



**Marion County  
Board of County Commissioners**

**Growth Services**

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Ocala, FL 34470  
Phone: 352-438-2600  
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**PLANNING & ZONING SECTION  
STAFF REPORT**

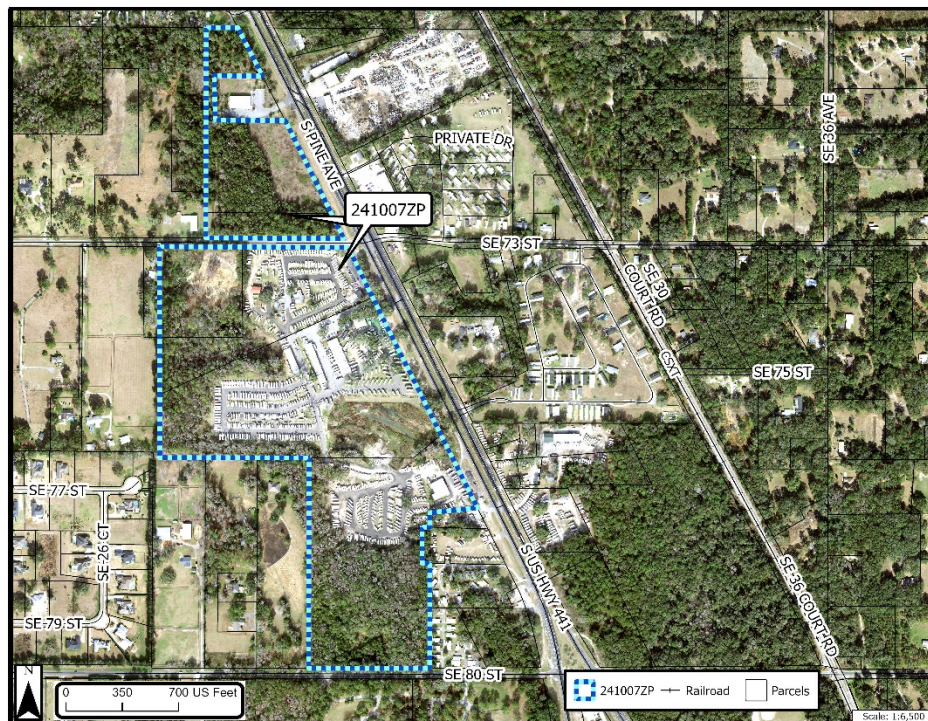
<b>Dates:</b>	<b>P&amp;Z: 09/30/24</b>	<b>BCC: 10/15/24</b>
<b>Case Number</b>	241007ZP	
<b>CDP-AR</b>	31847	
<b>Type of Case – Rezoning</b>	<b>FROM:</b> General Agriculture (A-1), Community Business (B-2), Regional Business (B-4), and Heavy Business (B-5) <b>TO:</b> Planned Unit Development (PUD)	
<b>Owner/Applicant</b>	Florida Investment Fund of Birmingham, LLC; Simeon Holdings, LLC; Optimum Dealership Group, LLC; Investment Co. of Florida, LLC; W. Gary & Pamela D. Turnley	
<b>Street Address / Site Location</b>	West side of S. US Hwy 27/301/441, lying between SE 73 <sup>rd</sup> Street and SE 80 <sup>th</sup> Street	
<b>Parcel ID Number(s)</b>	36474-000-00, 36474-001-00, 36475-000-00, 36547-000-00, 36547-001-00, 36547-002-00, & 36514-000-00	
<b>Property Size</b>	36474-000-00 – ±8.02 AC, 36474-001-00 – ±2.22 AC, 36475-000-00 – ±2.8 AC, 36547-000-00 – ±11.30 AC, 36547-001-00 – ±6.61 AC, 36547-002-00 – ±26.63 AC, 36514-000-00 – ±24.27 AC TOTAL - ±81.85 AC	
<b>Future Land Use</b>	Commercial	
<b>Zoning Classification</b>	General Agriculture (A-1), Regional Business (B-4), and Heavy Business (B-5)	
<b>Overlays Zones / Special Areas</b>	Silver Springs Primary Springs Protection Zone (PSPZ); Marion County Utilities SE Utility Service Area	
<b>Staff Recommendation</b>	<b>APPROVAL WITH CONDITIONS</b>	
<b>P&amp;Z Recommendation</b>	<b>APPROVAL WITH CONDITIONS, (6-1)</b>	
<b>Project Planner</b>	Christopher D. Rison, AICP, Senior Planner	
<b>Related Cases</b>	850108Z (B-2 to B-5, Approved), 170209SU (Security residence, Approved), 170208Z (A-1, B-2, and B-4 to B-5), 020206ZS/SU (Skate Park/Expansion, Approved), 040302SU (Security residence, Approved), 180705Z (B-2 to B-4, Approved), <i>221203ZC (A-1 to B-4, Denied, 1/17/2023),</i> <i>230701ZC (A-1 to B-4, Denied, 7/18/2023)</i>	
<b>Code Cases</b>	898882 – Land clearing without permits/plan; Closed, Rezoning Application and initial plans submitted; now subject to PUD Application. 911198 – RVs (Optimum) being stored on A-1 portion of property; Closed, Rezoning Application and initial plans submitted; now subject to PUD Application	

## I. ITEM SUMMARY

Fred N. Roberts, Jr., Esq., of Klein & Klein, LLC, on behalf of: Florida Investment Fund of Birmingham, LLC; Simeon Holdings, LLC; Optimum Dealership Group, LLC; Investment Co. of Florida, LLC; and W. Gary & Pamela D. Turnley; filed an application (See Attachment A) to rezone a  $\pm 81.85$ -acre property on the north and south sides of SE 73<sup>rd</sup> Street, from General Agriculture (A-1), Regional Business (B-4), and Heavy Business (B-5) to Planned Unit Development (PUD) (see Attachment A), pursuant to the provisions of Division 2.7 – Zoning and Section 4.2.31 of the Land Development Code (LDC). The north part consists of Parcel Identification Numbers (PID) 36474-000-00, 36474-001-00, and 36475-000-00, totaling  $\pm 13.04$  acres, and the south part consists of PIDs 36547-000-00, 36547-001-00, 36547-002-00, & 36514-000-00, totaling  $\pm 68.81$  acres, for an overall total of  $\pm 81.85$  acres. The PUD consists of a series of properties that make up existing and proposed expansion of the existing Optimum RV Dealership sales and service operations.

In 2023, the Board of County Commissioners (Board) considered two rezoning requests related to portions of this proposed PUD. At that time, Board acted to deny the requests and noted that a PUD Rezoning Application may provide improved clarity related to the intended use of the site. A PUD Conceptual Master Plan accompanied the application (see Attachment B), indicating a two-phase project consisting an RV service center north of SE 73<sup>rd</sup> Street and an RV sales center south of SE 73<sup>rd</sup> Street (see Attachment B, page C002). Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated in the County's Silver Springs Primary Protection Overlay Zone (SSPPOZ), within the Urban Growth Boundary (UGB), and within Marion County's general SE Utility Service Area, however, Marion County does not currently have central services available in the vicinity at this time.

