



**Marion County
Board of County Commissioners**

Growth Services

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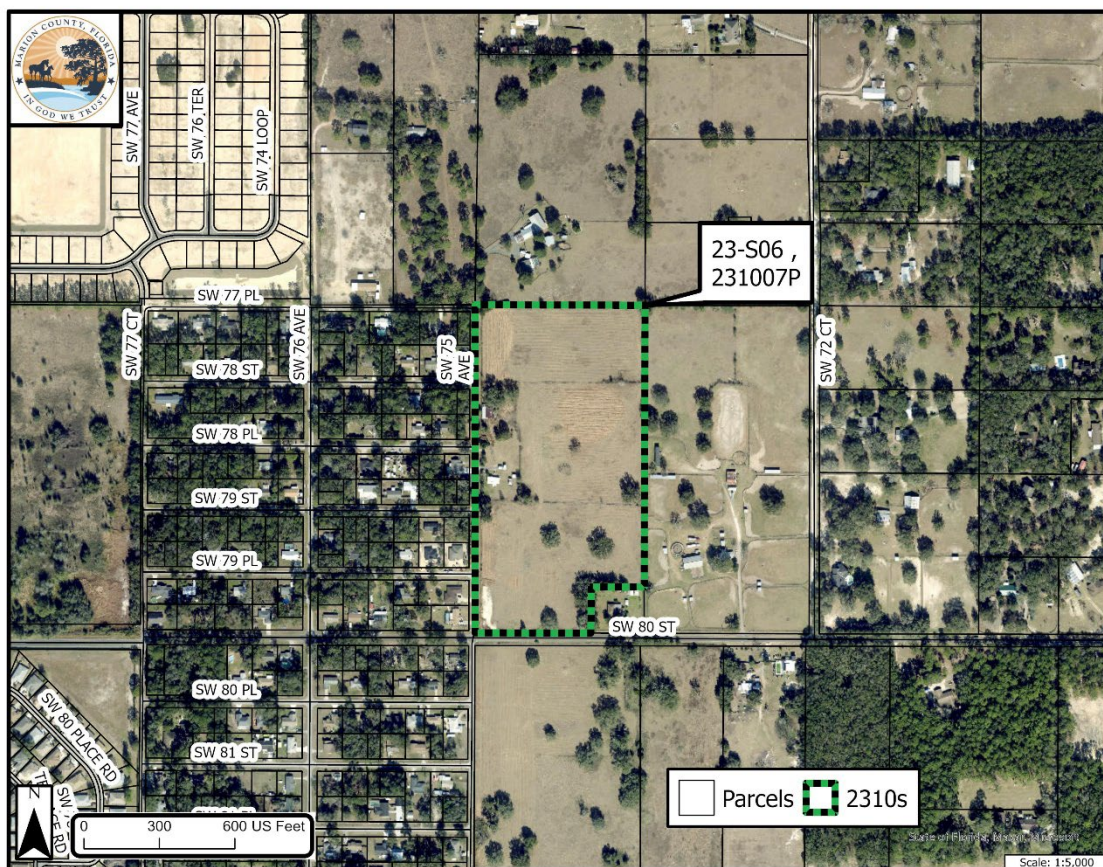
PLANNING & ZONING SECTION STAFF REPORT

	P&ZC Date: 9/25/2023	BCC Date: 10/17/2023
Case Number:	231007ZP	
CDP-AR:	30469	
Type of Case:	Rezoning from General Agriculture (A-1) to Planned Unit Development (PUD)	
Owner	Fun N Games, LLC/Jon Kurtz, MGR	
Applicant	Paolo Mastroserio	
Street Address	7875 SW 75 th Ave	
Parcel Number	35461-000-00	
Property Size	18.13 acres	
Future Land Use	Medium Residential (MR)	
Zoning Classification	General Agriculture (A-1)	
Overlay Zone/Scenic Area	Urban Growth Boundary and Secondary Springs Protection Zone	
Staff Recommendation	APPROVAL WITH CONDITIONS	
P&ZC Recommendation	APPROVAL , 5-2	
Project Planner	Kenneth Weyrauch, Deputy Director	
Developer's Agreement	None	
Related Case(s)	23-S06, Land Use Amendment, from Low Residential to Medium Residential on 18.13 acres	

I. ITEM SUMMARY

Paolo Mastroserio, on behalf of the landowner Fun N Games, LLC, has filed an application to rezone a 18.13-acre property site, located at 7875 SW 75TH AVE, from General Agriculture (A-1) to Planned Unit Development (PUD) (see Attachment A). The request is for a 72-unit single-family residential development. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated within the Urban Growth Boundary (UGB) and is located within the secondary spring's protection overlay zone.

