



**Marion County  
Board of County Commissioners**

**Growth Services**

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

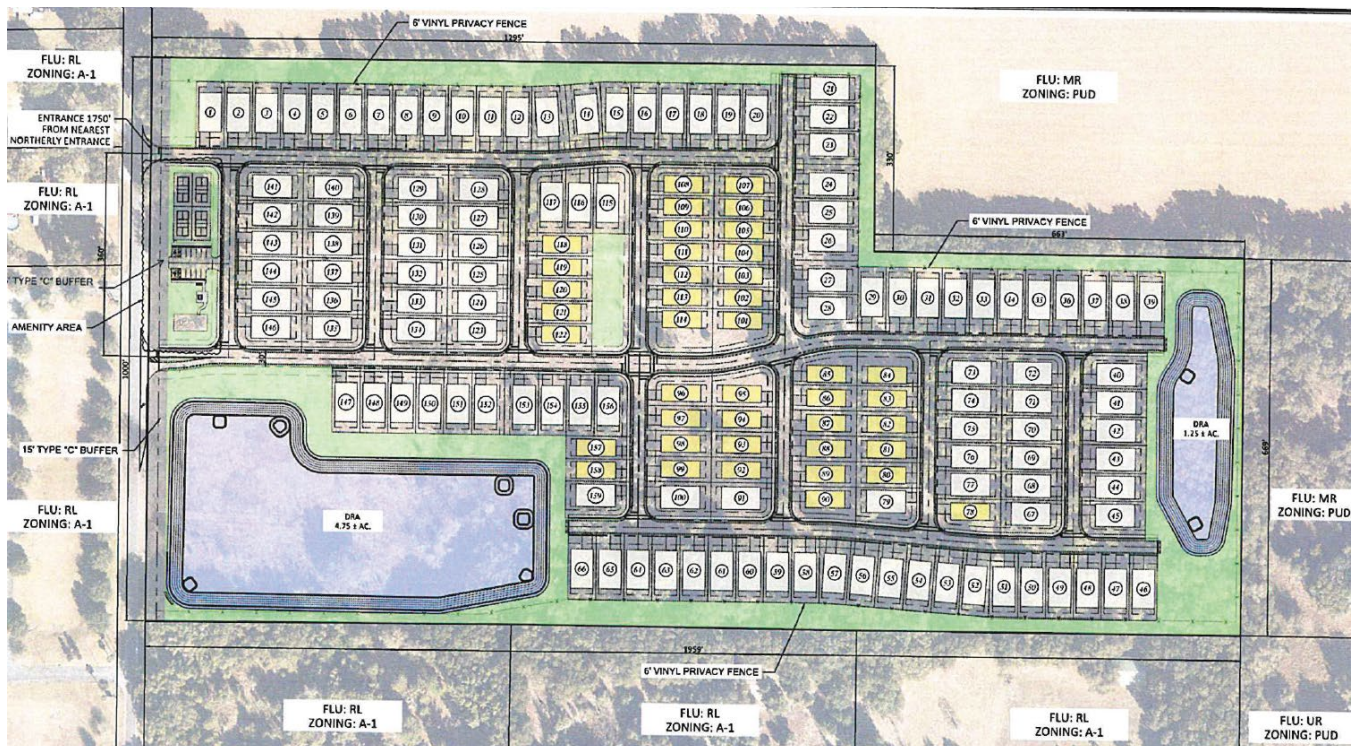
**PLANNING & ZONING SECTION  
STAFF REPORT**