**Figure 1**  
**General Location Map**



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the applicant's request because it is consistent with LDC Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, that the rezoning is consistent with the Marion County Comprehensive Plan (MCCP), and that the rezoning is compatible with land uses in the surrounding area, and with LDC Section 4.2.31 on Planned Unit Development. The proposed PUD will not adversely affect the public interest based upon the intensity of use, consistency with the Comprehensive Plan, and compatibility with the surrounding uses.

## III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (32 owners) within 300 feet of the subject property the week of September 13, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on September 20, 2024, consistent with LDC Section 2.7.3.E., and due public notice was published in the Ocala Star-Banner on September 16, 2024. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

## IV. ANALYSIS

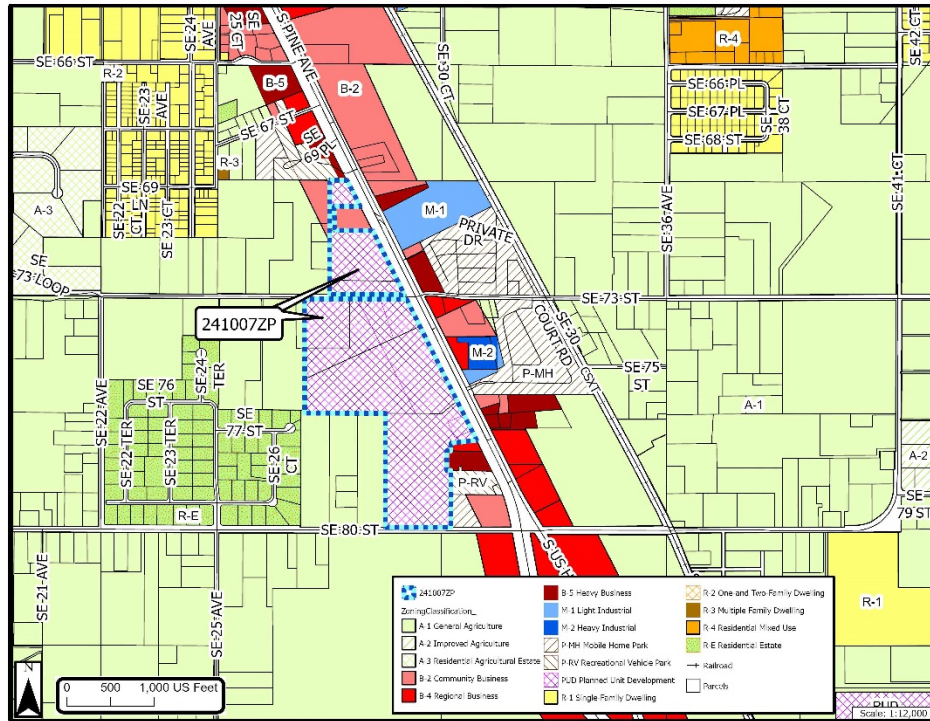
LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and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

- A. *Compatibility with surrounding uses.* Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Prior 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 display the site's existing and proposed zoning and surrounding properties' existing zoning classifications. Figure 5 shows the uses of the subject property and surrounding properties as classified by the Marion County Property Appraiser's (MCPA) data property use code. Table A displays the information from Figures 2, 3, 4, and 5 in tabular form.

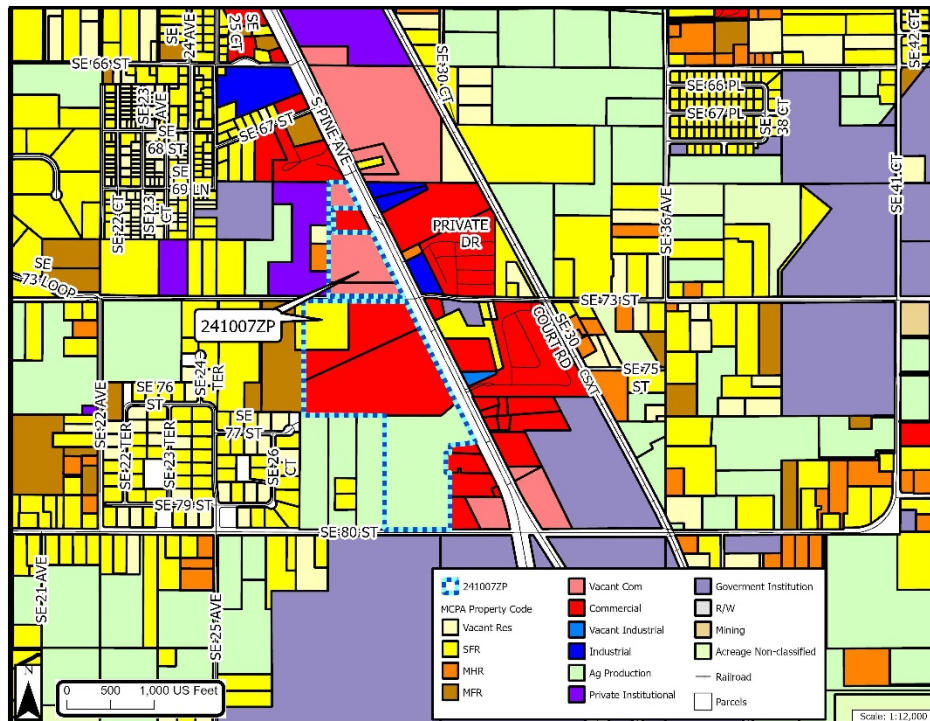




**Figure 4  
Proposed Zoning Classification**



**Figure 5  
Existing and Surrounding Land Uses**



<b>TABLE A. ADJACENT PROPERTY CHARACTERISTICS</b>			
<b>Direction</b>	<b>FLUMS</b>	<b>Zoning</b>	<b>Existing Use Per MCPA Property Code</b>
<b>NORTH AREA<sup>1, 2</sup></b>	Commercial	Community Business (B-2) Regional Business (B-4)	Vacant Commercial
<b>North</b>	Commercial	Recreational Vehicle Park (P-RV) Heavy Business (B-5)	Mossley Oaks MHP & Hwy 441 Motors
<b>South</b>	Commercial	Community Business (B-2) General Agriculture (A-1) Regional Business (B-4) Heavy Business (B-5)	Optimum RV Dealership Sales & Service Operation
<b>East</b>	Employment Center	Community Business (B-2) Heavy Business (B-5) Light Industrial (M-1) Community Business (B-2) Heavy Business (B-5)	Ocala Marble & Granite Works Scrogs Hot Rods Marks Auto Parts Live Oak MHP Office/Entry Tri-City Business Park
<b>West</b>	Rural Land Commercial Public Rural Land	Community Business (B-2) General Agriculture (A-1)	Calvary Baptist Church (Vacant Area) Vacant Manufactured Home Calvary Baptist Church (Sanctuary)
<b>SOUTH AREA<sup>1</sup></b>	Commercial	General Agriculture (A-1) Regional Business (B-4) Heavy Business (B-5) General Agriculture (A-1)	Optimum RV Dealership Sales & Service Operation
<b>North</b>	Commercial	General Agriculture (A-1) Regional Business (B-4)	Calvary Baptist Church (Sanctuary) Vacant Commercial - (Proposed Optimum RV Service Center, Major SP AR# 27366, Last Review Comments April 19, 2024)
<b>South</b>	Rural Land Public Commercial	General Agriculture (A-1) Regional Business (B-4)	Residential acreage tracts Santo Trailhead Complex Southern Marine Sales & Service
<b>East</b>	Commercial Commercial High Residential	Regional Business (B-4) Community Business (B-2) Regional Business (B-4) Light Industrial (M-1) Mobile Home Park (P-MH) Community Business (B-2) Heavy Business (B-5) Recreational Vehicle Park (P-RV)	Tri-County Services Office Vacant Commercial A to Z RV Super Center Vacant Industrial Plantation Landings MHP Campers Inn RV Sales Southern Marine Sales & Service Ocala Oaks MHP Santos Mobile Villas MHP
<b>West</b>	Rural Land Low Residential Rural Land	General Agriculture (A-1) Residential Estate (R-E) General Agriculture (A-1)	Residential acreage tracts Legendary Trails Subdivision (SW) Residential acreage tracts
<sup>1.</sup> The North and South referenced areas are based on the site locations on each side of SE 73 <sup>rd</sup> Street. <sup>2.</sup> For the North area, an outparcel area occupied by an existing Dollar General Store lies along on the east side of the area; that area has a Commercial future land use designation and an existing Community Business (B-2) zoning.			