Figure 1
General Location Map

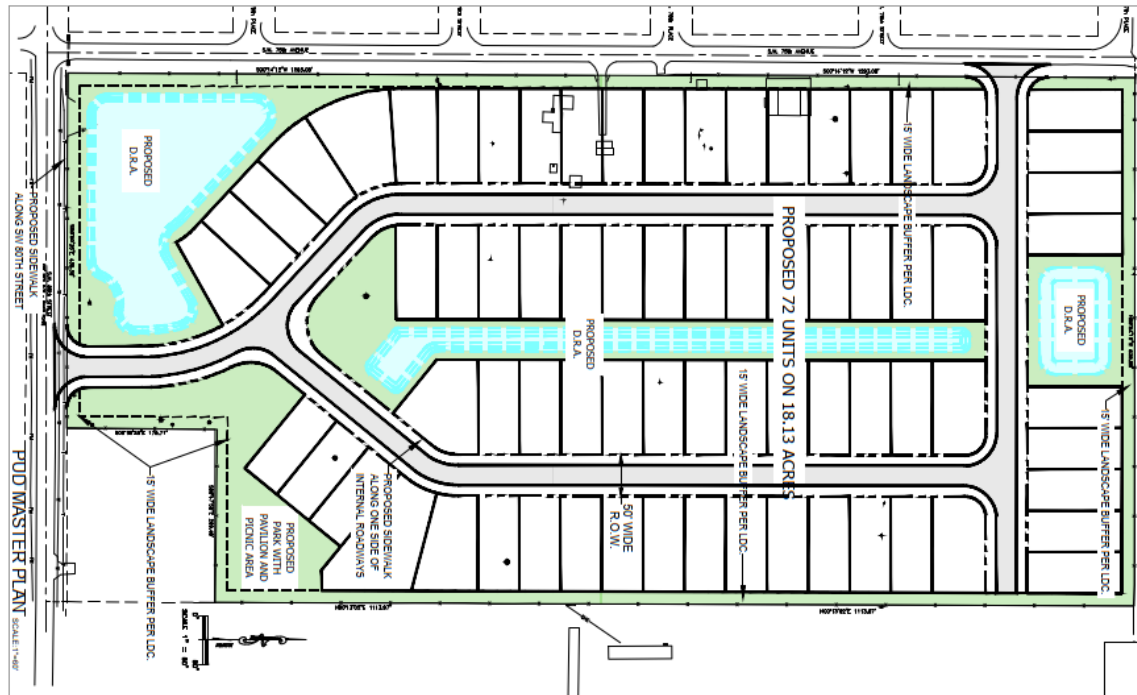


II. STAFF SUMMARY RECOMMENDATION

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, 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 a maximum of 72 detached single-family residential units (see Attachment A, page A-4). The overall proposed density for the PUD is 3.9 dwelling units per acre. The PUD proposes maximum building heights of one and two stories, architectural renderings, and lot typicals can be found in Attachment A. The

PUD proposes 3.63 acres of open space, and within that open space is a pavilion and park area. Figure 2 (also found in Attachment A) below shows the proposed conceptual plan.

**Figure 2
Conceptual Plan**



III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (6) within 300 feet of the subject property on September 8, 2023. 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 September 11, 2023, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner September 11, 2023. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference.

IV. PLANNED UNIT DEVELOPMENT (PUD) ANALYSIS

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

A. LDC Section 4.2.31.B addresses permitted uses.

1. LDC Section 4.2.31.B.(1) allows any permitted use, special use, or accessory use in any zoning classification listed within the County's LDC

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 Medium Residential FLUMS designation and the maximum allowable intensity and density. Based on the above, staff concludes the PUD is **consistent** with this section.

- The PUD is restricted to a total of 72 detached single-family dwelling units (one and two story), and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 8/2022; attached).
- The PUD shall be restricted to one story homes along the boundaries of the project.

2. LDC Section 4.2.31.B.(2) provides uses identified as ordinarily requiring a Special Use Permit may be authorized as permitted within all or a part of a PUD without the necessity of a separate SUP application provided it meets on of three criteria.

