



**Marion County  
Board of County Commissioners**

Growth Services

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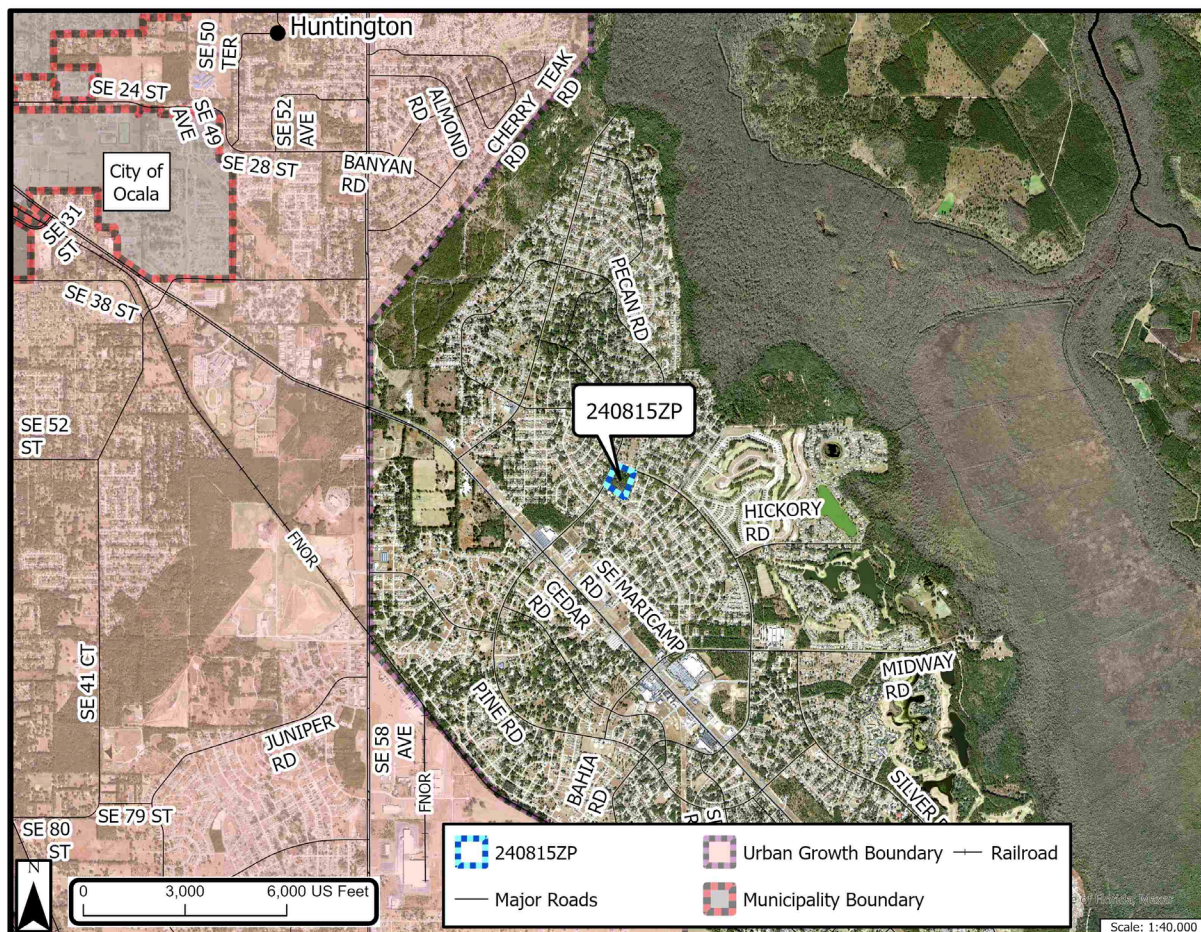
**PLANNING & ZONING SECTION  
STAFF REPORT**

	<b>P&amp;ZC Date: 7/29/2024</b>	<b>BCC Date: 8/20/2024</b>
<b>Case Number:</b>	240815ZP	
<b>CDP-AR:</b>	31750	
<b>Type of Case:</b>	<b>Rezoning</b> from Planned Unit Development (PUD) to PUD to modify the unit type of 82 residential units from townhomes to single-family on a previously approved PUD for Whisper Woods.	
<b>Owner</b>	Armstrong Land, LLC	
<b>Applicant</b>	Tillman & Associates Engineering, LLC	
<b>Street Address</b>	No address assigned	
<b>Parcel Number</b>	9007-0000-12	
<b>Property Size</b>	±10.33 acres	
<b>Future Land Use</b>	High Residential (HR)	
<b>Zoning Classification</b>	PUD	
<b>Overlay Zone/Scenic Area</b>	Primary 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>	Eryn Mertens, JD, Planner II	
<b>Developer's Agreement</b>	None	
<b>Related Case(s)</b>	221111ZP, 211006ZP, 051010ZC	

## I. ITEM SUMMARY

Tillman & Associates Engineering, LLC, on behalf of the landowner, Armstrong Land, LLC, has filed an application to rezone a ±10.33-acre property site, located at the corner of Pine Road and Bahia Road in Silver Springs Shores, from Planned Unit Development (PUD) to PUD (see Attachment A) for the purposes of modifying the previously-approved PUD for Whisper Woods. The request is to change the PUD product from 82 townhome units to 82 detached single-family residential units. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is not located within the Urban Growth Boundary (UGB), but is located within the Silver Springs Shores urban area and the Silver Springs Primary Springs Protection Overlay Zone.