Consistent with LDC Section 2.7.3.D, staff conducted a site visit (Attachment E) and finds the subject property is a mix of developed and undeveloped lands. The developed portions are located south of SE 73<sup>rd</sup> Street and consist of the existing Optimum RV Dealership facility. Some forested area exists, as well as former excavation areas that have infilled with vegetation or used for stormwater management.

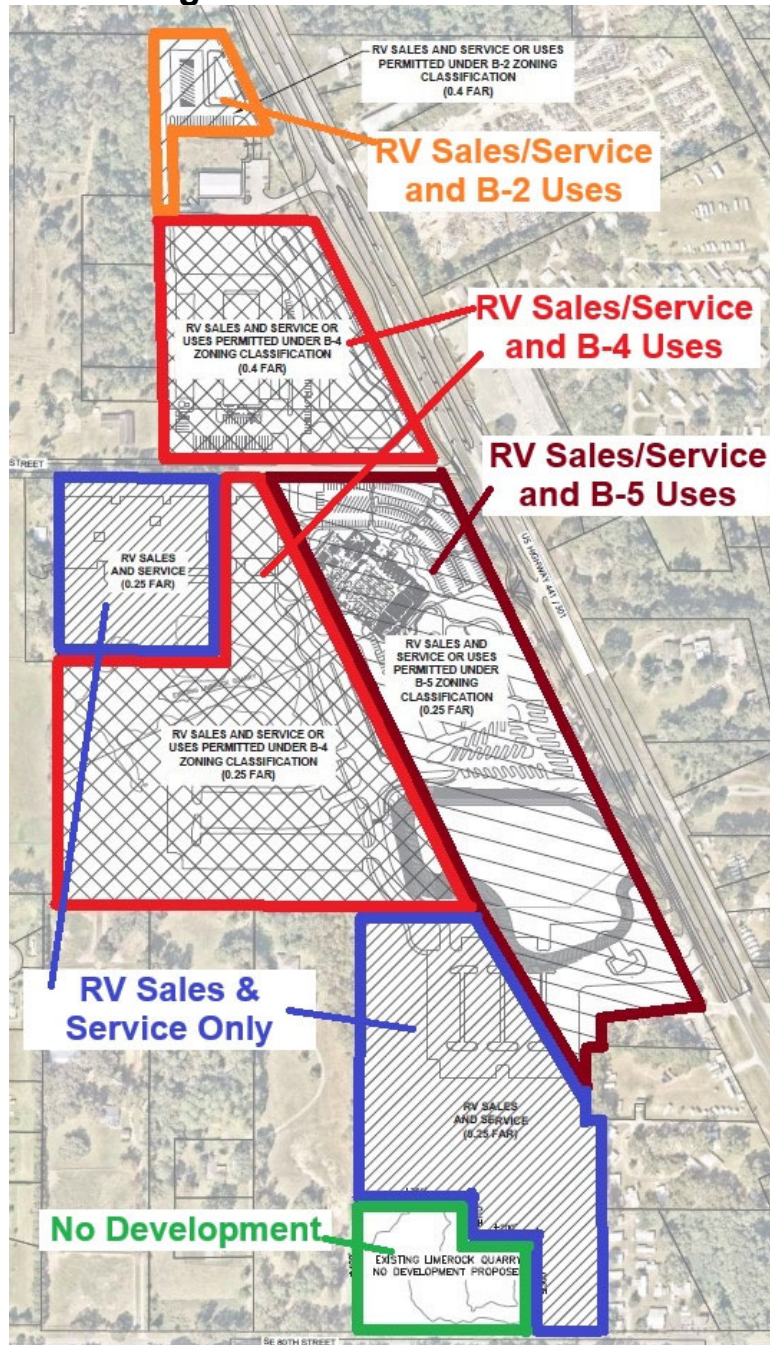
For the north PUD area, it wraps around an outparcel area occupied by a Dollar General, while the existing Mossley Oaks Mobile Home Park (MHP) and an auto sales business are to the north. East of the site across S. Hwy 441 is a mix of commercial and industrial uses, including the office/entry to the Live Oaks MHP that lies further east along the CSX railroad line. South of the north parcel is the current existing Optimum RV Dealership facility. To the west, the primary adjoining use is the Calvary Baptist Church with its sanctuary along SE 73<sup>rd</sup> Street, and two commercial designated but A-1 zoned properties, of which, one is vacant and one includes an existing manufactured home (1982: 770SF).

For the south PUD area, north across SE 73<sup>rd</sup> Street, is the Calvary Baptist Church sanctuary to the west with the PUD's proposed RV service center component to the east. East of the site across S. Hwy 441 is also a mix of commercial and industrial uses, including the entrance to the Plantation Landings MHP that lies further east along the CSX railroad line. East of and adjoining the southern portion of the south PUD area is a boat/marine motors sales operation, RV sales business, and two MHPs – Ocala Oaks and Santos Mobile Villas. South of the southern PUD area is the Cross-Florida Greenway's Santos Trailhead Complex. West of the south PUD site, are larger agricultural tracts that typically include single-family homes, while a southwest corner of the site "contacts at a point" the Legendary Trails Subdivision. Staff further notes that lands adjoining the west boundary of the north end of the south PUD area, north of Legendary Trails, are commonly owned properties that are not part of this PUD Rezoning Application consideration.

