



**Marion County
Board of County Commissioners**

Growth Services

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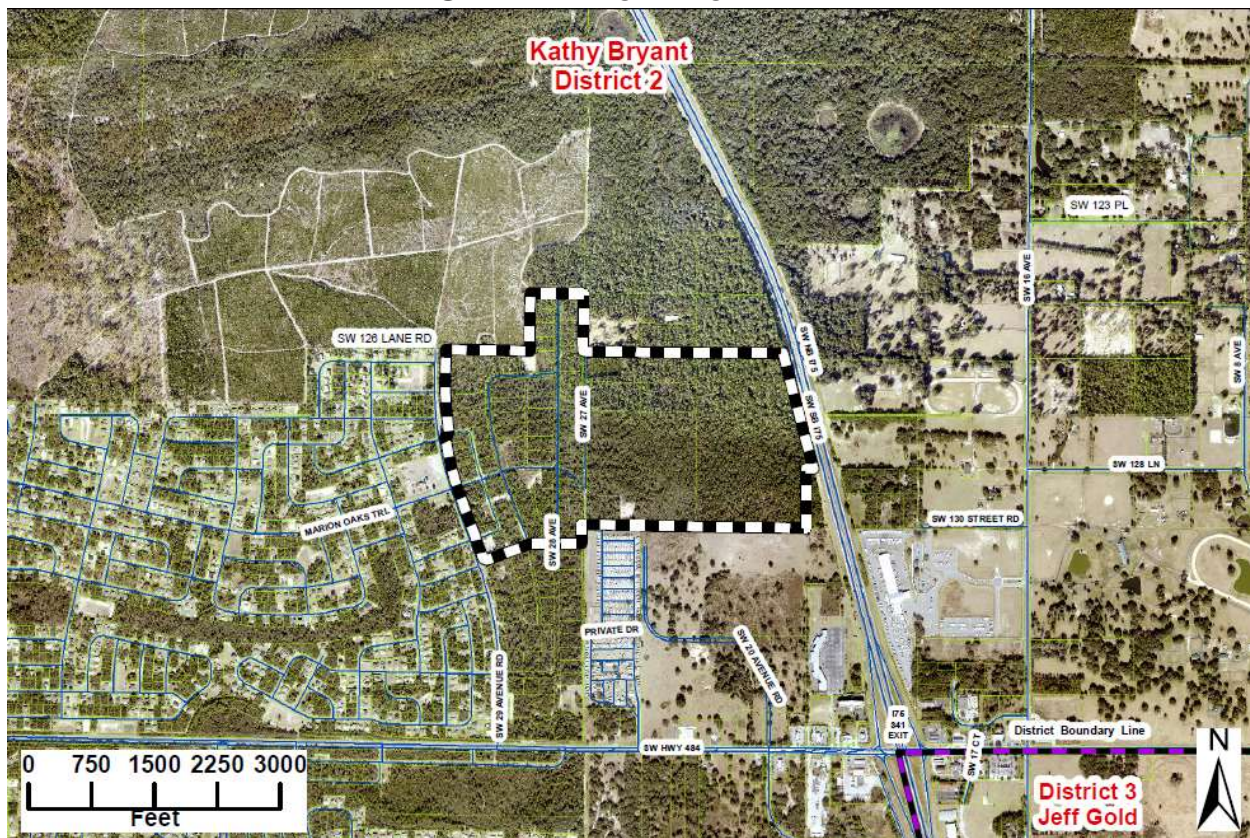
**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 11/28/2022	BCC Date: 12/20/2022
Case Number	221208ZC
CDP-AR	29234
Type of Case	Rezoning from General Agriculture (A-1), Community Business (B-2), Regional Business (B-4), and Light Industrial (M-1) to Planned Unit Development (PUD) with master plan, for intended use of industrial warehouses.
Owner	TDC Deltona Land, LLC
Applicant/Agent	W. James Gooding III, Esq.
Street Address	None assigned
Parcel Number	8007-1094-01/13, 8007-1095-01/5, 8007-1096-01/06, 8007-1097-01/06, 8007-1098-01/12, 8007-1099-02, 8007-1099-04/05, 8007-1100-01/09, 8007-1124-00/04, 8007-1130-01/04, 8007-1131-01/10, 8007-1493-01/03, 8007-0000101, 8007-1094+05, 8007-1098+01, 8007-1100+09, 8007-1131+04, 41200-004-00, 41200-011-01, 41200-034-00, 41200-035-00, 41200-036-00, 41200-037-00. (with rights of way included in 22-S20)
Property Size	228.10 acres
Future Land Use	Employment Center (EC)
Zoning Classification	General Agriculture (A-1), Community Business (B-2), Regional Business (B-4), and Light Industrial (M-1)
Overlay Zone/Scenic Area	Secondary Springs Protection zone
Staff Recommendation	APPROVE WITH CONDITIONS
P&ZC Recommendation	TBD
Project Planner	Kathleen Brugnoli, Planner II
Related Case(s)	Concurrent Future Land Use Map Series amendment (22-S20) to Employment Center

