



**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**

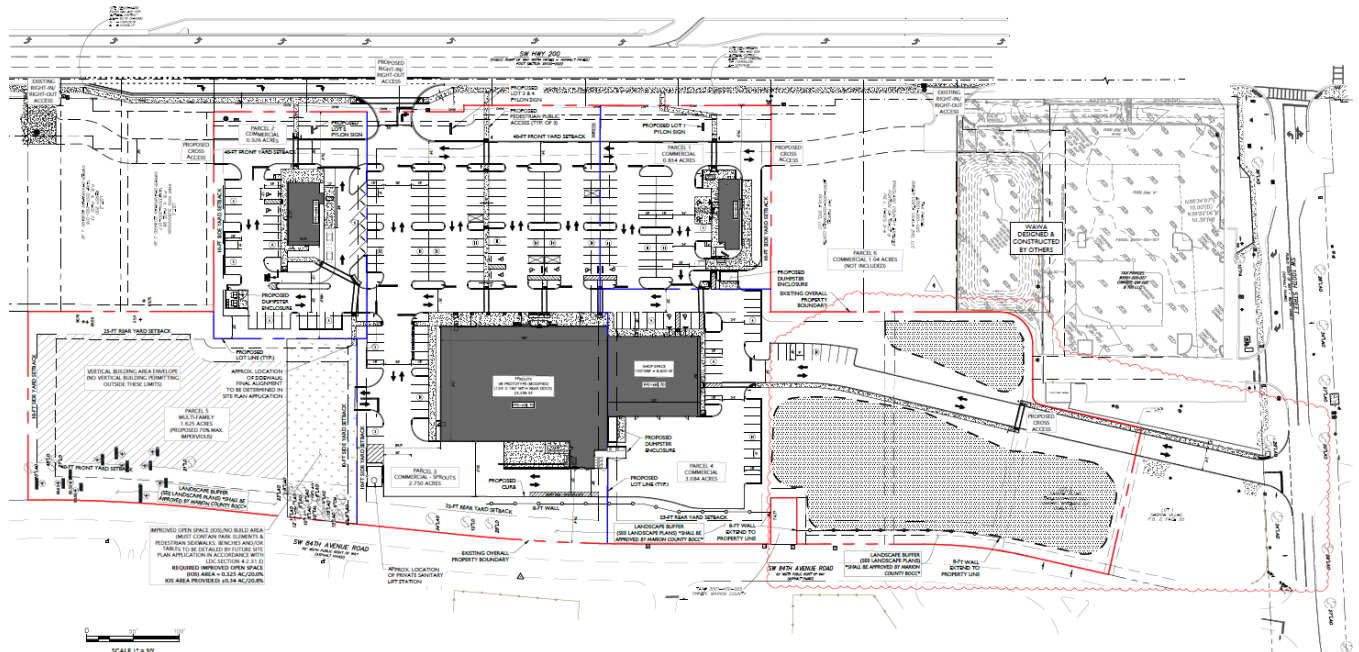
	P&Z Date: 04/28/2025	BCC Date: 05/20/2025
Case Number	250509ZP	
CDP-AR	32534	
Type of Case	PUD Amendment: Request to 1) add one parcel to PUD; and 2) modify ingress and egress.	
Owner	CORTA Ocala, LLC	
Applicant	N/A	
Street Address/Site Location	8410,8422,8424,8426,8428,8430,8440 SW HWY 200, Ocala FL 34481	
Parcel Number(s)	15 parcels of existing PUD including 3501-200-018, 019, 020, 021, 022, 023, 034, 035, 036, 037, 038, 039 & 040; 3501-400-003 & 004 One (1) added parcel to PUD: 3501-400-002	
Property Size	±9.22 acres	
Future Land Use	Commercial (COM)	
Existing Zoning Classification	Planned Unit Development (PUD) & Community Business (B-2)	
Overlays Zones/Special Areas	Secondary Springs Protection Zone	
Staff Recommendation	Approval with conditions	
P&Z Recommendation	Approval with conditions (6-0)	
Project Planner	Xinyi Cindy Chen	
Related Cases	CORTA PUD: 240506ZP B-2 to PUD – Approved (Concept Plan 05/2024 & Site Plan 08/2024)	