	<b>P&amp;Z Date: 03/31/2025</b>	<b>BCC Date: 04/14/2025</b>
<b>Case Number</b>	250407ZP	
<b>CDP-AR</b>	32444	
<b>Type of Case</b>	<b>PUD Amendment:</b> Request to 1) eliminate vegetative buffering and build only 6'-high privacy fences; 2) add one more lot to PUD; and 3) modify location and type of amenities.	
<b>Owner</b>	Southeast 73 <sup>rd</sup> Avenue, LLC	
<b>Applicant</b>	Tillman and Associates Engineering, LLC	
<b>Street Address/Site Location</b>	16205 SE 73 <sup>rd</sup> Avenue	
<b>Parcel Number(s)</b>	48347-000-00	
<b>Property Size</b>	±39.94 acres	
<b>Future Land Use</b>	Medium Residential (MR)	
<b>Existing Zoning Classification</b>	Planned Unit Development (PUD)	
<b>Overlays Zones/Special Areas</b>	Secondary Springs Protection Zone	
<b>Staff Recommendation</b>	<b>Approval with Conditions</b>	
<b>P&amp;Z Recommendation</b>	<b>Approval with Conditions (On Consent)</b>	
<b>Project Planner</b>	Xinyi Cindy Chen	
<b>Related Cases</b>	100101Z A-1 to R-1 approved; 160709Z R-1 to PUD approved; 220919Z PUD to PUD approved.	

## I. BACKGROUND:

Tillman and Associates Engineering, LLC, on behalf of the owners Southeast 73rd Avenue, LLC, filed a PUD amendment to request three modifications of the approved PUD concept plan (see Attachment A). The amendment includes 1) to eliminate vegetative buffering along the northern, southern, and eastern boundaries, and build only 6'-high privacy fence instead; 2) to add one more lot to PUD (total of 159 lots) due to increased total acreage of the property based on the survey; and 3) to modify location and type of amenities as shown in the proposed concept plan (Figure 1 and Attachment B). The Parcel Identification Number for the property is 48347-000-00. The subject property sits in Medium Residential (MR) and is surrounded by High Residential (HR), Medium Residential (MR) and Rural Land (RL). The site is located outside of the Urban Growth Boundary and within the Silver Springs Secondary Springs Protection Zone.

**Figure 1 – Proposed PUD Concept Plan**



The property was rezoned from its original General Agriculture (A-1) zoning classification to Single-Family Dwelling (R-1) in 2010. The initial Heritage Oaks Village PUD, rezoned from R-1, was approved in 2016 to allow 130 residential lots on 39.67 acres. In the same application, the termination of a Developer's Agreement was granted. The PUD with an updated concept plan (Figure 2) was requested again and approved in 2022 to increase the total residential lots to 158 unit.

**Figure 2 – Approved PUD Concept Plan (220919Z)**

Heritage Oaks Village PUD	100101Z	160709Z	220403Z	250407ZP
<b>Application Request</b>	A-1 to R-1	R-1 to PUD; and Termination of Developer's Agreement	PUD to PUD with Concept Plan:  to increase total units and update concept plan	PUD Amendment:  to 1) eliminate buffers by only building fences, 2) increase total units by adding one unit, and 3) modify location and type of amenities
<b>Total Acres</b>	39.67	39.67	39.67	<b>39.94</b>
<b>Max. Residential Units</b>	Per Developer's Agreement	130	158	159
<b>Requested Residential Units</b>		<b>130</b>	<b>158</b>	<b>159</b>
<b>Residential Density</b>		3.55 du/ac	4.0 du/ac	4.0 du/ac
<b>BCC</b>	Approval	Approval with Conditions	Approval with Conditions	<i>Staff Recommendation:</i> Approval with Conditions  <i>P&amp;Z Recommendation:</i> TBD



Now the PUD amendment 250407ZP is asking to modify the approved PUD concept plan for the following requests:

**1. Buffering Modification:**

The applicant proposes to eliminate the previously approved vegetative buffering along the northern, southern, and eastern boundaries of the property. In lieu of the required landscape buffer, a 6-foot-high tan-colored privacy fence is proposed along these perimeters (see Figure 3). The western boundary along SE 73rd Avenue will retain the previously approved Type C landscape buffer.

According to the applicant, the area between the proposed fence and the property lines will remain with as much existing vegetation as possible, subject to grading tieback requirements. This space will be accessible for maintenance purposes and maintained by a future Homeowners Association (HOA). No irrigation is proposed, as no new landscaping will be installed in these areas. Some area could be filled with vegetations if needed.