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

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

Analysis: Staff finds this is the initial PUD request and, therefore, this section is **not applicable**.

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

Analysis: Staff finds the PUD is requesting a 72-unit single-family residential development. The application also proposes accessory uses of pools, sheds, and other accessory structures. Amenities include a park with a pavilion and picnic area. The application also provides architectural renderings of both the apartments 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 one and two story detached homes. Examples of the architectural styles can be found in attachment A.

The PUD offers 3.63 acres of open space, meeting the minimum requirement of 3.63 acres of open space. Staff does have concern about the calculation of the open space as it appears the application may be trying to count the stormwater infrastructure at 100% rather than the LDC allowance of 25%. The application proposes a park of less than one acre with a pavilion for recreational amenities. Using Census data of 2.4 persons per household, which is the average for Marion County, at 72 dwelling units, the proposed PUD may generate 173 people. This translates into 914 SF of open space per person.

- 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 18.13 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 18.13 acres in size with Medium Residential FLUMS. The Medium Residential FLUMS allows for 1-4 dwelling units per acre. The subject property, by FLUMs, allows for a minimum of 18 dwelling units and a maximum of 72 dwelling units. The proposed 72 dwelling units is 100% of the maximum residential development allowed by the FLUMs of the subject property. The proposed density of the PUD is 3.97 dwelling units per acre. The proposed PUD is **consistent with this section**.

2. LDC Section 4.2.31.D.(2) provides the Board is not obligated to authorize the maximum density/intensity as potentially allowed by the Comprehensive Plan future land use designation(s) and/or bonuses and/or transfers acquired for the PUD site. The criteria for establishing a maximum density/intensity includes existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the requirements of the Comprehensive Plan for any residential or non-residential land use involving the area in question, with additional focus on the compatibility of the PUD's proposed uses with the adjoining and surrounding properties.

Analysis: Staff finds that the proposed density is similar to or less than the other single-family developments in the surrounding area to the west. To the east, is a pocket of Low Residential FLUMs area that is between the

City of Ocala and the On Top of the World/SW HWY 200 Corridor urban areas. This is an area within the Urban Growth Boundary where infill development is expected to occur.

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 5,175 square feet with lot widths of 45' for interior lots and 60' for corner lots. The setbacks for single-family homes of Front, Rear, Side/side yard (20', 15', 5') 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.

Setbacks	Front	Rear	Side
Primary (SFR)	20'	15'	5' /corner 15'
Accessory Use	---	5'	5'

- 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). Staff finds that the PUD is proposing a Type C 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 perimeter of the project, which is either meets or exceeds the standards of the Land Development Code. Staff finds that the application **meets or exceeds** requirements within this section. Notwithstanding, staff recommends the following condition be imposed:

- Buffers shall be provided as shown on the submitted conceptual plan.

- 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: Proposed access points are provided within the application (see Attachment A). Staff finds the PUD proposes two access points, one on SW 80th Street and one on SW 75th Avenue. The location of access points will have to be worked out through the Development Review phase of site planning. Comments from OCE-Traffic state that the access point on SW 75th Ave should be moved south so that the access lines up with SW 78th Street at a full-access intersection. Comments also state that the Traffic Impact Analysis (TIA) did not examine either of the major intersections of SW 80th Street at SW 80th Avenue or SW 80th Street at SR 200. Notwithstanding, staff recommends the following condition be imposed:

- Prior to completion and approval of the final PUD Master Plan, the project Traffic Impact Analysis shall be revised, to the satisfaction of the County Engineer and Growth Services Director, to examine both major intersections of SW 80th Street and SW 80th Ave and SW 80th Street and SR 200. Adequate provision shall be made for the coordination of improvements with the PUD.
 - Prior to completion and approval of the final PUD Master Plan, the Master Plan shall be revised to show the connection to SW 75th Ave lining up with SW 78th Street.
 - The construction route shall connect to the subject property from SW 80th Street and go toward SW SR 200. Construction traffic shall stay east of SW 75th Avenue and shall not access SW 75th Avenue.
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 along the SW 80th Avenue boundary. In the West Marion Traffic Study Workshop on September 18, 2023, the outlook for traffic in this area of the county will require a lot of road infrastructure projects to keep up with traffic over the next 20 years. Some of that pressure on the local road network can be relieved by increasing other avenues of travel such as transit and bike/ped infrastructure. East of the subject property, there is a multimodal path along SW 80th Avenue extending to the west. Adding to this network will help multimodal connectivity and access as this area develops. Notwithstanding, staff recommends the following condition be imposed:

- An 8' multimodal path be placed along the SW 80th street right-of-way, matching the path to the west of the subject property. This path's timing may be worked out in the platting phase of the project and may be pushed until such time that SW 80th Street is widened or if a development is approved to the east of this project on SW 80th Street.
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 currently there is not any public transit within the area, however, the PUD proposes sidewalks along the adjacent right-of-way of SW 80th Ave and on at least one side of all internal roads. Above, staff proposed a condition to include a multimodal trail to support connectivity within the area. 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. Thus, the application **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. Marion County Utilities (MCU) have available infrastructure in place (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 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 a private retention pond to serve the entire site, based on the conceptual plan (see Attachment A). 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: Staff finds that buildable areas and easements 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: 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. 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 one- and two- story homes, but does not specifically call out building heights. 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 height indication is provided on the illustrations. A condition was already proposed to remedy this issue.

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, meet or exceed the standard buffers of the LDC. Thus, **is consistent 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 3.63 acres of open space which is the minimum amount of open space required by the LDC. Open space was addressed earlier in the report.

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 recreational amenity area of 0.907 acres, which is the minimum required by the LDC. 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.

- 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 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.

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 August 1, 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). 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 September 2023 meeting and recommended to transmit to PUD with concept plan. (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 was submitted. Thus, this submittal is being processed as if it **meets this requirement.**

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 submitted a Master Plan and is going through the process concurrently.

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

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

N. LDC Section 4.2.31.K addresses PUD amendments.

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 SW 80th Street, a county maintained major local road with about 50' of ROW. The PUD also proposes a connection to SW 75th Avenue, a county-maintained subdivision road that may need some ROW dedication. Comments from OCE-Traffic, state that a connection to SW 75th Ave should line up with SW 78th Street. The ROW of SW 75th Ave also is a quarter section line. The proposed development could generate up to 746 daily vehicle trips, 73 PM peak hour trips. We do not have vehicle daily trip counts for SW 80th Street. A full traffic study was conducted; however, the traffic study did not examine impacts to nearby intersections.
 - b. Public transit. The subject property is not near public transit at this time.
 - c. Other mobility features. Sidewalks will be provided internally and along the SW 80th Street ROW. Staff recommends a multimodal trail to be consistent with the trail to the west of this project.

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 and approximately 2,750 gallons per acre per day for non-residential demand. Based on the 72 proposed dwelling units, the proposed rezoning would result in an increase of 25,920 gallons per day. The DRC comments letter finds a potable water is readily available and that connection would be required (see Attachment B). 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 72 proposed dwelling units, the proposed rezoning would result in an increase of 19,008 gallons per day. The DRC comments letter finds a sanitary sewer infrastructure is available and that connection

would be required (see Attachment B). 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. Friendship Fire Station #21, located at 7884 SW 90th Street, is roughly 1.12-miles south of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. However, the 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 9048 SW HWY 200, is roughly 3.19-miles southwest of the subject property. The Comprehensive Plan does not establish a level of service standard for law enforcement services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, it is concluded the proposed rezoning law enforcement impacts **would adversely affect the public interest.**
7. Public schools. Hammett Bowen Jr Elementary School, located at 4397 SW 95th Street, Ocala, FL 34476 and is 3.18 miles southeast of the proposed development. Liberty Middle School located on 4495 SW 95th Street is 3.05 miles southeast of the proposed development. West Port High School is located at 3733 SW 80th Avenue and is 3.01 miles north of the proposed development. 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 application in **consistent with Policy 1.1.3.**

In conclusion, staff finds that while the impact to schools could adversely affect the public interest, when weighing the overall factors, it is concluded that the proposed zoning change **will not adversely affect the public interest.**

B. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.5 on higher density/intensity uses provides, "The County shall require higher densities and intensities of development to be located within the Urban Growth Boundaries and Planned Service Areas, where public or private facilities and services are required to be available."

Analysis: Staff finds the property is located within the UGB and facilities are available with capacity to service the subject property, staff concludes the proposed amendment is **consistent** with FLUE Policy 1.1.5.