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



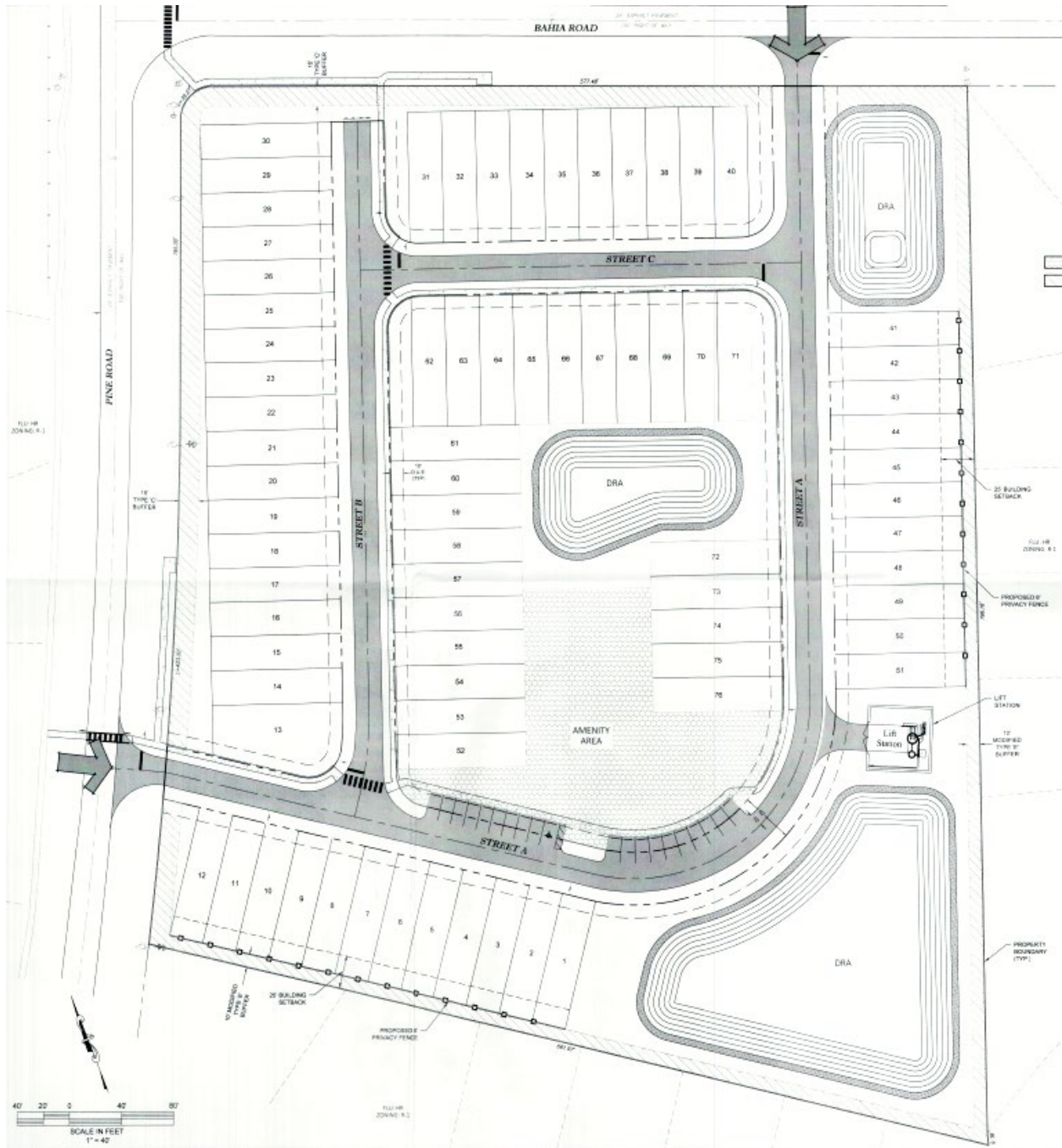
## II. STAFF SUMMARY RECOMMENDATION

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, is consistent with the Marion County Comprehensive Plan (MCCP), and that it would be compatible with land uses in the surrounding area, and also meet the requirements set forth in LDC Section

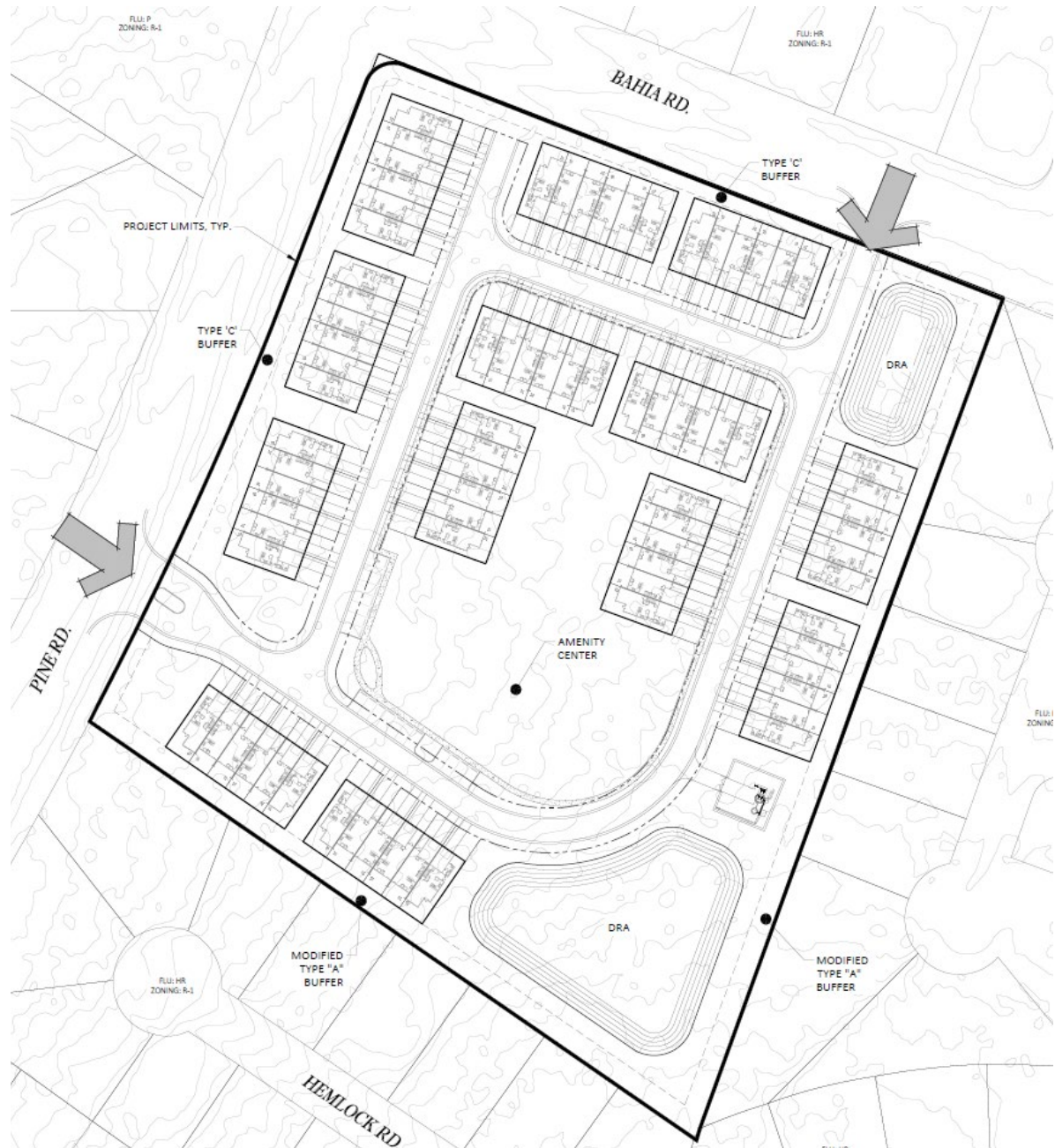
4.2.31 on Planned Unit Development. The PUD proposes a maximum of 82 detached single-family residential units (see Attachment A). Please note that while the Concept Plan only shows 76 lots, the PUD was originally approved for 82 units (see Attachment B). The overall proposed density for the PUD, with 82 detached single-family units, remains unchanged at 7.9 dwelling units per acre. The PUD proposes maximum building height of 40', and the architectural renderings depict two-story units. Lot typicals can be found in Attachment B, and propose 26' interior lot widths and a minimum width of 48' for the corner lots. The PUD proposes approximately 2.9 acres of open space, and within that open space is a playground, which must be installed prior to the issuance of the 35<sup>th</sup> certificate of occupancy. Figure 2 (also found in Attachment B) below shows the proposed conceptual plan. Figure 3 below shows the currently approved PUD conceptual plan.

