



**Marion County  
Board of County Commissioners**

Growth Services

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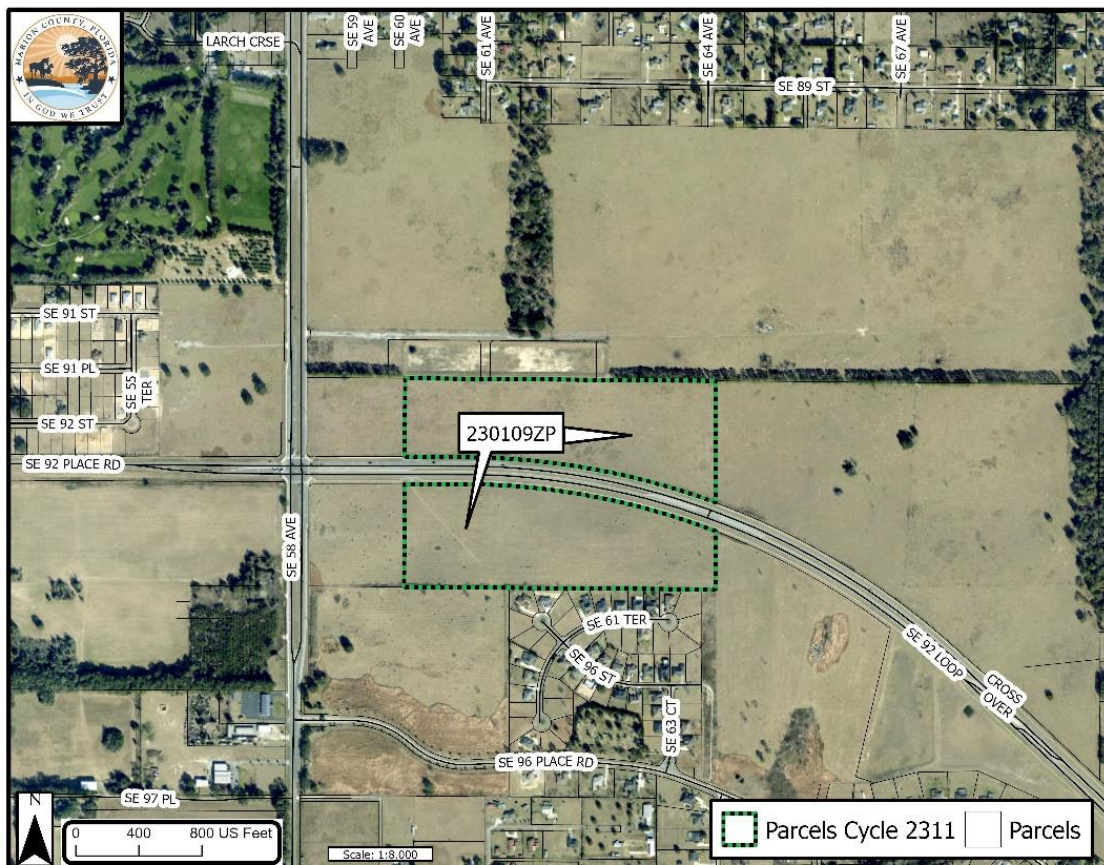
**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>Dates</b>	<b>P&amp;ZC: 04/29/2024</b>	<b>BCC: 05/21/2024</b>
<b>Case Number</b>	230109ZP	
<b>CDP-AR</b>	29265	
<b>Type of Case – Rezoning</b>	<b>From</b> Single-Family Dwelling (R-1) & Planned Unit Development (PUD, expired) <b>To</b> PUD for 304 multiple-family dwellings (north); and 58 single-family dwellings (south) totaling 362 units.	
<b>Owner</b>	Dimino Holdings Associates, LLC, as Trustee for BaseDev Land Trust, dated January 31, 2022	
<b>Applicant/Agent(s)</b>	Red Jacket Development Group, LLC; c/o Clay Frankel	
<b>Street Address / Site Location</b>	No address	
<b>Parcel Number</b>	37515-004-00 – ±25.75 Acres; 37515-004-02 - ±26.40 Acres; Total Acres: ±52.15	
<b>Property Size</b>	±52.15 acres	
<b>Future Land Use</b>	High Residential (HR)	
<b>Zoning Classification</b>	Single-Family Residential (R-1) and expired Planned Unit Development (PUD)	
<b>Overlay Zone/Scenic Area</b>	Urban Growth Boundary (UGB), in the Silver Springs Primary Protection Overlay Zone (SPPOZ)	
<b>Staff Recommendation</b>	<b>APPROVAL WITH CONDITIONS</b>	
<b>P&amp;ZC Recommendation</b>	<b>TBD</b>	
<b>Project Planner</b>	Christopher Rison AICP, Senior Planner	
<b>Historic/Related Case(s)</b>	None	

## I. ITEM SUMMARY

Clay Frankel with Red Jacket Development Group, LLC, on behalf of BaseDev Land Trust, represented by Dimino Holdings Associates, LLC, as Trustee, has filed an application to rezone a  $\pm 52.15$ -acre property on the north and south sides of SE 92<sup>nd</sup> Loop from Single-Family Dwelling (R-1)/Planned Unit Development (PUD, expired) to Planned Unit Development (PUD) (see Attachment A), pursuant to the provisions of Land Development Code (LDC) Division 2.7 – Zoning and LDC Section 4.2.31. The north part is Parcel Number (PID) 37515-004-00,  $\pm 25.75$  acres, proposed for multiple family development up to 304 dwelling units, and the south part is PID 37515-004-02,  $\pm 26.40$  acres, proposed for detached single-family residential development up to 58 dwelling units. *The application will provide for the blending of the two sites' potential future land use density in order to shift 93 of the potential dwelling units from the south side of SE 92<sup>nd</sup> Loop to the north side of SE 92<sup>nd</sup> Loop.* The parcels are directly across SE 92<sup>nd</sup> Loop from each other and neither parcel is developed nor has an assigned address at this time. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated in the County's Silver Springs Primary Protection Overlay Zone (SSPPOZ), within the Urban Growth Boundary (UGB), and within the City of Belleview's Utility Service Area established via interlocal agreement with Marion County and the City of Belleview.

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the applicant's request because it is consistent with LDC Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, that the rezoning is consistent 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 proposed PUD will not adversely affect the public interest based upon the intensity of use, consistency with the Comprehensive Plan, and compatibility with the surrounding uses.

