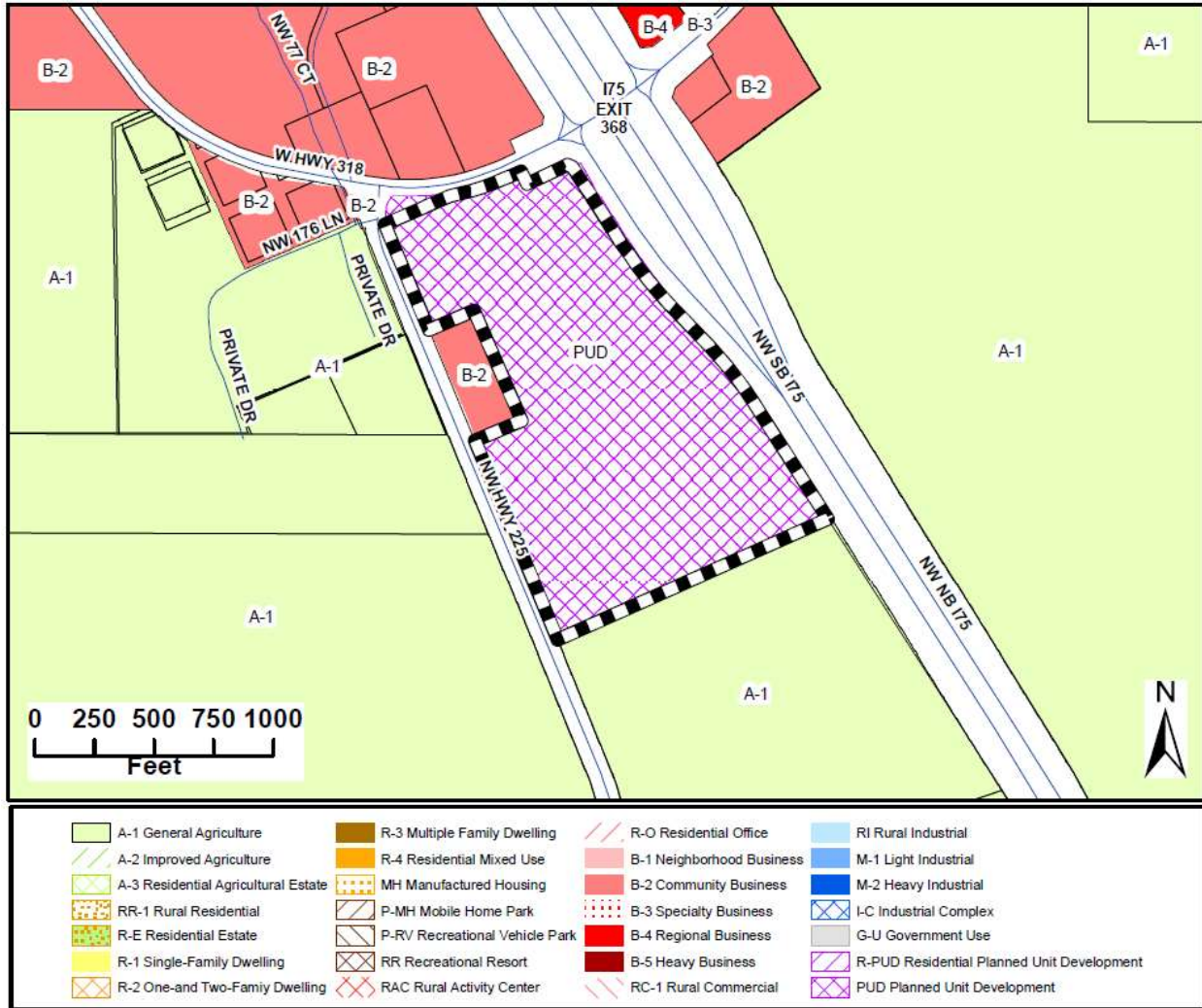