I. ITEM SUMMARY

Gooding & Batsel, on behalf of the landowner, TDC Deltona LLC, have filed an application to rezone a 228.10-acre site located directly west of I75 and 0.5 mile north of Hwy 484 from (A-1, B-2, B-4, and M-1) to Planned Unit Development (PUD) (see Attachment A) with a master plan (Attachment B). The PUD proposes three warehouse distribution centers for the property. The site is currently in individual pieces of various zonings and land uses. A concurrent land use change seeks to change the land use of the parcels to make the overall area as Employment Center (EC). Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated outside the Urban Growth Boundary (UGB) and is located within the secondary spring's protection overlay zone. However, it is located in an urban area designated by Marion Oaks Master Plan. Additionally, a portion of this PUD abuts lands included in the Cross Florida Greenway.

**FIGURE 1
GENERAL LOCATION MAP**



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** 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 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

because the proposed PUD will not adversely affect the public interest due to conditions being imposed requiring the applicant to mitigate impacts to the already overburdened roadway network, is consistent with the Comprehensive Plan, and is compatible with the surrounding uses due to the potential intensity of the commercial use. The subject property is not situated within the Urban Growth Boundary (UGB), but is within the urban area of Marion Oaks, and is located within the secondary spring's protection overlay zone.

The PUD proposes three warehouse/distribution buildings, up to maximum of 3,600,000 square feet of development. The structures will, at a minimum, be at least 100' from any property line and the maximum building height proposed is 75'.

The parcel is approximately 228.10 acres with proposed uses such offices, industrial uses, warehousing, distribution centers, etc. SW 20th Avenue RD will connect to the PUD from the South, turn left, and continue on Marion Oaks Trail providing additional connectivity to SW Hwy 484.

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 (42 owners) within 300 feet of the subject property on November 10th, 2022. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on November 18th, 2022 during the site visit (Attachment C) and consistent with LDC Section 2.7.3.E. due public notice was published in the Ocala Star-Banner on November 14th, 2022. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

IV. ANALYSIS

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

A. *Will not adversely affect the public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. A traffic study methodology was provided by Kimley Horn (see Attachment D). Using the 11th edition of ITE Trip Generation Manual, high-cube transload and short-term storage warehouse as well as general light industrial were used to find potential trip generation. The PUD proposes approximately 3 million square feet of development split among three buildings. Based on the uses and sizes of buildings provided, the PUD is projected to generate approximately 5,726 daily trips with 600 AM peak hour trips and 392 PM peak hour trips. Two access points are proposed, a

continuation of SW 20th Avenue RD in to the southern portion of the property and a connection to Marion Oaks Trail. The connection from SW 20th Avenue RD to CR 484 will include a signalized intersection. Additionally, the traffic study will evaluate the need for improvements along SW 29th Avenue RD to accommodate traffic from this site. Portions of SW 29th Avenue RD. are currently 4-lane and the intent of this project is to 4-lane from the southwest corner of this project down to Hwy 484 as discussed in the pre-application meeting for this PUD. At the time that DRC comments were provided by Traffic for the PUD, the traffic study methodology had not yet been provided, but concerns were noted about the impacts on surrounding roads made by this project as well as recently approved projects in the nearby area (Marco Polo PUD and McGinley PUD).

OCE-Traffic writes, "The traffic study will determine impacts to the intersection operations at SW 29th Avenue Road, SW 20th Avenue Rd., I-75, and CR 475A. Improvements may be required such as new signals, signal modifications, and turn lanes.

- b. Public transit. There are no fixed route services from available in the area, the closest existing stop is about eight miles northwest of the subject property.
- c. Other mobility features. Sidewalks will be provided throughout the PUD for the public to use as well as those employed within the PUD.

Based on the above findings, it is concluded the application's proposed **roadway impacts would adversely affect the public interest**. However, steps taken upon approval of the traffic study methodology and subsequent completion of the traffic study could mitigate these adverse impacts. If the PUD zoning change is approved, staff recommends the following conditions to help mitigate adverse impacts:

- A Traffic Study shall be completed to the satisfaction of the County Engineer and Growth Services Director, adequate provision shall be made for the coordination of improvements with the PUD.
 - All access point locations will be worked out to the satisfaction of the Development Review Committee during the time of Development Review.
 - The commercial areas shall address any potential bus facilities for transit.
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 228.10 acres of non-residential property, the rezoning would result in a proposed generation of 627,275 gallons per day. The DRC comments letter (Attachment E) and utilities availability letter (Attachment F) state water is immediately available and

that connection would be required, some or all of which may be required of the developer through offsite extensions to service future proposed development. Thus, it is concluded the application's **potable water impacts would not adversely affect the public interest**. As a condition of approval, staff recommends:

- The PUD shall connect to Marion County centralized water and sewer.
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 228.10 acres of non-residential property, the proposed rezoning would result in a generation of 456,200 gallons per day. The DRC comments letter finds sanitary sewer is immediately available and that connection would be required, some or all of which may be required of the developer through offsite extensions to service future proposed development. Thus, it is concluded the application's **sanitary sewer impacts would not adversely affect the public interest**. A condition for approval has already been recommended.
 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. Marion Oaks Fire Station #24 is located roughly 3 miles southwest at 102 Marion Oaks Lane. Liberty Fire Station #32 is located approximately 3.5 miles away to the northwest at 11350 SW 49th Ave. With two Fire Stations within a 5-mile radius of the subject property, it is concluded the application's **fire rescue/emergency impacts would not adversely affect the public interest**.
 6. Law enforcement. The Marion Oaks Sheriff's Substation, located at 280 Marion Oaks Lane, is roughly 2.5 miles south 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**.
 7. Public schools. The schools within the area are West Port High School (109.81% capacity), Horizon Academy at Marion Oaks (88.22% capacity), and Marion Oaks Elementary (94.83% capacity). These numbers represent enrollment as of the 120th day of the 2021-2022 school year. While the local schools within the area are experiencing overcrowding, the school district as a whole has ample capacity for any new students generated by this development. The proposed PUD is comprised of Industrial/Distribution

uses that will not result in additional students as there is no residential component being proposed with this PUC. It is concluded that the proposed rezoning **public schools' impacts would not adversely affect the public interest.**

In conclusion, staff finds **the roadway impacts would adversely affect the public interest; however,** those adverse impacts will not outweigh the *lack* of adverse impacts to other public facilities and services.

B. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.3 on Accommodating Growth provides, “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: Staff finds the property is located in an urban area and is looking to create an area for commercial uses that will provide employment opportunities for citizens in the surrounding area. Staff finds the application is **consistent with FLUE Policy 1.1.3.**

2. FLUE Policy 1.1.7 provides, “The County shall discourage scattered and highway strip commercial development by requiring the development of such uses at existing commercial intersections, other commercial nodes, and mixed-use centers with links to the surrounding area.”

Analysis: The PUD rezoning request is in an area of Employment Center land use intended for commercial and industrial uses. Additionally, the finishing of 20th Ave and the connection to Marion Oaks Trail is supporting links to the surrounding area. 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 Zoning Change amendment is scheduled for the November 28, 2022 Planning and Zoning Commission and, therefore, the application **is consistent** with this FLUE Policy 5.1.3.

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

Analysis: Staff finds public notice has been provided as 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: DRC Comments from Traffic indicate, “While still under review, the traffic methodology indicates that this development will have significant impact on the adjacent roads, particularly, SW 29th Avenue Road and CR 484 from Marion Oaks Trail to CR 475. The methodology identified CR 484 from I-75 Ramp (E) to CR 475A as falling below its adopted Level of Service (LOS) Standard at LOS F. Other segments are identified as operating within the adopted LOS standard E but nearing capacity with a v/c ratio of 0.98.” An approved, completed, traffic study will be required to determine impacts to the LOS. This will need to be submitted 14 days prior to the BCC meeting.

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

Analysis: The PUD proposes two full access points, SW 20th Ave. Rd. and Marion Oaks trail. These will be making a connection for Marion Oaks Unit 7 to reach SW Hwy 484 from another access providing better connectivity. The application is **consistent** with TE Objective 2.2.

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

Analysis: Staff finds that the 228.10 acres of commercial land will generate a demand of 456,200 gallons per day. Sewer services are available in the area and connection is required. There were no comments from Utilities of concern with capacity. It is concluded the application is **consistent** with SSE Policy 1.1.1.

8. SSE Policy 1.1.3 provides “The County shall encourage the construction of sanitary sewer facilities by public or private sources, or jointly, in

accordance with the Marion County Water and Wastewater Utility Master Plan, and the LDC.”

Analysis: The project is within service area and will be connecting to the sanitary sewer line. Based on the above findings, it is concluded the application **is consistent** with SSE Policy 1.1.3.

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

Analysis: Staff finds that based on 228.10 acres of commercial use will generate a demand of an additional 627,275 gallons per day. Utilities did not indicate and concerns as to availability. Based on the above findings, it is concluded the application **is consistent** with PWE Policy 1.1.1.

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

Analysis: The site is in Marion County Utilities Service Area and services are located within the vicinity; however, extension of offsite water mains are required to reach the development. The owner is advised the owner will be responsible for funding the extension of the potable water line to the property. Based on the above findings, it is concluded the application **is consistent** with PWE Policy 1.6.4.

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

Analysis: The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County. Based on the above findings, it is concluded the application **is consistent** with SWE Policy 1.1.1.

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

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

should disposal facilities become unavailable, permits shall not be issued for the dwelling units. Based on the above findings, it is concluded the application **is consistent** with SWE Policy 1.1.5.