## III. NOTICE OF PUBLIC HEARING

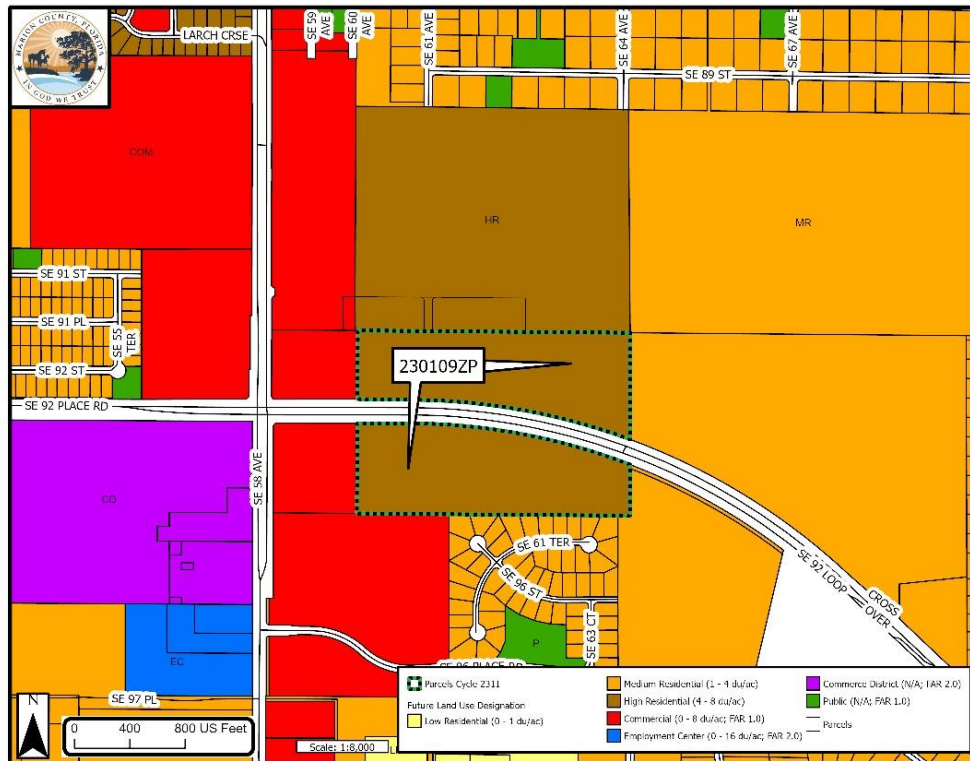
Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (23 owners) within 300 feet of the subject property on April 12, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject on April 19, 2024 consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on April 15, 2024. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

## IV. ANALYSIS

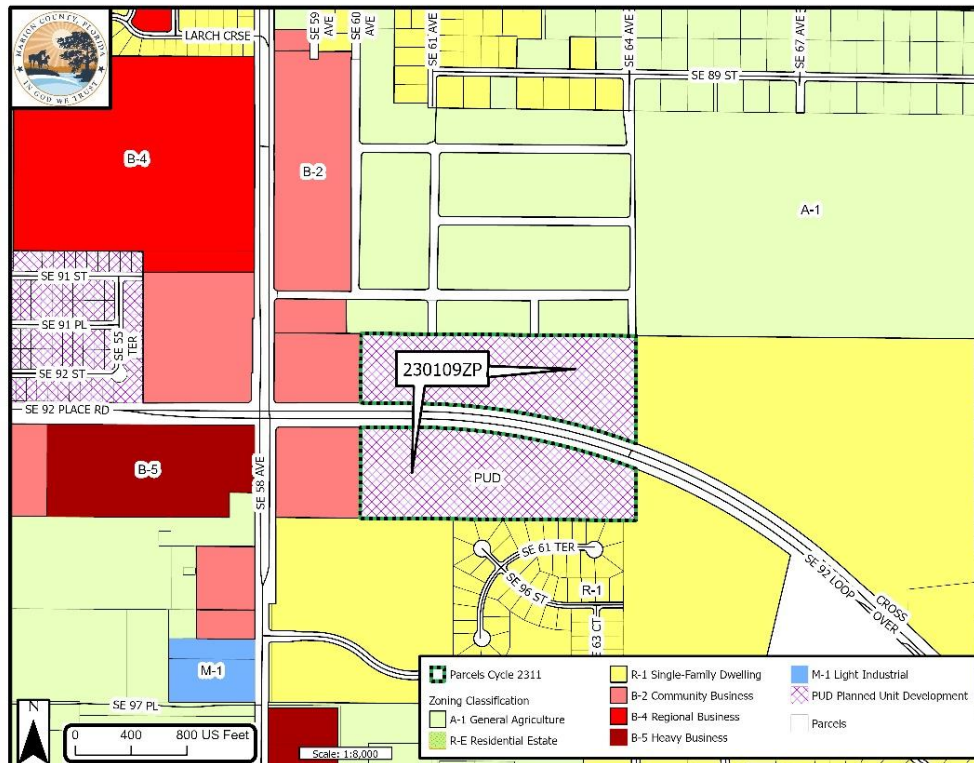
LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and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

- A. *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. Figure 2 displays the site and surrounding areas' future land use designations as shown in Map 1 of the Comprehensive Plan Future Land Use Map Series (FLUMS), Figure 3 displays the site's proposed zoning and surrounding properties' existing zoning classifications. Figure 4 shows the uses of the subject property and surrounding properties as classified by the Marion County Property Appraiser's (MCPA) data property use code. Table A displays the information from Figures 2, 3, and 4 in tabular form.

