



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

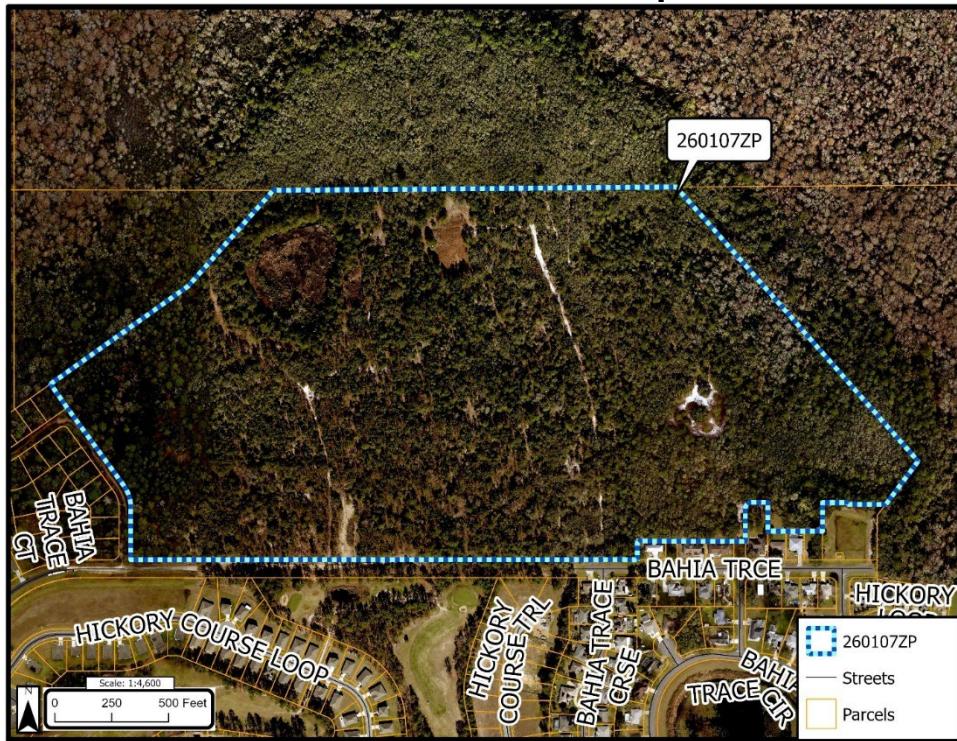
P&ZC Date: 12/29/2025	BCC Date: 01/20/2026
Case Number	260107ZP
CDP-AR	33487
Type of Case	Rezoning from Single-Family Dwelling (R-1) to Planned Unit Development (PUD) for maximum of 329 detached single-family homes.
Owner	Midway 65, LLC.
Applicant/Agent(s)	Tillman & Associates Engineering, LLC.
Street Address / Site Location	No Address Assigned
Parcel Number	9027-0000-02
Property Size	±110.14 acres
Future Land Use	High Residential (HR) and Medium Residential (MR)
Zoning Classification	Single-Family Dwelling (R-1)
Overlay Zone/Scenic Area	Primary Springs Protection Overlay Zone (P-SPOZ), Environmentally Sensitive Overlay Zone (ESOZ),
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	Approval with conditions (5-0)
Project Planner	Kathleen Brugnoli, Planner
Historic/Related Case(s)	Waiver granted 12/8/25 for a land use step-down from HR to MR for 47.53 acres (Attachment I).

I. ITEM SUMMARY

Tillman & Associates, LLC., on behalf of property owners, Midway 65, LLC., has filed an application to rezone a 110.14-acre parcel located in Silver Springs Shores Unit 27 from Single-Family Dwelling (R-1) 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 329 detached single-family dwellings on ± 110.14 acres. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is within the Primary Springs Protection Overlay Zone (P-SPOZ) with portions of the property also being within the Environmentally Sensitive Overlay Zone (ESOZ). Additionally, the site has a large portion, approximately 24.54 acres, located within a conservation easement as provided in Attachment G. Originally, the property had a consistent land use of High Residential on 110.14 acres and a maximum density of 8 dwelling units per acre. With that, the subject property would have been allowed up to 881 dwelling units. On December 8, 2025, the applicant was approved for a land use designation stepdown (Attachment I) through Future Land Use Element (FLUE) Policy 2.1.2 on 47.53 acres of the overall 110.14-acre property. With the land use designation stepdown, the allowed dwelling units on the property are 298 to 690. The applicant is requesting a PUD for 329 detached single-family dwellings. There are wetlands and conservation lands on the site, however, the proposed PUD does not show any development in those areas.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Approval** 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 meets the minimum requirement for development as it has been granted a step-down for land use from the Development Review Committee (DRC); with this approval, the proposed density meets minimum requirements for development.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (48 owners) within 300 feet of the subject property on December 12, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on December 12, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on December 15, 2025. 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, letters of opposition 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