2. FLUE Policy 2.1.4 on Open Space Requirement provides, “A minimum of 350 square feet of open space for each residential lot shall be required in either single or linked multiple tracts within residential development and the open space shall be accessible to all residents within the development, as further defined in the LDC.”

Analysis: The owner is advised that prior to the time of development order issuance, compliance with this policy must be demonstrated. Based on the above, it is concluded the application is **consistent** with FLUE Policy 2.1.4.

3. FLUE Policy 5.1.3 on Planning and Zoning Commission provides, “The County shall enable applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County’s Local Planning Agency. The purpose of the advisory board is to make recommendations on CPA, ZC, and SUP requests to the County Commissioners. The County shall implement and maintain standards to allow for a mix of representatives from the community and set standards for the operation and procedures for this advisory board.

Analysis: The proposed FLUM amendment is scheduled for the October 17, 2023 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 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 subject property will access SW 80th Street, a county-maintained major local road with about 50’ of ROW. The PUD also proposes a connection to SW 75th Avenue, a county-maintained subdivision road that may need some ROW dedication. Comments from OCE-Traffic, state that a connection to SW 75th Ave should line up with SW 78th Street. The ROW of SW 75th Ave also is a quarter section line. The proposed development could generate up to 746 daily vehicle trips, 73 PM peak hour trips. We do not have vehicle daily trip counts for SW 80th Street. A full traffic study was conducted; however, the traffic study did not examine impacts to nearby intersections

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

6. TE Objective 3.1 on Financial feasibility of development provides, "To encourage development within the Urban Growth Boundary where infrastructure can be provided in a financially feasible manner."

Analysis: The subject property is located in UGB. Based on the above, it is concluded the application is **consistent** with TE Objective 3.1.

7. TE Objective 3.1.2 on Adequate Rights of Way/Encroachment provides, "The County shall ensure adequate rights-of-way for roadway, Transit, bicycle and pedestrian pathways, and protect existing and future rights-of-way from building encroachment."

Analysis: Right-of-way dedication may be required along at least one ROW 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 PUD is proposing two accesses for this development. One access will need to be moved to the south which has been discussed in this report. Staff has provided conditions to ensure these issues are accounted for. Based on the above findings, staff concludes the application is **consistent** with TE Objective 2.2.

9. SSE Policy 1.1.1 provides, "The LOS standard of 110 gallons per person per day for residential demand and approximately 2,000 gallons per acre per day for commercial and industrial demand is adopted as the basis for future facility design, determination of facility capacity, and documentation of demand created by new development. This LOS shall be applicable to central sewer facilities and to package treatment plants but shall not apply to individual OSTDS. DRIs and FQDs that demonstrate the suitability of differing LOS standards may be allowed to adhere to the differing standard if approved by the County."

Analysis: Staff finds that based on the addition of 72 units multiplied by 2.4 persons per household equals 172 persons, which will generate a demand of 19,008 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.

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 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.

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

Analysis: The subject property is within the Marion County Utilities Service Area and services are located within the vicinity. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.2.1.

12. PWE Policy 1.1.1 provides in part, “The LOS standard of 150 gallons per person per day (average daily consumption) is adopted as the basis for future facility design, determination of available facility capacity, and determination of demand created by new development with regard to domestic flow requirements, and the non-residential LOS standard shall be 2,750 gallons per acre per day.”

Analysis: Staff finds that based on the addition of 72 units multiplied by 2.4 persons per household equals 172 persons which will generate a demand of an additional 25,920 gallons per day. The water treatment plant serving this area has sufficient capacity to serve this demand. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.1.1.

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

Analysis: The site is in Marion County Utilities Service Area and 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.

14. SWE Policy 1.1.1 provides, “The LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day. This LOS standard shall be used as the basis to determine the capital facilities or contractual agreements needed to properly dispose of solid waste currently generated in the County and to determine the demand for solid waste management facilities which shall be necessitated by future development.”

Analysis: Staff finds that based on the addition of 72 units multiplied by 2.4 persons per household equals 172 persons, which will generate a demand of an additional $\pm 1,071$ pounds per day. The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-

term contract reserving capacity with a private landfill in Sumter County. Based on the above findings, it is concluded the application is **consistent** with SWE Policy 1.1.1.

15. SWE Policy 1.1.5 provides, "Permits shall be denied for development that would either increase demands on an already deficient facility or cause a facility to exceed its capacity until such time that the facility may provide service in accordance with the adopted LOS standard."

