



**Marion County  
Board of County Commissioners**

**Growth Services**

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

**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;ZC Date: 08/25/2025</b>	<b>BCC Date: 09/16/2025</b>
<b>Case Number</b>	250908ZP
<b>CDP-AR</b>	32940
<b>Type of Case</b>	<b>Rezoning</b> from expired Planned Unit Development (PUD) to Planned Unit Development (PUD) for a maximum of 151 single-family dwelling units.
<b>Owner</b>	Prosperity US 27 LLC.
<b>Applicant/Agent(s)</b>	Tillman & Associates Engineering, LLC.
<b>Street Address / Site Location</b>	No address assigned
<b>Parcel Number</b>	36640-004-00
<b>Property Size</b>	±39.36 acres
<b>Future Land Use</b>	Medium Residential (MR)
<b>Zoning Classification</b>	Expired Planned Unit Development (PUD) formerly General Agriculture (A-1)
<b>Overlay Zone/Scenic Area</b>	Urban Growth Boundary (UGB), Primary Springs Protection Overlay Zone (P-SPOZ)
<b>Staff Recommendation</b>	<b>APPROVAL WITH CONDITIONS</b>
<b>P&amp;ZC Recommendation</b>	<b>Approval (5-1)</b>
<b>Project Planner</b>	Kathleen Brugnoli
<b>Historic/Related Case(s)</b>	160504Z: General Agriculture (A-1) to Planned Unit Development (PUD), 241210ZP: Expired PUD (A-1) to PUD - Repealed by Ordinance 25-07 on 3/17/25.

## I. ITEM SUMMARY

Tillman & Associates Engineering, LLC., on behalf of property owners, Prosperity US 27, LLC., has filed an application for a rezoning from expired Planned Unit Development (PUD), which was formerly General Agriculture (A-1), to Planned Unit Development (PUD) on 39.36 -acres on the west side of Juniper Rd. and east of US Hwy 441, pursuant to the provisions of Land Development Code (LDC) Division 2.7 – Zoning and LDC Section 4.2.31 (Attachment A).

The initial PUD request granted in 2016, accompanied by a land use amendment to Medium Residential (MR), proposed 123 multi-family units and went by the name of Chestnut Hill Community (Attachment B Pages 1-7). In 2024, a new PUD was proposed for GPK Ocala One, LLC and received approval for a 158-unit single-family development. Following this 2024 approval, a repeal of the decision was issued citing that the approved ordinance 24-34 which approved the 2024 PUD would result in a development order inconsistent with the Comprehensive Plan. The 2016 land use amendment asked for High Residential land use but was ultimately granted Medium Residential by the Board (Attachment B Pages 1-5). When the 2024 PUD was submitted, it did so under the HR land use instead of the actual MR land use which was the reason for the repeal.

The proposed PUD of 151 single-family units will develop at a density of 3.83 units/acre, a density within the 1-4 du/ac allowed for MR land use. Figure 1 is an aerial photograph showing the general location of the subject property. The property is located in the Urban Growth Boundary (UGB) and the County's Primary Springs Secondary Protection Overlay Zone (P-SPOZ).

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Approval** of the applicant's request because it is consistent with LDC Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, that the rezoning is consistent with the Marion County Comprehensive Plan (MCCP), and that the rezoning is compatible with land uses in the surrounding area, and with LDC Section 4.2.31 on Planned Unit Development. The PUD looks to utilize its MR land use in a way similar to that of the surrounding area by proposing single-family homes rather than multi-family. The property lies immediately north of Legacy Elementary, has immediate availability to central water and sewer services, and is located within the UGB.

## III. NOTICE OF PUBLIC HEARING

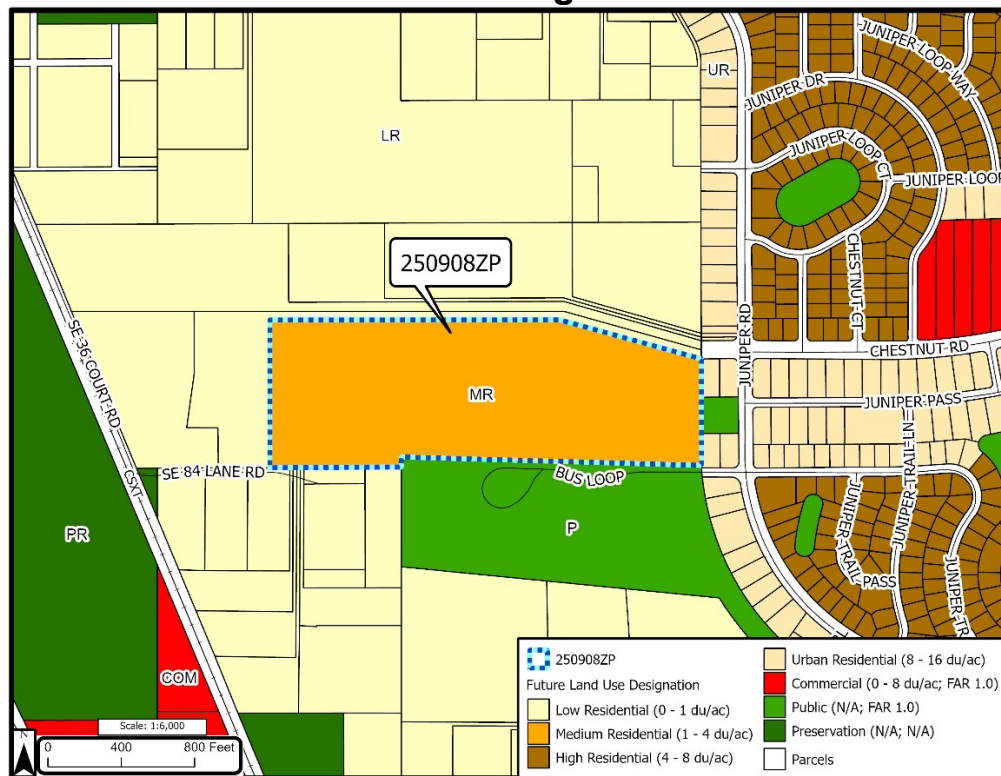
Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (20) within 300 feet of the subject property August 8, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on August 14, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on August 11, 2025. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