Next page

### Figure 2 Conceptual Plan



**Figure 3**  
**Previously Approved Conceptual Plan**



### III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (54) within 300 feet of the subject property on July 12, 2024. As of the date of the initial distribution of this staff report, no letters of opposition or

support have been received. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on July 12, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner July 15, 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 for Planned Unit Developments.

1. LDC Section 4.2.31.B.(1) allows any permitted use, special use, or accessory use in any zoning classification listed within the County's LDC provided the proposed use is consistent with the County's future land use designation for the site, and the provisions of the LDC for each use.

**Analysis:** Staff finds the proposed uses are consistent with the uses allowed within the High Residential FLUMS designation and the maximum allowable intensity and density. Based on the above, staff concludes the PUD is **consistent** with this section, however, staff makes the following recommendation:

- The PUD is restricted to a total of 82 detached single-family dwelling units, and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 5/2024; attached).

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 one of three criteria.

**Analysis:** Staff finds the applicant is not proposing any SUP and, therefore, the rezoning is **consistent** with this requirement.

3. LDC Section 4.2.31.B.(3) provides that the owners of parcels within the PUD may subsequently request the authorization of additional special uses following approval of the PUD by undertaking the SUP application process for the proposed additional use without applying for an amendment to the PUD.

**Analysis:** Staff finds this PUD request is modifying the original approved PUD, however, the applicant is not requesting the authorization of additional special uses, 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 82-unit single-family residential development. This is a modification of the product offered by this PUD from townhomes. The application also proposes accessory uses “screen enclosures, etc.”. Amenities include a playground area. The application also provides architectural renderings of both the dwelling units, and the playground ammenity and clubhouse area.

- Accessory dwelling units are prohibited as they are not specifically called out.

5. LDC Section 4.2.31.B.(5) provides the intended character of the PUD shall be identified, including the structure types, architectural styles, ownership forms, amenities, and community management form (e.g., property owner association, community development classification, municipal service unit, etc.) or suitable alternative.

**Analysis:** Staff finds the intended character of the PUD is single-family with two-story detached homes. Examples of the architectural styles can be found in Attachment A.

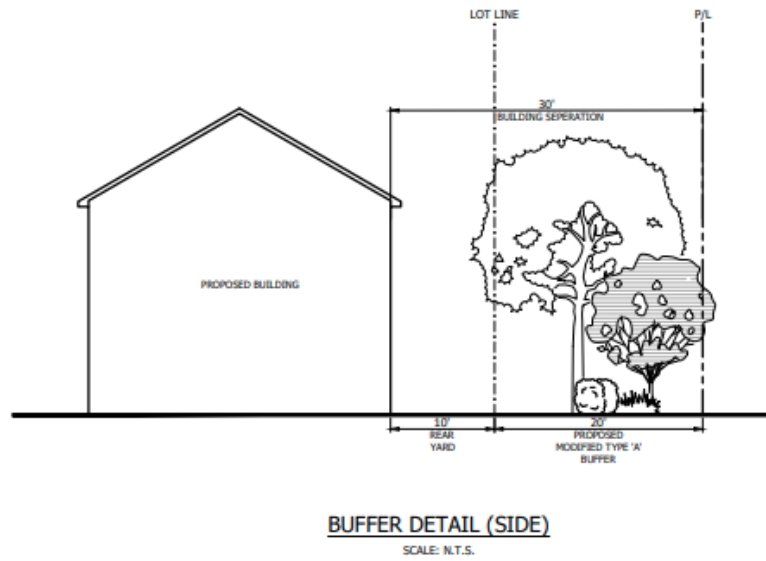
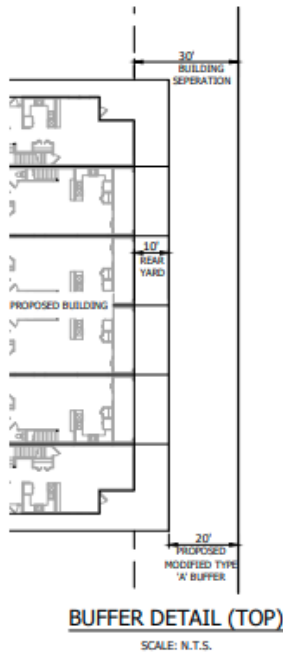
The PUD offers 2.90 acres of open space, meeting the minimum requirement of 2.07 acres of open space. The application proposes a playground area of 0.10 acres with shading for a family recreational amenity. Using Census data of 2.4 persons per household, which is the average for Marion County, at 82 dwelling units, the proposed PUD may generate 197 people. This translates into 641 SF of open space per person.

The PUD proposes two story units throughout the development. The previous PUD was approved for two-story townhomes, however, the buffering was more intense, as conditioned.

Upon closer inspection of this Concept Plan, along the southeast border of the project, there are 11 proposed lots. The Concept Plan labels the setback from the building to the property line, rather than the lot line of each home, and that total distance is 25'. Inside this 25' is a 10' landscape strip with a 6' fence. This places the PUD home buildings 15' away from the buffer.

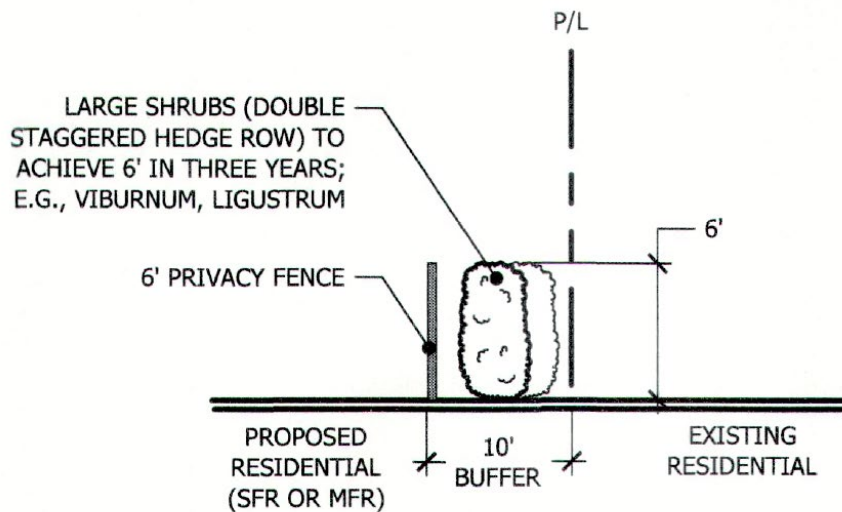
Of note, the last approved PUD required a modified Type-A buffer consisting of 20' with a minimum of 2 shade trees and 5 understory (ornamental) per 100 lineal feet with shrubs and groundcover (which under a PUD may be clustered and not evenly-spaced), and a minimum of a 4-foot high decorative fence barrier along the interior boundary of the Type A Buffer. The resolution specifically mentions the intent of this buffer is to deter access and prevent encroachment into the minimum 20' wide planted buffer. See Figure 4.