Analysis: The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County. 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 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.

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.

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

C. *Compatibility with surrounding uses.*

Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is an aerial photograph displaying existing and surrounding site conditions. Attachment C displays site photographs. Figure 3 displays the proposed FLUMS, which assumes the subject property is designated Commercial and not Rural Lands. Figures 4 and 5 display the existing and proposed zoning classification for the subject property and surrounding properties. Figure 6 shows

the uses of subject property and surrounding properties as classified by Marion County Property Appraiser. Table A displays the information from figures 3, 5, and 6 in tabular form.

Figure 3
Assumed FLUMS Designation

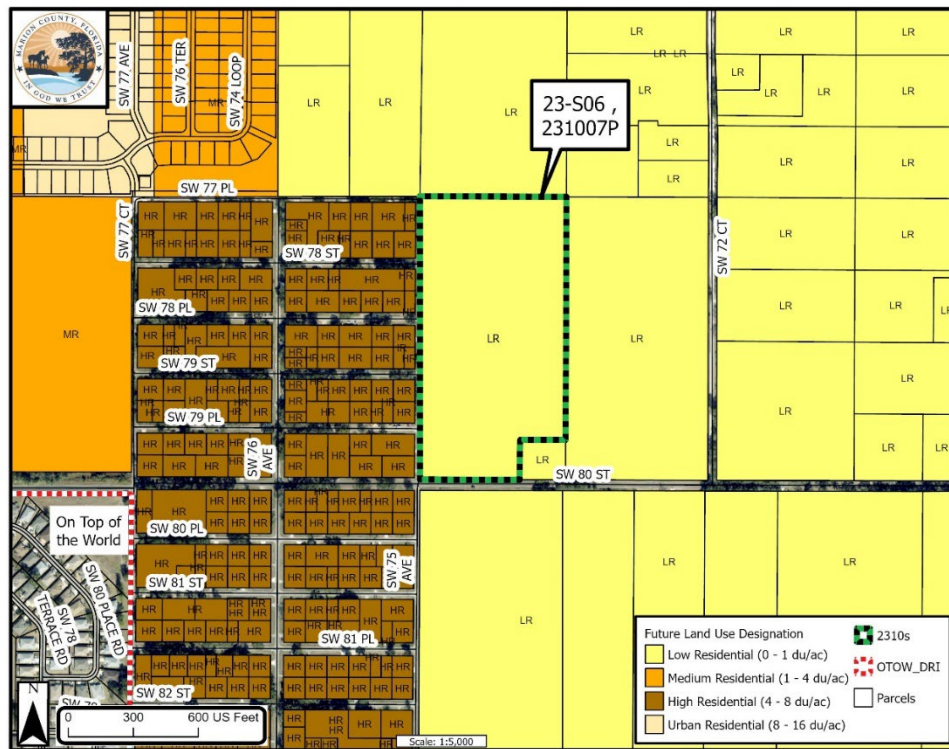


