

RESOLUTION NO. 24-R-547

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A PLANNED UNIT DEVELOPMENT ON ±43.62 ACRES FOR CASTRO PLAZA, LLC ET AL., ZONING CASE NUMBER 241107ZP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Planned Unit Development was duly filed with the Growth Services Department and considered by the Marion County Planning and Zoning Commission at its meeting on October 28, 2024; and

WHEREAS, the aforementioned application was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida, at its meeting on Tuesday, November 19, 2024. Now therefore,

BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. PLANNED UNIT DEVELOPMENT APPLICATION 241107ZP – Castro Plaza, LLC and Austin International Realty, LLC The application requesting a Planned Unit Development, Articles 2 and 4 of the Marion County Land Development Code, as submitted by G. Matthew Brockway, Sarasota FL 34237, from General Agriculture (A-1), Community Business (B-2), and Rural Activity Center (RAC) to Planned Unit Development (PUD), for a maximum of 140 dwellings (single-family and townhomes) and up to 100,000 sf of commercial use, on approximately 43.62 Acres, on Parcel Account Numbers 13676-001-00 and 13675-000-00, Site Addresses 6850 and 6998 N US Highway 27, Ocala, FL 34482.

SECTION 2. FINDINGS AND DEVELOPMENT CONDITIONS. The Board of County Commissioners agrees with the recommendation and findings of the Planning and Zoning Commission recommending approval of the Planned Unit Development and the Board approves the Planned Unit Development subject to the following development conditions:

1. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below:

TABLE 2. SETBACKS (IN FEET)			
Direction	Adjoining Use	Proposed	Approved
North	ROW	40'	40'
South	ROW	30'	30'
East	Agriculture	30'	30'
West	ROW	40'	40'

2. Development signage may be permitted within perimeter landscape buffers provided they are integrated in to the required buffer design.
3. The 3500 square foot amenity center including fitness center, multipurpose room, café area with kitchenette, lounge area, and restrooms shall be built concurrently with the residential development and be completed by CO of the 50th residential unit
4. The PUD shall comply with the PUD Development Buffers listed in Table 3 below and as listed within the buffering plan provided.

TABLE 3. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Approved
North	ROW	Type "C"	Buffer IV (15' wide landscaped buffer with split rail farm fencing)	Proposed Buffer
South	ROW	Type "C"	Buffer II (20' wide landscaped buffer with proposed fencing and opaque fencing along residential area)	Proposed Buffer
East	Agriculture	Type "E"	Buffer I (20' wide landscaped buffer with existing fencing)	Proposed Buffer
West	ROW	Type "C"	Buffer III (15' wide landscaped buffer with proposed fencing)	Proposed Buffer

5. The PUD shall be limited to those uses, special or permitted, in Neighborhood Business (B-1) and Community Business (B-2) with the addition of outdoor markets and retail sales as well as event venues.
6. Prohibited uses include those listed out by the PUD Development Standards.
7. The PUD shall be developed consistent with the PUD Plan, and the development conditions provided in this resolution. In the event an alternative use other than those listed individually or within the B-1 and B-2 zoning classifications is proposed, the site shall go through the PUD Rezoning Application process to ensure due public notice is provided.
8. Residential dwelling types are limited to single-family attached dwelling units (townhomes) and single-family detached dwellings units.
9. Requirements provided as a result of the approved Traffic Study and Traffic review must be implemented.
10. Sidewalk to be provided internally as shown in the PUD site plan.
11. Connectivity to surrounding pedestrian and bicycle networks must be implemented if it is found to be available by the traffic study.

12. Development of the PUD's buildings related to setbacks and building separations shall conform to the PUD's development standards and applicable building code and fire safety code provisions.
13. 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.
14. Access on NW 70th Avenue Rd. to be approved by the County Engineer.

SECTION 3. COMPLIANCE/REVOCATION. Violation or failure to comply with one or more condition(s) of this Planned Unit Development shall be grounds for code enforcement action and/or repeal, in part and/or total, as related to this Planned Unit Development by the Board at a noticed public hearing.

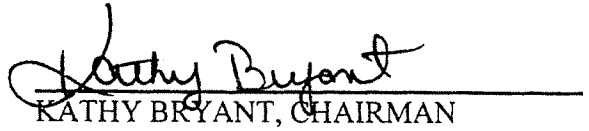
SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon the effective date of this Zoning Change's corresponding Rezoning and Special Use Permit Ordinance, No. 24-29.

DULY ADOPTED in regular session this 19th day of November, 2024.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**

for 
GREGORY C. HARRELL, CLERK


KATHY BRYANT, CHAIRMAN



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 10/28/2024	BCC Date: 11/19/2024 REQUEST CONTINUANCE TO DATE CERTAIN 12/17/2024.
Case Number	241107ZP
CDP-AR	31944
Type of Case	Rezoning from General Agriculture (A-1), Community Business (B-2), and Rural Activity Center (RAC) to Planned Unit Development (PUD)
Owner	Castro Plaza, LLC. and Austin International Realty, LLC.
Applicant/Agent(s)	G. Matthew Brockway of Icard Merrill
Street Address / Site Location	6998 N. US Hwy 27, Ocala, FL, 34482
Parcel Number	13676-001-00, 13675-000-00
Property Size	±43.62 acres
Future Land Use	Commercial (COM)
Zoning Classification	General Agriculture (A-1), Community Business (B-2), Rural Activity Center (RAC)
Overlay Zone/Scenic Area	Urban Growth Boundary (UGB), Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	APPROVAL WITH CONDITIONS
Project Planner	Kathleen Brugnoli, Planner
Historic/Related Case(s)	860733Z – A-1 to B-2 – Approved; 120501Z – A-1 to Rural Activity Center (RAC) – Approved; 220905SU – Special use permit for overflow grass parking – Approved;

I. ITEM SUMMARY

G. Matthew Brockway of Icard Merrill, on behalf of property owners, Castro Plaza LLC. & Austin International Realty, LLC., has filed an application to rezone a 43.62-acre parcel on the south side of N. US Hwy 27, from General Agriculture (A-1), Community Business (B-2), and Rural Activity Center (RAC) to Planned Unit Development (PUD), pursuant to the provisions of Land Development Code (LDC) Division 2.7 – Zoning and LDC Section 4.2.31.