**Figure 4**  
**Prior PUD Modification (221111ZP)**  
**Concept Plan as submitted with application**





**Figure 5**  
**Proposed Modified Type E Buffer for eastern and southern boundaries and a 6' opaque fence behind the homes**



### MODIFIED TYPE 'E' BUFFER

NOT TO SCALE

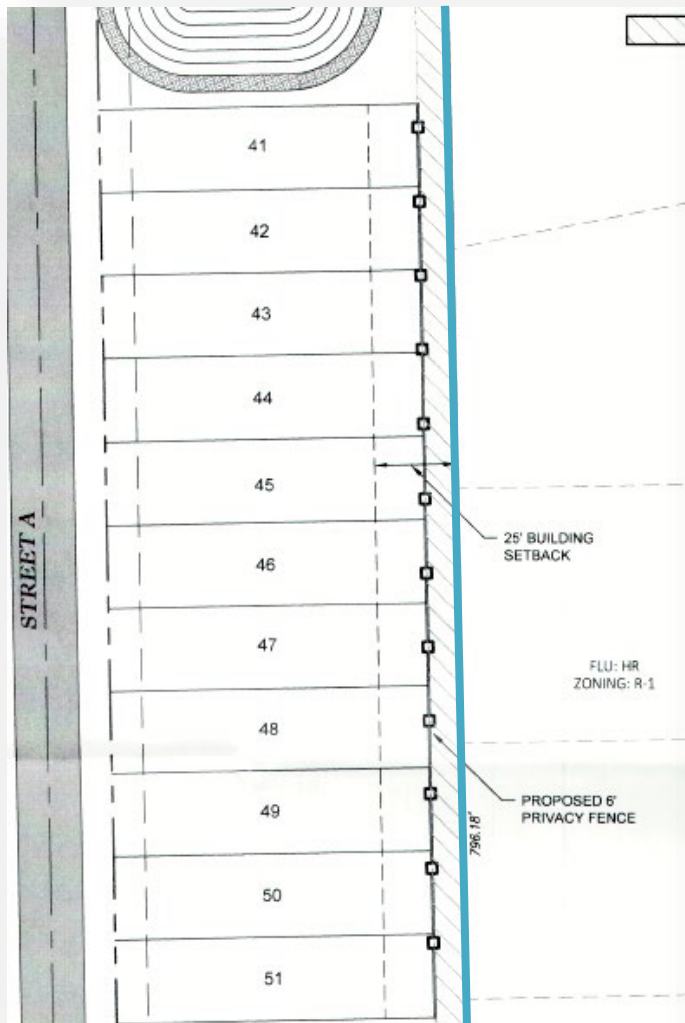
#### MODIFIED TYPE 'E' BUFFER

BUFFER SHALL CONSIST OF A TEN-FOOT WIDE LANDSCAPE STRIP WITH A 6' PRIVACY FENCE. THE BUFFER SHALL CONTAIN SHRUBS TO BE PLANTED IN A DOUBLE-STAGGERED ROW AND BE CAPABLE OF REACHING A MAINTAINED HEIGHT OF SIX FEET WITHIN THREE YEARS. GROUNDCOVERS AND/OR TURFGRASS SHALL NOT BE USED IN THIS BUFFER.

\* PRIVACY FENCE TO BE INSTALLED AFTER 30% OF BUILDINGS ARE FINALIZED.

The lots proposed inside the PUD are 26' wide lots. Looking at one of the neighboring single-family homes, potentially 4 PUD single-family units would border the rear of an adjacent existing home. See Figure 6 (a snippet of the Concept Plan on the southeast border of the project), and Figure 7, a snippet of the aerial of the same area, here, where the light blue line represents the same border in each figure:

**Figure 6**  
**Project Snippet**



**Figure 7**  
**Aerial Snippet**



While this request is seeking to increase the height of the currently-required decorative fence, 2 additional feet on the height of the fence does not fully address the inconsistency in types of residences between the established homes bordering this PUD and the proposed project, especially with the lesser intense buffer proposed in this modification application.

- 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 ±10.33 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 10.33 acres in size with High Residential FLUMS. The High Residential FLUMS allows for 4-8 dwelling units per acre. The subject property, by FLUMs, allows for a minimum of 41 dwelling units and a maximum of 82 dwelling units. The proposed 82 dwelling units is 100% of the maximum residential development allowed by the FLUMs of the subject property. The proposed density of the PUD is 7.94 dwelling units per acre. The proposed PUD **is consistent with this section**. Please note, however, that the Concept Plan submitted with this request only depicts 76 units.

2. LDC Section 4.2.31.D.(2) on Approval, 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:** While the future land use designation of the subject parcel and that of the surrounding area is High Residential (with the exception of the water plant across the street, staff finds that the proposed density is higher than the existing single-family developments in the surrounding area. While the proposed plan is consistent with the High Residential land use designation, the proposed lot sizes are approximately 4.5 times smaller than the existing surrounding single family lots (per lot typicals on the instant PUD Concept Plan, 26' lot width by 100' lot depth gives us lots just under 0.06 acre, compared to a lot size of 0.27 acres, which is the average of the 13 existing surrounding single-family lots that border the southeast and southwest boundary of the PUD property).

While this is an area within Silver Springs Shores where infill development is expected and encouraged, and the proposed project meets maximum density requirements, staff finds the PUD's proposed uses are not compatible with the adjoining and surrounding properties, and the Board is not obligated to authorize the maximum density as is allowed by the Comprehensive Plan future land use designation. The proposed PUD **is consistent with this section**.

3. LDC Section 4.2.31.D.(3) provides density/intensity increases may be attained through one of three methods: Transfer Development Rights (TDRs); Transfer of Vested Rights (TVR); and density bonuses.

**Analysis:** Staff finds the application does not propose any density/intensity increase through any of the three methods. 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 PUD is not requesting to blend FLUMS. Thus, staff concludes that the uses allocated within the proposed PUD are **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 the PUD proposes a minimum lot area of 2,600 square feet with lot widths of 26' for interior lots and 48' for corner lots. The proposed front, rear, and side/side yard for single-family homes are 20', 15', and 5', respectively, and 5' rear and side setbacks for accessory uses. The proposed accessory uses on the conceptual plan are internal to the development. For comparison with the LDC, residential with centralized utilities are 20', 20', and 8' for primary residential structures and 8' rear and side for accessory structures.