Figure 4
Zoning Classification

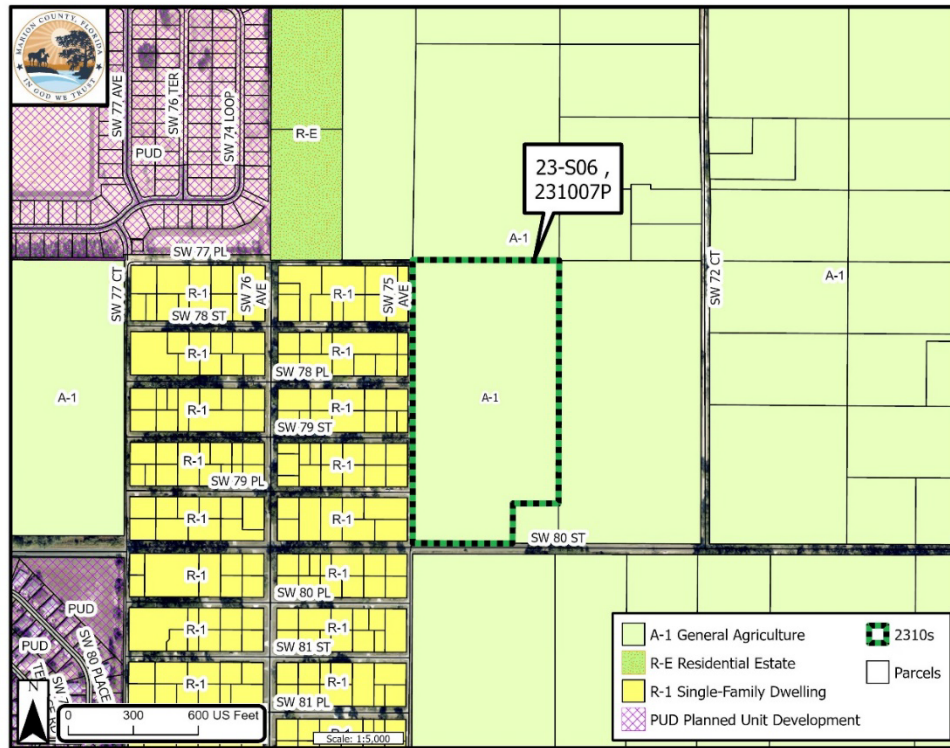


Figure 5
Proposed Zoning Re-classification

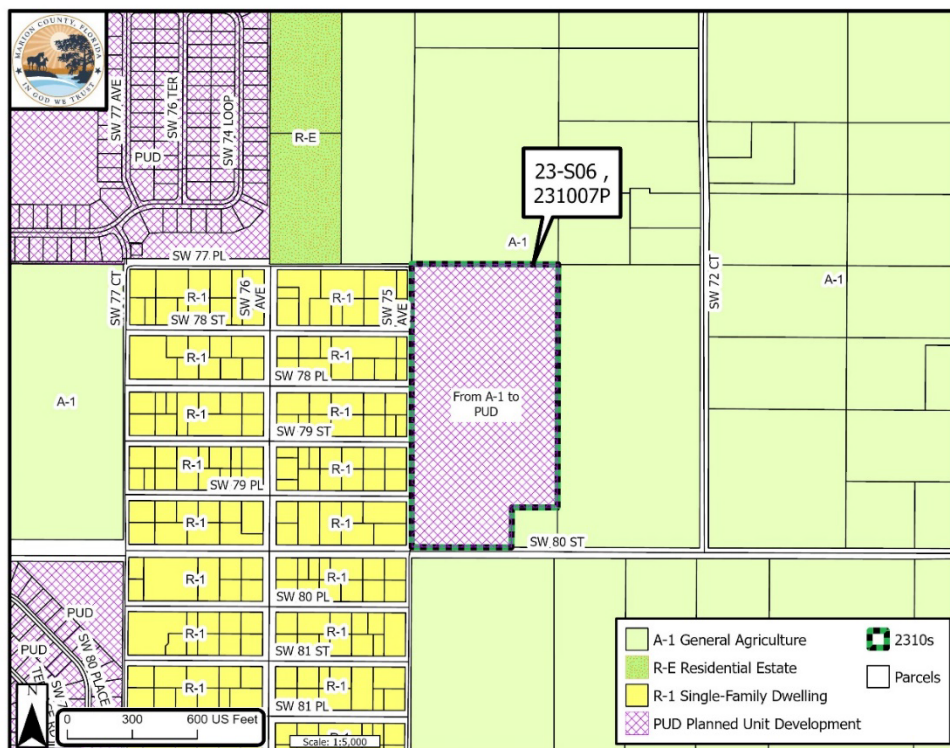


Figure 6
Existing and Surrounding Land Uses



TABLE 1 ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
North	Low Residential	General Agriculture (A-1)	Single Family
South	Low Residential	General Agriculture (A-1)	Ag Production
East	Low Residential	General Agriculture (A-1)	Ag Production
West	High Residential	Single-Family Dwelling (R-1)	Single Family

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (see Attachment C) and finds the subject property is currently vacant. The property has Medium Residential land use designation and is considered infill with ample infrastructure serving the development. Within two miles from the PUD exists a large big box store/grocery store, several other grocery stores and other retail options. To the west, adjacent, is a mostly built out single-family residential community.