**Figure 2  
FLUMS Designation**



**Figure 3  
Proposed Zoning Classification**



**Figure 4**  
**Existing and Surrounding Land Uses**

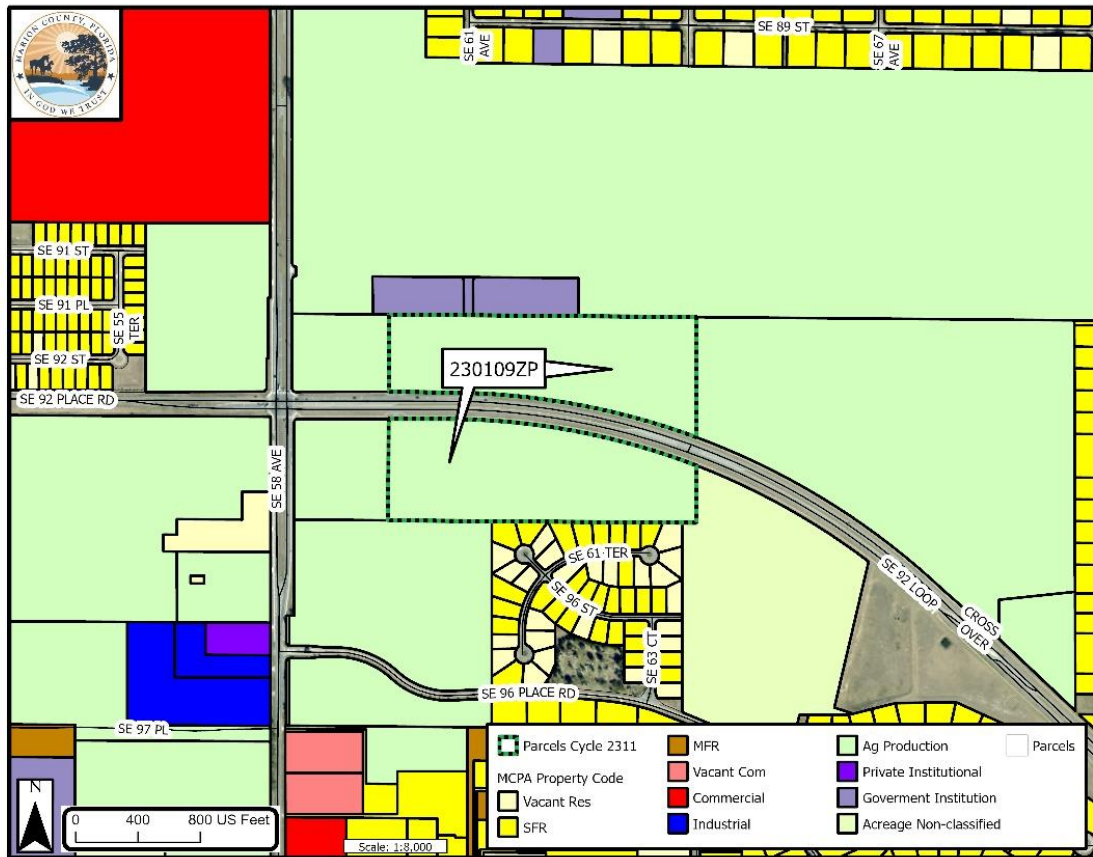


TABLE A. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use Per MCPA Property Code
<b>NORTH PARCEL</b>	High Residential (HR)	Single-Family Dwelling (R-1) / Planned Unit Dev. (PUD)	Ag Production
<b>North</b>	High Residential (HR)	General Agriculture (A-1)	Ag Production (Undeveloped part of Silver Springs Estates)
<b>South*</b>	High Residential (HR)	R-1 / Expired PUD	Ag Production
<b>East</b>	Medium Residential (MR)	Single-Family Dwelling (R-1)	Ag Production
<b>West</b>	Commercial (COM)	Community Business (B-2)	Ag Production
<b>SOUTH PARCEL</b>	High Residential (HR)	Single-Family Dwelling (R-1) / Planned Unit Dev. (PUD)	Ag Production
<b>North*</b>	High Residential (HR)	R-1 / Expired PUD	Ag Production
<b>Southwest</b>	Commercial (COM)	Single-Family Dwelling (R-1)	Ag Production
<b>Southeast</b>	Medium Residential (MR)	Single-Family Dwelling (R-1)	Fountains at Golf Park
<b>East</b>	Medium Residential (MR)	Single-Family Dwelling (R-1)	Ag Production
<b>West</b>	Commercial (COM)	Community Business (B-2)	Ag Production

\*The referenced directions refer to the opposite parts of the site on each side of SE 92<sup>nd</sup> Loop.

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (Attachment E) and finds the subject property vacant and mostly comprised of flat, open pasture

area. The scattered trees follow various property lines, with some planted in a linear pattern as a possible windbreak. North of the north parcel is an undeveloped portion of the Silver Springs Estates Subdivision (representing  $\pm 1/3$  of the subdivision). East and west of the north parcel the lands are vacant, generally flat open field/pasture, and SE 92<sup>nd</sup> Loop forms the north parcel's south boundary. Southeast of the south parcel is the Fountains at Golf Park Subdivision (Fountains) consisting of single-family detached homes on lots  $\pm 100'$  wide. Lands west, southwest and east of the south parcel are vacant, generally flat open field/pasture, and SE 92<sup>nd</sup> Loop forms the south parcel's north boundary.

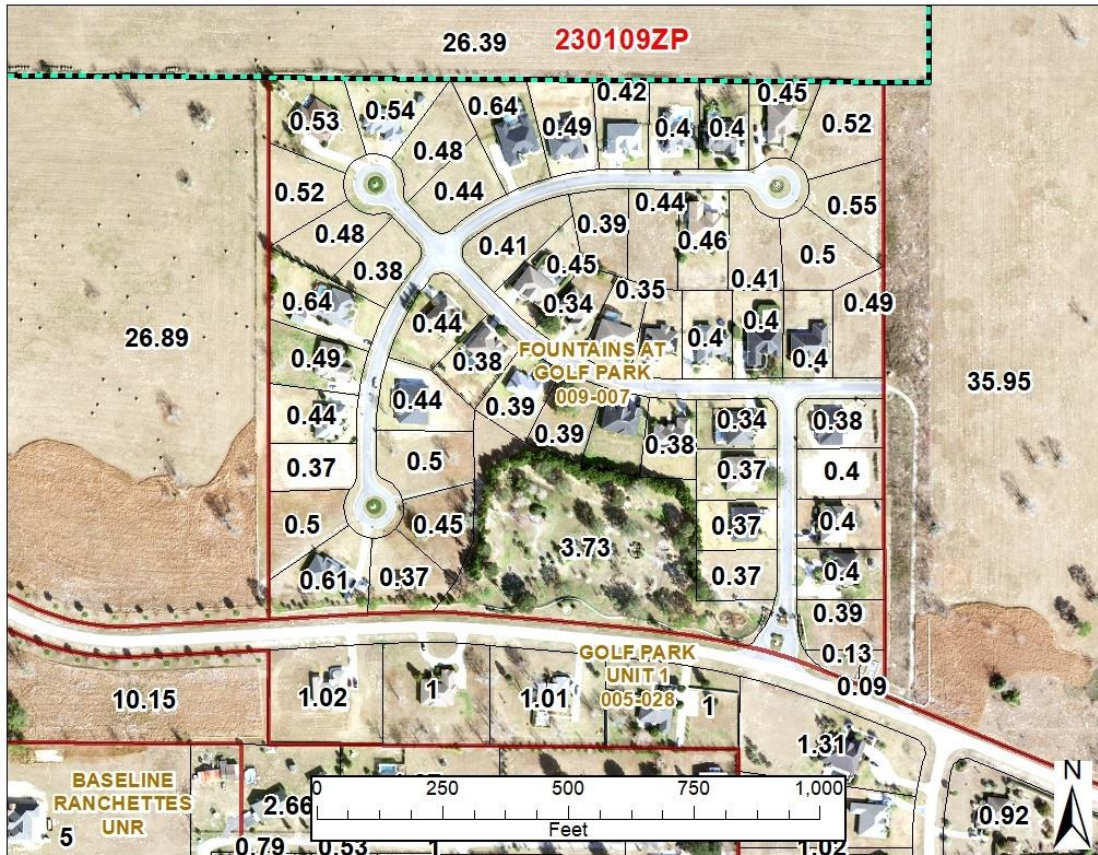
The PUD proposes different uses and specific development standards for the separate north and south portions of the PUD site. *These standards, including staff's recommendations for accessory structure allowances, are listed below in Table B.*

<b>TABLE B. PROPOSED DESIGN &amp; DEVELOPMENT STANDARDS</b>							
Development Type & Structure		Minimum		Minimum Setbacks			Maximum Height
		Width	Area	Front	Rear	Side	
<b>SOUTH PARCEL</b>  SFR** (site built or modular)	Principle Structure	90'	9,900 SF	25'	25'	7.5'	35'
	Accessory Structure	N/A	N/A	10'	10'	5'	30'
	Rear Pool & Enclosure	N/A	N/A	30'	5'	5'	30'
Accessory Structure = e.g., Add-on Screen Enclosure, or Storage Shed, etc. Rear Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc. N/A = Not Applicable **Minimum single-family dwelling square footage is 2,000 square feet.							
<b>NORTH PARCEL</b>  Multiple Family (maximum Of 2-stories)	Principle Structure	N/A	N/A	50'	35'	25'	35'
	Accessory Structure	N/A	N/A	50'	35'	25'	30'
	Pool & Enclosure	N/A	N/A	50'	35'	25'	30'
<i>Multiple family development provides development standards for the set/series of units and structures that are measured from overall PUD Boundary. Additionally, individual structures shall comply with applicable Florida Building Code Standards regarding building separations from other buildings and building site property lines, along with applicable site plan requirements for multiple family uses.</i>							
Accessory Structure = e.g., Clubhouse, shade/picnic/bbq pavilion, maintenance/storage building, detached residential unit garages. Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc. N/A = Not Applicable							
<b>Gross Maximum Residential Units:</b> TOTAL DWELLING UNITS: 362. <b>South Parcel:</b> 58 single-family detached residential units on individual lots. <b>North Parcel:</b> 304 multiple family dwelling units on a single overall site.							