## IV. ANALYSIS

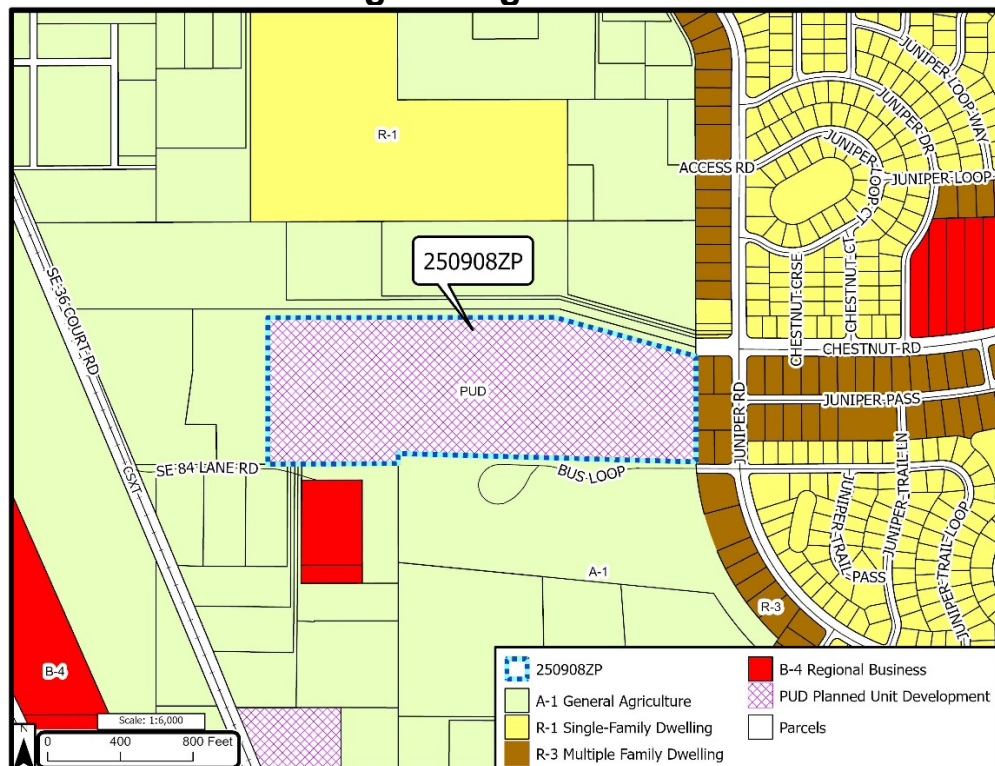
LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and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

- A. *Compatibility with surrounding uses.* Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is an aerial photograph displaying existing and surrounding site conditions. Figure 3 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 4 and 5, respectively, display the existing and surrounding properties' existing zoning classifications and the site's proposed zoning classification. Figure 6 shows the uses of the subject property and surrounding properties as classified by the Marion County Property Appraiser. Table A displays the tabular information from Figures 3, 4, and 6.