Table A. Setbacks Comparison

	Front	Rear	Side
<b>Proposed Primary (SFR)</b>	20'	15'	5' corner 20'
<b>LDC Primary (SFR)</b>	20'	20'	8'
<b>Proposed Accessory Use</b>	---	5'	5'
<b>LDC Accessory Use</b>	---	8'	8'

- 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. (emphasis added)

**Analysis:** Buffers were discussed at length at the last hearing when this project was considered, and at that time (November 2022), the request was seeking to amend the PUD to reduce the buffers, and was ultimately approved for a Modified Type A Buffer (20' wide landscape strip with a minimum **4' decorative fence** barrier to be provided along the interior boundary of the Type A Buffer; wherein, as stated in the Resolution (22-R-577), **"the intent of the buffer is to deter access and prevent the encroachment into the minimum 20' wide planted buffer"**; made up of a minimum of **2** shade trees and 5 ornamental trees per 100 lineal feet **with**

**shrubs and groundcovers representing 50% of the buffer**). These are the existing approved buffer requirements.

For comparison, in the LDC, the Type A buffer is a 30' wide landscape strip without a buffer wall; made up of 3 shade trees and 5 ornamental trees per 100 lineal feet with shrubs and groundcovers representing 50% of the buffer.

Buffer details are proposed within the application (see Attachment B). Along the public roads, Pine Road, and Bahia Road, the PUD is proposing a Type C Buffer (15' wide landscape strip without a buffer wall; made up of at least 2 shade trees and 3 accent/ornamental trees for every 100 lineal feet or fraction thereof, as outlined in the LDC), which is either meets or exceeds the standards of the Land Development Code.

However, along the southeast and southwest boundaries (sharing property lines with the existing surrounding single-family homes), the applicant is **now proposing a Modified Type E buffer (10' wide landscape strip with a 6' privacy fence**; made up of **shrubs** to be planted in a double staggered row and be capable of reaching a **maintained height of 6' within 3 years, no groundcovers used**). From the proposed residential buildings, there is 15' of yard space to the lot line, and then the 10' wide landscape strip is from the lot line to the project boundary/beginning of the neighboring property.

While 6' shrubs, if well maintained, provides a more pleasing aesthetic and effective visual screen from one-story home to one-story home, it does little to visually screen between two-story to one-story homes, even with a 6' privacy fence, especially with the PUD homes being so close to the property boundary (25'). Further, with 26' wide lots, the existing homes along the southeast and southwest boundary of this project could potentially have up to 4 of these two-story PUD homes backing up to their property line.

Staff finds that the application **fails to meet** the requirements within this section, as it fails to comply with the minimum requirements established in the Code, and it also fails to meet the intent of the Code by alternative means. This proposed alternative design, also fails to 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. Finally, the new proposed buffers also fail to meet the intent of the existing requirements as stated in the Resolution (i.e., it is silent as to the measures taken to prevent encroachment into the buffer by the PUD property owners, which was specifically called out in the existing requirements).

**Staff does not support the requested buffer design change**, thereby recommending to leave the existing Modified Type A Buffer requirements in place along the southeast and southwest boundaries.

- Buffers shall remain unchanged from the existing buffer requirements for this PUD. See Resolution 22-R-577.

D. LDC Section 4.2.31.E.(1) addresses 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:** Proposed access points are provided within the application (see Attachment B). The PUD proposes two access points, one on Pine Road and one on Bahia Road. The location of access points will have to be worked out through the Development Review phase of site planning.

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 internal pathways, and externally, along both the Pine Road and Bahia Road boundaries, providing connection to the future sheltered bus connection stops for the Sun Tran Red Route, and connecting to the existing sidewalks in the area. This project shall not be eligible for waivers to the sidewalks as they appear in the Concept Plan, and per OCE-Traffic, this connectivity should be a condition to development. Therefore, staff recommends the following condition be imposed:

- Sidewalks are required along both Pine Road and Bahia Road, providing connectivity from internal pedestrian facilities to existing sidewalks and future bus stop shelters external to the PUD. No waivers shall be granted to this requirement.
  - Applicant is also responsible for construction of two concrete pads for one future sheltered bus stop on Pine Road, and also one future sheltered bus stop on Bahia Road.
  - Sidewalks at Transit Loading Area should be wide enough for onloading and offloading passengers safely. The final placement and design may be finalized between Development Review Committee and coordinated with SunTran.
3. LDC Section 4.2.31.E.(1)(c) provides the PUD shall include a 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 that by complying with the above sidewalk requirement, the proposed PUD **is consistent 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 proposes detached single-family homes on individual lots. The homes will have garages and parking is intended to be in the garage and on the individual driveways. The PUD does not propose parking at the small neighborhood park, however the park is within walking distance of the entire PUD.

In addition, per LDC Table 6.11-4, Single-Family Detached homes up to 3 bedrooms require 2 parking spaces. For Detached homes with 4 or 5 bedrooms require 3 parking spaces. Section 6.11.8 of the LDC outlines in subparagraph B the number of spaces for residential homes, and allows for a one-car garage with driveway combination to count for 2 spaces so long as the driveway measures a minimum length of 25' from the face of the garage to the sidewalk.

This PUD proposes 20' front setback to the Right-of-Way (ROW), inclusive of a 10' utility easement. The sidewalks are 5' wide, with 3' in the ROW, and 2' in the utility easement. This leaves an 18' space between the front of the homes and the inside edge of the sidewalk. While 18' is the minimum parking space depth of one individual off-street parking space for non-residential uses, it is not recognized by the Code as a full parking space in the residential context. This means that this project is proposing less than 2 parking spaces per residential home, and staff would be concerned about vehicles parked in the sidewalk throughout the PUD community. To ensure the integrity of the internal pedestrian facilities, staff recommends the following condition be imposed: **Staff met with the applicant after Planning and Zoning Commission and agreed with the 22' front setbacks.**

- The front building setbacks should be a minimum of ~~25'~~ 22' from the face of the garage to the inside edge of the sidewalk, rather than to the ROW, to allow sufficient parking space for up to one vehicle so as to ensure integrity of pedestrian facilities.

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

**Analysis:** Staff finds that the subject property is within connection distance of centralized water and sewer. Marion County Utilities (MCU) have



available infrastructure in place. The Concept Plan outlines this requirement, and intention to connect (see Attachment B).

- 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 DRC Comments Letter notes PUD Master Plan will have to provide calculations and more details in order to get the Master Plan approved (see Attachment B).

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

**Analysis:** The PUD proposes several private retention areas to serve the entire site, based on the conceptual plan (see Attachment B). 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 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:** The Concept Plan indicates these areas. Staff finds that buildable areas and easements will be finalized 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:** Typical illustrations and a table have been provided (see Attachment A). Setbacks were discussed earlier in this report. All proposed setbacks are less than the LDC requires for similar zoning classification development standards.

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 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 similar to 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' minimum. This is made up of the 5' side setbacks between homes and lot lines. These 5' side setbacks also coincide with a 5' drainage easement. This does not meet the minimum requirements as set forth in this provision. Thus, this application **is inconsistent 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 a maximum height of 40'. The PUD does not address the height of accessory structures. For compatibility with adjacent uses, staff proposes the following condition.

- Single-Family homes shall be a maximum of 40' in height. Any accessory structures shall be limited to 20'.

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 residential structures but no illustrations or tables have been provided for accessory uses.

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:** 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:
  - 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:** Not applicable.