Single-family detached residential lots are proposed on the souther PUD portion that adjoins the Fountains, the PUD proposes a minimum lot width of 90' with a minimum lot size of 9,900 square feet (SF) or  $\pm 0.22$  acres. Lots within the

Fountains are typically ±100' wide and range from 0.34 to 0.65 acres in size are are illustrated in Figure 5, following.

**Figure 5**  
**Existing and Surrounding Land Uses**



For the northern PUD portion, all surrounding properties are currently vacant and undeveloped. Proposed development standards are based on the overall PUD property boundary for the northern parcel and its proposed multiple-family use. The height limitations proposed are generally consistent with the requirements of LDC Section 4.2.31 regarding PUD heights related to adjacent development, wherein structures will be limited to 2-story heights.

The proposed buffers comply with, or exceed, those required by LDC. For the southern single-family portion of the PUD, a Type-E Buffer is proposed along the south and east boundaries where the LDC does not require a buffer between new and existing single-family development. Staff finds the buffers proposed by the developer are appropriate and offer increased mitigation by providing a supplemental buffer effect to existing adjoining single-family residential to the east and south of the south PUD parcel.

*Table C below summarizes the PUD's proposed and staff's recommended buffers for the PUD:*

TABLE C. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
<b>NORTH PARCEL</b>				
<b>North</b>	AG/Grazing Land	Type "E"	Type "E"	<b>Type "E"</b>
<b>South</b>	ROW	Type "C"	Type "C"	<b>Type "C"</b>
<b>East</b>	Proposed ROW	Type "C"	Type "C"	<b>Type "C"</b>
<b>West</b>	Commercial	Type "A"	Type "A"	<b>Type "C"</b>
<b>SOUTH PARCEL</b>				
<b>North</b>	ROW	Type "C"	Type "C"	<b>Type "C"</b>
<b>South</b>	Residential	None	Type "E"	<b>Type "E"</b>
<b>East</b>	Residential	None	Type "E"	<b>Type "E"</b>
<b>West</b>	Commercial	Type "A"	Type "A"	<b>Type "A"</b>

Based on the above findings, staff concludes the proposed rezoning is **compatible** with the existing and future surrounding land uses, and with conditions set in place by staff, any chance of incompatibilities will be mitigated.

B. *Effect on public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways.
    - 1) Access – North PUD Part. Access to the PUD’s south part will be provided at the east end of the site where a full median crossing exists on SE 92<sup>nd</sup> Place. A second access to SE 92<sup>nd</sup> Loop will be provided via cross-access from the Commercial designated and zoned property to the west. That cross-access routing is the result of negotiations between the PUD property owner and the adjoining property owner to move an existing driveway access aligning with the PUD site to the west to provide direct access to the commercial development of that site while maintaining cross-access to the PUD consistent with the LDC.
    - 2) Access – South PUD Part. Access to the PUD’s north part will be provided at the west end of the PUD, and staff notes a similar westward shift of the existing driveway access point, like that done for the south, may be proposed through the development review process. *Staff recommends enabling such a shift, subject to the PUD retaining and establishing the cross-access connection to SE 92<sup>nd</sup> Loop as part of the project’s development.* A second access is proposed at the east end of the PUD where a full median crossing for SE 92<sup>nd</sup> Loop is available. Further, the east end of the PUD site aligns with an extension route for SE 64<sup>th</sup> Avenue that would connect with SE 92<sup>nd</sup> Loop at the existing median opening to complete a roadway route parallel to SE 58<sup>th</sup> Avenue consistent with LDC Section 6.11.4.C(1) as SE 64<sup>th</sup> Avenue corresponds with a quarter-section line. The PUD proposes full conveyance of the final SE 64<sup>th</sup> Avenue right-of-way

segment to the County while proposing only constructing a portion of the right-of-way north from SE 92<sup>nd</sup> Loop to a point where the future residents would turn left to enter the PUD's future driveway access. The LDC ordinarily requires full construction of conveyed right-of-way; however, *staff supports approval of the alternative arrangement as stated as this PUD approval provides for the density eligibility for the right-of-way acreage, consistent with LDC Section 6.12.2.C(2), with the condition that the right of way conveyance must occur within 120 days of obtaining this PUD approval.*

- 3) Trip Generation. The applicant submitted and obtained approval for a Traffic Methodolgy (AR# 30695) and a subsequent initial Traffic Impact Analysis (TIA, AR# 30894). Subsequently, the applicant submitted a revised TIA to correspond to revisions to the proposed Conceptual Plan (See Attachment C). The revised TIA is undergoing review, however, a preliminary staff review of the revised TIA indicates the findings are consistent with the methodology and appropriate for the project. Table D following provides the PUD's projected trip generation amounts. The revised TIA has identified that no level of service roadway deficiencies will result from the project's build-out, but does note that a PM Peak Hour level of service deficiency is expected for a segment of SE 58<sup>th</sup> Avenue between SE 92<sup>nd</sup> Loop and SE 110<sup>th</sup> Street due to existing background traffic growth and not due to the project.

**TABLE D. TRIP GENERATION TABLE**

ITE Code	Land Use	Size (DU)*	Daily		A.M. Peak Hour				P.M. Peak Hour			
			Rate**	Trips	Rate**	Enter	Exit	Total	Rate**	Enter	Exit	Total
220	Multifamily	304	6.56	2,024	0.385	28	89	117	0.50	95	56	151
210	Single Family Detached	58	10.54	611	0.78	12	33	45	1.03	38	22	60
<b>Total Trips:</b>				<b>2,635</b>	<b>----</b>	<b>40</b>	<b>122</b>	<b>162</b>	<b>----</b>	<b>133</b>	<b>78</b>	<b>211</b>

\* DU = Dwelling Units

\*\* R<sup>2</sup> > 0.75, therefore Equations used

- b. Public transit. There are no fixed route services available in this area.
- c. Other mobility features. The PUD Conceptual plan shows sidewalks internally throughout the north and south portions of the PUD for each portion of the PUD. Connection to the existing sidewalk along SE 92<sup>nd</sup> Loop is also indicate. No sidewalk is shown along the SE 64<sup>th</sup> Avenue improvements, however, staff recommends the Developer will be responsible for the construction of a sidewalk along the portion of future SE 64<sup>th</sup> Avenue constructed to provide the site's eastern access point, consistent with the LDC where the developer is responsible for the SE 64<sup>th</sup> Avenue improvements.