I. BACKGROUND:

CORTA OCALA, LLC filed a PUD amendment to request two modifications of the approved PUD master plan (see Attachment A). The amendment includes 1) adding one ± 0.48 -acre parcel (3501-400-002) to the Corta Commons PUD; and 2) modifying ingress and egress at SW 100th St by removing approved access through the rear side of Wawa and adding additional cross access and external access through adjacent corner parcel (Samira Villas Lot 1 - PID 3501-400-001). (Figure 1 and Attachment B). The added parcel is currently zoned as Community Business (B-2) and requested rezoning to PUD as part of total ± 9.2 -acre mixed used PUD. The subject property sits in Commercial (COM) land use designation. The site is located within the Urban Growth Boundary and the Silver Springs Secondary Springs Protection Zone. Portions of the site is located in the FEMA Flood Zone A/AE and Zone X.

The Corta Commons PUD concept plan (Attachment C), which was rezoned from Community Business (B-2) to PUD, was approved in May 2024 to allow a mixed-use development consisting of 30 multi-family dwelling units (1.625 acres) and commercial uses (7.1 acres). The commercial component includes a Sprouts Farmers Market, retail shops, a free-standing Chipotle with a drive-thru, and an additional free-standing store. The final Plan for Corta Commons PUD (Attachment D) was approved by the Board of County Commissioners in August 2024.