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 **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 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 **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. STAFF RECOMMENDATION

Staff recommends the Board enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and **APPROVE WITH CONDITIONS** the proposed rezoning because the application:

- A. Will not adversely affect the public interest;
- B. Is consistent with the following Comprehensive Plan provisions
 - 1. FLUE Policies 1.1.5, 2.1.4, 5.1.3, and 5.1.4;
 - 2. TE: 2.1.4, 3.1, 3.1.2, and 2.2;
 - 3. SSE: 1.1.1, 1.1.3, and 1.2.1;
 - 4. PWE: 1.1.1, and 1.6.4;
 - 5. SWE 1.1.1, and 1.1.5;
 - 6. SE 1.1.4, and 1.1.5;
- 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 72 detached single-family dwelling units (one- and two-story), and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 8/2022; attached).
 - 2. The PUD shall be restricted to one-story homes along the boundaries of the project.
 - 3. Accessory dwelling units are prohibited as they are not specifically called out.

4. The PUD offers 3.63 acres of open space, meeting the minimum requirement of 3.63 acres of open space. Staff does have concern about the calculation of the open space as it appears the application may be trying to count the stormwater infrastructure at 100% rather than the LDC allowance of 25%. The application proposes a park of less than one acre with a pavilion for recreational amenities. Using Census data of 2.4 persons per household, which is the average for Marion County, at 72 dwelling units, the proposed PUD may generate 173 people. This translates into 914 SF of open space per person.
5. Buffers shall be provided as shown on the submitted conceptual plan.
6. Prior to completion and approval of the final PUD Master Plan, the project Traffic Impact Analysis shall be revised, to the satisfaction of the County Engineer and Growth Services Director, to examine both major intersections of SW 80th Street and SW 80th Ave and SW 80th Street and SR 200. Adequate provision shall be made for the coordination of improvements with the PUD.
7. Prior to completion and approval of the final PUD Master Plan, the Master Plan shall be revised to show the connection to SW 75th Ave lining up with SW 78th Street.
8. The construction route shall connect to the subject property from SW 80th Street and go toward SW SR 200. Construction traffic shall stay east of SW 75th Avenue and shall not access SW 75th Avenue.
9. An 8' multimodal path be placed along the SW 80th street right-of-way, matching the path to the west of the subject property. This path's timing may be worked out in the platting phase of the project and may be pushed until such time that SW 80th Street is widened or if a development is approved to the east of this project on SW 80th Street. *Underlined portion was added after the Planning and Zoning Commission meeting.
10. The PUD shall connect to Marion County centralized water and sewer.
11. 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.
12. Single-Family homes shall be a maximum of 40' in height. Any accessory structures shall be limited to 20'.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

APPROVE. Vote was 5-2.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

Approval with the following Conditions (4-1):

1. The PUD is restricted to a total of 72 detached single-family dwelling units (one- and two-story), and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (attached).
2. The PUD shall be restricted to one-story homes along the boundaries of the project.
3. Accessory dwelling units are prohibited as they are not specifically called out.
4. The PUD shall provide 20% open space.
5. The amenities shall include a pavilion with a playground and a dog park.
6. Buffers shall be provided as shown on the submitted conceptual plan.
7. Prior to completion and approval of the final PUD Master Plan, the project Traffic Impact Analysis shall be revised, to the satisfaction of the County Engineer and Growth Services Director, to examine both major intersections of SW 80th Street and SW 80th Ave and SW 80th Street and SR 200. Adequate provision shall be made for the coordination of improvements with the PUD.
8. Prior to completion and approval of the final PUD Master Plan, the Master Plan shall be revised to show the connection to SW 75th Ave lining up with an existing east/west road to the west. The access location is subject to approval by the County Engineer. This shall be developed as a full access connection but limited to emergency use with a "yelp gate". If the emergency access is at any time restored to a fully functioning access for Villa Verde, then the residents of Villa Verde will be included in the consideration of an MSTU Assessment for the improvement of SW 75th Place.
9. The construction route shall connect to the subject property from SW 80th Street and go toward SW SR 200. Construction traffic shall stay east of SW 75th Avenue and shall not access SW 75th Avenue.
10. An 8' multimodal path be placed along the SW 80th street right-of-way, matching the path to the west of the subject property. No sidewalk is required along the western boundary ROW. This path's construction will be due when SW 80th Street is widened.
11. The PUD shall connect to Marion County centralized water and sewer.
12. 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.
13. Single-Family homes shall be a maximum of 40' in height. Any accessory structures shall be limited to 20'.

14. 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.
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- A. Rezoning application filed August 1, 2023.
 - B. DRC Minutes with DRC Rezoning Comments Letter.
 - C. Site Photos.