Based on the above findings, it is concluded the application's proposed transportation impacts, **would not adversely affect public interest subject to appropriate development conditions**. If the PUD zoning change is approved, staff recommends the following conditions in order to coordinate and mitigate potential impact and development timing:

- *Internal sidewalks for the north and south PUD areas shall be provided, consistent with the PUD's conceptual plan and the internal sidewalks shall be connected to the existing sidewalks along SE 92<sup>nd</sup> Loop at their east and west limits; for the north PUD area, a sidewalk will be provided within the SW 64<sup>th</sup> Avenue right-of-way, corresponding to the PUD's constructed access to extend from the multiple family project's driveway south to SE 92<sup>nd</sup> Loop.*
  - *The SE 64<sup>th</sup> Avenue right-of-way segment to extend the existing Silver Springs Estates' undeveloped SE 64<sup>th</sup> Avenue right-of-way to SE 92<sup>nd</sup> Loop shall be conveyed to Marion County via full fee-simple title free and clear of any and all encumbrances with 120 days of approval of this PUD.*
  - *Both access points to SE 92<sup>nd</sup> Loop for both the north and south PUD portions must be completed and operational prior to obtaining final inspections for 80% of their respective residential units.*
  - *The west access point to the PUD's north part may be revised to be provided in a cross-access form connecting to the adjoining commercial property, similar in context to the west access point for the PUD's south part.*
2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on the proposed 362 residences, the rezoning would result in an overall generation of 130,320 gallons per day. DRC comments provided by Marion County Utilities indicate this development would be served by City of Belleview Utilities. As long as the applicant abides by the requirements put in place by Utilities, 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 362 residences, the proposed rezoning would result in an overall generation of 95,568 gallons per day. The DRC comments from Utilities indicate this development would be served by City of Belleview Utilities. As long as the applicant abides by the requirements put in place by Utilities, it is concluded the application's **sanitary sewer impacts would not adversely affect the public interest**.
4. Recreation. Recreation Element Policy 1.1.1 adopts a level of service standard (LOS) of two (2) acres per 1,000 persons. Based on the proposed uses, the southern 58-unit single-family residential use will generate a

demand for 0.28 acres of recreation, while the northern 304-unit multiple family residential use will generate a demand for 1.46 acres of recreation. Marion County includes a variety of local, regional, state, and national conservation and recreation lands, wherein Marion County readily complies with its recreation LOS; further PUDs are required to address open space and potential resident recreation needs, which are discussed further in this report. Based on the above, it is concluded the rezoning **recreation impacts would not adversely affect the public interest.**

5. Stormwater/drainage. Stormwater Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development site. There are no FEMA Special Flood Hazard Areas, while a small on-site Flood Prone area (< 0.5 ac) has been identified by Marion County. Stormwater engineering's remarks (See Attachment D) note that the project's stormwater management system will be reviewed as part of the Improvement Plan/Majore Site Plan stage of review. As noted by stormwater, site development will be subject to full stormwater review including compliance with LDC. Therefore, the application **would not adversely affect the public interest.**
6. 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. For the single-family residential portion of the PUD, the estimated solid waste demand will 863 lbs/day; such residences would be subject to Marion County's current Solid Waste Municipal Service Benefit Unit (MSBU) Assessment Program. Staff notes solid waste collection for multiple-family development is typically addressed similar to non-residential development through the use of commercial collection services using central dumpster and/or compactor facilities. 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.**
7. Fire rescue/emergency services. Belleview Fire Station #18, located at 11941 SE 55<sup>th</sup> Avenue Road, Belleview, ±3.4 miles south/southeast of the subject property. Formally, there is no established LOS provided for emergency services. It is concluded the application's **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The Sheriff's South Multi-District Substation, located at 83260 SE 80<sup>th</sup> Street Ocala FL 34470, is roughly 3.9 miles northwest of the subject property. Due to the proximity of the facility, it is concluded the application's **law enforcement impacts would not adversely affect the public interest.**

9. Public schools. The proposed PUD may generate student populations as a residential use. Based on 58 single-family dwellings and 304 multiple family residential apartment units, a total of 39 elementary students, 17 middle school students, and 18 high school students may be generated. Local school zones potentially affected include Belleview-Santos Elementary School (currently 593 students are enrolled with a capacity of 655 students for an individual school utilization rate of 91%), Belleview Middle School (currently 1,479 students are enrolled with a capacity of 1,240 students for an individual school utilization rate of 119%), and Belleview High School (currently 1,662 students are enrolled with a capacity of 1,523 students for an individual school utilization rate of 109%). While there are areas of localized overcrowding within the county, overall, Marion County Public Schools (MCPS) currently has sufficient district-wide capacity; further, MCPS is examining school capacities and is currently undertaking the construction of new public schools, including new elementary schools. Therefore, the application's public-school impacts **would not adversely affect the public interest.**

In conclusion, staff finds the proposed rezoning **will not adversely affect the public interest** as proposed and recommended, as the potential impacts will be addressed by the proposed PUD development conditions.

C. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.3 Accommodating Growth: The County shall designate on the Future Land Use Map sufficient area in each land use designation to distribute development to appropriate locations throughout the county. Changes to the Future Land Use Map shall be considered in order to accommodate the existing and projected population and its need for services, employment opportunities, and recreation and open space while providing for the continuation of agriculture activities and protection of the environment and natural resources.

**Analysis:** The development proposed is utilizing the already existing High Residential (HR) land use and is located within the Urban Growth Boundary which is the desired location for this kind of development and is considered to be an infill-type project. The subject site also offers easy access to Ocala, Belleview, Summerfield, and The Villages which makes it desirable, additionally, the site is in the vicinity of two evolving employment centers including the Baseline Commerce Center and Silver Springs Shores Commerce Center. Staff concludes the proposed rezoning is **consistent** with FLUE Policy 1.1.3.

2. FLUE Policy 2.1.19 High Residential (HR): This land use designation is intended to recognize areas suited for a mixture of single-family and multi-family residential units in existing and new development that is located within the UGB or Urban Area. The density range shall be four (4) dwelling units to eight (8) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area Land Use.

**Analysis:** Staff finds the property is located in a residential area of High and Medium Residential (MR) land uses; surrounding subdivisions include Silver Springs Estates, Leeward Air Ranch, Golf Park, Summercrest, and Silver Springs Shores. The PUD proposes developing 362 (87%) of a possible 417 residential dwelling units, including shifting approximately 93 dwelling units from the southern PUD parcel to the northern PUD parcel to provide for varied development densities while also providing a reduced density to maintain compatibility with the adjoining Fountains at Golf Park Subdivision. The proposed PUD is consistent with the HR land use designation's minimum and maximum density and is located within the UGB where a variety of urban services are available. As recommended, staff concludes the proposed rezoning **is consistent** with FLUE Policy 2.1.19.

3. FLUE Policy 3.1.2: Planning Principles with UGB. The County shall implement long-term planning principles to guide the creation of land use policy and development regulations within the County, which shall be implemented through the policies contained in the County Comprehensive Plan and as further defined in the LDC. These principles shall include:

1. Preserve open space, natural beauty and critical environmental areas.
2. Allow for a mix of land uses to create compact residential, commercial, and employment hubs.
3. Strengthen and direct development towards existing communities and development.
4. Encourage compact and mixed use building design.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Create walkable and linked neighborhoods.
7. Create a range of housing opportunities and choices.
8. Provide a variety of transportation choices.
9. Encourage community and stakeholder collaboration.
10. Make development decisions predictable, fair and cost effective
11. Encourage interconnected development, multi-modal transportation opportunities, links to the surrounding neighborhoods, and alternative transportation routes.
12. Establish priority areas for public facility and service infrastructure

**Analysis:** The PUD proposal includes many of the planning principles listed above. The PUD is located in an area of existing communities, looks to create linked and walkable neighborhoods by providing sidewalks, and extended transportation routes for connectivity to the east and north. This PUD is also developing within an area that has appropriate utility infrastructure already in place with the City of Belleview. Staff concludes the proposed rezoning **is consistent** with FLUE Policy 3.1.2.

4. FLUE Policy 4.1.5: Review of Development and Building Permits: The County shall review all development and building permits during the development review process to ensure that new development or redevelopment is consistent and complies with all requirements of the

Comprehensive Plan, Zoning, and LDC prior to issuing final approval for development within the county.