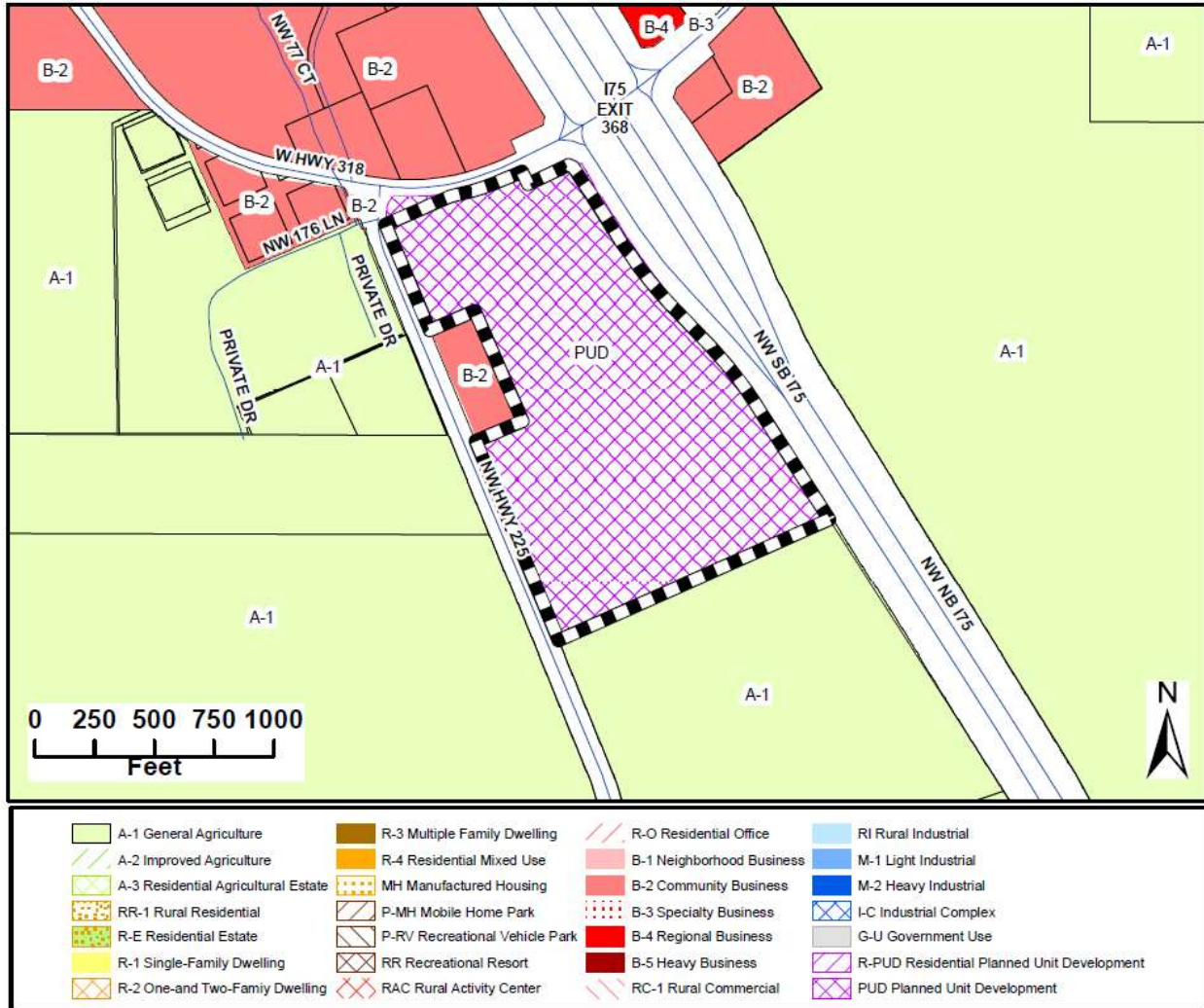