**Figure 3 – Example of Proposed Fence**



**2. Increase in Total Number of Lots:**

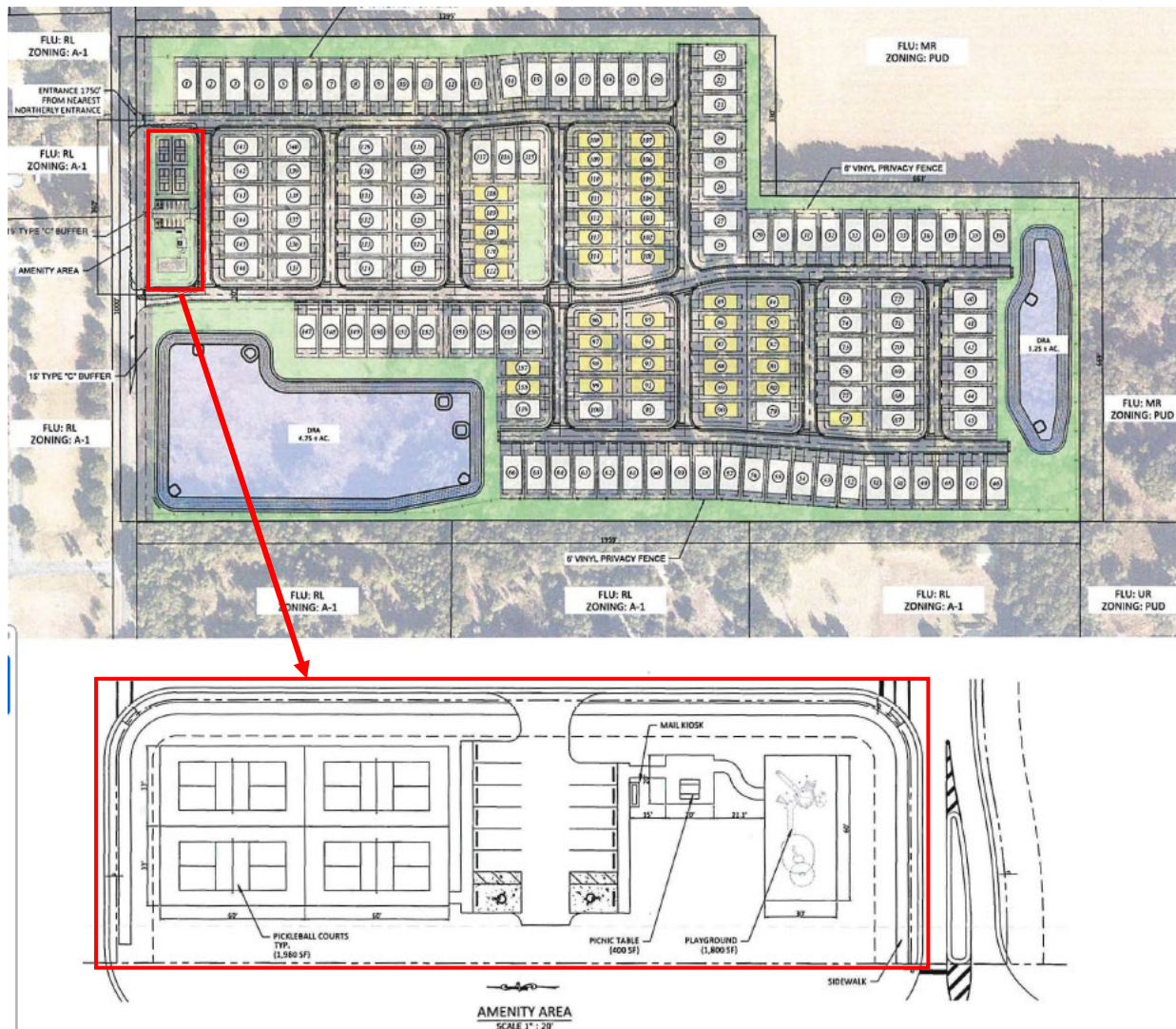
The applicant proposes to increase the total number of residential lots from 158 to 159. This request is based on updated survey data reflecting an increase from 39.67 acres to 39.94 acres in the overall acreage of the site.