**Analysis:** In review of the proposed development, staff finds the zoning and land use are consistent with one another and the development standards included in the conceptual plan and recommended by staff will be consistent with other development standards in place in the surrounding area. **The application is consistent** with FLUE Policy 4.1.5.

5. FLUE Policy 5.1.2: review Criteria – Changes to Comprehensive Plan and Zoning. Before approval of a Comprehensive Plan Amendment (CPA), Zoning Changes (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:
  - I. Market demand and necessity for the change
  - II. Availability and potential need for improvements to public or private facilities and services;
  - III. Allocation and distribution of land uses and the creation of mixed use areas;
  - IV. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
  - V. Agricultural activities and rural character of the area;
  - VI. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
  - VII. Consistency with the UGB;
  - VIII. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
  - IX. Compatibility with current uses and land uses in the surrounding area;
  - X. Water supply and alternative water supply needs; and
  - XI. Concurrency requirements.

**Analysis:** Staff finds the proposed rezoning demonstrates an appropriate use within a residential designated area within the UGB as it proposes residential development with a mix of single-family dwellings and multiple family dwellings. This development does not meet the requirements to be classified as urban sprawl and is consistent with the UGB. It is compatible with current uses in the surrounding area and consistent with planning principles in the Comprehensive Plan, Zoning, and the LDC. Staff finds the rezoning **is consistent** with FLUE Policy 5.1.2.

6. 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 Zoning Change amendment is scheduled for the April 29, 2024 Planning and Zoning Commission and, therefore, the application **is consistent** with this FLUE Policy 5.1.3.

7. 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:** An initial PUD Traffic Methodology and Traffic Impact Analysis (TIA) were provided, and a revised TIA is undergoing staff review to reflect revisions to the concept plan. The revised TIA notes a total of 162 AM Peak Hour Trips and 211 PM Peak Hour Trips, with a total of 2,635 daily trips are projected. The PUD buildout is not projected to cause any level of service failures. *Staff recommends that upon the completion of review and approval of the revised TIA the PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the TIA with any improvements being completed in a manner and timeline approved by the County Engineer.* Based on the above findings and prior recommendation, it is concluded the application is **consistent** with TE Policy 2.1.4.

- *Staff recommends that upon the completion of review and approval of the revised TIA by the County Engineer, the PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the TIA, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.*

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:** As previously noted, the north part of the PUD will provide a right-of-way dedication to enable the extension of SE 64<sup>th</sup> Avenue south from Silver Springs Estates to SE 92<sup>nd</sup> Loop. The PUD developer will then be responsible for constructing the road improvements north from SE 92<sup>nd</sup> Street to north of the driveway that will turn left into the PUD. The SE 64<sup>th</sup> Avenue right-of-way will then be available for use by an additional proposed

PUD to the east of the sight, which will be required to provide for any necessary right-of-way construction to that project's entry driveway/connection. The completion of the remaining northern extent of the SE 64<sup>th</sup> Avenue right-of-way will be coordinated by the County at the time the undeveloped property representing the southern portion of the Silver Springs Estates Subdivision is constructed. Staff conducted a meeting with both applicants and they were in agreement that they would work together to construct the shared right-of-way; a condition is being placed on the PUD to affirm this. Based on the above findings, staff concludes the application is **consistent** with TE Objective 2.2.

- *The PUD developer shall work and coordinate with the developer of the adjoining PUD to the east (240502ZP) to construct the portion of SE 64<sup>th</sup> Avenue to be used by both PUD's. If Ocala 85 develops first, they will be responsible for developing SE 64<sup>th</sup> Avenue from SE 92<sup>nd</sup> Loop up to the point that where that PUD will access SE 64<sup>th</sup> Avenue. If Ocala 85 develops after Basedev Land Trust, they will be responsible for developing the portion of road from Basedev Land Trust up to their proposed connection on the west side of their PUD.*

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:** The site is within City of Belleview Utilities Service Area and, according to the conceptual plan, will connect by extension of lines from their current location on Baseline Road. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.1.3.

9. 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 PUD Conceptual Plan provides that these services are available through City of Belleview Utilities and was confirmed in DRC Comments from Marion County Utilities. Based on the findings, it is concluded the application is **consistent** with SSE Policy 1.2.1.

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:** Water to be provided by City of Belleview Utilities. Based on the above findings, it is concluded the current application is **consistent** with PWE Policy 1.6.4.

11. 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.

12. SE Policy 1.1.5 provides “Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.”

**Analysis:** The applicant 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.

## V. 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:** The conceptual plan proposes single-family residential homes, a use consistent with the land use and with development standards similar to those of our residential zoning classifications.

Based on the above, staff concludes the application **is consistent** with this section.

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 application does not propose any SUP. Therefore, this requirement is **not applicable**.

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 a new PUD request and that 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:** Proposed uses are called out within the conceptual plan, to include single-family residential and multiple family residential uses with corresponding development standards and maximum development amounts. As such, the PUD is **consistent** with this requirement.

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

**Analysis:** The northern part of the PUD proposes multiple family residential development as a series of 2-story apartment buildings including 2-3 bedroom apartments, with architectural elevations provided as part of the concept plan (Attachment B). Amenities proposed include two clubhouse structures, however specific clubhouse space/uses have not been specified nor has a minimum square footage been proposed. A minimum 1,000 SF pool with minimum 3,000 SF deck is proposed along with a shade pergola for over a portion of the deck.

The southern part of the PUD proposes single-family residential lots/homesites requiring a minimum residential square footage of 2,000 SF, but does not provide for specific architectural elevations at this time. Amenities proposed includes a Recreation/Park at the eastern end of the PUD to include a shade pavilion (20' x 30'), BBQ spaces with benches and tables, and a 90' x 120' "mini-soccer field" and a dog walk area.

*Staff recommends the PUD amenities be provided as set forth in Table E below to include those proposed for the PUD and other items of recent concern to Marion County:*

<b>TABLE E. Minimum PUD Amenities</b>	
<b>PUD Area</b>	<b>Required Minimum Amenities</b>
<i>North PUD Area</i>	<i>Clubhouse 1/Office 1 – Minimum of 1,200 SF Clubhouse 2/Fitness – Minimum of 1,200 SF Pool – minimum of 1,000 SF surface area Pool deck – minimum of 3,000 SF Pool deck shade pergola – minimum of 600 SF Access controlled dog park/area</i>
<i>South PUD Area</i>	<i>Recreation/park area at east end of PUD Shade pavilion – minimum 600 SF BBQ spaces (minimum of 2) with shade pavilion 90' x 120' Mini-soccer field</i>

As recommended, staff finds the application to **be consistent** with this section of code as recommended.

- 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 ±52.15 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 Comprehensive Plan Future Land Use Designation(s) for the site, along with any density or intensity bonuses and/or transfers acquired for the site as enabled by the Comprehensive Plan and the LDC; however, if the PUD site is vested for a higher density/intensity as established consistent with the Comprehensive Plan and the LDC, the PUD may propose densities and/or intensities consistent with the vested status.

**Analysis:** The PUD Plan indicates this site will accommodate the creation of 362 residential dwelling units. Based on the size of the parcel and High Residential land use, this PUD **complies** with the corresponding minimum and maximum densities.