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

Analysis: The owner provided a drainage analysis (Attachment G) to address that stormwater runoff can be accommodated by the proposed stormwater facility, which facility could potentially be impacted, reducing the form, intensity, and/or density of the proposed development (e.g., units, building SF, impervious square feet). Based on the above, it is concluded the application **is consistent** with SE Policy 1.1.4.

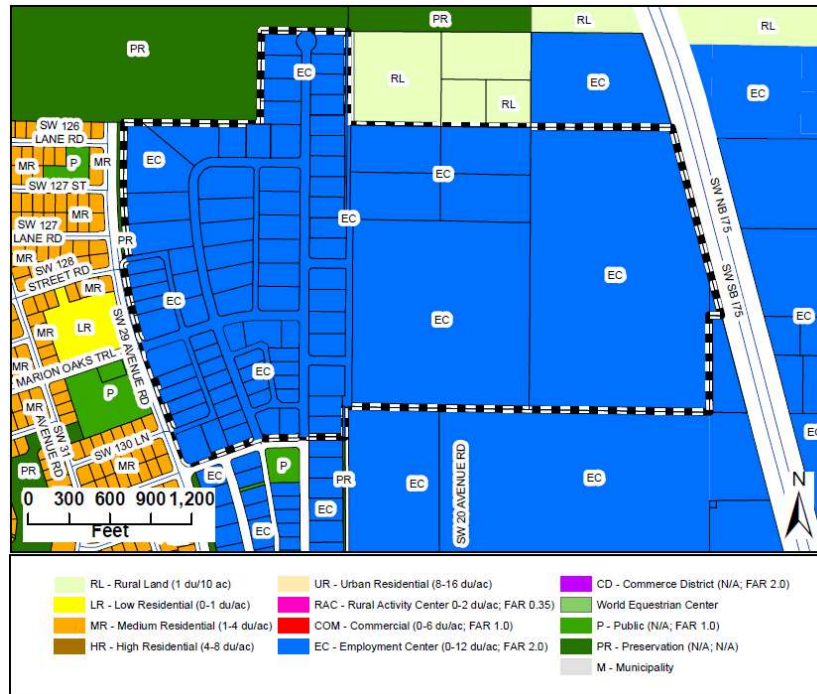
14. SE Policy 1.1.5 provides “Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.”

Analysis: The owner is advised they 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.

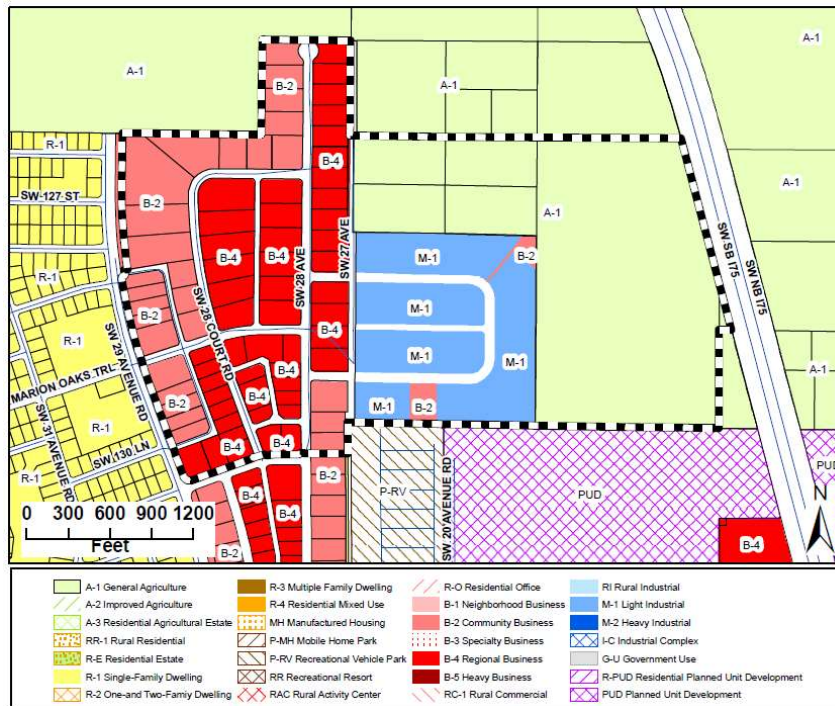
In conclusion, based upon the totality of the circumstances, staff concludes the rezoning application is **consistent** with the Comprehensive Plan.

- 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. Figure 2 displays the proposed FLUMS, which assumes the subject property is designated Commercial and not Rural Lands. Figures 3 and 4 display the existing and proposed zoning classification for the subject property and surrounding properties. Figure 5 shows the uses of subject property and surrounding properties as classified by Marion County Property Appraiser. Table A displays the information from figures 3 and 4 in tabular form.