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 Master Plan does not display the location of exterior lighting in or around the common areas of the PUD. The site plan for the common areas will have to show the location of exterior lighting.

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; however, outdoor lighting will be addressed on any site plans for the common areas.

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; however, outdoor lighting will be addressed on any site plans for the common areas.

- 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, addressed earlier in the report, fail to meet the standard buffers of the LDC. Thus, this request **is inconsistent with this section.**

- 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 approximately 2.9 acres of open space, and within that open space is a playground, which must be installed prior to the issuance of the 35th certificate of occupancy, which meets the minimum amount of open space required by the LDC (2.07 acres). Open space was addressed earlier in the report, and this request was found to **meet or exceed** this 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 Concept Plan displays a playground amenity area of 0.64 acres, which is the minimum required by the LDC (0.10 acres). 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. This request **meets or exceeds** this 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 Concept Plan documents the size and percentage of open space provided for the multiple uses calculated, including separate entries for landscape buffers, parks, stormwater facilities, and waterbodies. This request **meets or exceeds** this requirement.

- 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:** Not Applicable.

2. LDC Section 4.2.31.E.(8)(b) provides the type of commercial uses permitted in the commercial use area shall comply with the following:
  - a. Those uses permitted in the B-1 (Neighborhood Business Classification) for projects of a size equal to or greater than 250 dwelling units but less than 800 dwelling units; and
  - b. Those uses permitted in the B-2 (Community Business Classification) for projects of a size equal to or greater than 800 dwelling units.
  - c. More intense commercial uses and special uses may be permitted by the Board upon review and recommendation of the Development Review Committee, consistent with Section 4.2.6.A.

**Analysis:** Not Applicable.

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

**Analysis:** Not Applicable.

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

**Analysis:** Not Applicable.

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

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

**Analysis:** The applicant had a pre-application meeting with staff on May 29, 2024. 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 B). Thus, this application **meets this requirement**.

3. LDC Section 4.2.31.F.(2)(b) requires the PUD Rezoning Application shall be accompanied by a Conceptual Plan provide documentation addressing the following:

- a. The name of the proposed PUD shall be centered at the top of the sheet along the long dimension of the sheet.
- b. Vicinity map that depicts relationship of the site to the surrounding area within a 1-mile radius.
- c. Drawing of the boundaries of the property showing dimensions of all sides.
- d. Provide the acreage of the subject property along with a legal description of the property.
- e. Identify the Comprehensive Plan future land use and existing zoning of the subject property and for all properties immediately adjacent to the subject property.
- f. Identify existing site improvements on the site.
- g. A list of the uses proposed for the development.
- h. A typical drawing of an interior lot, corner lot, and cul-de-sac lot noting setback requirements. For residential development, the typical drawings will show a standard house size with anticipated accessory structure.
- i. Proposed zoning and development standards (setbacks, FAR, building height, etc.).
- j. Identify proposed phasing on the plan.
- k. Identify proposed buffers.
- l. Identify access to the site.
- m. Preliminary building lot typicals with required yard setbacks and parking lot locations.
- n. Preliminary sidewalk locations.
- o. Proposed parallel access locations.
- p. Show 100-year floodplain on the site.
- q. Show any proposed land or right of way dedication.
- r. Identify any proposed parks or open spaces.
- s. A note describing how the construction and maintenance of private roads, parking areas, detention areas, common areas, etc. will be coordinated during development and perpetually after the site is complete.
- t. Architectural renderings or color photos detailing the design features, color pallets, buffering details.

**Analysis:** The application submitted was determined to meet the minimum requirements for submission. Thus, **is consistent with this section**.

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 July 15, 2024, Meeting and recommended to transmit to PUD with concept plan, with concerns about lot width. (see Attachment B). Thus, this submittal is being processed as if it **meets this requirement**.

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:** Not Applicable

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:** The applicant submitted a PUD with Master Plan. Thus, this submittal is being processed as if it **meets this requirement**.

6. LDC Section 4.2.31.F.(4)(c) provides if necessary, a final development plan (entire project or phase) may be submitted with the conceptual plan for consideration.

**Analysis:** Staff finds that a Master Plan has not yet been submitted reflecting the current request. This requirement is not yet due. Thus, this requirement is **not yet applicable**.

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 ft. intervals for 100 ft. 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 off-site within 200 ft. 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:** The applicant has not yet submitted a Master Plan and thus, this requirement is not yet due, and is **not applicable** in the analysis of this request.

- 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 additional conditions to address time limits. This requirement is already addressed under LDC Section 4.2.31.L.

- N. LDC Section 4.2.31.K addresses PUD amendments.
- 1. LDC Section 4.2.31.K.(1) provides changes to the plan of development which will affect the following items shall be subject to review and approval by Development Review Committee:
    - a. Changes in the alignment, location, direction or length of any internal local street,
    - b. Changes or adjustments in lot or parcel development standards which do not reduce the minimum lot or parcels standards listed in item (a)3, C
    - c. Changes in commercial gross leasable areas (GLA) for individual lots or tracts which do not result in increased overall GLA square footage,

- d. Changes in industrial building square footage or lot coverage percentage which do not result in increased overall building square footage or total lot coverage percentage,
  - e. Changes in mixed use land uses and overall dwelling unit densities, or commercial GLA square footage or industrial building square footage or total lot coverage percentage, which do not result in an increase to the above categories,
  - f. Reorientation or slight shifts or changes in building or structure locations including setbacks,
  - g. Major changes listed below which are subject to final review and approval by the Board.
2. LDC Section 4.2.31.K.(1) provides Changes which will modify or increase the density or intensity of items shall be subject to review and approval by the Board through the PUD rezoning application process.
- a. Intent and character of the development.
  - b. Location of internal and external arterial or collector streets and connection points between and to those streets within the development.
  - c. Minimum lot/parcel sizes including heights or project design standards based on use such as residential vs. non-residential.
  - d. Building setbacks.
  - e. Dwelling unit types or mixes and maximum development density and units.
  - f. Maximum commercial gross leasable areas (GLA) for individual lots or tracts and project wide.
  - g. Industrial building square footage or lot coverage percentage for individual lots or tracts and project wide.
  - h. Minimum size and general location of common open space including buffer areas or zones and method of ownership and maintenance.
  - i. Conservation open space areas with intended method of preservation ownership or maintenance.
  - j. Location of water and sewage facilities.

**Analysis:** Not applicable.

## V. ANALYSIS

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

### A. *Effect on the public interest.*

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

- a. Roadways. The subject property will access Pine Road, a paved county-maintained major local road. The PUD also proposes a connection to Bahia Road, also a paved county-maintained major local road. The Traffic Analysis which was submitted with the application (Attachment C) unfortunately analyzed lowrise multifamily impacts, not what the project is proposing, which is detached single family units. A new Traffic Assessment was submitted by the applicant on July 17, 2024, to reflect the appropriate ITE Code. Rather than 574 daily trips, this project is now expected to instead generate 841 daily trips, with 82 peak hour trips, which is an increase of 267 additional daily trips (although the new assessment states a difference of 240 trips), and 37 additional peak hour trips. This still does not trip the necessity for further analysis, as is outlined in the DRC Comments from OCE-Traffic (Attachment G).