Figure 1 – Proposed Amended Corta Commons PUD Site Plan



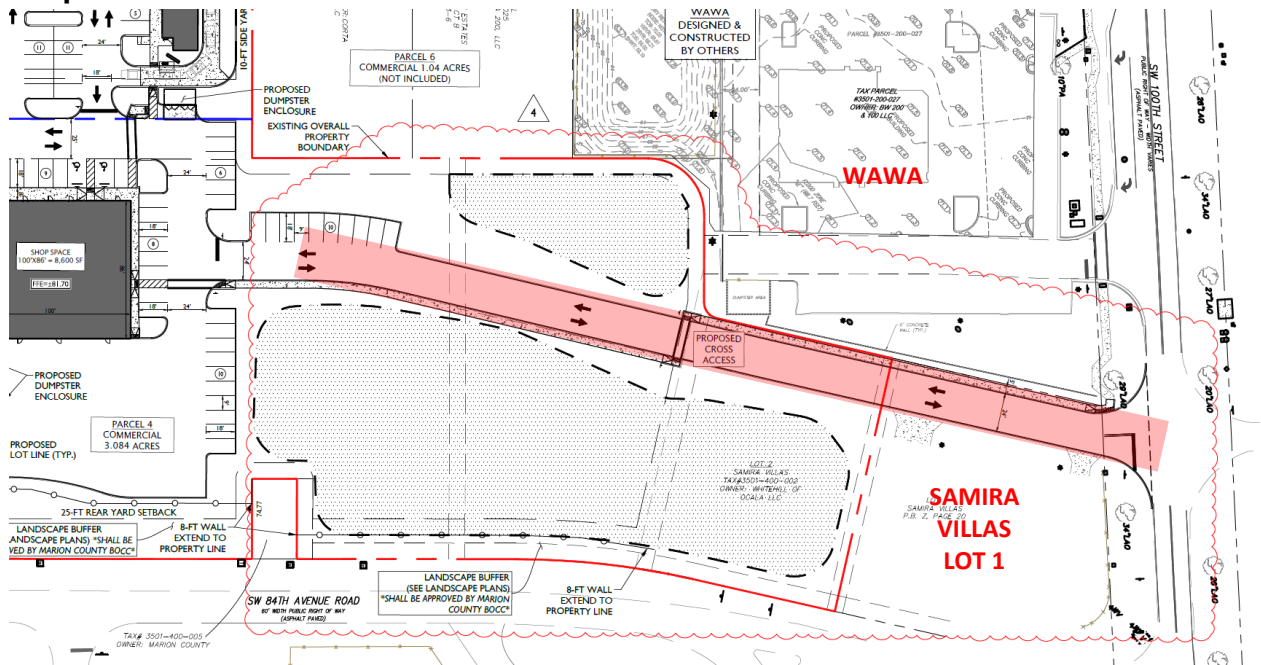
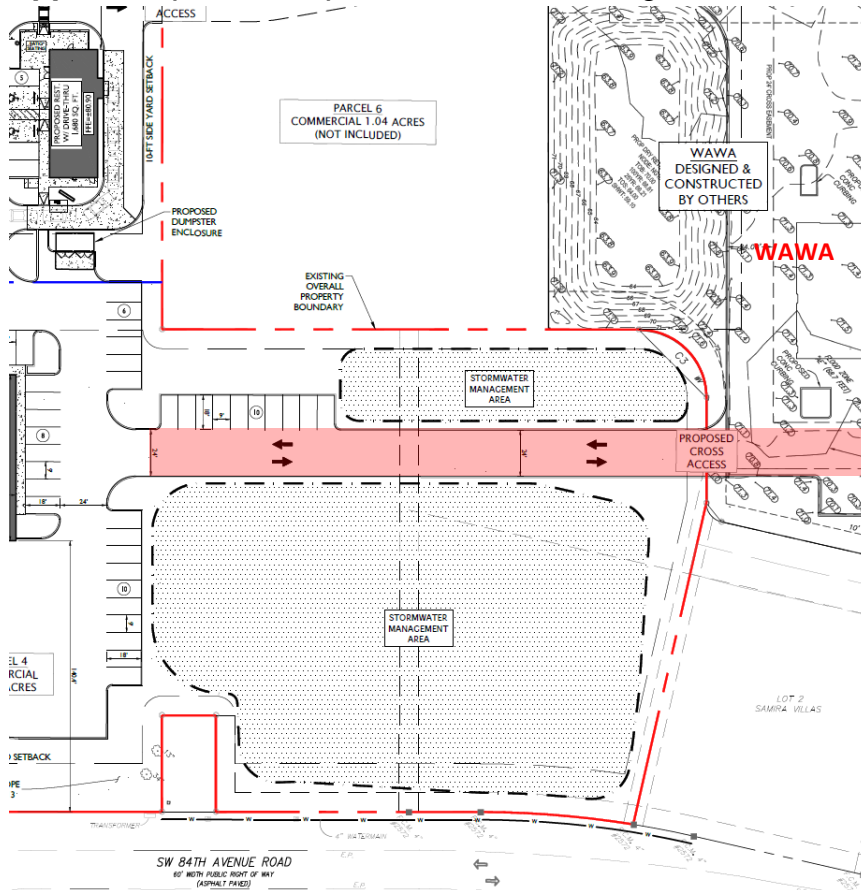
Corta Commons PUD	960711SU (added parcel)	240506ZP (total 15 parcels)	250509ZP
Application Request	Special Use	B-2 to PUD with Concept Plan: for multiple use development including 30 dwelling units (1.625 acres) and commercial use (7.1 acres).	PUD Amendment: to 1) add one parcel for DRA and driveway, 2) modify ingress and egress
Total Acres		8.76	± 9.22
Max. Residential Units		63	67
Requested Residential Units		30	30
BCC	Approval with Conditions	Concept Plan (May 2024): Approval with Conditions Site Plan (August 2024): Approval with Conditions	<i>Staff Recommendation:</i> Approval with Conditions <i>P&Z Recommendation:</i> Approval with Conditions (6-0)

The PUD amendment 250509ZP is submitted to modify the approved PUD site plan for the following requests:

The applicant proposes to add one 0.48-acre parcel 3501-400-002 to the PUD development (see red box in Figure 3). The added parcel has been purchased and owned by the applicant/developer CORTA Ocala LLC. The added parcel is located on the east side of existing PUD and adjacent to the existing PUD. The use of this additional parcel is proposed to be used as an extension to approved DRA and an easement for proposed driveway relocation from PUD commercial area to SW 100th St.