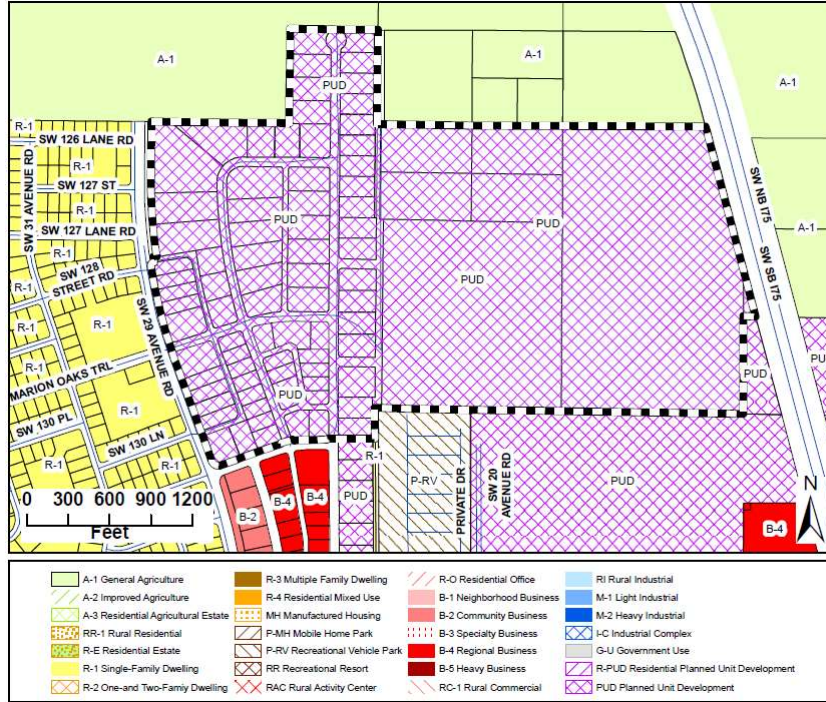
**FIGURE 2
 ASSUMED FLUMS DESIGNATION**



**FIGURE 3
 ZONING CLASSIFICATION MAP**



**FIGURE 4
PROPOSED ZONING RE-CLASSIFICATION**



**FIGURE 5
EXISTING AND SURROUNDING LAND USES**

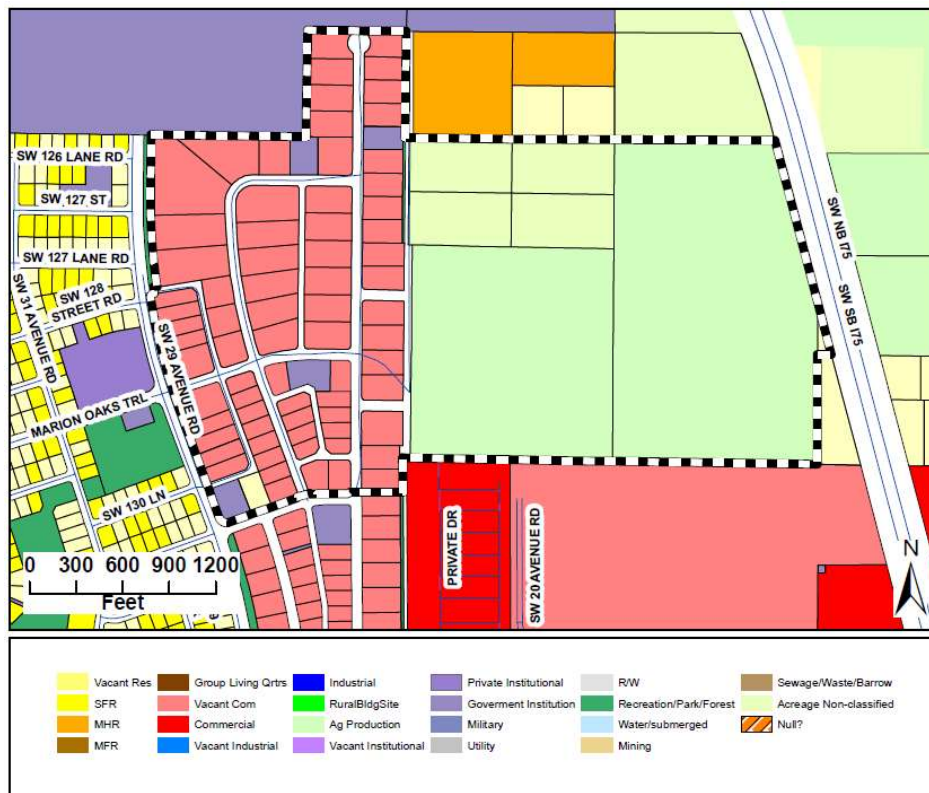


TABLE 1			
ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Rural Land Employment Center Public	General Agriculture (A-1) Community Business (B-2) Regional Business (B-4) Light Industrial (M-1)	Vacant
North	Rural Land Preservation	General Agriculture (A-1) Regional Business (B-4)	Vacant State Property
South	Public Employment Center Preservation	Single Family Dwelling (R-1) Planned Unit Development (PUD) Recreational Vehicle Park (P-RV) Community Business (B-2) Regional Business (B-4)	Vacant Camps/Campgrounds
East	Employment Center	Planned Unit Development (PUD) Recreational Vehicle Park (P-RV) General Agriculture (A-1)	Vacant
West	Medium Residential Public Low Residential Employment Center	Single Family Dwelling (R-1) Residential Estate (R-E) General Agriculture (A-1)	Vacant Improved Residential