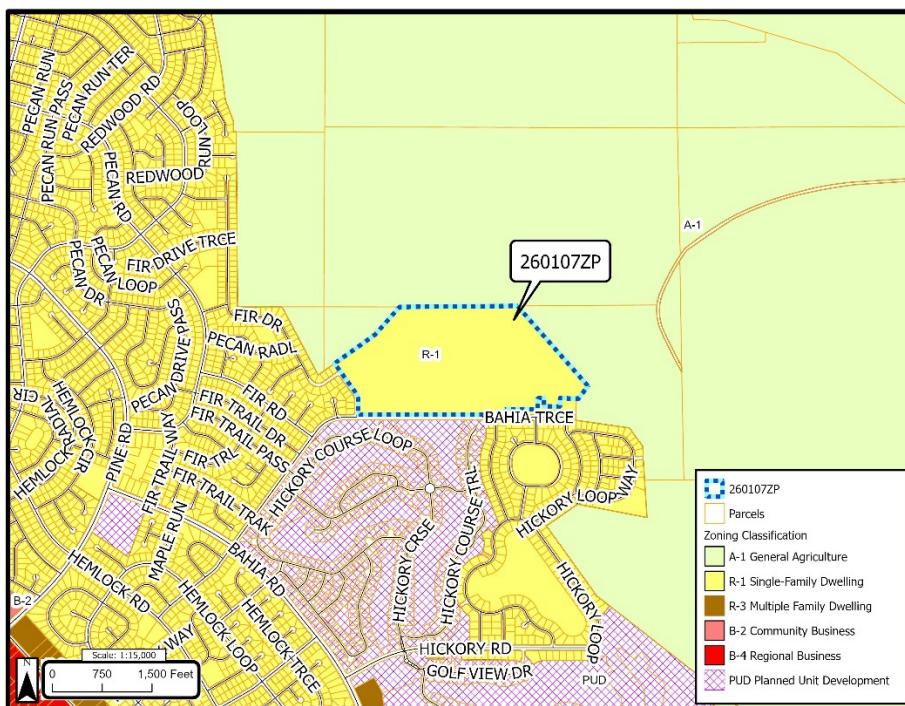


Figure 4
Proposed Zoning Classification

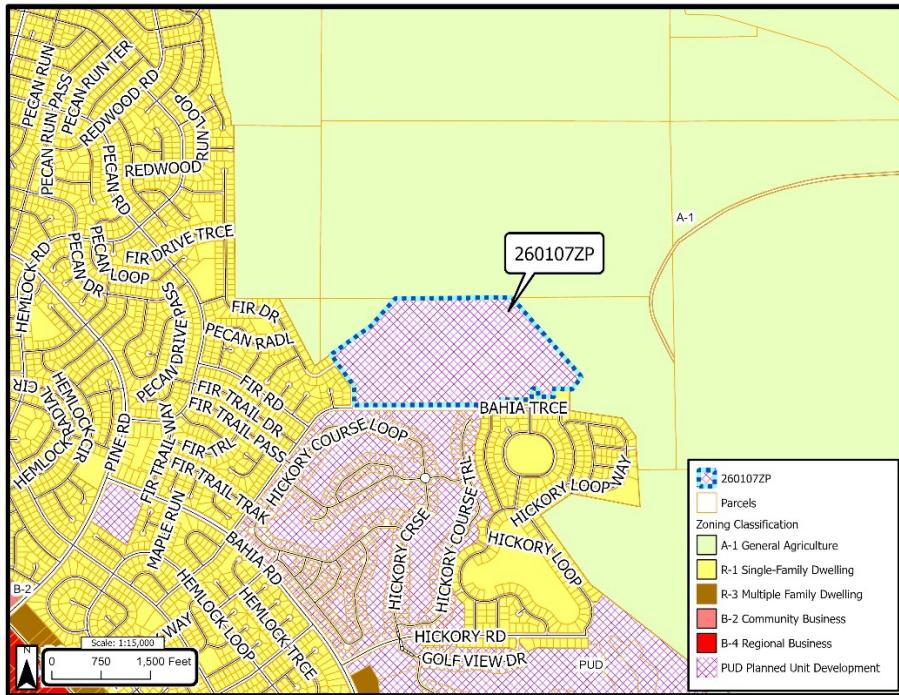


Figure 5
Existing and Surrounding Land Uses

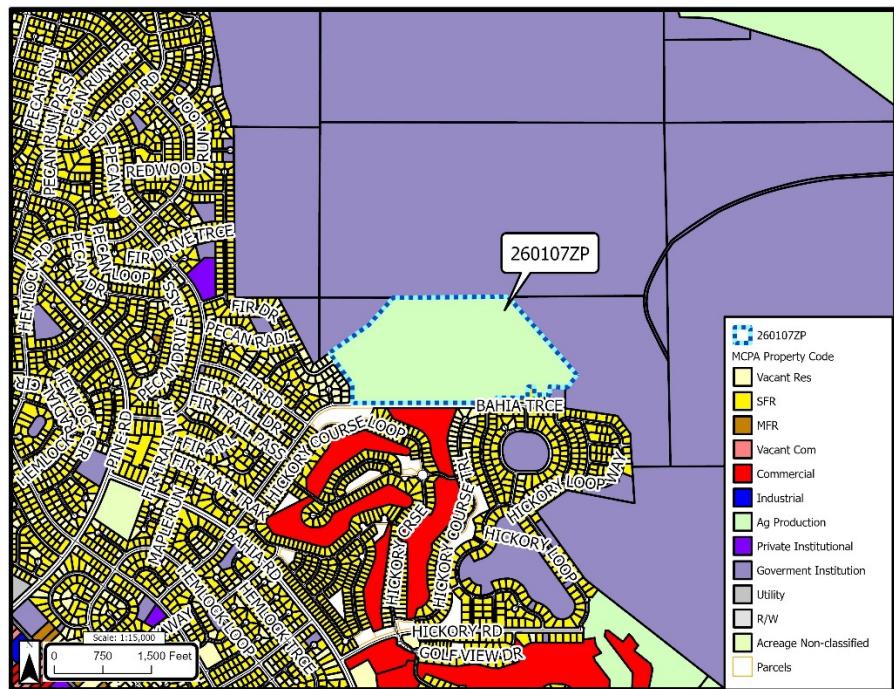


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	High Residential (HR)	Single-Family Dwelling (R-1)	Timberland
North	Preservation (PR)	General Agriculture (A-1)	State Property
South	ROW High Residential (HR))	Single-Family Dwelling (R-1) Planned Unit Development (PUD)	Residential
East	Preservation (PR)	General Agriculture (A-1)	State Property
West	Preservation (PR) High Residential (HR)	General Agriculture (A-1) Single-Family Dwelling (R-1)	State Property Residential

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (Attachment B) on December 12, 2025. The site is heavily treed with little access available to the property as the portion of Bahia Trace fronting the site is not developed and a gate has been placed at the end of the paved portion of Bahia Trace to the west of the property. Two roads to the east, Bahia Trace Course and Bahia Trace Circle, dead end into the subject parcel with a third road, Bahia Trace Trail running into a retention area fronting the subject parcel which can be viewed from the road.