**Figure 2**  
**FLUMS Designation**

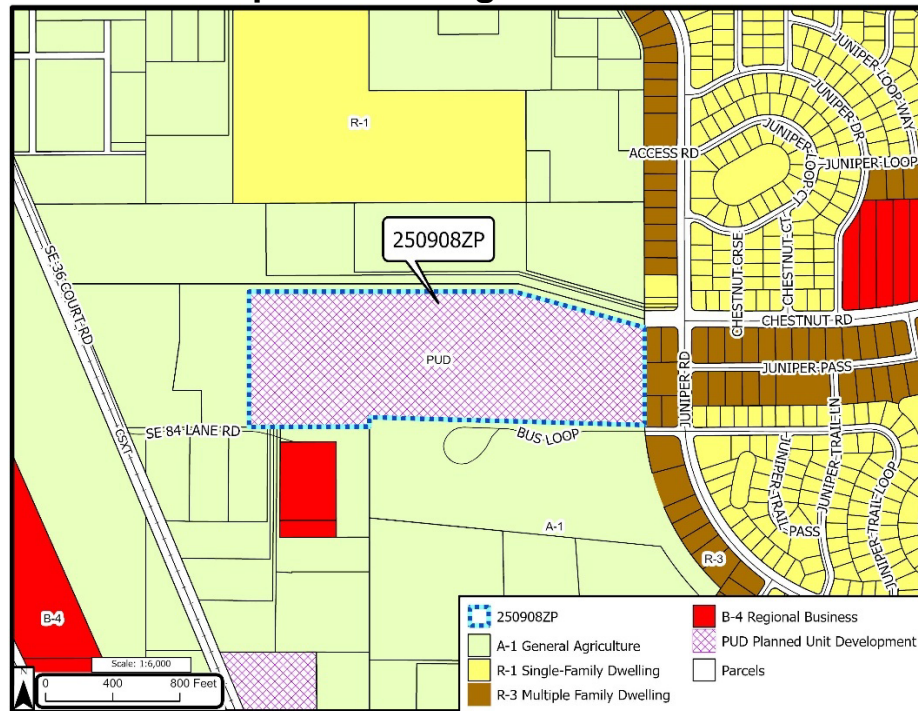


**Figure 3**  
**Existing Zoning Classification**

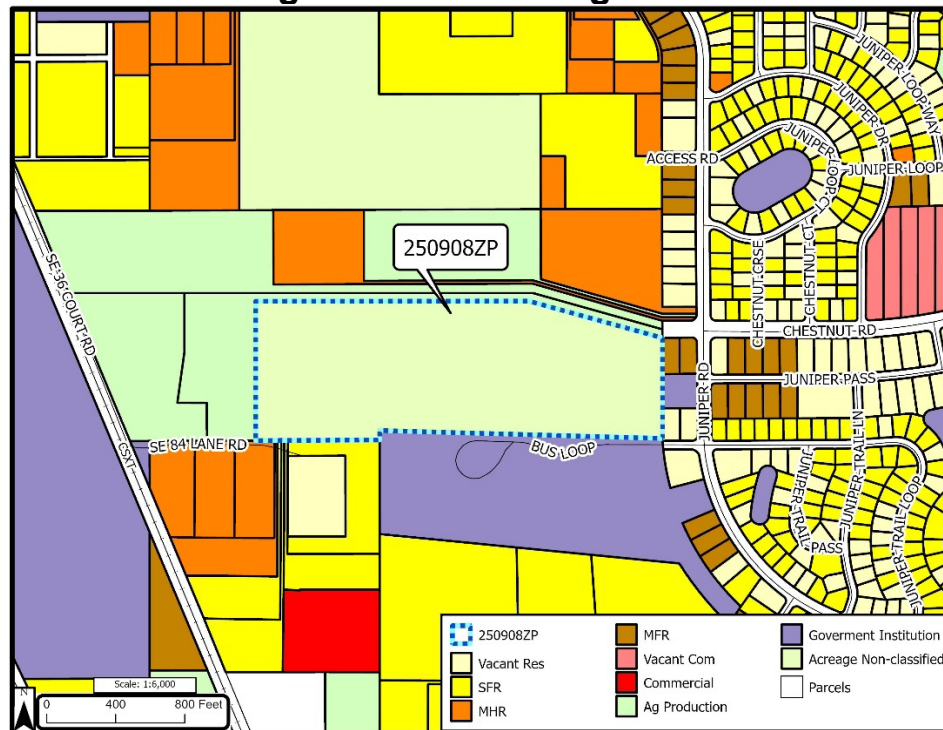




**Figure 4**  
**Proposed Zoning Classification**



**Figure 5**  
**Existing and Surrounding Land Uses**



<b>TABLE 1. ADJACENT PROPERTY CHARACTERISTICS</b>			
<b>Direction</b>	<b>FLUMS</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>Site</b>	Medium Residential (MR)	Expired PUD previously General Agriculture (A-1)	Acreage Non-classified
<b>North</b>	Low Residential (LR)	General Agriculture (A-1)	Residential & Ag Production Mobile Home
<b>South</b>	Low Residential (LR) Public (P)	General Agriculture (A-1)	Mobile Home Single Family Residential Government Institution
<b>East</b>	Public (P) Urban Residential (UR)	Multi-Family Dwelling (R-3)	Acreage Non-classified Government Institution Multi-Family
<b>West</b>	Low Residential (LR)	General Agriculture (A-1)	Ag Production

Consistent with LDC Section 2.7.3.D, staff conducted a site visit on August 14, 2025 (Attachment C) and finds the subject parcel to be undeveloped with trees and vegetation throughout. To the north of the site are duplexes and to the south, Liberty Elementary School. The site will be accessed by ingress/egress being coordinated with OCE over the existing water retention area between the site and Juniper Rd. In return, the development of this parcel will provide land for a retention pond expansion to the south of the ingress/egress.

The PUD plan being proposed includes 151 single-family parcels, 139 lots with dimensions of 40'x115' and 12 lots with dimensions of 60'x115'. The wider 60' lots are proposed to be along the northern property boundary line. The maximum building height provided would be 50' and Table 2 below summarizes the PUD's proposed and *staff's recommended setbacks for the PUD*:

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

<b>Direction</b>	<b>Proposed</b>	<b>Recommended</b>
<b>Front (No sidewalk/Sidewalk)</b>	20'/25'	20'/25'
<b>Rear</b>	15'	15'
<b>Side (Interior/Streetside)</b>	5'/20'	5'/20'
<b>Accessory (Side/Rear)</b>	5'/10'	5'/10'