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:** The PUD plan is within the density provided by its existing land use and will be served by central water and sewer services. Additionally the requested development is similar and compatible to that of the surrounding subdivisions. Based on this information, staff believed 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.

**Analysis:** Staff finds the application does not propose any density/intensity increase through comprehensive plan amendment. Thus, staff concludes this section is **not applicable**.

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

**Analysis:** Staff finds the subject property is entirely High Residential land use and does not propose any sort of blending. Staff finds 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:** Under the site's High Residential land use designation, the overall PUD is eligible for 417 dwelling units. The PUD proposed to use 362 dwelling units, representing 86% of the potential dwelling units. The PUD further proposes blending the potential development density to shift 93 of the potential dwelling units from the south part of the PUD to be developed in the north part of the PUD. The resulting density of the south part of the PUD will be 2.2 dwelling units per acre, while the density of the north part of the PUD will be 11.8 dwelling units per acre. Staff finds this proposal is **consistent** with this section.

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

**Analysis:** Staff finds the PUD proposes setbacks similar to those seen in traditional comparable residential zonings and staff has further recommended some refinements related accessory structures. As such, the PUD is **consistent** with this section.

- 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 to 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:** As previously noted, the PUD proposes a series of buffers along the site's boundaries that meet and/or exceed those required by the LDC. Staff finds the buffers provided by the applicant are **consistent** with this section.

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:** Paved access is proposed and required for the single-family and multiple family development. Additionally, the PUD's access points will connect directly to SE 92<sup>nd</sup> Loop, use cross-access options, and provide for the conveyance and partial construction for an extension of SE 64<sup>th</sup> Avenue to complete a parallel route to SE 58<sup>th</sup> Avenue that will serve the PUD, another PUD to the east, and the future build out or redevelopment of part of the Silver Springs Estates Subdivision. As such, staff finds the application is **consistent** with this provision, **as recommended elsewhere in this report**.

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:** The PUD Plan shows internal access provided by sidewalks throughout the subdivision. Sidewalks external to the project are already existing on this portion of SE 92<sup>nd</sup> Loop. **Staff has recommended a development condition**, and as such, staff finds the application is **consistent** with this provision.

3. LDC Section 4.2.31.E.(1)(c) provides the PUD shall include multi-modal design accommodating pedestrian, bicycle, transit, and vehicular access focusing on integrating the modes with the proposed PUD uses and expected activity levels and/or focus (e.g., employment, residential, institutional, etc.).

**Analysis:** The PUD Plan shows internal sidewalks as previously noted. Staff has recommended a development condition (above), and as such staff finds the application is **consistent** with this provision.

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:** The PUD does not propose deviations from single-family design parking standards. The concept plan further indicates the multiple family residential portion of the PUD will provide on-site parking and staff has further recommended accessory structure setback references in the even detached garages for the multiple family residential are proposed. Final parking designs will be required to fully accommodate off-street parking consistent with the requirements per the LDC. The clubhouse area also will also required addressing parking with final site plan consideration particularly in relation to ADA accessibility needs, as such the plan is **consistent** with this provision.

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:** Central water & sewer service are addressed on the PUD Plan, and notes from Utilities corroborate that City of Belleview will be providing these. As such, the plan is **consistent** with this provision.

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 with this Code.

- a. LDC Section 6.13.2 addresses the minimum requirements for stormwater management.
- b. LDC Section 6.13.3 addresses four different types of stormwater management facilities.

**Analysis:** On the DRC Comments Letter, the Stormwater division of the Office of the County Engineer notes that a final stormwater plan will be required through subsequent development review processes (Attachment D). The PUD proposes a series of private retention areas to serve respective portions of the site estimated to contain the 100 year 24-hour post storm event. Stormwater review during the Development Review phase will verify the size and depth of the retention areas needed to serve the development and the operational capacity of the proposed systems.

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.
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 any easements required for maintenance and upkeep of the PUD infrastructure will be determined during the Development Review phase of the process with buildable areas and easements finalized and/or determined during the Major Site Plan and/or Improvement Plan/Final Plat development review processes.

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:** The PUD proposes various setbacks and heights along with staff recommended adjustments as previously noted. Staff finds the PUD will be **consistent** with this section.

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 PUD proposes various setbacks and heights along with staff recommended adjustments as previously noted. Staff finds the PUD will be **consistent** with this section.

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:** Detailed building separations for the north multiple family part of the PUD; however, such details will be required by the site's final development review plans. As noted, building separations are also subject to building and fire safety codes which allow some design and construction flexibility. As such, staff recommends a development condition to ensure the PUD will be **consistent** with this section.

- *Building separations shall meet all requirements placed on development by Building and Fire Safety codes.*

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.
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.

3. LDC Section 4.2.31.E.(4)(b) addresses PUD heights in relation to dissimilar uses.

**Analysis:** The PUD proposes a maximum building height of 35' for the single-family and multiple family development. An illustration of the multiple family was provided for further reference. As previously reviewed and recommended by staff, the PUD Plan provides a maximum building height limit of 2-stories not to exceed 35' for the single-family development adjoining other single-family development. As such the PUD will be **consistent** with this section.

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.).
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.
3. LDC Section 4.2.31.E(5)(c) provides all outdoor lighting shall be provided consistent with the provisions of Section 6.12.14 and Division 6.19.

**Analysis:** The PUD Plan does not display the location of exterior lighting. As such, *staff recommends the PUD site comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.*

- *PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.*

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:** Buffers have been addressed previously in this report. They **meet and/or exceed** LDC requirements.

J. LDC Section 4.2.31.E(7) addresses open space.

1. LDC Section 4.2.31.E.(7)(a-c) 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.

**Analysis:** The PUD site has a High Residential FLUMS designation and does not propose a Rural Land Residential Cluster or Hamlet, therefore this section of the LDC 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:** The PUD plan provides open space calculations; the required 20% minimum being 10.11 acres and the total provided (including recreation spaces, open space, and buffers, but including any DRAs at this time) being 10.61 acres, or 21% of the site, **consistent** with this section.

3. LDC Section 4.2.31.E.(7)(c) establishes the following design guidelines for open space:
  - a. 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 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 PUD site and improved open spaces shown **meet the design guidelines** provided.

- 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 similarly 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. (1 and 2) Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space 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:** Based on the eligibility standards provided, the proposed PUD **meets and exceeds** minimum Improved Open Space requirements.

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

**Analysis:** The PUD site does not propose any commercial use areas, therefore this section of the LDC is **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:** A pre-application meeting was conducted. 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.

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 currently meet the minimum requirements for submission and **is consistent** with this provision.

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 initially considered the application at their November 14, 2022 meeting and recommended transmittal of the site for PUD consideration, subject to review comments and any final development conditions.

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:** As the PUD Application was accompanied by a Conceptual Plan, a subsequent development plan(s) will be required as noted by this provision.

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:** With respect to the wishes of our Board of County Commissioners, final development plans for PUDs are to be brought back in front of the Board for final action.

- *The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second submittal.*

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

**Analysis:** Staff finds that only a conceptual plan was submitted for consideration.

M. LDC Section 4.2.31.J addresses PUD time limits and provides:

1. The Board may establish time limits for the submittal of a master plan, major site plan, preliminary plat, or final plat for the development of an approved conceptual plan.
2. Any such time limits may be extended by the Board for reasonable periods upon the petition of the developer for an amendment to the conceptual plan

and based upon good cause, as determined by the Board; provided that any such extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval, or other development order. If time limits contained in the approved development plan are not completed or not extended for good cause, no additional permits will be approved.