Maximum building height or the proposed PUD is limited to 40' which is the same as the residential uses contiguous to the PUD. Two lot sizes are proposed with 289 units being 40'x120' and the remaining 40 lots being 50'x120'. Setbacks are 25' front, 15' rear, and 5'/15' for side and side abutting ROW. Accessory uses are permitted, *with the exception of guest cottages*, and must be 5' from rear and side property lines. Based on the height and setback limitations being similar to the existing development standards contiguous, staff finds the setbacks 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 provides proposed and recommended setbacks in table form:

TABLE 2. SETBACKS (IN FEET)		
Direction	Proposed	Required (as Proposed)
Front	25'	25'
Rear	15'	15'
Side	5'	5'
Side (on ROW)	15'	15'

Figure 6 Fawn Lake Estates Concept Plan

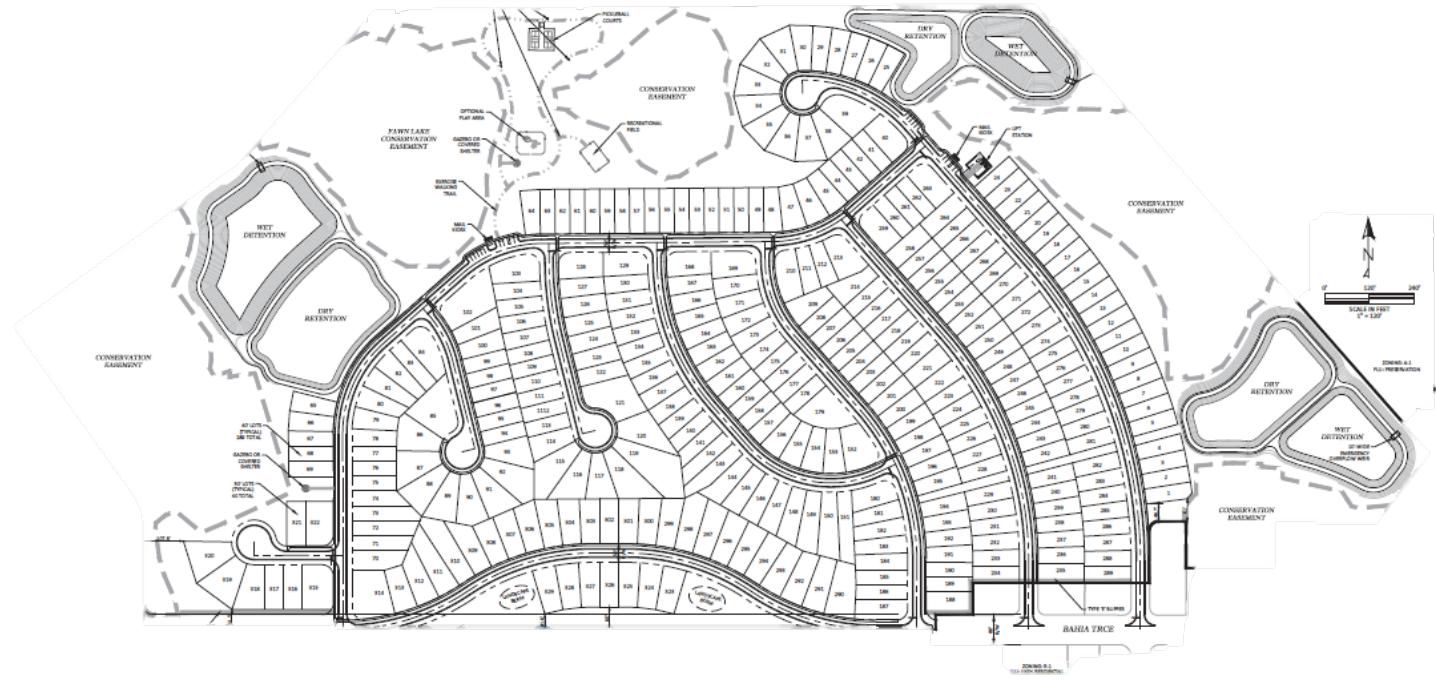


Table 3 summarizes the PUD's proposed buffers for the PUD. Attachment A Pages 24-26 include buffer cross sections, details/diagrams, and renderings for the proposed buffering types. Buffers proposed do not meet the requirements of Land Development Code (LDC).