### Figure 6 Juniper Loop Concept Plan

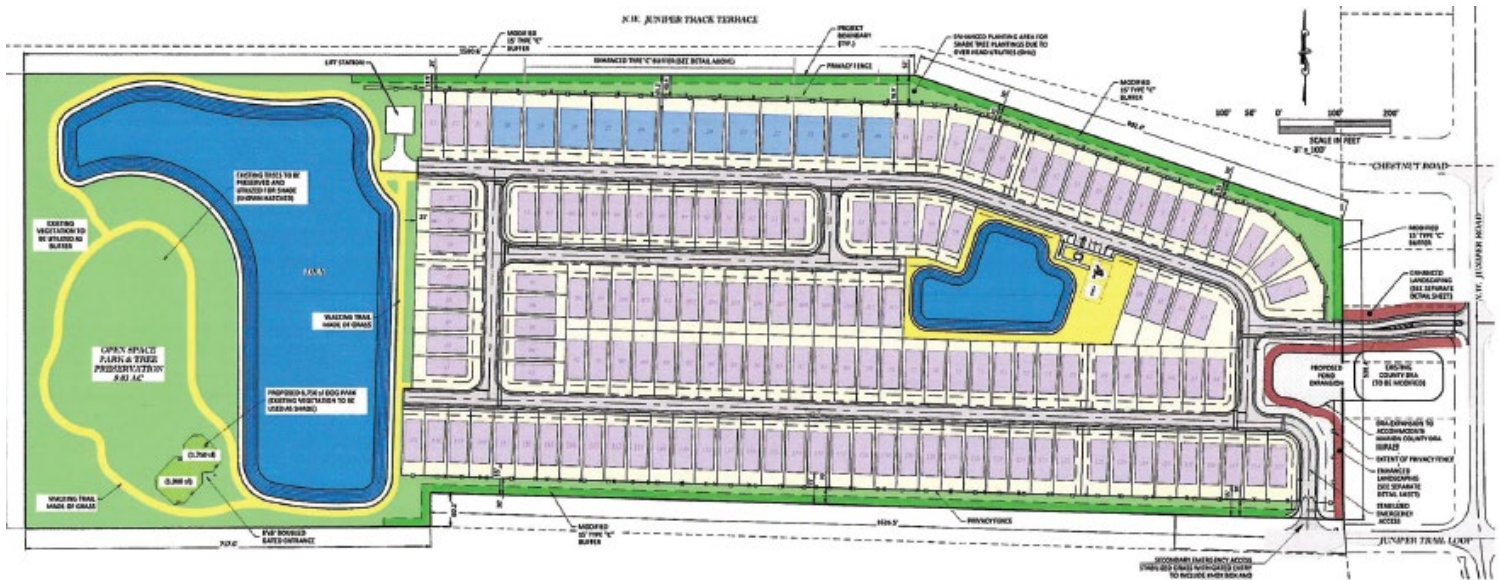


Table 3 summarizes the PUD's proposed, and staff's recommended, buffers for the PUD. Attachment A Pages 23-26 includes buffer diagrams for the PUD's proposed buffering types and Attachment A Page 11 labels each of the property boundary lines with the buffer type.

<b>Direction</b>	<b>Adjoining Use</b>	<b>Required</b>	<b>Proposed</b>	<b>Recommended</b>
<b>North</b>	Single-Family Residential	E-Type	Modified C-Type*^	Modified C-Type*^
<b>South</b>	Single-Family Residential Government Institution	C-Type	Modified C-Type*^	Modified C-Type*^
<b>East</b>	Multi-Family Residential Government Institution Vacant Multi-Family Residential	C-Type	Modified C-Type* Enhanced Landscaping*	Modified C-Type* Enhanced Landscaping*
<b>West</b>	Single-Family Residential	E-Type	Existing Vegetation	Existing Vegetation
<b>Entrance</b>	ROW	N/A	Entrance Landscaping as shown	Entrance Landscaping as shown

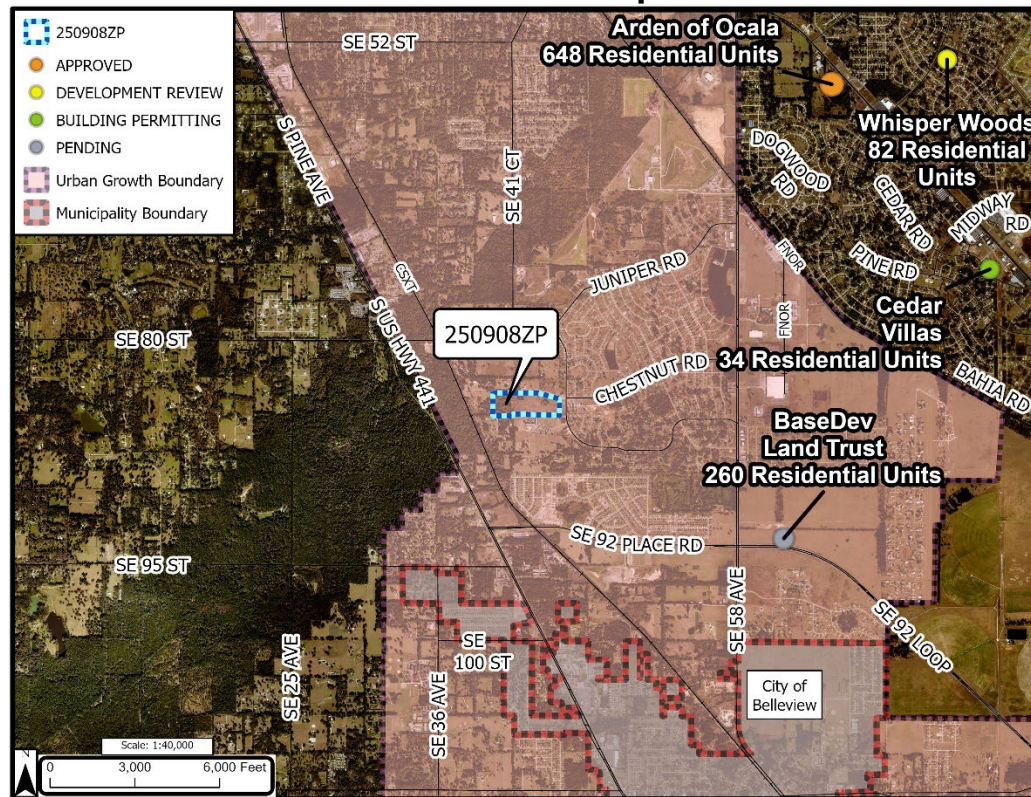
\*Privacy fencing.