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (see Attachment C) and finds the subject property is currently unimproved. Being that the parcel is undeveloped, there are currently no issues related to noise, odors, glare, vibration, and building height. The proposed PUD is comprised of three large industrial/distribution type structures and is looking to perform activities normally seen in our Industrial zonings. To the north is state-owned land, with the exception of two homes, and to the east is I-75. To the south, an RV park and a recently approved PUD for commercial and industrial type uses. To the west is Marion Oaks Unit 7. With a majority of the area being state-owned land or frontage on I-75 and with a similar use approved to the south, it is staff's opinion that this project will be in an appropriate area.

Based on the above findings, staff concludes the proposed rezoning is **compatible** with the existing and future surrounding land uses.

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

3. LDC Section 4.2.31.B.(3) provides owners of parcels within the PUD may subsequently request the authorization of additional special uses following approval of the PUD by undertaking the SUP application process for the proposed additional use without applying for an amendment to the PUD.
4. LDC Section 4.2.31.B.(4) establishes three (3) methods for setting forth the list of permitted and special uses.
5. LDC Section 4.2.31.B.(5) provides the intended character of the PUD shall be identified, including the structure types, architectural styles, ownership forms, amenities, and community management form (e.g., property owner association, community development classification, municipal service unit, etc.) or suitable alternative.

Analysis: There are no special uses being requested. Staff finds the intended character of the PUD master plan (Attachment D) is for commercial/industrial type uses such as distribution centers and warehousing. PUD standards provided for the PUD proposed uses compliant with B-5 and M-1 zoning classifications. The structure types will be industrial in nature and elevations are provided (Attachment H Pages 9-10). Staff finds the application to **be consistent** with this section of code.

- The PUD shall be limited to 3,600,000 GSF of commercial use and developed consistent with the Master Plan.

- B. LDC Section 4.2.31.C establishes a minimum PUD size of 0.5 acres or 21,780 square feet.

Analysis: Staff finds the property has a size of 228.10 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.
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.

3. LDC Section 4.2.31.D.(3) provides density/intensity increases may be attained through one of three methods.
4. LDC Section 4.2.31.D.(4) allows for blending of densities/intensities if the subject property has more than one FLUMS designation.
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.
 - 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. Proposed 50' setback from any proposed structures. Accessory structures have a 10' rear setback.
 - 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.

D. 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.
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.
3. LDC Section 4.2.31.D.(3) provides density/intensity increases may be attained through one of three methods.
4. LDC Section 4.2.31.D.(4) allows for blending of densities/intensities if the subject property has more than one FLUMS designation.

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.
 - 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.
 - 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: This PUD does not propose changes to density/intensity in particular areas of the development or any type of averaging.

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: This PUD is not looking for any sort of density or intensity bonus and, being one proposed use, is not looking to do any sort of blending of densities or uses. Currently, The PUD is proposing 15' and 20' wide landscaping buffers with a 50' natural vegetative buffer along portions of the western property boundary line. Along the northern boundary line, a 20' wide buffer with a 6' high opaque fence is proposed for all boundary lines except the boundary line between the subject property and contiguous homes, a 20' wide buffer with a wall is proposed there. A 15' wide landscaped buffer is proposed along I-75 everywhere but the southeastern corner which proposes the 20' wide buffer with 6' fence. To the south, between this industrial use and the contiguous industrial use, no buffer is

proposed. Between the subject property and RV park, a 15' wide buffer is proposed similar to that provided on the RV parks eastern boundary line with the Marco Polo PUD, the vacant business zoned parcels to the south have a 20' landscape buffer shown. Along SW 29th Avenue Rd., a 50' wide natural vegetative buffer is being kept with the exception of the two "cutout" parcels with propose 20' landscape buffers abutting them and the northwestern boundary line not fronting SW 29th Avenue Rd.; A 10' natural vegetative buffer is being proposed here to abut the existing preserve land use contiguous. Staff would like to note; the northern portion of the PUD abuts lands included in the Cross Florida Greenway. The 50' setback required per LDC Sec. 4.1.1.J is required and is being met with the proposed master plan.

- The modified buffer types shall be developed consistent with the buffering plan provided and maintained in perpetuity by the property owner.

E. 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.
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.
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.).
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).
5. LDC Section 4.2.31.E.(1)(e) requires all appropriate utility infrastructure shall be made available to and provided for the PUD.
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.
7. LDC Section 4.2.31.E.(1)(g) requires all access, regardless of mode and/or infrastructure, shall be provided in compliance with the requirements of Article 6.