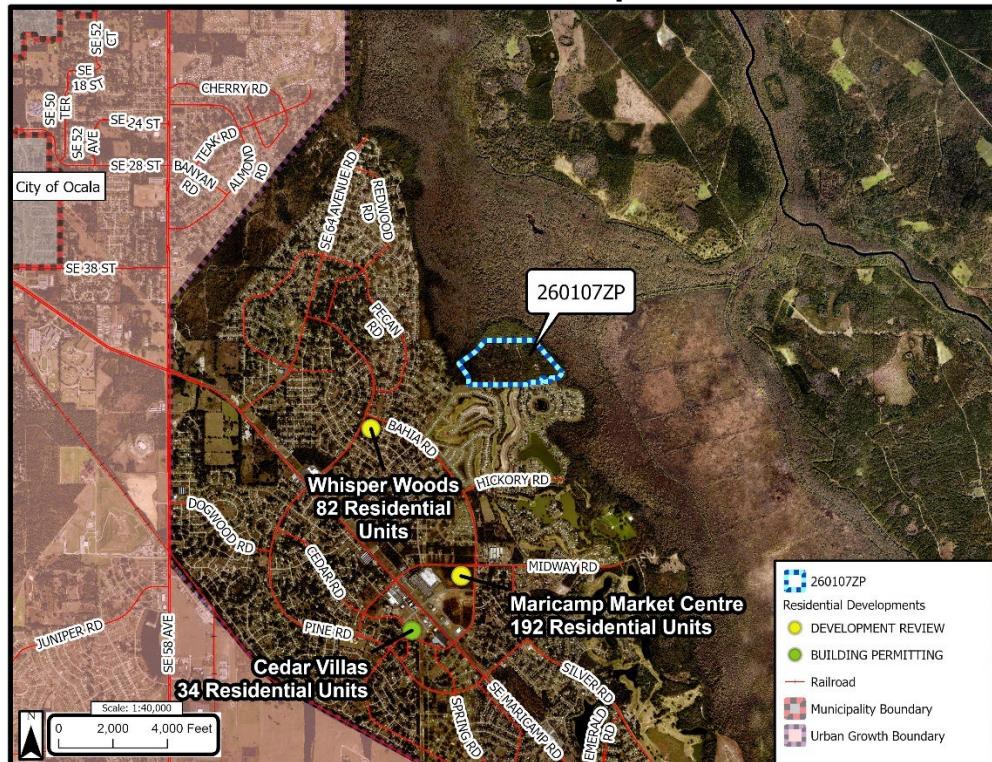
TABLE 3. BUFFERS

Direction	Adjoining Use	Proposed
North	State Land	Conservation Area/ No Touch
South	Residential	15' C-Type 5' E-Type
East	State Land	Conservation Area/ No Touch
West	State Land Residential	Conservation Area/ No Touch

Figure 8 visually shows the buffers staff would require to mitigate any adverse impacts with subsection C (6) detailing each buffer and its location along the PUD's boundary lines.

Figure 7 below shows residential development in the surrounding area and the number of units approved for each. Projects shown with a yellow dot have been approved by BCC and are in the process of receiving approval from Development Review while green dots are shovel ready with both BCC and DRC approval.

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. A Traffic Methodology (AR 32989) has been approved for the PUD (Attachment D) and the Traffic Study (AR 33489) is currently underway. Traffic included comments in their DRC review for the rezoning application (Attachment C) stating the following, *"The development is expected to generate approximately 3,245 daily trips and 328 peak hour trips. The only major classified roadways that will be impacted include CR 464 from Emerald Road to Baseline Rd and SR 464 from Baseline Rd. to SE 22nd Ave...There are concerns with the traffic impacts on CR 464/SR464. The traffic methodology indicates that 54% of the project traffic which amounts*

to 1,752 daily trips will head towards the City of Ocala on CR 464/SR 464. The Ocala/Marion TPO Congestion Management Plan indicates that the segment of CR 464 is at 96% of its capacity at the adopted Level of Service Standard of E based on 2023 traffic volumes. There is available capacity for 1,520 new daily trips. This also does not take in to account the approved Arden development on the west side of CR 464 which is projected to place 5,659 daily trips onto CR 464. With the approved Arden development, there is no remaining capacity." The subsequent Traffic Study, that will need to be available for review by the time of the Board of County Commissioner public hearing, will need to address and road deficiencies.

- b. Public transit. The closest Suntran stop is on the red route at the corner of Pine Rd. and Midway Ter., approximately 1.45 miles southwest of the subject property.
- c. Other mobility features. The PUD Site Data Notes (Attachment A Page 17) include as note 13, "Sidewalks to be provided on one side of roads or pay fee in lieu of as an option."