[illegible]

The applicant proposes to modify the approved ingress and egress at SW 100th St by eliminating cross access through Wawa's property to SW 100th St and relocating it through the newly added parcel within PUD and an adjacent property Samira Villas Lot 1 (PID 3501-400-001). The adjacent property, located at the corner of SW 100th St and SW 84th Ave Rd, is zoned B-2 (Community Business) with a Commercial land use designation and is currently used as a residential rental. This modification is requested due to unsuccessful negotiations between the applicant/developer and Wawa regarding cross-access for the Corta Commons development. At the time of this staff report's publication, the applicant has not reached an agreement with the owner of Samira Villas Lot 1 regarding the cross access easement for commercial and construction use.

Figure 3 – Comparison of Approved and Proposed Access**Proposed:****Approved (240506ZP) – cross-access through Wawa.**

III. ANALYSIS:

A. Compliance with Zoning and Land Use Regulations:

- The added parcel requires rezoning from B-2 to PUD aligns with the approved development.
- The proposed modification meets density and FAR of the PUD within the limits stipulated by the county zoning ordinance and previous approved PUD resolutions.
- The expansion of PUD by including one additional parcel and its proposed uses as DRA with a driveway did not alter the overall intention of approved PUD.
- Approval of the proposed PUD amendment will not adversely affect the public interest. The mixed-use is consistent with the surrounding area and adjacent uses. The proposed PUD is compatible with the surrounding land uses in the developing area.
- **Request #2:**
Removal of approved access through the rear side of Wawa is acceptable. The Traffic Study (Attachment F) was conducted using a conservative approach, assuming that cross-access through the rear side of Wawa would not be permitted due to challenges in securing an agreement with Wawa at that time. The Traffic Study was approved based on this assumption that access through Wawa would not be available. Thus, despite the eventual lack of cross-access agreement from Wawa, the remainder of approved access remains adequate to meet the development's needs.

However, Growth Services does not support the proposed additional ingress and egress through Samira Villas Lot 1 due to code noncompliance and its significant impact on the residential property at the corner parcel. First, per LDC Sec. 4.1.4.O, *"Use of residentially zoned property for access. No land which is residentially zoned shall be used for driveway, walkway, or access purposes to any land which is zoned for commercial, industrial, or institutional use."* While the corner parcel is zoned B-2, its current use is residential. The introduction of commercial traffic is disruptive to residents and the surrounding community. Second, as of the time of this report, the applicant has not provided documentation confirming an agreement with the owner of the corner residential parcel regarding the access easement. Without the adjacent owner's consent, the use of the proposed cross access remains uncertain. According to the LDC, change of approved external access of PUD is subject to the approval of the Board. Its approval could prompt further dialogue with the adjacent owner to facilitate the project moving forward but may also rise challenges from the property's

owner and residents without their consent. In the case that the Board considers approval of the cross access and external access as proposed, staff recommends the Board considering conditions as listed in *Section IV. Staff Recommendation*. Furthermore, the proposed cross access may be used as a construction route. Construction-related activity and traffic through a residential property raise concerns, particularly when lacking an agreement of such uses with the residential property owner and HOA. The applicant is currently coordinating with the Office of the County Engineer (OCE) to obtain comments on this construction route matter.

Therefore, staff does not support the proposed addition of ingress and egress to SW 100th St through residential-use Samira Villas Lot 1 but supports the removal of approved access through the rear side of Wawa. Staff recommends that the ingress/egress to be maintained in accordance with the conditions of the previously approved PUD from case #240506ZP with the removal of the approved access through the rear side of Wawa.