The proposed PUD includes 140 residential dwellings, 100 townhomes and 40 single-family homes, and up to 100,000 square feet of Commercial space. A narrative provided with the application states, *“Martingale is a family legacy project and was designed to create a distinctive sense of place.... The walkable, mixed-use project, with its Ocala Equestrian Vernacular architecture, defines an aspirational standard for the transition from urban uses to rural uses and will be a gateway to the FPA.”* Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is in the Urban Growth Boundary (UGB) and the County’s Silver Springs Secondary Protection Overlay Zone (SSSPOZ).

The applicant has requested a continuance of this item from November 18, 2024 to December 17, 2024. The letter requesting a continuance is included as “Attachment F.”

**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 (owners) within 300 feet of the subject property on October 11, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on October 14, 2024 and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on October 14, 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), Figures 3 and 4, respectively, display the existing and surrounding properties' existing zoning classifications and the site's proposed zoning classification. Figure 5 shows the uses of the subject property and surrounding properties as classified by the Marion County Property Appraiser. Table A displays the tabular information from Figures 2, 3, and 5.

Figure 2
FLUMS Designation

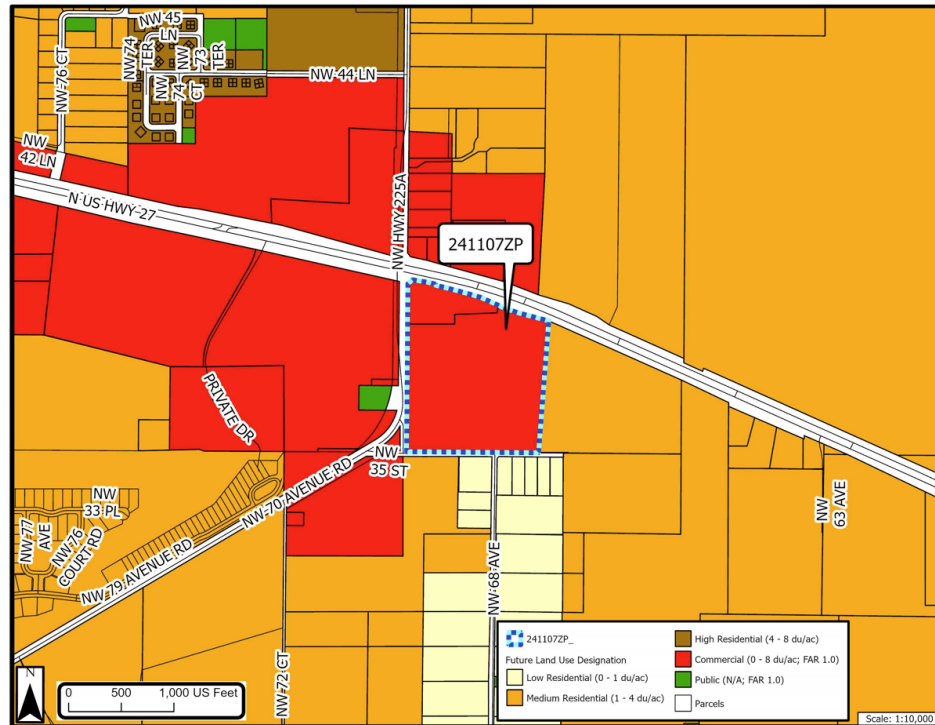


Figure 3
Existing Zoning Classification

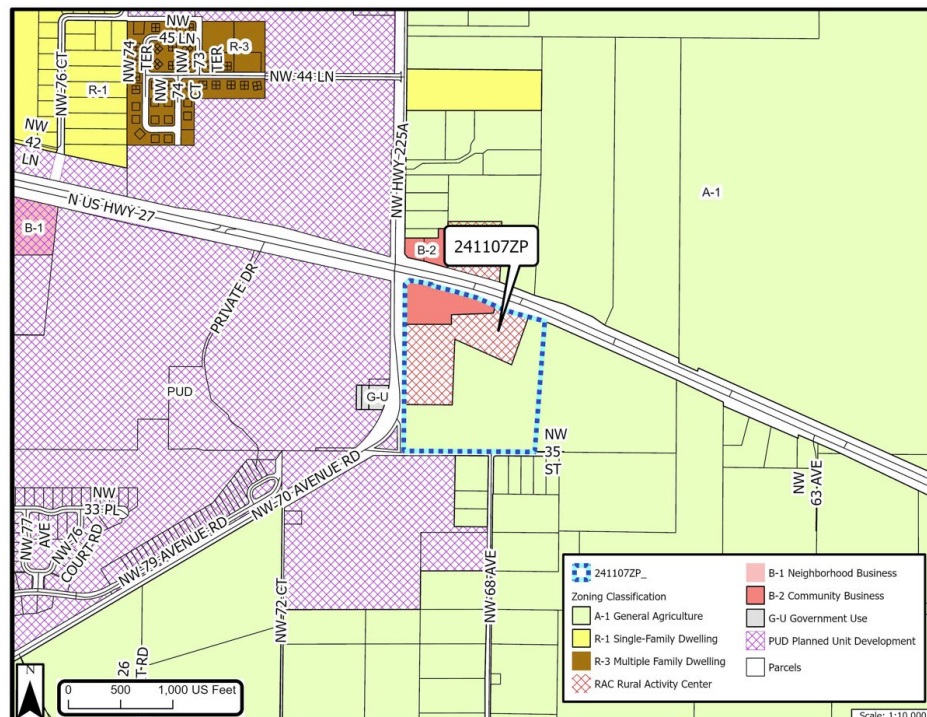


Figure 4