**3. Amenity Area Adjustment:**

The proposed amendment also seeks to revise the location and type of community amenities. Changes are illustrated in Figure 4 and Concept Plan. The previously approved amenities include a dog park, a community park/walking trail, a

playground, and a clubhouse. The new proposed amenities provide four pickleball courts, a picnic table, and small areas for outside recreation, in replace of previously approved dog park, community park/walking trail, and clubhouse. The playground is kept and its proposed size is 1,800 sqft.

**Figure 4 – Proposed Location, Layout and Types of Amenities**



## II. ANALYSIS:

### A. Compliance with Zoning and Land Use Regulations:

- The proposed modification maintains the overall density of the PUD within the limits stipulated by the county zoning ordinance and previous approved PUD resolutions.

- The addition of 1 unit, total of 159 units, does not exceed the maximum allowable units due to the increase of total property size reflected by the survey.
- Approval of the proposed PUD amendment will not adversely affect the public interest. The residential use is consistent with the surrounding area and adjacent uses. The proposed PUD is compatible with the surrounding land uses in the developing area.
- **The proposed buffer modification does NOT comply with the Land Development Code (LDC) and is NOT supported by Growth Services or Parks and Recreation.** The elimination of vegetative buffering, combined with very limited narrow space for keeping existing trees and vegetation, is likely to result in the decline or loss of the remaining vegetation according to DRC Landscape reviewer. No trees or vegetation is clearly defined to be preserved or relocated in the new proposal. Additionally, staff have concerns regarding the long-term maintenance of these narrow areas between fences and property boundaries. **Therefore, staff recommends that the buffer be implemented in accordance with the previously approved PUD conditions #3 and #4 from case #220919ZP, as outlined below:**
  - Buffers shall be provided as approved 220919ZP and consistent with the LDC.
  - All project-wide walls, fences, and buffers, including all vegetative plantings, shall be installed and maintained in perpetuity consistent with professionally accepted landscape practices, unless & until modified through the appropriate Land Development Code PUD Amendment Process.

**B. Impact on Infrastructure and Services:**

- **Roads and Traffic:** The addition of one residential unit is not expected to significantly impact traffic volumes or roadway capacities. The original Traffic Study, prepared for 158 residential units, estimated approximately 1,537 new daily trips, including 113 AM peak-hour trips and 153 PM peak-hour trips. According to the Development Review Committee (DRC) comments, “the addition of one residential unit, bringing the total to 159 units, will not have a significant impact on trip generation for the site.”

However, DRC Traffic staff also noted that the Traffic Study was completed in 2023 with a projected buildout year of 2027. To date, the developer has not submitted an Offsite Improvement Plan for the required left-turn lane, despite having a proportionate share responsibility of 45%. Additionally, comments regarding driveway alignment from the original PUD application and the associated improvement plan remain unresolved and should be addressed as

part of this PUD amendment. Specifically, the alignment of the southern driveway should be revised as required by the County Engineer, and the northern driveway should be explicitly designated as emergency access only. All previously approved traffic-related conditions and required improvements under case #220919ZP should remain in effect. **Thus, the Traffic**

**recommends the following conditions:**

- Prior to completion and approval of the final PUD Master Plan, an updated Traffic Study reflecting the revised buildout date shall be completed to the satisfaction of the County Engineer and Planning director, adequate provision shall be made for the coordination of the improvements with the PUD.
  - An Offsite Improvement Plan shall be submitted, detailing the construction of the proportionate share turn lane, a right-turn lane at the southern driveway, and any other improvements deemed necessary based on the updated Traffic Study.
  - The alignment of the southern driveway shall be provided as needed to meet the satisfaction of the County Engineer. The northern driveway shall be designated for emergency access only.
  - A 25-foot-wide right-of-way shall be provided along SE 73rd Avenue. A sidewalk or multimodal path shall be developed along SE 73rd Ave, in accordance with the LDC. Sidewalk shall be provided on at least one side of internal roads. The internal roads shall be 50'-wide right-of-way with 5'-wide easements on each side.
- **Utilities:** The property is located within MCU Service Area, with 12" water main and 12" sewer forcemain available within about 700' on SE HWY 42. However, connection by offsite extension of both sewer main and water main along SE 73<sup>rd</sup> Ave shall be required for this proposed development.  
**According to the DRC Review Comments, the Utility recommends the following condition:**
    - The project shall be served by Marion County Utilities for central water services and central sewer services. The offsite water and sewer mains shall be extended and at developer's expense.
  - **Emergency Services:** The modification will not adversely impact response times or service levels for police or emergency medical services. However, the project shall address the Fire Marshall's comments regarding Fire Department Access Roads and Fire Flow/Fire Hydrant and ensure the improvement plan is in accordance with NFPA 1, Chapter 18.