B. Impact on Infrastructure and Services:

- **Roads and Traffic:** The addition of one parcel for DRA use is not expected to significantly impact traffic volumes or driveway capacity. The original Traffic Study, approved in August 2024, analyzed 30 residential units and the proposed commercial uses, estimating approximately 2,215 new daily trips, including 113 AM peak-hour trips and 212 PM peak-hour trips. According to Development Review Committee (DRC) comments, the previously approved Traffic Study remains valid for the proposed modifications, and related offsite improvements have been approved based on the study's recommendations and requirements. **Traffic supports the use of cross-access through the existing driveway on the residential corner parcel; however, this support is contingent upon the following conditions:**
 - Prior to completion and approval of the Site Plan, a cross access easement reflecting the revised use and configuration of the cross-access shall be submitted and approved to the satisfaction of the County Engineer and Growth Services director, in a form acceptable to the County. **OR** Prior to completion and approval of the Site Plan, provide the County Engineer and Growth Services director a copy of the easement to ensure that all affected property owners are in agreement with the new access.
 - Prior to completion and approval of the Site Plan, a written documentation signed by the owner of Parcel ID 3501-400-001 shall be provided to authorize and approve the proposed cross-access across the subject parcel for the Corta Commons PUD.

- The cross-access driveway connecting the approved PUD development site to SW 100th Street shall be designed and constructed in accordance with County standards and as approved by the County Engineer.
- **Utilities:** The property is located within the Marion County Utilities (MCU) Service Area. A 12-inch MCU water main is available along the east side of SW Highway 200, fronting the proposed development. A 4-inch MCU sewer force main is available along the same frontage on the east side of SW Highway 200.
- **Emergency Services:** The modification will not adversely impact response times or service levels for police or emergency services.

C. Environmental Considerations:

- Portions of the site is located in the FEMA Flood Zone A/AE and Zone X. The DRAs are provided on previously approved plan and the additional parcel will become a part of the overall DRA.
- No significant impact on local wildlife habitats or water resources is anticipated.

D. Community Impact:

- The addition of one parcel for DRA use is not expected to alter the character of the community or impose undue strain on community resources.
- **However, directing commercial and construction traffic through the existing driveway on the adjacent residential property is considered to have an adverse impact on the residents.**

E. Consistency with PUD Objectives:

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

IV. 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 (#1 to #21), **except modifications on conditions #1, 2, 3, 4, 5, 8, 16, 18, and 21.**

Also, if the Board approves the request #2 of this PUD amendment to allow the cross access through parcel 3501-400-001, **conditions #22 &23** are recommended to be included in addition to other conditions.

1. The PUD is restricted to a total of 30 dwellings units multifamily and **7.59-acre** commercial uses consistent with the Marion County Land Development Code, the PUD Application, **PUD Site Plan (dated 03/27/2025; Attachment B), and following conditions.**
2. Buffers shall be provided as shown on the submitted Master Plan and the following requirements:
 - A. Buffers along SW Highway 200 shall be Type-C per LDC,
 - B. Buffers along the property boundary of multifamily area shared with the existing adjoining commercial uses on the west side of the property shall be Type-A per LDC,
 - C. Buffers between proposed parcel 5 (multi-family) and parcels 2 & 3 (commercial) shall be modified Type B/C as 10' wide on each lot totaling 20' wide landscape strip without a wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer, subject to the approval of the Marion County Landscape Architect,
 - D. Buffers along SW 84th Road Avenue shall be a 25' wide landscape buffer from the right of way SW 84th Ave. Road. A minimum 8' wall or a minimum 2' high berm topped with a minimum 6' high opaque privacy fence shall be provided along the full length of the southeast boundary of the site along the SW 84th Ave Rd. The choice of landscape material will be subject to the approval of the Marion County Landscape Architect,
 - E. **Buffers between the added parcel #3501-400-002 and adjacent residential use parcel 3501-400-001 shall be provided per LDC requirement,**
 - ~~E. F.~~ Buffer types and illustrations shall be submitted with the site plan phase for approval.
3. ~~(Not Used) Before submitting the site plan, the Operational Traffic Study shall be completed to the satisfaction of the County Traffic Engineer and Planning Director, and adequate provision shall be made for the coordination of improvements with the PUD.~~
4. ~~(Not Used) Submit the traffic methodology for approval. A review of PUD will not be completed until the traffic methodology is properly approved.~~
5. ~~(Not Used) Depends on the study result and recommendation in the Traffic Method Study and Traffic Operational Study, the ingress/egress at the property of Wendy's may or may not be necessary to the development of the subject parcel. If the Traffic Method Study and Traffic Operational Study indicate the necessity for cross-access and drive in/out at Wendy's, the developer must secure agreement with Wendy's prior to Site Plan approval. The Traffic Method Study and Traffic Operational Study are subject to the review and approval by the County Traffic Engineer.~~