Based on the above findings, it is concluded the application's proposed **transportation impacts may 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 329 proposed residences, the rezoning could result in an overall generation of 123,375 gallons per day. DRC comments (Attachment C) provided by Marion County Utilities indicate, "Water main connections will be determined during the Improvement Plan review stage or earlier if off-site utility plans are submitted for review and approval." As long as the applicant implements requirements made the Marion County 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 329 residences, the proposed rezoning would result in an overall generation of up to 90,475 gallons per day. The DRC comments from Utilities indicate this development will be connecting to a Marion County Utilities force main and specifics for connections will be determined during the Improvement Plan review stage. As long as the applicant hooks in to available Marion County Utilities sewer services, 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. Silver Springs Shores Fire Station #17, located at 2122 Pine Rd., is approximately 2.5 miles south of the subject property and is the station listed under property statistics as being the station for the subject parcel's fire boundary. 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 **may adversely affect the public interest depending on the timing of development and County efforts to address the existing operational deficiencies identified.**

TABLE 6: FIRE SUPPRESSION/NON-TRANSPORT RESPONSE ANALYSIS

Station	Travel Time (Minutes)	FY 23/24 Incident Reliability (% / Status)	Incidents/Unit*
#17 – Silver Springs Shores	6	4.72% / Low	1,357
#28 – Rolling Greens	11	5.03% / Low	1,828
#18 – Bellevue	19	6.08% / Low	749

*The threshold to consider adding additional Suppression/Non-Transport units is 2,000 incidents; there are no additional budgeted units for this area to date.

Source: Marion County Fire Services

TABLE 7: TRANSPORT/AMBULANCE RESPONSE ANALYSIS

Station	Travel Time (Minutes)	FY 22/23 Incident Reliability (% / Status)	Incidents/Unit*
#17 – Silver Springs Shores	6	27.37% / High	3,639
#28 – Rolling Greens	11	2.98% / Low	2,615
#70 – EMS East	13	0.98% / Low	1,162
#18 - Bellevue	19	4.57% / Low	2,615

*The threshold to consider adding additional Transport/Ambulance units is 2,500 incidents.

Station 17 – New Transport Unit in service 10/18/2025.

Source: Marion County Fire Services

6. Law enforcement. The Silver Springs Shores District Office, located at 501 Water Rd., is roughly 3.25 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. Greenway Elementary is \pm 1.4 miles from the subject site at 207 Midway Rd., Lake Weir Middle School is roughly 12 miles southeast at 10218 SE Sunset Harbor Rd., and Lake Weir High School is roughly 5.5

miles southeast at 10351 SE Maricamp Rd. Based on attendance figures provided in Attachment E Page 1 by the Planning Manager for MCPS, Greenway Elementary was at 89% capacity, Lake Weir Middle was at 88% and Lake Weir High was at 75%. 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 while the traffic impacts may adversely affect the public interest, the timing of various developments being a large unknown, it is determined that overall **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 and improvements resulting from the Traffic Study.

C. *Comprehensive Plan consistency.*

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

Analysis: To reduce the minimum number of required units, the proposed PUD includes two land uses with the less intense land use being located in areas already within a conservation easement. In doing so, the PUD looks to accommodate projected population while also protecting areas designated for conservation as well as environmentally sensitive areas. Staff concludes the proposed amendment **is consistent** with FLUE Policy 1.1.3.

2. FLUE Policy 2.1.2: Land Use Requirements provides, "The Future Land Use Map Series shall designate areas for the uses listed in Table 2-1 and further described in Policy 2.1.13 through Policy 2.1.25. Density and intensity shall be calculated on a gross acreage basis unless otherwise noted. Minimum densities shall be adhered to within the Urban Growth Boundary and Planned Service Areas.
 - a. Outside of the UGB or PSAs, the Development Review Committee may grant a step-down density of one FLU designation where insufficient infrastructure exists to support development at the designated density. For example, parcels designated Medium Residential may be developed as Low Residential with DRC approval in these areas. The Future Land Use Map will be updated to reflect such approvals, coincident with recording the Final Plat.

- b. Maximum density will not be exceeded except through density and/or intensity bonus programs including averaging, TDCs or Planned Service Area incentives.

Analysis: The subject property is located outside of the UGB and was brought before DRC and granted a step-down density of one FLU designation for a portion of the property. 47.53 acres of the overall 110.14 were granted a step down from HR to MR. Because of this, the range of residential units allowed went from 441-881 to 298-690. As such, the application is **consistent** with FLUE Policy 2.1.2.

3. FLUE Policy 2.1.18: Medium Residential: This land use designation is intended to recognize areas suited for primarily single-family residential units within the UGB, PSAs and Urban Area. However, the designation allows for multifamily residential units in certain existing developments along the outer edges of the UGB or Urban Area. The density range shall be from one (1) dwelling unit per one (1) gross acre to four (4) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area land use

Analysis: A 47.53-acre portion of the overall property was granted a step down to MR land use designation. The PUD proposed is comprised of single-family residential units, a use permitted within MR. The application is **consistent** with FLUE Policy 2.1.18.

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

Analysis: The PUD includes MR and HR land use designations. Development of the site is proposed to be detached single-family homes, a use permitted in both land use designations. The HR land use is an Urban Area land use, and the PUD site, while not located in the Urban Growth Boundary (UGB), is located in the Urban Area of Silver Springs Shores making this request compatible. The application is **consistent** with FLUE Policy 2.1.19.