<sup>^</sup>Buffer does not extend entire length of the property.



Figure 7 below shows residential development in the surrounding area and the number of units approved for each. Cedar Villas is the only development shown ready to pull Building permits and construct.

**FIGURE 7**  
**Residential Development**



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

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

**1. Transportation impacts.** These include roadways, public transit, and other mobility features.

- a. **Roadways.** An approved Traffic Study (Attachment D) was provided for the 2024 project (AR 32014) which was based on 157 units rather than the currently proposed 151 units. Based on the projected numbers included within the Traffic Study, the project is expected to generate approximately 1,528 daily trips, with 112 AM peak hour trips and 152 PM peak hour trips. The PUD includes two points of access with the main access on Juniper Rd. and a southern access point on to Legacy Elementary property to access Juniper Trail Loop; this access point would be solely for emergency access. Traffic provided comments within the projects Development Review (Attachment E) stating, "...The traffic study determined that all intersections within the study area will operate at acceptable levels at buildout of the



development with the exception of the intersection on Juniper Road at SE 79<sup>th</sup> St. This intersection currently fails in the morning peak hour primarily as a result of school traffic. The traffic study recommended the implementation of a 4-way stop at this intersection to improve overall operations. OCE is reviewing this recommendation in more detail for possible implementation. No other traffic improvements were identified in the traffic study. No access improvements are needed at the project entrance in Juniper Road.”

- b. Public transit. There are no fixed route services in the area.
- c. Other mobility features. DRC Comments (Attachment E) provided by Traffic indicate, "Sidewalks are required along Juniper Rd. and also need to be provided along one side of the emergency access with a crosswalk and connection to the sidewalk and the school entrance." The cover sheet of the conceptual plan indicates sidewalks will also be provided along one side of all streets internally.

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

- 2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on the maximum proposed of 151 units, the rezoning could result in an overall generation of 56,625 gallons per day. DRC comments (Attachment E) provided by Marion County Utilities indicate the property is within City of Belleview Utility Service area and a letter confirming availability was provided by City of Belleview (Attachment A Page 8) As long as the developer abides by the requirements put in place by City of Belleview Utilities, it is concluded the application's **potable water impacts would not adversely affect the public interest.**
- 3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of 110 gallons per person per day for residential demand and approximately 2,000 gallons per acre per day for commercial and industrial demand. Based on the maximum proposed of 151 residences, the rezoning could result in an overall generation of up to 41,525 gallons per day. The DRC comments from Utilities, again, indicate this development is within City of Belleview's Utility availability area an letter confirming availability from the City of Belleview was provided (Attachment A Page 8). As long as the developer abides by the requirements put in place by City of Belleview Utilities, it is concluded the application's **sanitary sewer impacts would not adversely affect the public interest.**
- 4. Solid waste impacts. Solid Waste Element Policy 1.1.1 adopts a LOS standard of 6.2 pounds of solid waste generation per person per day. The SWE does not establish a LOS standard for solid waste generation for non-residential uses. The County has identified and arranged for short-term and

long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County. Based on the above, it is concluded the application's **solid waste impacts would not adversely affect the public interest.**

5. Fire rescue/emergency services. Shady Fire Station #16, located at 7151 S. Magnolia Ave., is approximately 5 miles northwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Staff finds the application, as analyzed By Fire Services in Attachment F, **may adversely affect the public interest depending on the timing of development and County efforts to address the existing operational deficiencies.**

**TABLE 5: FIRE SUPPRESSION/NON-TRANSPORT RESPONSE ANALYSIS**

Station	Travel Time (Minutes)	FY 23/24 Overlapping Incidents (% / Status)	Incidents/Unit*
#16 – Shady	10	0.09% / Green	2,101
#18 – Belleview	11	6.08% / Green	2,072
#17 – Silver Springs Shores	11	4.72% / Green	2,970
#30 – Spruce Creek	13	6.01% / Green	3,257

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

Source: Marion County Fire Services

**TABLE 6: TRANSPORT/AMBULANCE RESPONSE ANALYSIS**

Station	Travel Time (Minutes)	FY 23/24 Overlapping Incidents (% / Status)	Incidents/Unit*
#16 – Shady	5	0% / Green	1,965
#18 – Belleview	12	4.57% / Green	2,748
#17 – Silver Springs Shores	15	27.37% / Red	2,983
#30 – Spruce Creek	19	1.69% / Green	2,976

\*The threshold to consider adding additional Transport/Ambulance units is 2,500 incidents; there are no additional budgeted units for this area to date.

Source: Marion County Fire Services

6. Law enforcement. The Sheriff's South Multi-District Office, located at 3260 SE 80<sup>th</sup> St., is roughly 1.7 miles northwest of the subject property. Response from MCSO states the sheriffs office could absorb the calls created by those residents alone, but if there is additional development in the area, additional staffing would be necessary (Attachment F Page 18). Due to the proximity of the facility, it is concluded the application's **law enforcement impacts would not adversely affect the public interest.**
7. Public schools. Legacy Elementary is contiguous to the south of the subject site at 8496 Juniper Rd., Belleview Middle is 5 miles from the subject site at 526 SE Tusawilla Ave., and Belleview High is roughly 5 miles away at