6. All access point locations shall be worked out to the satisfaction of the Development Review Committee during the time of Development Review before the Site Plan approval.
7. All internal and external vehicle circulation shall be paved.
8. Show multimodal facilities on the **Site** Plan. Include multimodal path for pedestrians, bikes, and golf carts externally and internally.
9. Show accessible pedestrian connections from PUD area to all adjacent land uses on the site plan.
10. Show accessible sidewalks along at least one side of internal roads and connections to multimodal paths.
11. Show parking calculation on the site plan.
12. The PUD shall connect to Marion County Utility. Developer shall work with Marion County Utilities regarding water and sewer connection extension during the site plan phase of the project. The owner will be responsible for funding the extension of the utility line to the property.
13. A Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site.
14. Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. Please ensure LDC 6.13 is met with the Major Site Plan.
15. An easement agreement with the property owners to use the cross access through adjacent properties shall be obtained before the site plan is approved.
16. On the **Site** Plan, provide a typical illustration and table showing all setbacks.
17. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Multiple Family Dwelling (R-3) zoning classification of the LDC.
18. On the **Site** Plan, provide a typical illustration and table showing a maximum height limits for principal and accessory structures.
19. The multiple-family structure may not exceed a height that is twice the height of the closest existing single-family residence.
20. If single-family residential classification zoned land directly adjacent to the PUD is vacant land, then the height of a multiple-family structure within the PUD shall not exceed the maximum height allowed in the abutting residential single-family residential classification.
21. ~~(Not Used) 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.~~

Conditions below are recommended to consider if the request #2 (use cross access through parcel 3501-400-001) is approved by the Board:

22. Prior to completion and approval of the Site Plan, a cross access easement reflecting the revised use and configuration of the cross-access through Parcel 3501-400-001 shall be submitted and approved to the satisfaction of the County Engineer and Growth Services director, in a form acceptable to the County Office of Engineer. The easement shall be signed by all affected property owners.

22. Alternative for #22 above:

Prior to completion and approval of the Site Plan, provide the County Engineer and Growth Services director a copy of the easement to ensure that all affected property owners are in agreement with the access through Parcel 3501-400-001.

23. The cross-access driveway connecting the approved PUD development site to SW 100th St shall be designed and constructed in accordance with County standards and as approved by the County Engineer.

Condition and Modification Proposed by the Applicant for Board's Consideration:

24. Use of northeasterly cross access easement shall require grant of easement or similar instrument confirming consent of adjacent owner for public use of the easement area. Review of the foregoing instrument and opening of the cross access easement area may be approved by the Office of the County Engineer and shall not constitute a modification requiring additional approval of the Board of County Commissioners.

The applicant also requests the deletion of approved Condition #15. However, the approved PUD plan includes not only the newly added cross-access but also several previously approved cross-access points through other parcels. Therefore, Condition #15 should remain in place to cover easement requirement with all adjacent owners for cross access uses.

V. PLANNING & ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, on motion by Board Member Lourenco, second by Board Member Kroitor, voted to agree with staff's findings and recommendation for approval with a unanimous vote of 6-0.

VI. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

VII. LIST OF ATTACHMENTS

- A. Application Package AR3253
- B. Revised PUD Site Plan, dated 03/27/2025
- C. PUD Rezoning Approval and Concept Plan (240506ZP) (May 2024)
- D. Approved PUD Master Plan (August 2024)
- E. DRC Comments Letter AR32534
- F. PUD Traffic Study and Approval AR31673 (August 2024)
- G. Fire Impact Study from Fire Marshall
- H. Comment Letter from Marion County Sheriff Office
- I. Site Photos