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 December 29, 2025 Planning and Zoning Commission and, therefore, the application **is consistent** with this FLUE Policy 5.1.3.

5. 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 which will need to 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 shows four access points, all of which appear to be intersecting with Bahia Trace. The majority of the subject property’s frontage is on a portion of Bahia Trace that has not been developed yet. The need for roadway improvements 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 plan provided states the project shall connect to those existing services. Based on the above findings, it is concluded the application **is consistent** with SSE Policy 1.1.3.

9. 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: As stated previously, Marion County Utilities provides water connection in the area and the PUD will be required to connect. Based on

the above findings, it is concluded the application **is consistent** with PWE Policy 1.6.4

10. 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.

11. 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 single-family residences and notes that accessory uses allowed comparable to those permitted in residential would be allowed with the exception of guest cottages. Development standards were provided addressing setbacks, height, etc. No additional uses were listed as allowable.

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

- *The PUD shall be limited to those uses as indicated within the PUD plan.*
- *The PUD shall be developed consistent with the PUD Plan. In the event an alternative use other than those listed is proposed; the site shall go through the PUD Rezoning Application process to ensure due public notice is provided.*
- *PUD is limited to 329 single-family detached dwellings units.*
- *A property owner's association OR the developer must care for and maintain all common areas used by residents of the subdivision as well as buffers, stormwater, and any other forms of infrastructure within the subdivision.*

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 one of three criteria;

Analysis: Staff finds the application does not seek to include uses other than residential for this 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: Future owners of lots within the PUD would need to obtain a special use permit to do anything other than using their property residentially.

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 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 renderings showing the style of homes proposed on Pages 27-34 of Attachment A. Homes shown are one or two stories with several different sizes and floor plans available; the homes shown are also to be staggered to provide variation when viewed from the street. Amenities information, including color renderings were also provided with the application (Attachment A Pages 36-39). The amenities shown include a pickleball court, a playground, gazebo/shade structure, a

recreation field, and an exercise walking trail with benches installed along the trail. The property, including common areas, is said shall be maintained by an established HOA or the developer. To address timing of amenities, staff recommends the following condition:

- *By the 50th CO for residences in the PUD, amenities shall be completed and operational.*

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 ±110.14 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: Originally, the property had a consistent land use of High Residential on 110.14 acres and a maximum density of 8 dwelling units per acre. With that the subject property would have been allowed from 440 dwelling units up to 881 dwelling units. On December 8, 2025, the applicant was approved for a land use designation stepdown through Future Land Use Element (FLUE) Policy 2.1.2 on 47.53 acres of the overall 110.14-acre property. With the land use designation stepdown, the allowed dwelling units on the property are 298 to 690. The applicant is requesting a PUD for 329 detached single-family dwellings. The PUD seeks a maximum of 329 single-family dwellings putting them around the 3 du/ac range. 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 below the maximum density and intensity permitted by the land use, there's immediate availability to water and sewer connection, and the proposed development is similar to that of the residential area surrounding to the south and west. 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.1) Transfer of Development Rights (TDR) Program 2) Transfer of Vested Rights Program 3) Rural Land development density bonuses.

Analysis: This PUD application does not look to utilize any of the three methods listed above. 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: A blending of densities is proposed for the project with MR being 47.53-acres of the site and the remaining 62.61-acres being HR. Based on the minimum densities required, the MR portion must include at least 48 dwellings with the HR portion needing to include at least 251 dwellings; a total of 299 dwellings. Due to a large portion of conservation lands as can be seen with the site place in Attachment A Page 4, homes will need to be concentrated in the areas that do not include wetlands and/or conservation easements. Staff finds the subject property's blending of density is appropriate and as such, staff finds this section is **consistent**.

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 includes an averaging of MR and HR land use designations and densities. Based on the acreage of each, 298 dwellings are the required minimum with 329 homes being proposed. Staff finds this section is **compatible**.

- 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 as provided in Section A of this report. Staff finds the PUD is **consistent** with this section of the LDC.

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**.