Analysis: All properties resulting from the PUD shall have access provided by either Marion Oaks Trail & SW 29th Avenue Rd. or SW 20th Avenue Rd to Hwy 484. Sidewalks will be provided internally within the site with clearly defined crosswalks and site design reinforcing primary street edges to provide for transit opportunities, when appropriate and available, as stated in the development standards. Ample parking is shown along the perimeter of each building within the master plan and the development standards state, "Parking and loading spaces shall be provided consistent with the requirements for developed uses as listed in Sec. 6.11.8." Any alternative parking and loading standards proposed would need to be accompanied by analysis from a qualified professional which was also noted. Kimley-Horn provided a drainage analysis to address stormwater for the project. Proposed in the drainage analysis are five retention areas to serve the site that will contain the 100 year 24-hour post storm event.

- Access to be provided by a connection with SW 20th Avenue Rd. and Marion Oaks Trail. The existing right of way is to be vacated.
- All internal streets shall be developed to the standards as required by the Marion County LDC.
- Sidewalks shall be provided along the proposed right of way.

F. 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: There is an existing right-of-way running from the south of the property straight up to the north, this is the access being used by the contiguous parcels to the north for access. The master plan proposed this right-of-way is to be vacated and an alternative roadway is to replace this access.

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

1. LDC Section 4.2.31.E.(3)(a) 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.
 - a. Similar to the authorization of uses in Section 4.2.6.A(4), the PUD may use or reference an existing standard zoning classification's setback standard or propose alternative setbacks.
 - b. The front yard setback for all PUDs shall ensure the safe and effective provision of services, maintenance, and support of the PUD development (e.g. multi-modal access, utility lines, landscaping, etc.)
 - c. 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.
2. LDC Section 4.2.31.E.(3)(b) provides all setbacks be measured from the foundation, walls, or similar building structural support components and/or habitable areas; however eaves, rood overhands, and other similar non-habitable architectural features may encroach or protrude by not more than two feet into any required setback.
3. 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
4. LDC Section 4.2.31.E(3)(d)1. Provides Separations between structures shall comply with the setbacks set forth for the PUD
5. LDC Section 4.2.31.E(3)(d)2. Provides in the event specific setbacks are not applicable (e.g. multiple-family development), then the following shall apply:
 - a. 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.
 - b. LDC Section 4.2.31.E.(3)(d)2.b. provides all structures shall comply with applicable fire code and building code separation and/or construction requirements.

Analysis: The master plan provided setbacks as follow: 40' from front property lines, 25' from rear property lines, and 25' from side property lines with 25' setbacks for any accessory structures. The maximum building height proposed is 75'. There are no pop-outs, cantilevers, etc. provided either in the Master Plan or shown in the elevations provided encroaching on any setback and buildings are separated by rights-of-way and parking verifying a minimum 10' separation exists between all buildings.

H. 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.

Analysis: The master plan provided lists a maximum building height of 75'. Plan notes provided with the master plan list the maximum building height and a typical illustration was provided. For compatibility with the adjacent single-family development, staff recommends the following condition:

- Any structures within 100' of the western PUD boundary or the northern PUD boundary shall not exceed 40' in height.
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: Commercial uses are not within 100' of the PUD boundary edge.

- I. LDC Section 4.2.31.E(5) addresses outdoor lighting. Outdoor lighting shall be provided to support and courage a safe and secure environment within the PUD, while limiting potential adverse impacts within the PUD and to surrounding properties as follows:
 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) requires 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 of 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) requires all outdoor lighting shall be provided consistent with the provisions of Section 6.12.14 and Division 6.19

Analysis: PUD standards provided for the site state, "Drive access and parking lot areas should be illuminated for safe maneuvering of motor vehicles. Lighting assemblies along driveways shall be consistent in type and color, with those used in the common areas, and should generally not exceed 35 feet in height; pedestrian level lighting should generally not exceed 16 feet in height and shall be used adjacent to existing residential. Light fixtures may allow for additional elements, such as non-commercial banners or hanging planters. Lighting should include cut-off fixtures, where appropriate, and light shall not spill beyond parcel boundaries."

- J. 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: The Master Plan does not propose internal buffering as there is only a commercial use being proposed in the PUD. The LDC requires a B-Type Buffer for all neighboring uses with the exception of rights of way, which require a D-Type

Buffer per LDC, and the industrial use to the south which doesn't require buffering. A B-Type Buffer consists of a 20-foot wide landscape strip with a buffer wall and shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet and shrubs/groundcovers comprising at least 50% of the required buffer. A D-Type Buffer shall consist of a 15' wide landscape strip with a buffer wall and shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet of fractional part thereof with shrubs and groundcovers comprising at least 25% of the required buffer. While the buffers proposed are, in some areas, less than required by the LDC, staff finds the areas of reduction about drainage retention areas allowing for a large open space between contiguous properties and the structures proposed.