10400 SE 36<sup>th</sup> Ave. Based on attendance on the 60<sup>th</sup> day of the 2024-2025 school years, Shady Hill was at 88% capacity, Belleview Middle was at 108% and Belleview High was at 115%. While there are areas of localized overcrowding the county, overall, has capacity. It is concluded that the proposed rezoning's impact to **public schools would not adversely affect the public interest.**

Based on the totality of evidence, staff finds the public facility impacts **would not adversely affect the public interest.**

C. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.1: Marion County Planning Principles: The County shall rely upon the following principles to guide the overall planning framework and vision for the County:
  1. Preserve, protect and manage the County's valuable natural resources.
  2. Recognize and protect the rural equestrian and agricultural character as an asset of the County's character and economy while providing clear, fair and consistent standards for the review and evaluation of any appropriate future development proposals.
  3. Support the livability of the existing cities and towns in the County by planning for the logical extension of development in a manner that enhances the scale, intensity and form of these areas through the introduction of sustainable smart growth principles and joint planning activities.
  4. Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities and that foster a local economic development environment that is conducive to the creation and growth of new businesses, the expansion of existing businesses, and is welcoming to private entrepreneur activities.

**Analysis:** Staff finds the property is located with the Urban Growth Boundary (UGB) at a location where water and sewer services are available. Additionally, this PUD sits directly north of an elementary school and in an area predominantly developed residentially. Staff concludes the proposed zoning change **is consistent** with FLUE Policy 1.1.1.

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

**Analysis:** The project site is located with the UGB and has availability to public water and sewer services. Staff concludes the proposed zoning change **is consistent** with FLUE Policy 1.1.5.

3. FLUE Policy 2.1.18: Medium Residential: This land use designation is intended to recognize areas suited for primarily single-family residential



units within the UGB, PSAs, and Urban Area. However, the designation allows for multi-family residential units in certain existing developments along the outer edges of the UGB or Urban Area. The density range shall be from one (1) dwelling unit per one (1) gross acre to four (4) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area land Use.

**Analysis:** The PUD concept plan proposes a maximum of 151 single-family dwellings on the subject site, consistent with the maximum allowable of 157 single-family dwellings with MR land use. Again, the site is located within the UGB. Staff concludes the proposed zoning change **is consistent** with FLUE Policy 2.1.20.

4. Policy 3.1.2: Planning Principles within the UGB: The County shall implement long-term planning principles to guide the creation of land use policy and development regulations within the County, which shall be implemented through the policies contained in the County Comprehensive Plan and as further defined in the LDC. These principles shall include:
  1. Preserve open space, natural beauty and critical environmental areas.
  2. Allow for a mix of land uses to create compact residential, commercial, and employment hubs.
  3. Strengthen and direct development towards existing communities and development.
  4. Encourage compact and mixed-use building design.
  5. Foster distinctive, attractive communities with a strong sense of place.
  6. Create walkable and linked neighborhoods.
  7. Create a range of housing opportunities and choices.
  8. Provide a variety of transportation choices.
  9. Encourage community and stakeholder collaboration.
  10. Make development decisions predictable, fair and cost effective
  11. Encourage interconnected development, multi-modal transportation opportunities, links to the surrounding neighborhoods, and alternative transportation routes.
  12. Establish priority areas for public facility and service infrastructure.

**Analysis:** The proposed PUD looks to expand in an existing residential area with a variety of densities/ land uses ranging from Low Residential (LR) up to Urban Residential (UR). In doing so, this PUD would link to the existing Elementary School to the south encouraging walkability for parents and their students attending the school. The site is located within the UGB and has availability through City of Belleview for central water and sewer services. Based on the principles being met as shown above, staff finds the rezoning is **consistent** with FLUE Policy 3.1.2.

5. 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 is scheduled for the August 25, 2025 Planning and Zoning Commission and, therefore, the application **is consistent** with this FLUE Policy 5.1.3.

6. 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.

7. FLUE Policy 6.1.3: Central Water and Wastewater Service: The County shall require development within the UGB, Urban Areas, and other developments consistent with this Plan and as required in the LDC to use central water and wastewater. Central water and wastewater treatment facilities shall be constructed in accordance with the Wastewater and Potable Water Elements of this Plan and as further defined in the LDC.

**Analysis:** Central water and sewer services are available through City of Belleview (Attachment A Page 8) and require connection by the Developer. Staff finds the rezoning **is consistent** with FLUE Policy 6.1.3.

8. TE Policy 2.1.4: Determination of Impact: All proposed development shall be evaluated to determine impacts to adopted LOS standards. Land Development Regulations (LDRs) shall be established which determine the level and extent of the analysis required based on the extent of the project and its projected trip generation. The information shall at a minimum provide for a review of site access, circulation, access management, safety, and, when of sufficient size, roadway links analysis and intersection analysis will be provided including Average Annual Daily Trips (AADT) and/or peak hour (AM, PM, Sat/Sun).

**Analysis:** A completed and approved Traffic Study for the proposed development has been provided. Attachment D provides the conclusion of the study and states, "Traffic from the proposed development does not create additional transportation deficiencies when compared to the background traffic condition. The proposed development does not have a significant and adverse impact on the surrounding transportation network." Provided that County requested improvements are made if deemed necessary, Staff finds the application to be **consistent** with TE Policy 2.1.4.

9. TE Policy 2.3.2: Provision of Multimodal Connections: Where site and location analysis determine that there is a need, the County shall provide or require the provision of bicycle and/or pedestrian ways, and/or other

alternative modes of transportation through the Land Development Code to connect residential, recreational, schools and commercial areas internally and to adjacent properties unless such facilities would create a safety hazard.