Figure 6 following illustrates that the PUD proposes generally enabling "RV Sales and Service" throughout the PUD, while enabling Community Business (B-2), Regional Business (B-4) and Heavy Business (B-5) uses in those areas of the PUD currently zoned B-2, B-4 and B-5 respectively. For the areas not currently subject to an existing commercial zoning district classification, the PUD would then be limited solely to "RV Sales and Service" with no other commercial uses permitted. Further, at the PUD's southwest corner along SE 80<sup>th</sup> Street, across from the Santos Trailhead Complex, an area of no development I proposed where a historic limerock mine area is located. (See Figure 6, and/or Attachment B, Sheet C004). Ordinarily, the site's Commercial future land use designation allows a floor area ratio (FAR) of up to one (1); however, the PUD proposes establishing reduced maximum floor area ratios based on whether the location is north or south of SE 73<sup>rd</sup> Street. For the north PUD area, a maximum 0.40 FAR is proposed, while for the south PUD area, a maximum 0.25 FAR is proposed. Staff notes that buildings/structures are calculated for FAR; however, parking lots/areas are not calculated as part of the FAR, although such areas are calculated as part of a site's impervious surface.



**Figure 6 - North PUD Area  
Enabled Zoning and Maximum Floor Area Ratio (FAR)**

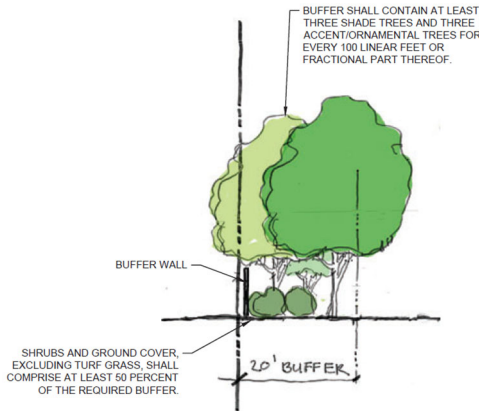


The PUD proposes PUD-wide development standards applicable to the full site, regardless of the enabled uses areas. The proposed setback standards are similar to, or larger, than the standards of the B-2, B-4 and B-5 zoning classifications. The PUD proposes a maximum building height of 75-feet, as permitted by LDC Section 4.2.31.E(4)(a)2; however, the PUD further incorporates observing the dissimilar use height limit for non-residential uses adjoining residential uses per LDC Section 4.2.31.E(4)(b)1. The proposed standards are listed below in Table B.



<b>TABLE B. PROPOSED DESIGN &amp; DEVELOPMENT STANDARDS</b>	
<i>Minimum Setback Direction/Yard</i>	<i>Setback Distance (Feet)</i>
Minimum Front Setback	40'
Minimum Side Setback	25'
Minimum Rear Setback	25'
Accessory Structure Setback	25'
Building Height Restriction Setback per LDC Section 4.2.31E(4)(b)1	100'
Maximum Building Height	75 Feet

The PUD proposes four specific buffer types (See Attachment B, Sheet C006), with Type I providing for two alternative designs, and Type III representing where the PUD's adjoins commercially-designated or -developed properties, wherein no buffer is then proposed. Table C below provides the proposed PUD buffers with their accompanying illustrations, while Table D summarizes the PUD's required, proposed, and staff recommended buffers for the PUD:

<b>TABLE C. PROPOSED BUFFER TABLE AND DESIGN STANDARDS</b>	
<i>Buffer Type</i>	<i>Buffer Description</i>
I	<p><b>MODIFIED TYPE B</b></p> <p>1. 20' WIDE PLANTED LANDSCAPE BUFFER (<b>without wall</b>) WITH THREE SHADE TREES (<b>increased by one tree</b>) AND THREE ACCENT/ORNAMENTAL TREES</p>  <p>① LANDSCAPE BUFFER</p> <p><b>OR</b></p> <p>2. 15' WIDE (<b>reduced width</b>) B-TYPE BUFFER WITH WALL PURSUANT TO MARION COUNTY LDC SECTION 6.8.6(K)</p>

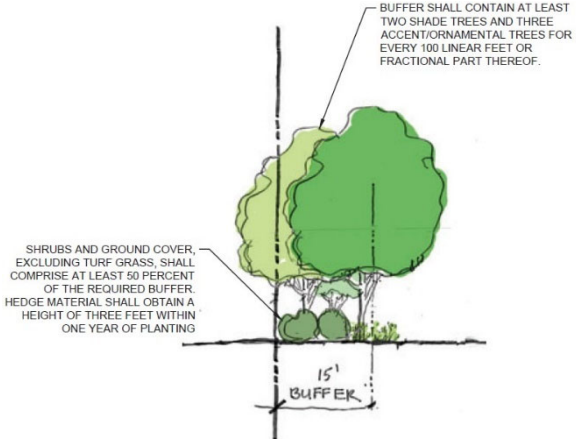
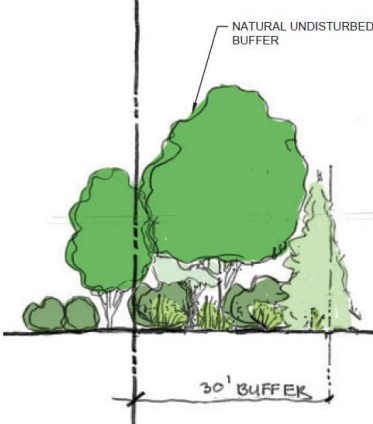
II	<p>15' WIDE LANDSCAPED BUFFER, COMMERCIAL TO HWY 441. MARION COUNTY C-TYPE BUFFER PURSUANT TO LDC SECTION 6.8.6(K)</p>  <p>(II) LANDSCAPE BUFFER</p>
III	<p>COMMERCIAL TO COMMERCIAL (NO BUFFER – NO ILLUSTRATION PROVIDED)</p>
IV	<p>30' WIDE NATURAL UNDISTURBED BUFFER</p>  <p>(IV) LANDSCAPE BUFFER</p>

TABLE D. BUFFER COMPARISON AND RECOMMENDATION				
Direction	Adjoining Use	Required	Proposed	Recommended
NORTH PARCEL				
North	COM: MHP/RVP Auto Sales	No Buffer	No Buffer	No Buffer
South	COM: Dollar General	No Buffer	No Buffer	No Buffer
	SE 73 <sup>rd</sup> Street	Type-C	Type-C	Type-C
East	US Hwy 441	Type-C	Type-C	Type-C

TABLE D. BUFFER COMPARISON AND RECOMMENDATION				
Direction	Adjoining Use	Required	Proposed	Recommended
<b>West</b>	COM: Church  Vacant: Ag/Com	No Buffer  Type-B/D	<b><u>Modified Type-B</u></b> 20' wide without wall with 3 shade trees and 3 accent/orn. trees <b>OR</b> 15' Type-B (reduced width) with Wall	<b><u>Modified Type-B</u></b> 20' wide without wall with 3 shade trees and 3 accent/orn. trees <b>OR</b> 15' Type-B (reduced width) with Wall
<b>SOUTH PARCEL</b>				
<b>North</b>	COM: Church PUD Comm.	Type-C	Type-C	Type-C
<b>South</b>	COM: RV Sales, Shed Sales	No Buffer	No Buffer	No Buffer
	SE 73 <sup>rd</sup> Street	Type-C	Type IV – 30' Undisturbed ("No touch")	Type IV – 30' Undisturbed ("No touch")
<b>East</b>	US Hwy 441	Type-C	Type-C	Type-C
	COM: RV Sales, Shed Sales	No Buffer	No Buffer	No Buffer
	RVP/MHP	Type-B (w/wall)	Type IV – 30' Undisturbed ("No touch")	Type IV – 30' Undisturbed ("No touch")
<b>West (overall)</b>	Ag/Residential Tracts Legendary Trails	Type-D/B (w/wall)	Type IV – 30' Undisturbed ("No touch")	Type IV – 30' Undisturbed ("No touch")

Based on the above findings, staff concludes the proposed rezoning is **compatible** with the existing and future surrounding land uses, and with conditions set in place by staff, any chance of incompatibilities will be mitigated.