Proposed Zoning Classification

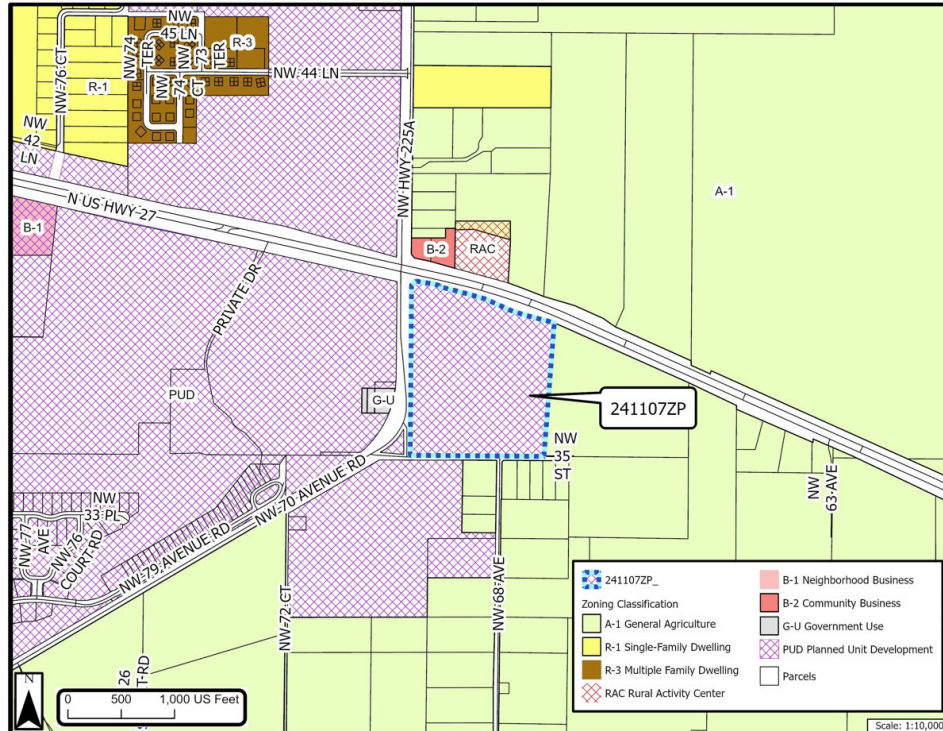


Figure 5
Existing and Surrounding Land Uses

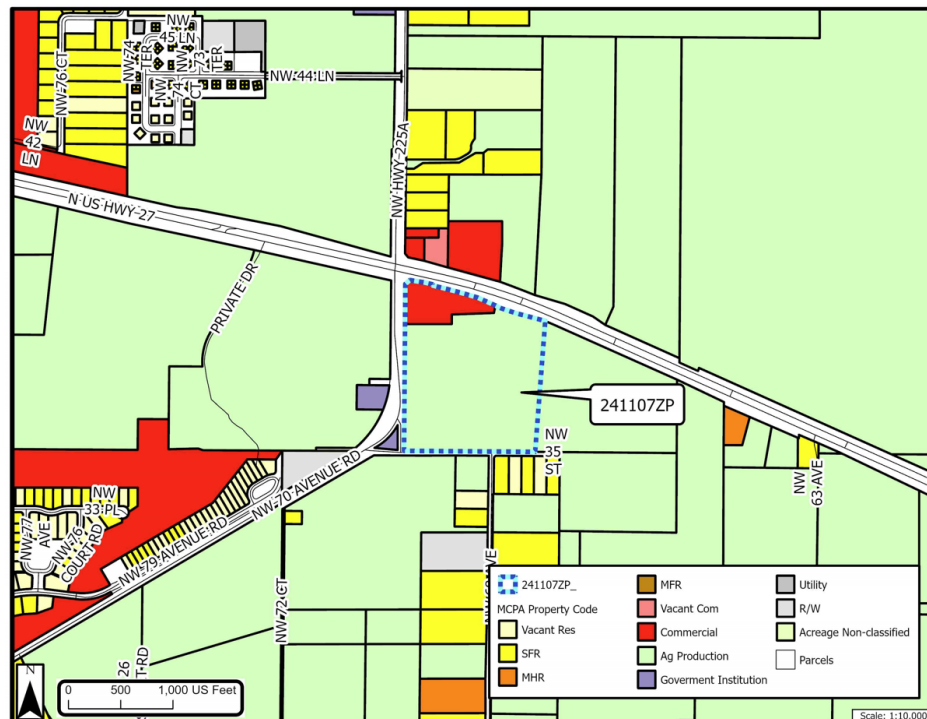


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Commercial (COM)	General Agriculture (A-1) Community Business (B-2) Rural Activity Center (RAC)	Community Shopping Center Timberland
North	Commercial (COM)	General Agriculture (A-1) Community Business (B-2) Rural Activity Center (RAC)	Commercial Grazing Land
South	Low Residential (LR) Medium Residential (MR)	Planned Unit Development (PUD) General Agriculture (A-1)	Cropland Grazing Land Improved Residential Vacant Residential
East	Medium Residential (MR)	General Agriculture (A-1)	Grazing Land
West	Commercial (COM) Public (P)	Planned Unit Development (PUD) Government Use (G-U)	County Property Cropland

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (Attachment B) and finds the northwestern 4.5-acre portion of the site to be developed. Golden Hills Shopping Center includes two strip commercial-type structures and a free-standing Credit Union.

Maximum building height for Commercial areas is limited to 45' while the Residential component proposes a maximum building height of 35' for townhomes and 30' for single-family detached homes. Based on the height limitations and the conceptual plan providing all lots contiguous to the neighboring property to the east, which is a single-family property, staff finds the setbacks and buffers proposed appropriate for the Planned Unit Development plan.

The setbacks proposed follow Section 4.2.31 of the LDC, which states setbacks are an item that PUD's may provide for approval or denial in the development process.