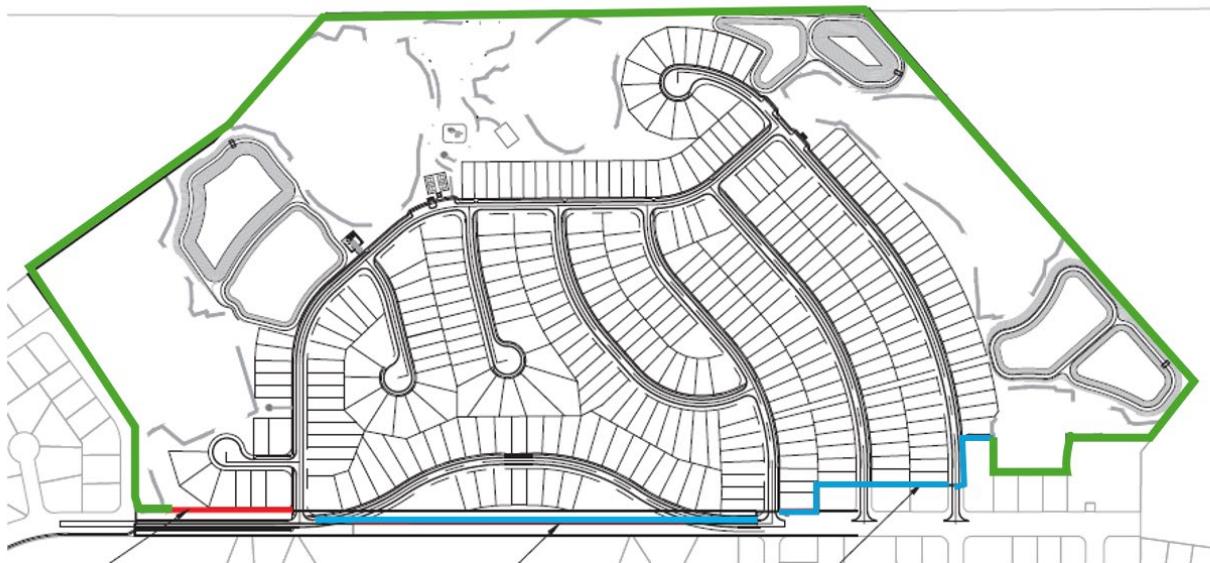
6. LDC Section 4.2.31.D.(6) requires the PUD to comply with the minimum buffer requirements as established in this Code, or an alternative design meeting the intent of the Code may be proposed for consideration. If an alternative design is proposed, the proposal shall include, at a minimum, scaled typical 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 do not meet those required by the LDC as demonstrated previously in this report. Attachment A Pages 24-26 include the buffer information and renderings. Staff finds the applicant's proposed buffers to be less than those required by Code. Buffers along the east, north, and west are not provided as these areas are part of the conservation area, however, pickleball courts and residential parcels 28-32. The buffer diagram provided assumes that a road abrogation will be granted for the portion of Bahia Trace not currently developed, prompting the 5' E-Type buffer proposed rather than continuing the 15' C-Type buffer as is required along rights-of-way for residential. If buffers are amended as provided below to address the potential for adverse impacts, this item will be **consistent** with the provision.

- *Buffers shall be as indicated below*
 - *North – Minimum 15' no touch buffer along property boundary lines.*
 - *East – Minimum 15' no touch buffer along property boundary line.*
 - *Southeast – Minimum 15' no touch buffer along conservation areas abutting residential and 5' E-Type buffer for homes in PUD contiguous to residential lots.*
 - *South – 5' E-type buffer for portion of PUD immediately abutting the residential lots as well as the abrogation of unused ROW.*

- Southwest – Minimum 15' no touch buffer for westernmost corner abutting conservation area and 15' C-Type buffer along space fronting ROW buffering homes
- West – Minimum 15' no touch buffer along property boundary lines.

Figure 8
Buffers



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: Staff finds three access points are proposed for the PUD, all on Bahia Trace. These access points will be required to meet Traffic's requirements for development, 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. 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 PUD itself shows design accommodations for cars as well as people by providing sidewalks on one side of all internal streets. Staff finds the application **is consistent** with this provision, provided any connectivity required by the traffic study is implemented.

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: Each home has its own driveway and garage for parking. The mail kiosk area also features a parking lot for residents who choose to drive to the walking trail, pickleball courts, and playground area. Staff finds the application **is consistent** with this provision.

5. LDC Section 4.2.31.E.(1)(e) requires all appropriate utility infrastructure shall be made available to and provided for the PUD.

Analysis: Central water & sewer service are addressed 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 Page 35, indicates that ±2.5-acres of the PUD are devoted to water retention areas. The DRAs will be required

to 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 total of six (6) water retention basins that will send runoff captured in to the designated 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) 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 and height limitations.

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.

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 setbacks ensure the 10-foot minimum is being met.

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 are proposed with a 40' maximum building height similar to the residential development in the surrounding area. All other property boundary lines abut rights-of-way or Agricultural properties owned by the State of Florida. 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. However, a photometric plan will be required as this project moves through Development Review as stated in the LDC.

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.

- 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 MR and HR 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 ± 37.1 acres are provided for open space which is approximately 34% open space with 24.5 acres of the open space figure provided within a conservation easement (Attachment G)

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 figures provided above ensure the 20% minimum is being met.

- 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 provides open space calculations in Attachment A on page 15. The PUD is meeting minimum requirements for improved open space.

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 does not include any Commercial uses, therefore this section of the LDC is not applicable.

L. LDC Section 4.2.31.F. addresses the pre-application meeting.

1. LDC Section 4.2.31.F.1 requires a pre-application meeting be conducted before a PUD rezoning application can be accepted.

Analysis: A pre-application meeting was conducted. Thus, this application meets this requirement.

2. LDC Section 4.2.31.F.(2)(a) requires a PUD application be accompanied by a Conceptual Plan, Master Plan, Major Site Plan or Preliminary Plat.

Analysis: The PUD application is accompanied by a Conceptual Plan.