**Analysis:** Sidewalks are provided internally and DRC comments from Traffic indicate a sidewalk along Juniper Rd. is required as well as a sidewalk along one side of the emergency access with a crosswalk to provide connection to the sidewalk at the school entrance. Staff finds sidewalks are provided and required making this application **consistent** with FLUE Policy 6.1.3.

10. SSE Policy 1.1.3: 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:** Sanitary sewer shall be provided by City of Belleview Utility Service and a letter confirming availability has been provided as Attachment A Page 8. Staff finds the application is **consistent** with SSE Policy 1.1.3.

11. SSE Policy 1.2.1: 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 proposed project is located within the UGB and within City of Belleview service area as stated within Attachment A on Page 8. Staff finds the application is **consistent** with SSE Policy 1.2.1.

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

**Analysis:** Utilities states the project is within City of Belleview Utilities extension area and will be required to connect. Staff finds the application is **consistent** with PWE Policy 1.6.4.

10. SE 1.1.5: Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.

**Analysis:** Stormwater review shall take place during the Major Site Plan review process which must occur prior to construction. However, the concept plan provided does include 3.94 acres of retention area internal to the PUD and additional retention area outside the PUD to account for the roadway being built through the current County owned retention area.. Thus, 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 Policies analyzed.

## V. PLANNED UNIT DEVELOPMENT (PUD) ANALYSIS

Land Development Code Section 4.2.31 establishes specific requirements for a PUD. An analysis of conformance to those requirements are addressed below.

A. LDC Section 4.2.31.B addresses permitted uses.

1. LDC Section 4.2.31.B.(1) allows any permitted use, special use, or accessory use in any zoning classification listed within the County's LDC provided the proposed use is consistent with the County's future land use designation for the site, and the provisions of the LDC for each use.

**Analysis:** The PUD proposes all single-family dwellings and accessory uses as permitted by Single-Family Dwelling (R-1) zoning. The development proposed includes up to 151 single-family homes, a walking trail, dog park, and a playground with a covered pavilion.

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

- *The PUD shall be limited to a maximum of 151 detached single-family residences.*
- *The PUD shall be developed consistent with the PUD Plan provided.*

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 no special uses are being proposed within the PUD. Therefore, the application is **consistent** with LDC Section 4.2.31.B.(2).

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

**Analysis:** Any use outside the uses proposed above would require a special use permit to be applied for and granted. The application is **consistent** with LDC Section 4.2.31.B.(3).

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

**Analysis:** The PUD proposes single-family homes and accessory structures as allowed in Single-Family Dwelling (R-1) zoning classification. The application **is consistent** with this requirement.

5. LDC Section 4.2.31.B.(5) provides the intended character of the PUD shall be identified, including the structure types, architectural styles, ownership forms, amenities, and community management form (e.g., property owner association, community development classification, municipal service unit, etc.) or suitable alternative.

**Analysis:** The PUD provides renderings in Attachment A Pages 27-28 of the intended style of the homes proposed to be neutral tone colors with primary colors for trim and accent. Amenities listed include a dog park, walking trail, and playground with pavilion area. The concept plan indicates the PUD shall be maintained by an established HOA or the Developer.

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

- B. LDC Section 4.2.31.C establishes a minimum PUD size of 0.5 acres or 21,780 square feet.

**Analysis:** Staff finds the property has a size of  $\pm 39.36$  acres and therefore **is consistent** with this section.

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

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

**Analysis:** The PUD Plan includes  $\pm 39.36$  acres of property with a Medium Residential (MR) land use designation. As such, the density permitted is 1-4 du/acre. At the maximum, this site could develop up to 157 dwelling units which surpasses the number of homes being requested. The proposed PUD is **consistent** with the section.

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

with additional focus on the compatibility of the PUD's proposed uses with the adjoining and surrounding properties.

**Analysis:** The PUD plan falls within the density and intensity permitted by the MR land use, they have availability to water and sewer connection, and they are located within the Urban Growth Boundary. However, as stated within the section above, the Board is not obligated to authorize the density requested if it's found that the PUD proposed is not compatible with surrounding properties. The proposed PUD **is consistent** with the section.

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

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

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

**Analysis:** Staff finds the subject property has a single land use designation of Medium Residential (MR). As such, staff finds this section is **not applicable**.

5. LDC Section 4.2.31.D.(5) addresses averaging.
  - a. LDC Section 4.2.31.D.(5)(a) provides the gross amount of density/intensity of uses in a PUD may be allocated to any area of the total PUD site; however, proposed uses that are subject to the special setback and/or protection zone/area requirements shall be required to comply with those applicable standards as established within the Comprehensive Plan and this Code both within, and to areas outside the boundary, of the PUD.

**Analysis:** Staff finds that the future land use of the subject property does not propose a blending of intensity or density. Staff finds this section is **not applicable**.

- b. LDC Section 4.2.31.D.(5)(b) allows alternative setback and/or protection zone/areas meeting the intent of the Code for uses internal to the PUD site as part of the PUD review and consideration, subject, however to the Comprehensive Plan.

**Analysis:** Staff finds the PUD proposes its own setbacks and height limitations as provided on page 6 of this report. Staff finds the PUD is **consistent** with this section.

- c. LDC Section 4.2.31.D.(5)(c) provides that if the PUD is for a cluster type project that must be enabled as a PUD as established by the Comprehensive Plan (e.g., Rural Residential Cluster or Hamlet Division 3.3), then the PUD shall be subject to compliance with the applicable natural open space preservation requirements, with the remaining lands



available for development then being eligible for density and/or intensity averaging, subject to any special requirements of the particular PUD cluster type as required by the Comprehensive Plan and this Code.