Table 2 below summarizes the PUD's proposed and *staff's recommended setbacks for the PUD*:

TABLE 2. SETBACKS (IN FEET)			
Direction	Adjoining Use	Proposed	Recommended
North	ROW	40'	40'
South	ROW	30'	30'
East	Agriculture	30'	40'
West	ROW	40'	30'

Figure 6
Martingale Site Plan

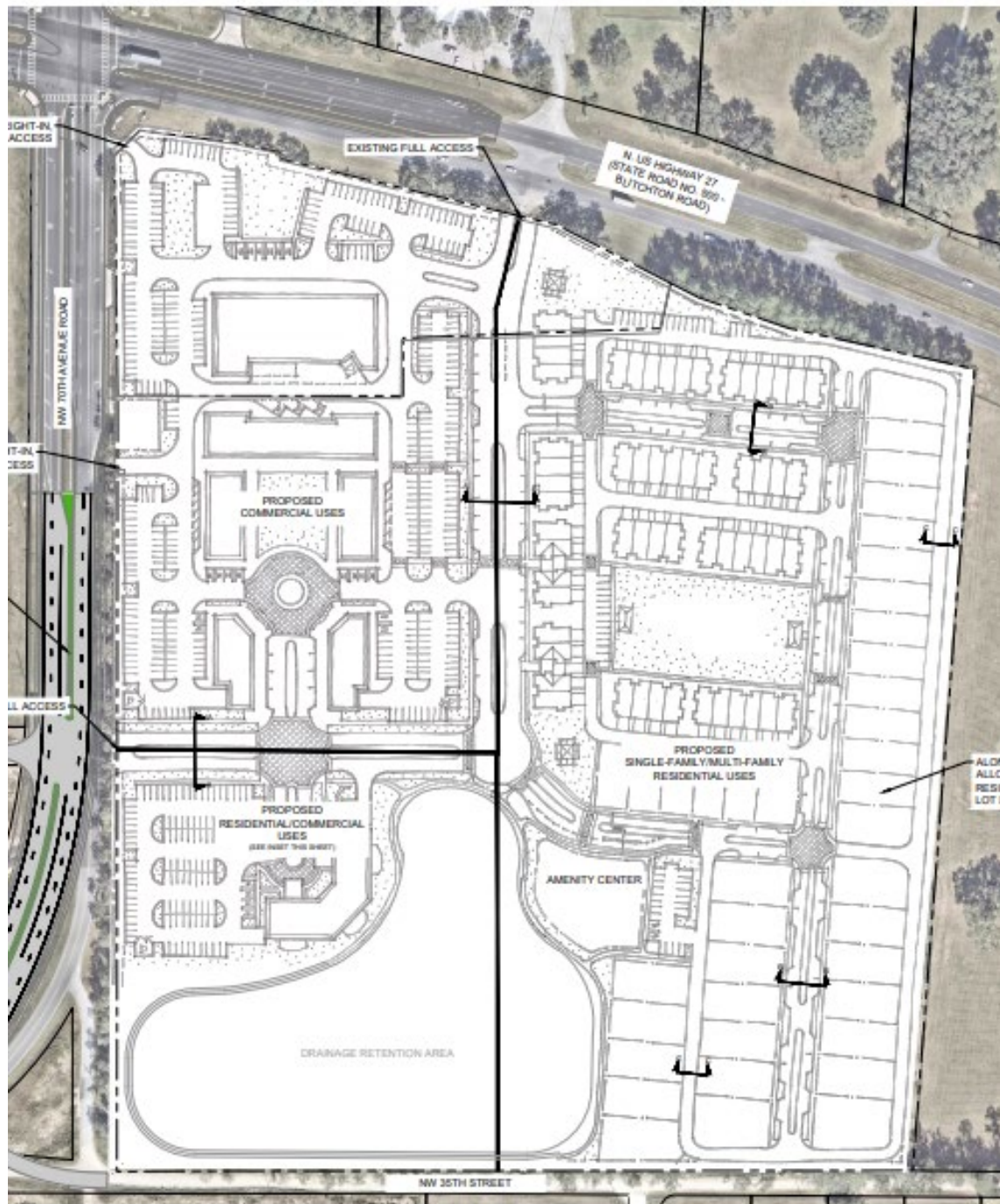
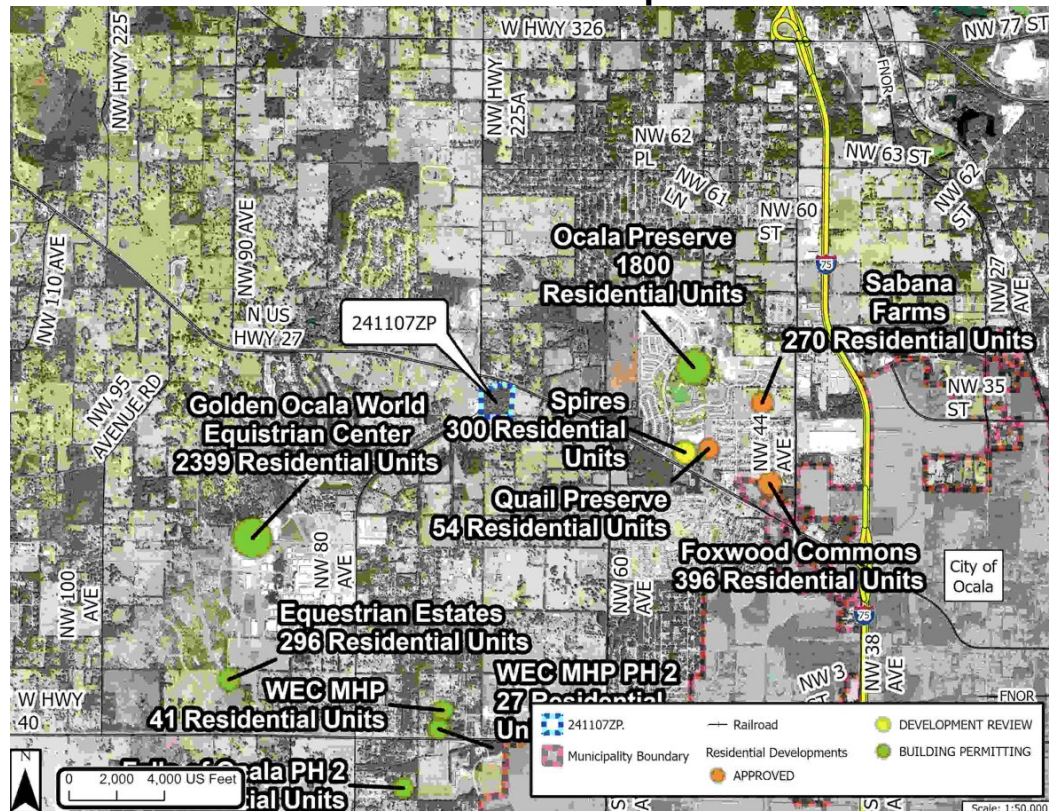


Table 3 summarizes the PUD's proposed, and staff's recommended, buffers for the PUD. Attachment A Page 70 includes buffer diagrams for each of the PUD's proposed buffering types. Also, note 4 included on the buffer plan states that the design for the PUD intends to allow development signage within perimeter landscape buffers provided they are integrated in to the buffer design in an aesthetically pleasing manner. Staff will include the as a condition to allow for signage within the buffers.