3. Time limits for completion and close out of master plans, major site plans, preliminary plats, and final plats once approved shall be according to Article 2 of this Code Review and approval procedures.

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

- N. LDC Section 4.2.31.K addresses PUD amendments.

**Analysis:** This application is for the initial PUD approval and, consequently, this section is **not applicable**.

## 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 Planning & Zoning Commission to **APPROVE with conditions** the proposed rezoning because the application:

- A. **Will not adversely** affect the public interest based upon impacts to the surrounding area;

- B. **Is consistent** with the following Comprehensive Plan provisions
1. FLUE Policy 1.1.3, 2.1.19, 3.1.2, 4.1.5, 5.1.2, 5.1.3, 5.1.4
  2. TE Policy 2.1.4, and Objective 2.2,
  3. SSE 1.1.1, 1.1.3, 1.2.1
  4. PWE 1.1.1, 1.6.4
  5. SWE 1.1.1
  6. SE 1.1.4, 1.1.5
- C. **Is compatible** with the surrounding uses due to the similarly proposed intensity and type of residential development being requested.

If Planning & Zoning Commission chooses agree with staff's recommendation, the following development conditions are proposed to mitigate negative impacts to the surrounding area:

1. The PUD shall be developed consistent with the PUD Concept Plan, as revised, and the development conditions provided with this approval.
2. The PUD shall comply with the following design and development standards listed in Table B below:

<b>TABLE B. PROPOSED DESIGN &amp; DEVELOPMENT STANDARDS</b>							
Development Type & Structure		Minimum		Minimum Setbacks			Maximum Height
		Width	Area	Front	Rear	Side	
<b>SOUTH PARCEL</b>  <b>SFR**</b> (site built or modular)	Principle Structure	90'	9,900 SF	25'	25'	7.5'	35'
	<u>Accessory Structure</u>	<u>N/A</u>	<u>N/A</u>	<u>10'</u>	<u>10'</u>	<u>5'</u>	<u>30'</u>
	<u>Rear Pool &amp; Enclosure</u>	<u>N/A</u>	<u>N/A</u>	<u>30'</u>	<u>5'</u>	<u>5'</u>	<u>30'</u>
Accessory Structure = e.g., Add-on Screen Enclosure, or Storage Shed, etc. Rear Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc. N/A = Not Applicable **Minimum single-family dwelling square footage is 2,000 square feet.							
<b>NORTH PARCEL</b>  <b>Multiple Family (maximum Of 2-stories)</b>	Principle Structure	N/A	N/A	50'	35'	25'	35'
	<u>Accessory Structure</u>	<u>N/A</u>	<u>N/A</u>	<u>50'</u>	<u>35'</u>	<u>25'</u>	<u>30'</u>
	<u>Pool &amp; Enclosure</u>	<u>N/A</u>	<u>N/A</u>	<u>50'</u>	<u>35'</u>	<u>25'</u>	<u>30'</u>
<i>Multiple family development provides development standards for the set/series of units and structures that are measured from overall PUD Boundary. Additionally, individual structures shall comply with applicable Florida Building Code Standards regarding building separations from other buildings and building site property lines, along with applicable site plan requirements for multiple family uses.</i>							
Accessory Structure = e.g., Clubhouse, shade/picnic/bbq pavilion, maintenance/storage building, detached residential unit garages. Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc. N/A = Not Applicable							
<b>Gross Maximum Residential Units:</b> TOTAL DWELLING UNITS: 362. <b>South Parcel:</b> 58 single-family detached residential units on individual lots. <b>North Parcel:</b> 304 multiple family dwelling units on a single overall site.							

3. The PUD shall comply with the PUD Development Buffers listed in Table C below:

<b>TABLE C. BUFFERS</b>			
<b>Direction</b>	<b>Adjoining Use</b>	<b>Required</b>	<b>Proposed / Recommended</b>
<b>NORTH PARCEL</b>			
<b>North</b>	AG/Grazing Land	Type "E"	Type "E"
<b>South</b>	ROW	Type "C"	Type "C"
<b>East</b>	Proposed ROW	Type "C"	Type "C"
<b>West</b>	Commercial	Type "A"	Type "A"
<b>SOUTH PARCEL</b>			
<b>North</b>	ROW	Type "C"	Type "C"
<b>South</b>	Residential	None	Type "E"
<b>East</b>	Residential	None	Type "E"
<b>West</b>	Commercial	Type "A"	Type "A"

4. The PUD amenities shall be provided as set forth in table E below:

<b>TABLE E. Minimum PUD Amenities</b>	
<b>PUD Area</b>	<b>Required Minimum Amenities</b>
<i>North PUD Area</i>	<i>Clubhouse 1/Office 1 – Minimum of 1,200 SF Clubhouse 2/Fitness – Minimum of 1,200 SF Pool – minimum of 1,000 SF surface area Pool deck – minimum of 3,000 SF Pool deck shade pergola – minimum of 600 SF Access controlled dog park/area</i>
<i>South PUD Area</i>	<i>Recreation/park area at east end of PUD Shade pavilion – minimum 600 SF BBQ spaces (minimum of 2) with shade pavilion 90' x 120' Mini-soccer field</i>

5. Internal sidewalks for the north and south PUD areas shall be provided consistent with the PUD's conceptual plan and the internal sidewalks shall be connected to the existing sidewalks along SE 92nd Loop at their east and west limits; for the north PUD area, a sidewalk will be provided within the SW 64th Avenue right-of-way corresponding to the PUD's constructed access to extend from the multiple family project's driveway south to SE 92nd Loop.
6. Upon the completion of review and approval of the revised TIA by the County Engineer, the PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the TIA, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.
7. The SE 64th Avenue right-of-way segment to extend the existing Silver Springs Estates' undeveloped SE 64th Avenue right-of-way to SE 92nd Loop shall be conveyed to Marion County via full fee-simple title free and clear of any and all encumbrances with 120 days of approval of this PUD approval.

8. Both access points to SE 92nd Loop for both the north and south PUD portions must be completed and operational prior to obtaining final inspections for 80% of their respective residential units.
9. The west access point to the PUD's north part may be revised to be provided in a cross-access form connecting to the adjoining commercial property, similar in context to the west access point for the PUD's south part.
10. The PUD developer shall work and coordinate with the developer of the adjoining PUD to the east (240502ZP) to construct the portion of SE 64<sup>th</sup> Avenue to be used by both PUD's. If Ocala 85 develops first, they will be responsible for developing SE 64<sup>th</sup> Avenue from SE 92<sup>nd</sup> Loop up to the point that where that PUD will access SE 64<sup>th</sup> Avenue. If Ocala 85 develops after Basedev Land Trust, they will be responsible for developing the portion of road from Basedev Land Trust up to their proposed connection on the west side of their PUD.
11. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
12. PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.
13. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second submittal.

## **VIII. PLANNING & ZONING COMMISSION RECOMMENDATION**

To be determined.

## **IX. BOARD OF COUNTY COMMISSIONERS ACTION**

To be determined.

## **X. LIST OF ATTACHMENTS**

- A. Rezoning Application filed November 28, 2023.
- B. Concept Plan, Revised 3-6-2024
- C. Traffic Impact Analysis, Revised 4-17-24 (re-review underway)
- D. DRC Staff Review Remarks
- E. Site & surroundings photos.