**C. Environmental Considerations:**

- There are no FEMA Special Flood Hazard Areas or Flood Prone Areas on the property.
- No significant impact on local wildlife habitats or water resources is anticipated.
- Proposed buffer modification is not supported by DRC staff as discussed and conditions are recommended above.

**D. Community Impact:**

- The addition of one unit is not expected to alter the character of the community or impose undue strain on community resources.

**E. Consistency with PUD Objectives:**

- The proposed modifications generally align with the overall vision and objectives of the PUD.

### **III. STAFF RECOMMENDATION**

Staff recommends the Board enter into the record the Staff Report, and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to **APPROVE WITH FOLLOWING CONDITIONS**. Conditions are same as the conditions from previous PUD approval, except **modifications on conditions #1, 3, 6, 8, 9, 10, and 11:**

1. The PUD shall consist of a total of **39.94** acres with a maximum of **159** residential homes and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated **01/24/2025**; attached).
2. Residential building heights shall be limited to 40' in height, consistent with residential uses within the LDC. Accessory structures shall be limited to 20' in height.
3. Buffers shall be **provided as approved 220919ZP** and consistent with the LDC.
4. All project-wide walls, fences, and buffers, including all vegetative plantings, shall be installed and maintained in perpetuity consistent with professionally accepted landscape practices, unless & until modified through the appropriate Land Development Code PUD Amendment Process.
5. The PUD shall provide at least 20% Open Space, consistent with the LDC.
6. Amenities shall include **four pickleball courts, a playground, a picnic table, and small areas for outside recreation, as shown in the PUD Concept Plan (Dated 01/24/2025; attached).**
7. Prior to completion and approval of the final PUD Master Plan, **an updated Traffic Study reflecting the revised buildout date** shall be completed to the satisfaction of the County Engineer and Growth Services director. **The updated Traffic Study shall determine any changes to the previously identified proportionate share for intersection improvements on CR 42 at SE 73rd Avenue. The**



proportionate share requirements shall be satisfied prior to approval of the Final Plat.

8. The location of the northern and southern driveways shall be revised as needed to meet the satisfaction of the Office of the County Engineer. One of the two driveways may need to be converted to emergency access only as determined by the Office of the County Engineer. The need for turn lane(s) at one or both driveways shall be determined by the updated traffic study.
9. A 25-foot-wide right-of-way shall be provided along SE 73rd Avenue. A sidewalk or multimodal path shall be developed along SE 73rd Ave, in accordance with the LDC. Sidewalk shall be provided on at least one side of internal roads.
10. ~~(Not Used) An Offsite Improvement Plan shall be submitted, detailing the construction of the proportionate share turn lane, a right turn lane at the southern driveway, and any other improvements deemed necessary based on the updated Traffic Study.~~
11. The project shall be served by Marion County Utilities for central water services and central sewer services. **The offsite water and sewer mains shall be extended and at developer's expense.**
12. The final PUD Master Plan shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the applicant's expense.

#### **IV. PLANNING & ZONING RECOMMENDATION Approval** with Conditions (On Consent)

#### **V. BOARD OF COUNTY COMMISSIONERS ACTION** To be determined.

#### **VI. LIST OF ATTACHMENTS**

- A. Application Package AR32444
- B. Proposed PUD Concept Plan, dated 01/24/2025
- C. Previous PUD Approval and Concept Plan (220919ZP)
- D. DRC Comments
- E. Site Photos
- F. Additional information from Applicant