TABLE 3. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
North	ROW	Type "C"	Buffer IV (15' wide landscaped buffer with split rail farm fencing)	Proposed Buffer
South	ROW	Type "C"	Buffer II (20' wide landscaped buffer with proposed fencing)	Proposed Buffer
East	Agriculture	Type "E"	Buffer I (20' wide landscaped buffer with existing fencing)	Proposed Buffer
West	ROW	Type "C"	Buffer III (15' wide landscaped buffer with proposed fencing)	Proposed Buffer

Figure 7 below shows residential development in the surrounding area and the number of units approved for each.

FIGURE 7
Residential Development



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

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

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The PUD Master Plan includes an approved Traffic Methodology while they await approval of their Traffic Statement as required for the PUD. The project is expected to generate approximately 7,063 daily trips, with 288 AM peak hour trips and 656 PM peak hour trips. The Office of the County Engineer Traffic Division (OCE-Traffic), in their DRC comments, deferred most remarks until the formal Traffic Statement is provided. The property is located at the corner of NW 70th Avenue Rd. and N. US Hwy 27.
 - b. Public transit. There are no fixed route services available in this area.
 - c. Other mobility features. The PUD site plan shows internal sidewalks throughout and includes the following statement in the PUD notes, "The PUD must provide an internal pedestrian network and must connect to the pedestrian facilities existing and planned for NW 70th Avenue Rd. Sidewalks are not required adjacent to US Hwy 27 or NW 35th Street."

Based on the above findings, it is concluded the application's proposed **transportation impacts would not adversely affect public interest.**

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on the proposed 140 residences and maximums of 100,000 square feet of commercial, the rezoning could result in an overall generation of 56,698 gallons per day. DRC comments (Attachment C) provided by Marion County Utilities indicate immediate availability to serve this development and the changes proposed by the rezoning as a result of its potential approval. 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 140 residences and maximum potential of 100,000 square feet of commercial, the proposed rezoning would result in an overall generation of up to 41,540 gallons per day. The DRC comments from Utilities indicate this development would have immediate availability from Marion County Utilities for sanitary sewer services. 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. 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. Golden Ocala Fire Station #20, located at 3600 NW 70th Avenue Rd., is directly across NW 70th Avenue Rd. from the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**
6. Law enforcement. The Sheriff's Main Operations Center, located at 692 NW 30th Ave., Ocala, is roughly 4.8 miles southeast 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. Fessenden Elementary is ±8.5 miles from the subject site at 4200 NW 89th Place, Howard Middle School is roughly 4.8 miles away at 1655 NW 10th St., and West Port High School is also roughly 5.5 miles away at 3733 SW 80th Ave. Based on attendance on the 120th day of the 2023-2024 school years, Fessenden was at 102% capacity, Howard Middle was at 65% and Belleview High was at 117%. While there are areas of localized overcrowding the county, overall, has capacity. It is concluded that the proposed rezoning's impact to **public schools would not adversely affect the public interest.**

In conclusion, staff finds **the public facility impacts 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 1.1.1: Marion County Planning Principles: The County shall rely upon the following principles to guide the overall planning framework and vision for the County:
 1. Preserve, protect and manage the County's valuable natural resources.
 2. Recognize and protect the rural equestrian and agricultural character as an asset of the County's character and economy while

providing clear, fair and consistent standards for the review and evaluation of any appropriate future development proposals.

3. Support the livability of the existing cities and towns in the County by planning for the logical extension of development in a manner that enhances the scale, intensity and form of these areas through the introduction of sustainable smart growth principles and joint planning activities.

4. Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities and that foster a local economic development environment that is conducive to the creation and growth of new businesses, the expansion of existing businesses, and is welcoming to private entrepreneur activities.

Analysis: Staff finds the property is located with the Urban Growth Boundary (UGB) on a site already developed with a commercial plaza that has been in operation since it's construction in the 70's. The intent is to expand on the success of the existing operation on-site and provide an actual mix of uses encouraged by planning principles by proposing a product with commercial, residential, and community-oriented development with walkability throughout. The development also fronts three roads and has immediate availability to Utilities making this an ideal area for development as the addition of new infrastructure is not needed. Staff concludes the proposed amendment **is consistent** with FLUE Policy 1.1.1.

2. FLUE Policy 1.1.5: Higher Density/Intensity Uses. The County shall require higher densities and intensities of development to be located within the Urban Growth Boundaries and Planned Service Areas, where public or private facilities and services are required to be available.

Analysis: The project site is located with the UGB and, as previously stated, has immediate availability to public water and sewer services. Staff concludes the proposed amendment **is consistent** with FLUE Policy 1.1.5.

3. FLUE Policy 1.1.6: Buffering of Uses: The County shall require new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties, as further defined in the LDC.

Analysis: The PUD site plan submitted shows commercial development towards the north/northwest of the subject site, abutting roadways and with the proposed retention area for the development being in the southwestern corner of the property acting as a buffer from NW 35th Street and properties across the road. Townhomes are shown as being interior to the site with single-family residential bordering the eastern and southeastern property boundary lines; creating a buffer from the eastern contiguous property that is currently being used Agriculturally. Development of the property indicates a step-down pattern of development placing more intense uses towards the roadway with lessening intensity moving towards neighboring properties being used residentially/agriculturally. In addition, proposed buffers for the

PUD exceed those required by the LDC, providing additional buffering between proposed uses on the property and existing uses in the surrounding area. The application **is consistent** with FLUE Policy 1.1.6.