3. LDC Section 4.2.31.F.(2)(b) requires the PUD Rezoning Application shall be accompanied by a Conceptual Plan provide documentation addressing the following:

- a. The name of the proposed PUD shall be centered at the top of the sheet along the long dimension of the sheet.
- b. Vicinity map that depicts relationship of the site to the surrounding area within a 1-mile radius.
- c. Drawing of the boundaries of the property showing dimensions of all sides.
- d. Provide the acreage of the subject property along with a legal description of the property.
- e. Identify the Comprehensive Plan future land use and existing zoning of the subject property and for all properties immediately adjacent to the subject property.
- f. Identify existing site improvements on the site.
- g. A list of the uses proposed for the development.
- h. A typical drawing of an interior lot, corner lot, and cul-de-sac lot noting setback requirements. For residential development, the typical drawings will show a standard house size with anticipated accessory structure.
- i. Proposed zoning and development standards (setbacks, FAR, building height, etc.).
- j. Identify proposed phasing on the plan.
- k. Identify proposed buffers.

- i. 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 October 27, 2025 meeting and recommended approval 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 will come back before the Board as a final Master plan if the rezoning with conceptual plan is approved.

- The final PUD Master Plan must be brought back and heard by the Board of County Commissioners for final approval.

- 5. LDC Section 4.2.31.F.(4)(b) require final development plan be in accordance with requirements of the Land Development Code and be considered by the DRC. At the direction of the Board, DRC, or Growth Services Director, the final development plan may be brought back to the Board for final action.

Analysis: The final development plan for this PUD will be brought back to the Board for final 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 submittal was a conceptual plan and was not submitted with a final development plan.

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 rezoning is not an amendment to a previously approved PUD.

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 **APPROVE** 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 Commission to **APPROVE with conditions** the proposed rezoning because the application:

- A. **Will not adversely** affect the public interest based upon impacts to the surrounding area;
- B. **Is consistent** with the following Comprehensive Plan provisions
 1. FLUE Policy 1.1.3, 2.1.2, 2.1.18, 2.1.19, 5.1.3, 5.1.4;
 2. TE Policy 2.1.4, and Objective 2.2;
 3. SSE 1.1.3;
 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 develop the property as single-family residential, similar to that of the surrounding area.

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

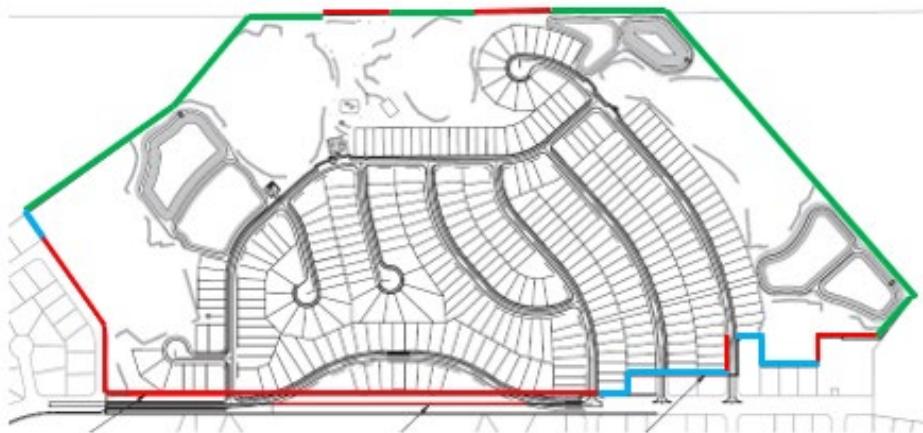
1. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below

TABLE 2. SETBACKS (IN FEET)

Front	25'
Rear	15'
Side	5'
Side (on ROW)	15'

2. The PUD shall be limited to those uses as indicated within the PUD plan.
3. The PUD shall be developed consistently with the PUD plan. In the event an alternative use other than those listed is proposed, the site shall go through the PUD rezoning application process to ensure due public notice is provided.
4. The PUD is limited to 329 single-family detached dwelling units.
5. A property owner's association OR the developer must care for and maintain all common areas used by residents of the subdivision as well as buffers, stormwater, and any other forms of infrastructure within the subdivision.
6. By the 50th CO for residences in the PUD, amenities shall be completed and operational.
7. Buffers shall be as indicated below:
 - a. North – 15' wide C-Type Buffer running the length of the proposed pickleball courts and the length of parcels 28-32. 15' no touch buffer for remaining boundary line.
 - b. East – 15' no touch buffer along property boundary line.

- c. *South – 15' wide C-Type Buffer along Bahia Trace with the option to apply for a waiver for the portion indicated to be abrogated only if the abrogation is granted.*
- d. *Southeast – 5' E-Type buffer for portions of PUD contiguous to residential lots and 15' C-Type buffer for retention area and PUD area across ROW from residential.*
- e. *Southwest – 15' C-Type buffer along space left for ROW and 5' E-type buffer for portion of PUD immediately abutting the single residential lot.*
- f. *West – 15' no touch buffer along property boundary lines.*



- 8. Requirements provided as a result of the approved Traffic Study and Traffic review must be implemented.
- 9. Sidewalk to be provided internally as shown in the PUD site plan.
- 10. The final PUD Master Plan must be brought back and heard by the Board of County Commissioners for final approval.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval with conditions (5-0).

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Rezoning Application.
- B. Site Photos.
- C. DRC Staff Comments.
- D. Traffic Methodology.
- E. Development Impact.
- F. Surrounding Property Owner Notification.
- G. Conservation Easement

- H. Plat Vacate
- I. Step Down Waiver Approval