FIGURE 6
PROPOSED ZONING RE-CLASSIFICATION



**FIGURE 7
EXISTING AND SURROUNDING LAND USES**

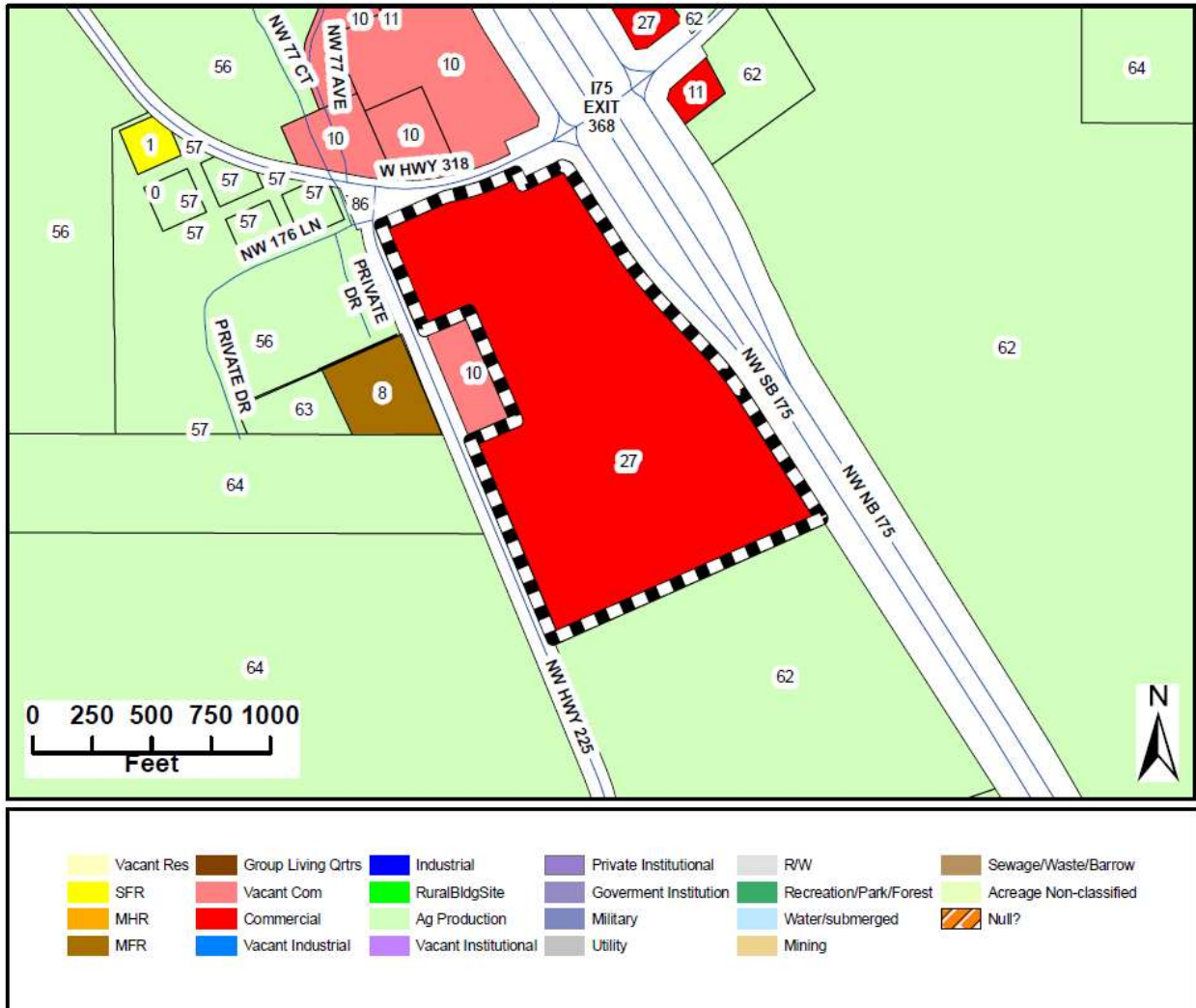


TABLE 1 ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Subject Property	Employment Center	Planned Unit Development (PUD)	Gas Station
North	Employment Center Commercial	General Agriculture (A-1) Regional Business (R-4)	Vacant Commercial
South	Rural Land	General Agriculture (A-1)	AG and SFR
East	Employment Center	Planned Unit Development (PUD)	Interstate 75
West	Rural Land	General Agriculture (A-1)	AG

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (see Attachment C) and finds the subject property is mostly vacant, there is an old gas station on

the northeast corner of the property. The property has Employment Center land use designation. To the east, is the Interstate 75 interchange with few gas stations and a couple of restaurants. There is also the approved Sunny Oaks PUD that is not developed. To the west, is the approved but not developed World Equestrian Center Jockey Club. Though the site is the former Ocala Jockey Club site with an existing club house and some existing townhomes.