4. FLUE Policy 1.1.7: Discourage Strip Commercial and Isolated Development: 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: Golden Hills Center is an existing commercial plaza located on-site that provides retail, personal services, and restaurants to the nearby area. The commercial use is established and at a location fronting multiple roadways. The expansion requested will not only provide additional commercial uses to the area, but will also establish a new residential use, making this a genuine mix of uses within a single PUD. The expansion would encourage growth in the appropriate area, based on zoning and land use standards, and would not encourage the proliferation of strip commercial or isolated development. Staff finds the rezoning **is consistent** with FLUE Policy 1.1.7.

5. Policy 2.1.22: Commercial (COM): This land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

Analysis: The parcels included in the PUD are both designated as Commercial Land Use. The 43.62-acre property allows for 1.9 million sq. ft of commercial or 348 residential units, or a mixture of the two. The FAR and number of residences both fall within the allowable density based on this Commercial land use and proposed mix of commercial and residential development. Based on this information, staff finds the rezoning **is consistent** with FLUE Policy 2.1.22.

6. Policy 3.1.2: Planning Principles within the 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 proposed PUD will create a mix of uses that include both 'commercial and residential in a compact development expanding on an existing commercially developed location. Internal sidewalks throughout create a walkable and linked development with convenient access from residential to commercial and encouraging interconnected development. The site has immediate availability for central water and sewer services through Marion County Utilities and will connect. Based on the principles being met as shown above, staff finds the rezoning is **consistent** with FLUE Policy 3.1.2.

7. 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 October 28, 2024 Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

8. 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: A traffic methodology has been approved and a traffic study is underway for the proposed PUD. Once the traffic study is complete, it will

be submitted for review and, ultimately, for approval. An approved traffic study will be available before this item goes to BCC. Once an approved traffic study is received, the application will be **consistent** with TE Policy 2.1.4.

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

Analysis: The PUD site plan indicates the project will be served by five driveways, two on N US Hwy 27 and three on NW 70th Avenue Rd. The easternmost access point on N US Hwy 27 is labeled as, “Potential second access to be coordinated with FDOT.” Traffic has concerns with the spacing of the driveways along NW 70th Avenue Rd. Additionally, a driveway is being requested on to NW 35th St. as another option for ingress/egress. The need for turn lanes, lights, etc. will be provided in the approved traffic study. Once the traffic study determines required improvements to be implemented by the owner, the application will be **consistent** with TE Objective 2.2.

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 the Marion County Utilities Service Area and the PUD concept plan provided gives information on sanitary sewer services. The narrative provided with the application states, “A 16” sanitary sewer force main is located adjacent to the Property in the U.S. Highway 27 right-of-way and an existing Marion County Utilities sanitary sewer lift station is located on the western portion of the Property. Martingale will connect into this lift station (with applicable capacity upgrades) and force main, which presently serves the existing plaza and has sufficient capacity to the serve the project. 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 indicated immediate availability to via Marion County Utilities as detailed above in SSE Policy 1.1.3. Based on the sanitary sewer availability, 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: Provided in the PUD narrative is the following information regarding potable water availability, “A 16” potable water main is located adjacent to the Property in the US Hwy 27 right-of-way and in the NW 70th Avenue Rd. right-of-way, which has sufficient capacity to serve the project without affecting its LOS. Martingale will connect to this water main via an existing 12” water main extension to the property, which serves the existing plaza.” Based on the above findings, it is concluded the 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 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.

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 PUD proposes a mix of commercial and residential uses, both of which are permitted within a Commercial land use designation. A table included in the development standards indicates the commercial portion of the PUD will include permitted uses and special uses compliant with Neighborhood Business (B-1) and Community Business (B-2) zoning classifications. Also called out within permitted uses were outdoor markets and retail sales as well as event venues. The commercial development proposed up to 100,00 square feet of commercial related activities within the PUD.

The development standards also included a list of prohibited uses as Exhibit F which can be found within Attachment A Page Pages 21-22. As an example, some of the prohibited uses listed for Martingale include auto paint and body shops, golf courses, parking of commercial vehicles in excess of 16,000 lbs., gas stations, schools, and storage/mini-warehouses.

The Residential portion of the PUD looks to develop townhomes and single-family detached homes with townhomes making up 100 of the proposed residences and single-family detached being the remaining 40 as proposed. Of note, Attachment A Page 67 includes an inset regarding development in the southwestern corner of the PUD as this area may be utilized for commercial purposes or the owner may, instead, use this area to place some of the 140 proposed residences. A plan for both possible types of development is included with the site plan.

Based on the above, staff concludes the application **is consistent** with this section, subject to the following conditions:

1. *The PUD shall be limited those uses, special or permitted, in Neighborhood Business (B-1) and Community Business (B-2) with the addition of outdoor markets and retail sales as well as event venues.*
 2. *Prohibited uses include those listed out by the PUD Development Standards.*
 3. *The PUD shall be developed consistent with the PUD Plan, and the development conditions provided. In the event an alternative use other than those listed individually or within the B-1 and B-2 zoning classifications is proposed; the site shall go through the PUD Rezoning Application process to ensure due public notice is provided.*
 4. *Residential dwelling types are limited to single-family attached dwelling units (townhomes) and single-family detached dwellings units.*
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 includes all B-1 and B-2 uses, special and permitted, are allowed within the PUD. Therefore, the application is **consistent** with LDC Section 4.2.31.B.(2).

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 that a list of uses was provided with the PUD as well as a list of prohibited uses. The owners have indicated that future owners within the PUD may apply for a special use permit so long as the use requested is not one of the uses listed as prohibited.