Also of note, is that per the Marion County Interactive map, this property appears to be included in MSTU assessments for road maintenance.

- b. Public transit. The subject property borders the historic Red Route for SunTran, which has been running since 1998. Routes change depending on the time of year (for example when school is back in session), and this intersection is slated to be re-activated. Final placement and design is to be coordinated with Development Review Committee and SunTran. Staff has recommended conditions to address this concern earlier in this report.
- c. Other mobility features. Sidewalks will be provided internally throughout the project, and staff has earlier recommended a condition that the Applicant construct sidewalks to both future bus stop areas, and also to connect the internal sidewalks to the existing sidewalks external to the project. Staff has recommended conditions to address this concern earlier in this report.

Based on the above findings, it is concluded the application's proposed **transportation impacts would not 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. Based on the 82 proposed dwelling units, the proposed rezoning would result in an increase of 29,520 gallons per day. The DRC comments letter finds water and sewer mains are proposed within the development already, and that connection would be required (see Attachment G). 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. Based on the 82 proposed dwelling units, the proposed rezoning would result in an increase of 21,648 gallons per day. The DRC comments letter finds water

and sewer mains are proposed within the development already, and that connection would be required (see Attachment G). 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. Based on 82 proposed dwelling units. The proposed rezoning would result in an increase of 1,220.16 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. Silver Springs Shores Fire Station #17, located at 2122 Pine Road, is roughly 2.15-miles southeast of the subject property, using Bahia Road to the southeast toward the fire station. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, it is concluded the proposed rezoning fire rescue/emergency impacts **would not adversely affect the public interest.**
6. Law enforcement. Sheriff's Silver Springs Shores District Office, located at 501 Water Road, is roughly 2.4-miles southeast of the subject property, as the crow flies. 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. Greenway Elementary School, located at 207 Midway Rd. Ocala, and is 1.18 miles southeast of the proposed development. Lake Weir Middle School located on 10220 SE Sunset Harbor Rd, Summerfield, is 9.77 miles southeast of the proposed development. Lake Weir High School is located at 10351 SE Maricamp Rd, Ocala, and is 5 miles southeast of the proposed development. The proposed PUD will not generate more students than the existing PUD would due to both being a form of singlefamily housing. Based on the above finding, the proposed Zoning District amendment would generate student enrollment and would not negatively affect the public interest, therefore, it is concluded that the rezoning public school impacts **would not 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 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 Applicant is advised that prior to the time of development order issuance, compliance with this policy must be demonstrated. Per the Concept Plan, it appears that the project provides 10’ in total side setbacks, and a collective 35’ for the front and rear setbacks. Based on the above, it is concluded the application is **consistent** with FLUE Policy 2.1.4.

2. 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 July 29, 2024, Planning and Zoning Commission Meeting, and therefore, the application is **consistent** with this FLUE Policy 5.1.3.

3. FLUE Policy 5.1.4 on Notice of Hearing provides, “The County shall provide notice consistent with Florida Statutes and as further defined in the LDC.”

**Analysis:** Staff finds public notice has been provided as required by the LDC and Florida Statutes and, therefore, concludes the application is being processed **consistent** with FLUE Policy 5.1.4.

5. TE Policy 2.1.4 on determination of impact provides in part, “All proposed development shall be evaluated to determine impacts to adopted LOS standards.”

**Analysis:** The PUD proposes two access points, one on Pine Road and one on Bahia Road. Both of these roads are paved, County-maintained local major roads. The location of access points will have to be worked out through the Development Review phase of site planning, however, this project is now expected to instead generate 841 daily trips, with 82 peak hour trips, which is an increase of 267 additional daily trips, and 37 additional peak hour trips.

Based on the above findings, it is concluded that the application is **consistent** with TE Policy 2.1.4.

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

**Analysis:** The PUD is proposing two accesses for this development. The location of access points will have to be worked out through the Development Review phase of site planning. Based on the above findings, staff concludes the application is **consistent** with TE Objective 2.2.

7. 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 82 units multiplied by 2.4 persons per household equals 196.8 persons, which will generate a demand of 21,648 gallons per day. The sanitary 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 SSE Policy 1.1.1.

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

**Analysis:** Staff concludes that a sanitary sewer line is currently in place and connection is required. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.1.3.

9. 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 82 units multiplied by 2.4 persons per household equals 196.8 persons which will generate a demand of an additional 29,520 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.



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

**Analysis:** The site is in Marion County Utilities Service Area and services are currently in place and connection is required. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.6.4.

11. 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 82 units multiplied by 2.4 persons per household equals 196.8 persons, which will generate a demand of an additional 1,220.16 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.

12. 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.

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

**Analysis:** At the time of development order approval, the owner will need to demonstrate post-development stormwater runoff can be accommodated by the proposed stormwater facility, which facility could potentially include reducing the form, intensity, and/or density of the proposed development (e.g., units, building SF, impervious square feet). Based on the above, it is concluded the application is **consistent** with SE Policy 1.1.4.

14. 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.

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.*

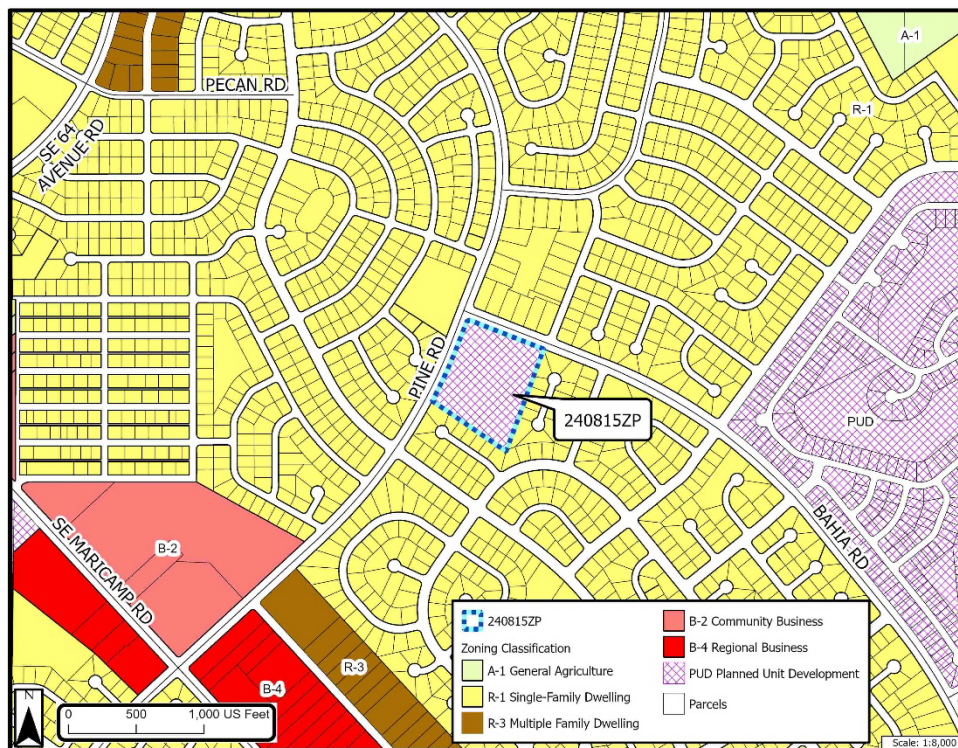
Compatibility is defined in Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, as “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly 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 8 displays the proposed FLUMS, which demonstrates that the subject property is designated High Residential, as is the surrounding area. Figure 9 displays the existing and proposed zoning classification for the subject property and surrounding properties. Figure 8 shows the existing uses of subject property and surrounding properties as classified by Marion County Property Appraiser. Table B displays the information from figures 8, 9, and 10 in tabular form.