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: 3.1, 3.1.2, and 2.2;
 - 3. SWE 1.1.1, and 1.1.5;
 - 4. SE 1.1.4, and 1.1.5;
 - 5. ROSE: 1.1.1, and 1.4.6;

Is not consistent with with the following Comprehensive Plan provisions

- 1. TE: 2.1.4,
- 2. SSE: 1.1.1, 1.1.3, and 1.2.1;
- 3. PWE: 1.1.1, and 1.6.4;

- C. Is compatible with the surrounding uses due to the potential intensity of the commercial use.
- D. The recommended development conditions include:
1. The PUD is restricted to a total of 129,000 GSF of Community Business (B-2) commercial use on 18.71 acres and up to 336 dwelling units (apartments) and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 10/4/2022; attached).
 2. Buffers along HWY 318 and HWY 225 shall be a 20-foot landscape buffer and shall include landscape plantings on a berm, which shall not be less than two feet in height, and a three-board wood fence. The fence is to be black, white, or neutral earth-tone in color. A minimum of two shade trees and three ornamental trees for every 100 lineal feet or fraction thereof shall be provided in the buffer. Shrubs and groundcover shall be provided to create a layered visual effect. A Type A buffer shall be placed along the eastern and southern boundaries.
 3. A Type C buffer shall be placed, on the southern side of the road, between the commercial and multifamily areas. The buffer shall allow for pedestrian access from the multifamily to the commercial retail area
 4. Prior to the approval of the Master Plan, the project's Traffic Study shall be completed to the satisfaction of the County Engineer and Growth Services Director; adequate provision shall be made for the coordination of improvements with the PUD and submitted for staff review.
 5. All uses within the PUD shall access streets internal to the PUD, no direct access to HWY 318 or HWY 225.
 6. The PUD shall have no more than one access connection to HWY 318 and no more than two access connections to HWY 225.
 7. The access onto HWY 318 shall be limited to a right-in/right-out only. Access management features, such as a raised concrete traffic separator to be placed on HWY 318 to limit access. The service station at the northeast corner of the property near the southbound on-ramp for I-75. It has two driveway connections to HWY 318. Both driveways will need to be closed off.
 8. All access point locations will be worked out to the satisfaction of the Development Review Committee during the time of Development Review.
 9. The required ROW dedications, to the satisfaction of the Development Review Committee, shall be noted on the Master Plan.
 10. Sidewalks and/or multimodal paths shall be developed along the right-of-ways of HWY 318 and HWY 225.
 11. The PUD shall coordinate with staff to provide multimodal circulation within the area to all PUDs within $\frac{1}{2}$ mile of the limits of the PUD and nearby commercial areas. This coordination will be completed during the Development Review phase and shown on the Master Plan and all development plans beyond.
 12. The PUD shall provide for bike lanes or 12' multimodal paths (instead of sidewalks) throughout the PUD along all internal roads to ensure multimodal access. If multimodal paths are used, then pedestrian access shall be

- provided from the path to all commercial and residential uses within the PUD.
13. The PUD shall connect to Marion County centralized water and sewer.
 14. For the multifamily section of the PUD, overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Multiple Family Dwelling (R-3) zoning classification of the LDC.
 15. All building heights shall be limited to 50'. If the development satisfies Marion County's Fire Rescue requirements, then the building height shall be limited to 65' with approval from the Development Review Committee.
 16. At least 14 days before the Board of County Commissioners Public Hearing, the conceptual plan shall be amended to provide a typical illustration and table showing the maximum height of all residential and non-commercial structures.
 17. The developer shall work with staff to comply with FLUE Policy 3.3.1.
 18. The PUD shall comply with Section 6.19 of the LDC and only light areas that need to be lit and at times that those area need to be lit. The lighting shall be no brighter than required by the LDC. The lighting shall minimize blue light emissions and eliminate upward-directed light.
 19. The final PUD Master Plan shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

APPROVAL with conditions (On Consent)

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Rezoning application filed October 5, 2022.
- B. DRC Minutes with DRC Rezoning Comments Letter.
- C. Site Photos.