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

Analysis: The PUD proposes all allowed uses as well as a list of prohibited uses. 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 PUD provides that the intended architectural style will be that of an Ocala Equestrian Vernacular to serve as a transitional space between the more urban area to the east and the equestrian area to the west. Residences will include single-family detached and townhome products with a maximum building height of 35' for townhomes and 30' for single-family detached homes. The lower maximum height single-family homes will abut the only parcel contiguous to the site, east, in an effort to buffer the property from the more intense uses proposed. Amenities will include retail shops/restaurants with full pedestrian connectivity from residential to commercial areas, a festival lawn, and an open lawn area to provide open passive space for activities. The amenity center included within the residential portion of the PUD will have a central building ±3500 square feet in size with a fitness center, multipurpose room, cafe area with kitchenette, lounge area, and changing rooms/restrooms. The outdoor patio attached to the amenity center will be roughly 5500 square feet in size and will include a community pool, outdoor kitchen and BBQ area, fire pits/outdoor fireplaces, and a pergola type shade structure. An additional paved walking trail will be provided around the drainage area in the southwestern portion of the property, roughly 0.5-mile distance. A property owners' association will provide care for common areas, signage, roads, stormwater, and other project infrastructure. To ensure amenities will be available to residents in a timely manner, staff recommends the following condition:

- The 3500 square foot amenity center including fitness center, multipurpose room, café area with kitchenette, lounge area, and restrooms shall be built concurrently with the residential development and be completed by CO of the 50th residential unit

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

- 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 ± 43.62 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 includes ± 43.62 acres of property with a Commercial land use designation. As such, the density permitted is 0-8 du/acre or a FAR of 1.0. Even at a FAR of .35, a more realistic ratio, commercial uses could include over 570,000 square feet. Residential development at a rate of eight dwellings per acre could develop up to 348 homes. The mix of commercial and residential being requested with this PUD falls well within the density and intensity permitted by the site's Commercial land use by asking 100,000 square feet of commercial and 140 units of residential. The proposed PUD is **consistent** with the section.

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

Analysis: The PUD Plan falls within the available density and intensity permitted by their land use, they have immediate availability to water and sewer connection, and their location provides frontage on three roads. The proposed PUD **is consistent** with the 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 has a single land use designation of Commercial. As such, 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: Staff finds that the future land use of the subject property does not propose a blending of intensity or density. Staff finds this section is **not applicable**.

- 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 its own setbacks and height limitations. Setbacks proposed are 40' from northern and western property lines and 30' from southern and eastern property boundary lines. Maximum building heights proposed are 45' for commercial, 35' for townhomes and 30' for single-family detached homes. Staff finds 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: The PUD Plan proposes a series of buffers that either meet or exceed those required by the LDC as demonstrated previously in this report. Attachment A Page 70 includes a layout with diagrams showing the buffers and a table listing the items included in each. Staff finds the applicant buffers to be appropriate making this item **consistent** with the provision.

- Buffers shall be as indicated in the PUD's Landscape Buffer Plan.
 - North – 15' wide landscaped buffer with no fencing.
 - East – 20' wide landscaped buffer with existing fencing.
 - South – 20' wide landscaped buffer with proposed fencing.
 - West – 15' wide landscaped buffer with proposed fencing.

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: The approved traffic methodology provided states there's a full access connection to US-27 at the existing median opening roughly 750' east of CR225A/NW 70th Avenue. Additionally, there are three access connections on NW 70th Avenue, an existing right-in right-out, a proposed right-in right-out south of the existing one, and a fully access driveway aligned with the northern Marion County Fire Rescue Station 20 driveway. Traffic did note the proposed driveways do not all meet spacing requirements so that traffic study likely will include changes to the locations of those proposed access points. Staff finds paved access does exist to the property and proposed access points will be required to meet Traffic's requirements making this application **consistent** with this provision as recommended.

- Requirements provided as a result of the approved Traffic Study and Traffic review must be implemented.
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 sidewalks internally throughout the project in both the residential and commercial areas. Staff finds the application is **consistent** with this provision as recommended.

- *Sidewalk to be provided internally as shown in the PUD site plan.*

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 traffic methodology provided (Attachment A Pages 92-134) states, “The Traffic study will include a discussion of available pedestrian and bicycle facilities adjacent to the site, and proposed connectivity from the development to the surrounding pedestrian and bicycle network.” The PUD itself shows design accommodations for cars as well as people by providing sidewalks throughout. Staff finds the application is **consistent** with this provision, provided any connectivity required by the traffic study is implemented.

- Connectivity to surrounding pedestrian and bicycle networks must be implemented if it is found to be available by the traffic study.

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 Development Standards provided (Attachment A Pages 80-92) state the following, “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.” Staff finds the application, therefore, consistent with this with the 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 and there’s immediately available to the site. 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.

Analysis: Attachment A Pages 135-152, prepared by Kimley-Horn, provides a drainage analysis of the site and the proposed development." ...The project will include a stormwater management system designed to capture stormwater flow from the future buildings, parking facilities, roadways, and landscaped areas. The Project area will have one primary basin, Basin B-01. The runoff generated from this basin will be conveyed to its proposed DRA. The DRA will hold the total stormwater runoff volume generated from the 100-year, 24-hour storm event, with no off-site discharge."

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

Analysis: The drainage analysis, as indicated above, will include a primary basin that will send runoff captured in to the proposed DRA, capable of holding runoff generated from the 100-year, 24-hour storm event, and requiring no off-site discharge.

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

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

Analysis: Staff finds any easements required for maintenance and upkeep of the PUD infrastructure will be determined during the Development Review phase of the process.

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

Analysis: Staff finds that buildable areas and easements will be finalized and/or determined during the Development Review phase of the development process.

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

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

Analysis: The PUD Plan proposes the sites various setbacks, height, and floor area ratio amounts.

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 Plan does not propose any such encroachments for setbacks. Specific building separations are not provided as design and construction of the buildings will be subject to building and fire code requirements wherein firewalls and or sprinkler systems may permit reduced separations or common walls. Reflecting this formal construction need, staff recommends noting the compliance as a development condition and, as such, the PUD will be **consistent with this section**

- *Development of the PUD's buildings related to setbacks and building separations shall conform to the PUD's development standards and applicable building code and fire safety code provisions.*

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

Analysis: Staff finds any additional separations made a requirement due to development relative to easements and on-site structures shall be addressed during the Development Review phase of the process.