**B. Effect on public interest.**

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways.
    - 1) Access – North PUD Part. The PUD proposes access points to S. US Hwy 441 and SE 73<sup>rd</sup> Street, along with interconnection with the existing Dollar General via cross access consistent with the LDC.
    - 2) Access – South PUD Part. The PUD proposes access points to S. US Hwy 441 and SE 73<sup>rd</sup> Street, with no access proposed to SE 80<sup>th</sup> Street. Additionally, adjustments to the existing RV dealership are expected to provide for Cross access to the southeast is not indicated, however the specific design of the southeast area will need to address cross access, particularly as an existing S. US Hwy 441 median opening is located to the southeast.



- 3) Trip Generation. The applicant submitted and obtained approval for a Traffic Methodology (AR# 31678, See Attachment C). The Methodology notes a net increase in peak hour trip generations is project – specifically 92 AM trips and 103 PM trips. Completion of the final traffic study will be required as part of the Development Review Committee review process, including the completion of any transportation related improvements identified as necessary to support the PUD operations.
- b. Public transit. There are no fixed route services available in this area.
- c. Other mobility features. At this time, no sidewalks or multi-modal facilities are currently located in the vicinity. The PUD Master Plan does not indicate providing for sidewalks although such facilities are to be addressed per the LDC at the time formal development plans are considered. Additionally, at the time of development plan review, the PUD developer may propose specialized access connections related to the proposed uses and/or participation in Marion County alternative options related to sidewalks and/or multi-modal facilities.

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

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and  $\pm 2,750$  gallons per acre per day for nonresidential demand. Based on the proposed non-residential use, the rezoning could result in an overall potable water demand of 223,136 gallons per day. DRC comments provided by Marion County Utilities indicate this development is in the Marion County Utilities service area but outside connection distance as Marion County Utilities does not have existing facilities in the immediate vicinity. As such, depending on the final site development plans, onsite water facilities may be utilized subject to compliance with applicable LDC and DOH provisions. 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  $\pm 2,000$  gallons per acre per day for commercial and industrial demand. Based on the proposed non-residential use, the rezoning could result in an overall sanitary sewer water demand of 162,300 gallons per day. DRC comments provided by Marion County Utilities indicate this development is in the Marion County Utilities service area but outside connection distance as Marion County Utilities does not have existing facilities in the immediate vicinity. As such, depending on the final site development plans, onsite water facilities may be utilized subject to compliance with applicable LDC and DOH provisions. It is concluded the application's **sanitary sewer impacts would not adversely affect the public interest.**

4. Recreation. Recreation Element Policy 1.1.1 adopts a level of service standard (LOS) of two (2) acres per 1,000 persons. The proposed PUD is not expected to generate residential populations as a non-residential use. Based on the above, it is concluded the rezoning **recreation impacts would not adversely affect the public interest.**
5. Stormwater/drainage. Stormwater Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development site. There are no FEMA Special Flood Hazard Areas, while a series of limited on-site Flood Prone areas have been identified by Marion County. Stormwater engineering's remarks (See Attachment D) note that the project's stormwater management system will be reviewed as part of the Improvement Plan/Major Site Plan stage of review. As noted by stormwater, site development will be subject to full stormwater review including compliance with LDC. Therefore, the application **would not adversely affect the public interest.**
6. 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, as such uses are ordinarily serviced by individually arrange commercial hauling services. 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.**
7. Fire rescue/emergency services. Shady Fire Station #16, located at 7151 S. Magnolia Avenue, Ocala, is ±3.8 miles east of the subject property. Formally, there is no established LOS provided for emergency services. It is concluded the application's **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The Sheriff's South Multi-District Substation, located at 83260 SE 80<sup>th</sup> Street Ocala FL 34470, is roughly 0.25 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.**
9. Public schools. The proposed PUD is not expected to generate student populations as a non-residential use. Therefore, the application's **public-school impacts would not adversely affect the public interest.**

In conclusion, staff finds the proposed rezoning **will not adversely affect the public interest** as proposed and recommended, as the potential impacts will be addressed by the proposed PUD development conditions.

C. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.3 Accommodating Growth: 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:** The PUD proposes implementing the existing Commercial (COM) land use designation that reflects its location within the Urban Growth Boundary (UGB). The subject site offers products and services similar to nearby businesses, and for potential patronage from users of the Cross-Florida Greenway recreation complex  $\pm 0.30$  miles to the south. Staff concludes the proposed rezoning is **consistent** with FLUE Policy 1.1.3.

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

**Analysis:** Staff finds the property is designated Commercial, and is surrounded by a mix of land use designations that may accommodate residential, commercial, and industrial uses. Limited areas of High Residential also adjoin the site or are across S. US Hwy 441 from the site. West of the site are Rural Land designated area with an area of Low Residential developed as the Legendary Trails Subdivision. The PUD proposes a reduced maximum Floor Area Ratio standard for the site. A series of buffers are proposed in an effort to make the site compatible with the surrounding properties, wherein the proposed buffers and buffer recommendations are addressed elsewhere in the staff report. The proposed PUD is consistent with the site's COM land use designation and is located within the UGB where a variety of urban services are available. As recommended, staff concludes the proposed rezoning is **consistent** with FLUE Policy 2.1.22.

3. FLUE Policy 5.1.2: review Criteria – Changes to Comprehensive Plan and Zoning. Before approval of a Comprehensive Plan Amendment (CPA), Zoning Changes (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:



1. Market demand and necessity for the change
2. Availability and potential need for improvements to public or private facilities and services;
3. Allocation and distribution of land uses and the creation of mixed-use areas;
4. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
5. Agricultural activities and rural character of the area;
6. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
7. Consistency with the UGB;
8. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
9. Compatibility with current uses and land uses in the surrounding area;
10. Water supply and alternative water supply needs; and
11. Concurrency requirements.

**Analysis:** The PUD proposes enabling uses that are currently available to multiple portions of the site and will provide for limitations and design requirements on additional lands enabled to for commercial use by the PUD. The site is within the UGB, and the proposed FAR and buffer requirements will provide for uses comparable to many existing uses in the surrounding area. This development does not meet the requirements to be classified as urban sprawl and is consistent with the UGB. It is compatible with current uses in the surrounding area and consistent with planning principles in the Comprehensive Plan, Zoning, and the LDC. Staff finds the rezoning is **consistent** with FLUE Policy 5.1.2.