- K. LDC Section 4.2.31.E(7) addresses open space.
1. LDC Section 4.2.31.E.(7)(a) provides that for a PUD implementing a Rural Land - Residential Cluster, Rural Land - Hamlet, or Rural Community development form as authorized by the Comprehensive Plan future land use element and Division 3.3, the PUD shall be subject to the following:
 - a. The PUD shall identify all the required natural open space (NOS) acreage to be permanently conserved consistent with the Comprehensive Plan and this Code, with particular attention to Sec. 6.6.6.A., along with the intended form and/or method of conservation.
 - b. If the PUD is also subject to a native habitat vegetation preservation requirement as listed in Section 6.6.5, the minimum 15% native habitat to be preserved should be included within the natural open space, thereby simultaneously complying with the NOS and native habitat conservation requirements; additionally, the applicant is encouraged to preserve as much of the native habitat within the NOS as possible.
 - c. The PUD shall provide a minimum of five percent improved open space as provided in Section 6.6.6.B, with this improved open space being focused on satisfying the recreation facility needs of the PUD as listed in (c) below.
 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.
 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 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.
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.

5. LDC Section 4.2.31.E.(8) addresses Maximum Commercial Use Area in a Residential PUD in a Residential Future Land Use Designation.
 - a. 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.
 - b. 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:
 1. 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
 2. Those uses permitted in the B-2 (Community Business Classification) for projects of a size equal to or greater than 800 dwelling units.
 3. 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.
 - c. 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.
 - d. LDC Section 4.2.31.E.(8)(d) provides the commercial use area shall be specifically included in the development schedule.

Analysis: Staff finds that the project is entirely commercial with a commercial land use making a number of these conditions not applicable. The master plan provided confirms that a minimum of 20% open space will be provided.

6. 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 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 Master 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 a master plan, thus all of these requirements are met, including environmental assessments and reports regarding listen species in the area as well as KARST features (Attachments I-L)

4. 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 October 31st, 2022, meeting. Some other departments had comments requesting more information which, once received, will allow DRC to make a recommendation. An updated Master Plan in response to the DRC comments was resubmitted by the applicant on November 21, 2022 for review.

5. 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: This is a major site plan.

- The applicant must complete a study analysis to the satisfaction of the Development Review Committee and, if adverse impacts are identified, mitigation of these must be provided.
- The PUD shall connect to Marion County centralized water and sewer.

6. 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: This is a master plan and is the final development plan.

7. 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: This is a master plan, this item is not applicable.

7. 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.

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

- i. Conservation open space areas with intended method of preservation ownership or maintenance.
- j. Location of water and sewage facilities.

Analysis: This is the initial submission of this master plan.

VI. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **DENY** the rezoning amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE** the rezoning amendment.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission (PZC) enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **APPROVE** the proposed rezoning because the application:

- A. Will not adversely affect the public interest based upon impacts to the roadway network that will be mitigated;
- B. Is consistent with the following Comprehensive Plan provisions
 1. PWE Element Policy 1.1.1 and 1.6.4
 2. Sanitary Sewer Element Policy 1.1.1
 3. Solid Waste Element Policy 1.1.1 and 1.1.5
 4. FLUE Policy 1.1.3, 1.1.7, 5.1.3, 5.1.4
 5. TE Policy 2.1.4 and Objective 2.2
 6. Stormwater Element 1.1.4 and 1.1.5
- C. Is compatible with the surrounding uses due to the potential intensity of the commercial use.

- D. In the event the Planning & Zoning Commission and/or the Board of County Commission chooses to approve the application, the following conditions are the staff's recommendations to help mitigate the adverse impacts:
1. The PUD shall be limited to 3,600,000 GSF of commercial use and developed consistent with the Master Plan.
 2. The modified buffer types shall be developed consistent with the buffering plan provided and maintained in perpetuity by the property owner.
 3. Access to be provided by a connection with SW 20th Avenue Rd. and Marion Oaks Trail. The existing right of way is to be vacated.
 4. All access point locations will be worked out to the satisfaction of the Development Review Committee during the time of Development Review.
 5. The commercial areas shall address any potential bus facilities for transit.
 6. All internal streets shall be developed to the standards as required by the Marion County LDC.
 7. Sidewalks shall be provided along the proposed right of way.
 8. Any structures within 100' of the western PUD boundary or the northern PUD boundary shall not exceed 40' in height.
 9. The applicant must complete a traffic study to the satisfaction of the County Engineer and, if adverse impacts are identified, mitigation of these must be provided.
 10. The PUD shall connect to Marion County centralized water and sewer.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

At the November 28th, 2022 Planning and Zoning Commission (P&ZC) public hearing, the P&ZC recommended by consent the application be approved with conditions based upon the findings and conclusions in Part VII of this Staff Report.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Rezoning application filed October 5th, 2022.
- B. Master Plan.
- C. Site Photos.
- D. Traffic Study Methodology.
- E. DRC Comments.
- F. Utilities Information.
- G. Drainage Analysis.
- H. PUD Standards.
- I. Scrub Jay Report.
- J. NRA Report.
- K. Kestrel Survey.
- L. KARST Assessment.