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.

Analysis: Design standards provided list the maximum building height but a typical illustration showing the maximum height was not provided.

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

Analysis: As previously provided in this report, single-family dwellings with a 30' maximum building height are the development immediately abutting the Agricultural parcel to the east. All other property boundary lines abut rights-of-way. 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.).

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.*

2. LDC Section 4.2.31.E(5)(b) provides all lighting shall be installed in a manner to illuminate the identified structure, facility, or activity while ensuring the lighting does not cast direct light on adjacent dwellings or

properties in a negative manner, or cast light in an upward manner so as to illuminate the night sky and/or become a hazard to air navigation.

Analysis: Outdoor lighting is not addressed in the application. A condition has already been recommended to address this issue.

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

Analysis: Outdoor lighting is not addressed in the application. A condition has already been recommended to address this requirement.

- 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: The provision of perimeter buffers has been previously addressed. A condition has already been recommended to address this requirement. The PUD is not proposing vegetative buffers between the commercial and the residential.

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

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

encouraged to preserve as much of the native habitat within the NOS as possible.

- c. The PUD shall provide a minimum of five percent improved open space as provided in Section 6.6.6.B, with this improved open space being focused on satisfying the recreation facility needs of the PUD as listed in (7)(c) below.

Analysis: The PUD site has a Commercial 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 states it will meet the improved open space requirement of 20%. For this 43.62-acre parcel, a total of 8.72-acres must be provided for improved open space.

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 plan states it will meet the improved open space requirement of 20%.

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. Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space requirements in accordance with the following criteria:
 - 1) Waterbodies available and used for active water-oriented recreation uses such as boating, kayaking, canoeing, paddle boarding, fishing, water/jet skiing, and swimming may be used in calculations of IOS area of waterbodies but shall not exceed 50 percent of the total IOS; however, the adjoining recreational lands supporting the active water-oriented recreation uses may be counted at 100 percent.
 - 2) Waterbodies not available or used for the noted active water-oriented recreation uses may be used in calculations of IOS but shall not exceed 10 percent of the total IOS; however, the adjoining recreational lands supporting the waterbody that are established as recreation/amenity space may be counted at 100 percent recreational space. Only those waterbodies which are available to the development for water-oriented recreation use such as boating, fishing, water skiing, swimming and have associated recreational land areas may be used in meeting these requirements.
- f. If golf courses and/or driving ranges are provided to partially fulfill recreation space requirements, a maximum of 60 percent of the golf course and/or driving range land may be counted toward the required IOS. A golf course, driving range, and waterbodies combined cannot exceed 75 percent of the required IOS.

Analysis: The PUD plan states it will meet the improved open space requirement of 20%.

- 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 features a Commercial FLUMS designation, 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 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 **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 considered the application at their September 23, 2024, meeting and recommended approval with conditions to the Planning & Zoning Commission.

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: The PUD application included a Master Plan.

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: Due to the overall completeness of the master plan provided, Staff believes final development could move through DRC following BCC approval without having to return for a final board action.

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

Analysis: Staff finds that a master plan was submitted 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 with amended conditions** 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 1.1.1, 1.1.5, 1.1.6, 1.1.7, 2.1.22, 3.1.2, 5.1.3, 5.1.4;
 2. TE Policy 2.1.4, and Objective 2.2;
 3. SSE 1.1.3, 1.2.1;
 4. PWE 1.6.4;
 5. SE 1.1.4, 1.1.5

- C. **Is compatible** with the surrounding uses as the request is to expand the existing commercial use of the property to include more commercial and introduce a mix of residential.

The following development conditions are proposed to mitigate the potential for any negative impacts to the surrounding area:

1. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below

TABLE 2. SETBACKS (IN FEET)			
Direction	Adjoining Use	Proposed	Recommended
North	ROW	40'	40'
South	ROW	30'	30'
East	Agriculture	30'	40'
West	ROW	40'	30'

2. Development signage may be permitted within perimeter landscape buffers provided they are integrated in to the required buffer design.
3. The 3500 square foot amenity center including fitness center, multipurpose room, café' area with kitchenette, lounge area, and restrooms shall be built concurrently with the residential development and be completed by CO of the 50th residential unit.
4. The PUD shall comply with the PUD Development Buffers listed in Table 3 below and as listed within the buffering plan provided.

TABLE 3. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
North	ROW	Type "C"	Buffer IV (15' wide landscaped buffer with split rail farm fencing)	Proposed Buffer
South	ROW	Type "C"	Buffer II (20' wide landscaped buffer with proposed fencing)	Proposed Buffer
East	Agriculture	Type "E"	Buffer I (20' wide landscaped buffer with existing fencing)	Proposed Buffer
West	ROW	Type "C"	Buffer III (15' wide landscaped buffer with proposed fencing)	Proposed Buffer

5. The PUD shall be limited those uses, special or permitted, in Neighborhood Business (B-1) and Community Business (B-2) with the addition of outdoor markets and retail sales as well as event venues.
6. Prohibited uses include those listed out by the PUD Development Standards.
7. The PUD shall be developed consistent with the PUD Plan, and the development conditions provided. In the event an alternative use other than

those listed individually or within the B-1 and B-2 zoning classifications is proposed; the site shall go through the PUD Rezoning Application process to ensure due public notice is provided.

8. Residential dwelling types are limited to single-family attached dwelling units (townhomes) and single-family detached dwellings units.
9. Requirements provided as a result of the approved Traffic Study and Traffic review must be implemented.
10. Sidewalk to be provided internally as shown in the PUD site plan.
11. Connectivity to surrounding pedestrian and bicycle networks must be implemented if it is found to be available by the traffic study.
12. Development of the PUD's buildings related to setbacks and building separations shall conform to the PUD's development standards and applicable building code and fire safety code provisions.
13. 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.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval with Conditions.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Rezoning Application.
- B. Site Photos.
- C. DRC Staff Comments.
- D. Surrounding Property Owner Map.
- E. Supplemental Amenities Information.
- F. Request for Continuance.