4. 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 September 30, 2024 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 for the PUD, and final approval of the final Traffic Study will be required as part of the formal development review process, wherein study identified transportation improvements will need to be completed in conjunction with the progress of development. Based on the above findings and prior recommendations, it is concluded the application is **consistent** with TE Policy 2.1.4. **with the following condition:**

- *The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the final Traffic Study and any supplemental study information as required by the County Engineer, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.*

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:** As noted previously, the PUD will access S. US Hwy 441 and SE 73<sup>rd</sup> Street, but no access will be provided to SE 80<sup>th</sup> Street.

Based on the above findings and proposed PUD, staff concludes the application is **consistent** with TE Objective 2.2 **with the following condition:**

- *The PUD’s vehicular access shall be provided as follows:*
  1. *North PUD – S. US Hwy 441, SE 73<sup>rd</sup> Street, and cross access consistent with the PUD Concept Plan and LDC;*
  2. *South PUD – S. US Hwy 441, SE 73<sup>rd</sup> Street, and cross access consistent with the PUD Concept Plan and LDC. No access to SE 80<sup>th</sup> Street.*

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 Marion County Utilities’ service area; however, it is likely outside required connection distances, subject to final determination at the time of development. In the event onsite services are used, compliance with the LDC and Florida Department of Health regulations effective at the time of development will be required. Based on

the above findings, it is concluded the application is **consistent** with SSE Policy 1.1.3.

9. SSE Policy 1.2.1 provides “Within the UGB, all new development approval requests (CPAs, rezonings, site plans, etc.) will require proof that central sanitary sewer and water service from a County approved provider is or will be available. Approved providers in the UGB are MCUD, the cities of Ocala, Belleview or Dunnellon, and private utilities authorized by the County within its service area.”

**Analysis:** The site is within Marion County Utilities’ service area; however, it is likely outside required connection distances, subject to final determination at the time of development. In the event onsite services are used, compliance with the LDC and Florida Department of Health regulations effective at the time of development will be required. Based on the findings, it is concluded the application is **consistent** with SSE Policy 1.2.1.

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

**Analysis:** Potable water will be provided pursuant to the LDC, subject to connection distance requirements at the time of development; in the event onsite facilities are use, the development will be responsible for compliance with the LDC and applicable Florida Department of Health requirements. Based on the above findings, it is concluded the current application is **consistent** with PWE Policy 1.6.4.

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

**Analysis:** At the time of development order approval, the owner will need to demonstrate post-development stormwater runoff can be accommodated by the proposed stormwater facility, wherein the facility could potentially include reducing the form, intensity, and/or density of the proposed development (e.g., units, building SF, impervious square feet). Based on the above, it is concluded the application is **consistent** with SE Policy 1.1.4.

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

**Analysis:** The applicant is advised the owner 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 conceptual plan proposes enabling B-4 and B-5 uses with based on specific locations within the PUD, and further establishes reduced maximum floor area ratios for the PUD.

Based on the above, staff concludes the application **is consistent** with this section.

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

**Analysis:** Staff finds the application does not propose any SUP. Therefore, this requirement **is not applicable**.

3. LDC Section 4.2.31.B.(3) provides owners of parcels within the PUD may subsequently request the authorization of additional special uses following approval of the PUD by undertaking the SUP application process for the proposed additional use without applying for an amendment to the PUD.

**Analysis:** Staff finds this is a new PUD request and that this section **is not applicable**.

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

**Analysis:** As previously noted, the PUD's proposed uses provide for RV Sales & Service generally throughout the PUD, along with allowing B-2, B-4, and B-5 uses where such uses have been historically permitted. Further, reduced FAR standards are also proposed. *The requested uses and FAR standards are recommended by staff.* Staff notes uses may include business offices, support facilities, and for the service center paint & body work may be undertaken as part of the service operations, wherein as such

activity must take place indoors and in compliance with Florida Department of Environmental Protection (FDEP) regulations regarding such facilities, particularly as the site is located within the Silver Springs Primary Springs Protection Overlay Zone (SS-PSOZ). Staff notes that B-4 and B-5 uses include various forms of sales operations that may include external public address (PA) systems. Such systems are subject to Marion County's Code of Ordinances Chapter 13, *Noise and Vibration Control*; however, *staff recommends that such systems be prohibited, particularly given the prevalence of alternative forms of communication (e.g., pager, cellphones, etc.) and staff recommends that all vehicle repair and/or service work shall be required to take place in a fully enclosed building with closed doors, wherein no repair work shall occur in open bays or bays with open doors.* As such, the PUD **is consistent, with the following conditions:**

- *The PUD's uses shall conform to the authorized uses and maximum floor area ratio (FAR) standards as listed and illustrated on the PUD Conceptual Master Plan Sheet C004.*
- *No on-site public address (PA) systems shall be utilized.*
- *All vehicle repair and/or service work shall be required to take place in a fully enclosed building with closed doors, wherein no repair work shall occur in open bays or bays with open doors.*

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 proposes a master sign plan providing for a multiple occupancy complex sign, and two onsite identification freestanding signs (See Attachment B, Sheet C006). The multiple occupancy sign will be located along US Hwy 441 and comply with the LDC's maximum 30-foot sign height and 400 square feet per sign face standard for heavy commercial (B-5) standards along US Hwy 441; however, the plan does not specify if the sign will be a pole or monument sign. For the two onsite identification freestanding signs, each is also proposed to have a maximum 30-foot sign height and 400 square feet per sign face and qualified to be a moment-type sign. Other signs, based on onsite usage, are then proposed consistent with LDC Section 4.4.4.(H). As recommended, staff finds the application to **be consistent** with this section of code as recommended.

- 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 ±81.85 acres and therefore **is consistent** with this section.

C. LDC Section 4.2.31.D addresses density and intensity.

1. LDC Section 4.2.31.D(1) provides the maximum allowable density/intensity for a PUD cannot exceed that established by the Comprehensive Plan Future Land Use Designation(s) for the site, along with any density or intensity bonuses and/or transfers acquired for the site as enabled by the Comprehensive Plan and the LDC; however, if the PUD site is vested for a higher density/intensity as established consistent with the Comprehensive Plan and the LDC, the PUD may propose densities and/or intensities consistent with the vested status.

**Analysis:** The PUD Plan proposes a limited maximum floor area ratio (FAR) standard which complies with the maximum FAR for the site's Commercial future land use designation. As such, the PUD **is consistent** with this provision.

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 proposes a limited maximum floor area ratio (FAR) standard which complies with the maximum FAR for the site's Commercial future land use designation. As such, the PUD **is consistent** with this provision.

3. LDC Section 4.2.31.D.(3) provides density/intensity increases may be attained through one of three methods.

**Analysis:** Staff finds the application does not propose any density/intensity increase through comprehensive plan amendment. Thus, staff concludes this section is **not applicable**.

4. LDC Section 4.2.31.D.(4) allows for blending of densities/intensities if the subject property has more than one FLUMS designation.

**Analysis:** Staff finds the subject property is entirely a Commercial land use and does not propose any sort of blending. Staff finds this section is **not applicable**.