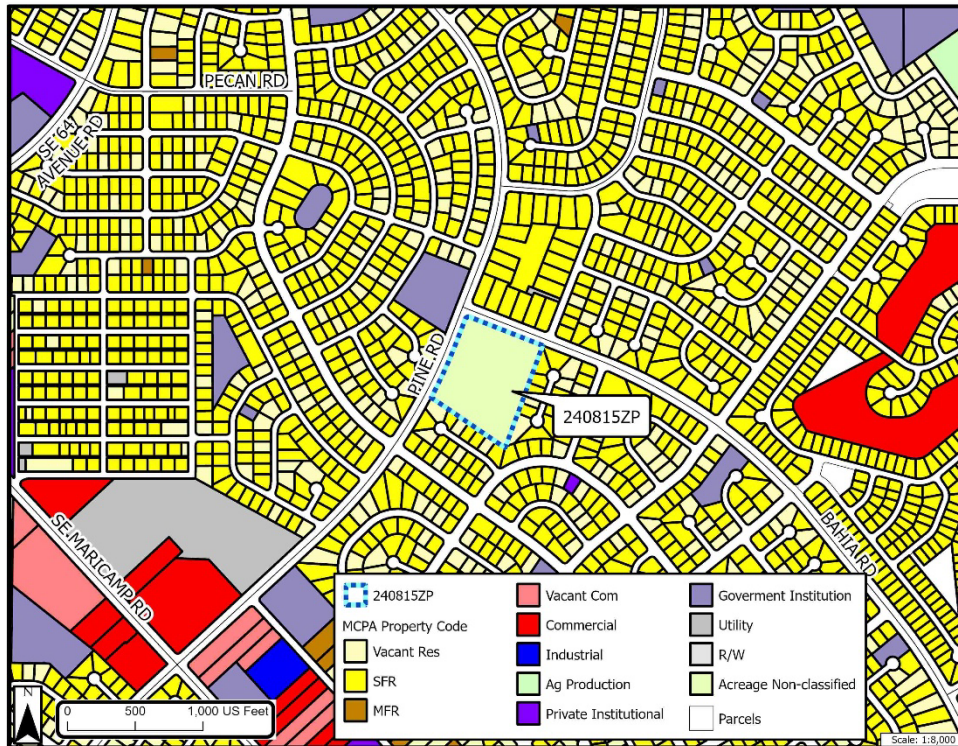
**Figure 8  
Assumed FLUMS Designation**



**Figure 9  
Zoning Classification**



**Figure 10**  
**Existing and Surrounding Land Uses**



<b>TABLE B</b>			
<b>ADJACENT PROPERTY CHARACTERISTICS</b>			
<b>Direction</b>	<b>FLUMS</b>	<b>Zoning</b>	<b>Existing Use</b>
Northeast	High Residential	Single-Family Dwelling (R-1)	ROW, Single Family
Northwest	High Residential	Single-Family Dwelling (R-1)	ROW, Single Family, Government Institution (Marion County Water Plant)
Southeast	High Residential	Single-Family Dwelling (R-1)	Single Family (4 out of 6), Vacant Residential (2 out of 6)
Southwest	High Residential	Single-Family Dwelling (R-1)	Single Family (4 of 7), Vacant Residential (3 of 7)

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (see Attachment D) and finds the subject property is currently vacant. The property has High Residential land use designation and has ample infrastructure serving the development. Less than a half mile from the PUD exists a large big box store/grocery store, with several restaurants, and within a mile and a half, there is a Wal-Mart, along with several other grocery stores and other retail options. The

properties surrounding this PUD, are a mostly built-out single-family residential homes.

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 2.1.4, 5.1.3, and 5.1.4;
  2. TE Policy 2.1.4, and Objective 2.2;
  3. SSE Policy 1.1.1;
  4. PWE Policies 1.1.1, and 1.6.4;
  5. SWE Policies 1.1.1, and 1.1.5; and
  6. SE Policies 1.1.4, and 1.1.5;
- 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 82 detached single-family dwelling units, and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 5/2024; attached).
- ~~2.~~ ~~The PUD shall be restricted to one one-story homes along the boundaries of the project.~~ This item was stricken at the Planning and Zoning Commission.
- ~~3.~~2. Accessory dwelling units are prohibited as they are not specifically called out.
- ~~4.~~3. Buffers shall remain unchanged from the existing buffer requirements for this PUD. See Resolution 22-R-577.
- ~~5.~~4. Sidewalks are required along both Pine Road and Bahia Road, providing connectivity from internal pedestrian facilities to existing sidewalks and future bus stop shelters external to the PUD. No waivers shall be granted to this requirement.
- ~~6.~~5. Applicant is also responsible for construction of two concrete pads for one future sheltered bus stop on Pine Road, and also one future sheltered bus stop on Bahia Road.
- ~~7.~~6. Sidewalks at Transit Loading Area should be wide enough for onloading and offloading passengers safely. The final placement and design may be finalized between Development Review Committee and coordinated with SunTran.
- ~~8.~~7. The front building setbacks should be a minimum of ~~25~~22' from the face of the garage to the inside edge of the sidewalk, rather than to the ROW, to allow sufficient parking space for up to one vehicle so as to ensure integrity of pedestrian facilities. This item was changed after discussion with the applicant.
- ~~9.~~8. The PUD shall connect to Marion County centralized water and sewer.
- ~~10.~~9. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Single-Family Dwelling (R-1) zoning classification of the LDC.
- ~~11.~~10. Single-Family homes shall be a maximum of 40' in height. Any accessory structures shall be limited to 20'.

## VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval with Development Conditions

## IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

## **X. LIST OF ATTACHMENTS**

- A. Rezoning Application, filed May 29, 2024.
- B. PUD Concept Plan
- C. Traffic Assessment, Original Submission
- D. Site Photos
- E. DRC Comments Letter, Incorrect AR Type (31600).
- F. Traffic Assessment, Corrected
- G. DRC Comments Letter, Correct AR Type (31750)
- H. DRC Comments Letter, AR 29210 for Application 221111ZP
- I. Resolution 22-R-577 (Current PUD Conditions)