5. LDC Section 4.2.31.D.(5) addresses averaging.

- a. LDC Section 4.2.31.D.(5)(a) provides the gross amount of density/intensity of uses in a PUD may be allocated to any area of the

total PUD site; however, proposed uses that are subject to the special setback and/or protection zone/area requirements shall be required to comply with those applicable standards as established within the Comprehensive Plan and this Code both within, and to areas outside the boundary, of the PUD.

**Analysis:** Under the site's Commercial land use designation, the proposed PUD does not propose intensity averaging. Staff finds this proposal is **consistent** with this section.

- 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 setbacks similar to or greater than those seen in comparable zoning classes in the surrounding area. As such, the PUD is **consistent** with this section.

- c. LDC Section 4.2.31.D.(5)(c) provides that if the PUD is for a cluster type project that must be enabled as a PUD as established by the Comprehensive Plan (e.g., Rural Residential Cluster or Hamlet Division 3.3), then the PUD shall be subject to compliance with the applicable natural open space preservation requirements, with the remaining lands available for development then being eligible for density and/or intensity averaging, subject to any special requirements of the particular PUD cluster type as required by the Comprehensive Plan and this Code.

**Analysis:** Staff finds that the PUD is not a hamlet or rural residential cluster. Thus, staff finds that this section is **not applicable**.

- 6. LDC Section 4.2.31.D.(6) requires the PUD to comply with the minimum buffer requirements as established in this Code, or an alternative design meeting the intent of the Code may be proposed for consideration. If an alternative design is proposed, the proposal shall include, at a minimum, scaled typical vertical and horizontal cross-sections of the buffer, including depictions of all proposed alternative buffer improvements and scaled representations of the existing principal structures and improvements that are located on the adjoining properties being buffered from the PUD. LDC Section 4.2.31.E.(6) provides buffers shall be provided externally and internally, between the PUD and surroundings and between internal PUD uses, in order to maintain compatibility between uses and avoid and/or limit adverse impacts between uses and nuisance situations

**Analysis:** As previously noted, the PUD proposes a series of buffers along the site's boundaries that meet and/or exceed those required by the LDC. Staff finds the buffers provided by the applicant are **consistent** with this section.

D. LDC Section 4.2.31.E.(1) addresses 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:** As previously noted, access will be provided to S. US Hwy 441 and SE 73<sup>rd</sup> Street, with no access to SE 80<sup>th</sup> Street. Additionally, cross access will be utilized/available for the site consistent with the LDC. As such, staff finds the application is **consistent** with this provision, **as recommended elsewhere in this report**.

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:** As previously noted, no pedestrian and/or bicycle facilities are available in the area at this time. The final PUD Master/Site Plan(s) will be required to address potential pedestrian needs as well as standard sidewalk requirements consistent with the LDC. As such staff finds the application is **consistent** with this provision.

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:** As previously noted, no pedestrian and/or bicycle facilities are available in the area at this time. The final PUD Master/Site Plan(s) will be required to address potential pedestrian needs as well as standard sidewalk requirements consistent with the LDC. As such staff finds the application is **consistent** with this provision.

4. LDC Section 4.2.31.E.(1)(d) provides parking and loading spaces shall be provided consistent with the requirements for developed uses as listed in Section 6.11.8; however alternative parking and loading standards may be proposed, provided such standards are based on accompanying technical information and analysis provided by a qualified professional. The use of shared parking is encouraged, along with the integration of parking as part of a multi-use structure as provided in Section 4.2.6.D(8).

**Analysis:** The PUD does not propose deviations from commercial parking and loading standards; further the recreational vehicle (RV) focus of the site will require additional design accommodations due to the RV vehicle operations. Final parking designs will be required to fully accommodate off-



street parking consistent with the requirements per the LDC, including consideration in relation to ADA accessibility needs, as such the plan 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:** The site is located with Marion County Utilities Service Area that notes central water and central sewer service are not readily available in the surroundings. Until such service become available, the may be served by on-site facilities consistent with the LDC and as regulated by the Florida Department of Health. 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.
  - b. LDC Section 6.13.3 addresses four different types of stormwater management facilities.

**Analysis:** On the DRC Comments Letter, the Stormwater division of the Office of the County Engineer notes that a final stormwater plan will be required through subsequent development review processes (Attachment D). The PUD proposes a series of private retention areas to serve respective portions of the site estimated to contain the 100-year 24-hour post storm event. Stormwater review during the Development Review phase will verify the size and depth of the retention areas needed to serve the development and the operational capacity of the proposed systems. As such, the plan is **consistent** with this provision.

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

**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 with buildable areas and easements finalized and/or determined during the Major Site Plan and/or Improvement Plan/Final Plat development review processes. As such, the plan is **consistent** with this provision.

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

**Analysis:** As previously noted, the PUD proposes various setbacks and maximum heights consistent with those of in the surrounding areas, including providing for compliance with the height limitation provisions for non-residential uses. Multiple buildings may be established across the site, subject to the floor area (FAR) limitation; however, building separations are

also subject to building and fire safety codes which allow some design and construction flexibility. As such, staff recommends a development condition to ensure the PUD will be **consistent** with this section:

- *Building separations shall meet all requirements placed on development by Building and Fire Safety codes.*

G. LDC Section 4.2.31.E.(4) (a-b) addresses heights.

**Analysis:** As previously noted, the PUD proposes various setbacks and maximum heights consistent with those of in the surrounding areas, including providing for compliance with the height limitation provisions for non-residential uses. As such the PUD will be **consistent** with this section.

H. LDC Section 4.2.31.E(5) (a-c) addresses outdoor lighting.

**Analysis:** The PUD Plan does not display the location of specific exterior lighting. As such, staff recommends the PUD site comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels, to be **consistent** with this provision.

- *PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.*

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:** Buffers have been addressed previously in this report with accompanying recommendations for particular provisions. As recommended, the PUD will be **consistent** with this provision.

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

1. LDC Section 4.2.31.E.(7) (a-c) 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.

**Analysis:** The PUD site has a High Residential 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 the project will comply with the required 20% minimum open space. Included in the potential open space will be site buffers, and the area identified as “no development” in the southwest corner of the site adjoining SW 80<sup>th</sup> Street. Staff anticipates the final PUD designs will achieve compliance with the minimum open space requirements, wherein staff recommends the final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions, enabling the proposed PUD to be **consistent** with this section. As stated:

- *The final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions.*

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:** As previously noted, staff anticipates the final PUD design will achieve compliance with the minimum improved open space requirements, wherein staff recommends the final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent with LDC provisions, enabling the proposed PUD to be **consistent** with this section.

- *The final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent with LDC provisions.*

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. (1 and 2) Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space 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:** Staff has provided a recommendation regarding improved open space as noted above, enabling the proposed PUD to be **consistent** with this section.

- 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 is not a residential PUD seeking to enable Commercial Use Areas based on the extent of residential development, 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.
  - l. Identify access to the site.
  - m. Preliminary building lot typicals with required yard setbacks and parking lot locations.
  - n. Preliminary sidewalk locations.
  - o. Proposed parallel access locations.
  - p. Show 100-year floodplain on the site.
  - q. Show any proposed land or right of way dedication.
  - r. Identify any proposed parks or open spaces.
  - s. A note describing how the construction and maintenance of private roads, parking areas, detention areas, common areas, etc. will be coordinated during development and perpetually after the site is complete.
  - t. Architectural renderings or color photos detailing the design features, color pallets, buffering details.



**Analysis:** The application submitted was determined to currently meet the minimum requirements for submission and **is consistent** with this provision.

4. LDC Section 4.2.31.F.(3) requires the Development Review Committee (DRC) to make a recommendation for approval, approval with conditions, or for denial to the Planning and Zoning Commission and to the Board.

**Analysis:** The DRC initially considered the application at their September 9, 2024, but deferred remarks subject to additional information; the DRC recommendation is expected to be completed prior to Board of County Commission consideration for this PUD, therefore meeting this requirement for submission, making it **consistent** with this provision.

5. LDC Section 4.2.31.F.(4)(a) requires the final development plan (either entire project or phase), submission, shall include but not be limited to, a master plan, a major site plan, improvement plan, a preliminary plat and/or final plat, as deemed necessary for the specific project.

**Analysis:** As the PUD Application was accompanied by a Conceptual Plan, a subsequent development plan(s) will be required as noted by this provision. Once submitted, this requirement shall be met, making it **consistent** with this provision.

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

**Analysis:** With respect to the wishes of our Board of County Commissioners, final development plans for PUDs are to be brought back in front of the Board for final action. As stated:

- *The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second submittal.*

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

**Analysis:** Staff finds that only a conceptual plan was submitted for consideration.

M. LDC Section 4.2.31.J addresses PUD time limits and provides:

1. The Board may establish time limits for the submittal of a master plan, major site plan, preliminary plat, or final plat for the development of an approved conceptual plan.
2. Any such time limits may be extended by the Board for reasonable periods upon the petition of the developer for an amendment to the conceptual plan and based upon good cause, as determined by the Board; provided that any such extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval, or other development order. If time limits contained in the approved development plan are not completed or not extended for good cause, no additional permits will be approved.
3. Time limits for completion and close out of master plans, major site plans, preliminary plats, and final plats once approved shall be according to Article 2 of this Code Review and approval procedures.

**Analysis:** Staff does not recommend the imposition of any conditions to address time limits as timing is already addressed under LDC Section 4.2.31.L.

N. LDC Section 4.2.31.K addresses PUD amendments.

**Analysis:** This application is for the initial PUD approval and, consequently, this section is **not applicable**.

## VI. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **DENY** the rezoning amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE** 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 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 **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, 2.1.22, 4.1.5, 5.1.2, 5.1.3, 5.1.4
  - 2. TE Policy 2.1.4, and Objective 2.2,
  - 3. SSE 1.1.1, 1.1.3, 1.2.1
  - 4. PWE 1.1.1, 1.6.4
  - 5. SWE 1.1.1
  - 6. SE 1.1.4, 1.1.5
- C. **Is compatible** with the surrounding uses due to the similarly proposed intensity and type of residential development being requested.

If the Board chooses agree with staff's recommendation, the following development conditions are proposed to mitigate negative impacts to the surrounding area:

- 1. The PUD shall be developed consistent with the PUD Concept Plan, as revised, and the development conditions provided with this approval.
- 2. The PUD's uses shall conform to the authorized uses and maximum floor area ratio (FAR) standards as listed and illustrated on the PUD Conceptual Master Plan Sheet C004.
- 3. No on-site public address (PA) systems shall be utilized.
- 4. All vehicle repair and/or service work shall be required to take place in a fully enclosed building with closed doors, wherein no repair work shall occur in open bays or bays with open doors.
- 5. The PUD shall comply with the following design and development standards listed in Table B below:

<b>TABLE B. PROPOSED DESIGN &amp; DEVELOPMENT STANDARDS</b>	
<i>Minimum Setback Direction/Yard</i>	<i>Setback Distance (Feet)</i>
Minimum Front Setback	40'
Minimum Side Setback	25'
Minimum Rear Setback	25'
Accessory Structure Setback	25'
Building Height Restriction Setback per LDC Section 4.2.31E(4)(b)1	100'
Maximum Building Height	75 Feet

6. The PUD shall comply with the PUD Development Buffers listed in Table D below:

<b>TABLE D. BUFFER COMPARISON AND RECOMMENDATION</b>		
<b>Direction</b>	<b>Adjoining Use</b>	<b>Required</b>
<b>NORTH PARCEL</b>		
<b>North</b>	COM: MHP/RVP Auto Sales	No Buffer
<b>South</b>	COM: Dollar General	No Buffer
	SE 73 <sup>rd</sup> Street	Type-C
<b>East</b>	US Hwy 441	Type-C
<b>West</b>	COM: Church Vacant Ag/Com	<b><u>Modified Type-B</u></b> 20' wide without wall with 3 shade trees and 3 accent/orn. trees <b>OR</b> 15' Type-B (reduced width) with Wall
<b>SOUTH PARCEL</b>		
<b>North</b>	COM: Church PUD Comm.	Type-C
<b>South</b>	COM: RV Sales, Shed Sales	No Buffer
	SE 73 <sup>rd</sup> Street	Type IV – 30' Undisturbed ("No touch")
<b>East</b>	US Hwy 441	Type-C
	COM: RV Sales, Shed Sales	No Buffer
	RVP/MHP	Type IV – 30' Undisturbed ("No touch")
<b>West (overall)</b>	Ag/Residential Tracts Legendary Trails	Type IV – 30' Undisturbed ("No touch")

7. The PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the final Traffic Study and any supplemental study information as required by the County Engineer, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.
8. The PUD's vehicular access shall be provided as follows:
- North PUD – SE 73<sup>rd</sup> Street, and cross access consistent with the PUD Concept Plan and LDC;
  - South PUD – S. US Hwy 441, SE 73<sup>rd</sup> Street, and cross access consistent with the PUD Concept Plan and LDC. No access to SE 80<sup>th</sup> Street.
9. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
10. PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.

11. The final PUD development plans shall demonstrate compliance with minimum open space requirements, consistent with LDC provisions.
12. The final PUD development plans shall demonstrate compliance with minimum improved open space requirements, consistent with LDC provisions.
13. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second/separate submittal.

## **VIII. PLANNING & ZONING COMMISSION RECOMMENDATION**

The Planning and Zoning Commission voted to agree with staff's findings and recommendation, to recommend **Approval** by a vote of 6-1 with Commissioner Gaekwad dissenting.

## **IX. BOARD OF COUNTY COMMISSIONERS ACTION**

To be determined.

## **X. LIST OF ATTACHMENTS**

- A. Rezoning Application filed July 25, 2024.
- B. Proposed PUD Concept Master Plan, revised September 2024
- C. Traffic Study Methodology, July 2024, Approved
- D. DRC Staff Review Remarks PUD Concept Master Plan
- E. Site & surroundings photos.
- F. Environmental Assessment
- G. Ecological Assessment
- H. Geotechnical Site Exploration
- I. Drainage Analysis