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

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

**Analysis:** The PUD Plan proposes a series of buffers that either meet or exceed those required by the LDC. Attachment A Page 11 includes a layout, Attachment A Pages 23-26 provide buffer details with visuals, and Attachment A Pages 34-35 provide information on the PUD's sign and the entrance Landscaping requirements being imposed by the Developer. Staff finds the applicant buffers to be appropriate and the staff recommended buffers, that mirror those proposed, would make the application **consistent** with the provision.

<b>TABLE 3. BUFFERS FOR PARCEL 36640-004-00</b>				
<b>Direction</b>	<b>Adjoining Use</b>	<b>Per LDC</b>	<b>Proposed</b>	<b>Staff Recommended</b>
<b>North</b>	<i>Single-Family Residential</i>	<i>E-Type</i>	<i>Modified C-Type*^</i>	<i>Modified C-Type*^</i>
<b>South</b>	<i>Single-Family Residential Government Institution</i>	<i>C-Type</i>	<i>Modified C-Type*^</i>	<i>Modified C-Type*^</i>
<b>East</b>	<i>Multi-Family Residential Government Institution Vacant Multi-Family Residential</i>	<i>C-Type</i>	<i>Modified C-Type* Enhanced Landscaping*</i>	<i>Modified C-Type* Enhanced Landscaping*</i>
<b>West</b>	<i>Single-Family Residential</i>	<i>E-Type</i>	<i>Existing Vegetation</i>	<i>Existing Vegetation^</i>
<b>Entrance</b>	<i>ROW</i>	<i>N/A</i>	<i>Entrance Landscaping as shown</i>	<i>Entrance Landscaping as shown</i>

D. LDC Section 4.2.31.E.(1) addresses three types of access.

1. LDC Section 4.2.31.E.(1)(a) provides all properties resulting from a PUD shall have paved access to paved public or private street right-of-way; however, ingress/egress or cross-access easements may be proposed as an alternative to a right-of-way as part of the PUD, provided all access is paved.

**Analysis:** The traffic study provided was approved in September of 2024. The traffic study states, "Primary access to the development will be provided as a new west leg of the intersection of Juniper Pass at Juniper Road. An emergency access point will be provided on the south side of the development to the Legacy Elementary School property. The access points were reviewed with Marion County Office of the County Engineer and with Marion County Public Schools on July 29<sup>th</sup>, 2024." Staff finds access is being coordinated through the Office of the County Engineer and Marion County Public Schools. The proposed access points will be required to meet OCE and MCPS requirements in order to develop this PUD, making this application **consistent** with this provision as recommended with the conditions provided below.

- *Requirements provided by OCE and MCPS regarding each of the respective access points must be adhered to.*
- *Two points of access as described in the Traffic Study must be developed.*

2. LDC Section 4.2.31.E.(1)(b) provides the PUD shall include pedestrian and/or bicycle facilities internally to address internal circulation needs and externally to provide for integration of the PUD to surrounding existing for future facilities.

**Analysis:** The PUD Plan indicates there will be internal sidewalks and DRC comments address sidewalks along Juniper Rd. Staff finds, if improvements are developed as required by OCE, the application **is consistent** with this provision as recommended.

- *Sidewalk to be provided internally as shown in the PUD site plan.*
- *Sidewalks, as required by OCE, shall be developed along Juniper Rd. and to Legacy Elementary.*

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:** Sidewalks are being provided and are addressed in the comments above. Staff finds the application is **consistent** with this

provision, provided any additional connectivity required by the Traffic is also implemented.

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

**Analysis:** The PUD conceptual plan provided indicates parking will be provided for each individual home by a two-car garage and a driveway. The playground amenity area also provides parking accommodations making the application **consistent** with this section.

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

**Analysis:** Central water & sewer services are addressed with availability to the site through City of Belleview service connection and a letter confirming this has been provided. As such, the plan is **consistent** with this provision.

6. LDC Section 4.2.31.E.(1)(f) requires all appropriate and necessary stormwater infrastructure shall be provided for the PUD development to ensure compliance with this Code.

- a. LDC Section 6.13.2 addresses the minimum requirements for stormwater management.

**Analysis:** Stormwater calculations were provided with the concept plan and will be required to meet Stormwater minimum requirements during Development Review. The application is **consistent** with this section.

- *The DRA will be required hold the total stormwater runoff volume generated from the 100-year, 24-hour storm event, with no off-site discharge.*

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

**Analysis:** Stormwater management facilities are addressed with the site plan and will, again, be required to meet Stormwater requirements during Development Review. The application is **consistent** with this section.

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

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

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

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

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

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

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

**Analysis:** The PUD Plan proposes the sites various setbacks, height, and floor area ratio amounts in a table format as well as a typical illustration. The PUD is **consistent** with this section

2. LDC Section 4.2.31.E.(3)(c) provides building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure, particularly those that make up habitable space, shall comply with established principal structure setbacks; however, the PUD may propose authorized encroachments not to exceed two feet into any setback, subject to compliance with building construction standards (e.g., fire code) for the encroachment structure, except no encroachment into an established front yard setback is permitted.

**Analysis:** The PUD Plan does not propose any such encroachments for setbacks. Thus, the PUD will be **consistent with this section**

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

**Analysis:** Staff finds any additional separations that are made a requirement due to development relative to easements and on-site structures shall be addressed during the Development Review phase of the process. The PUD is **consistent** with this section.

G. LDC Section 4.2.31.E.(4) addresses heights.

1. LDC Section 4.2.31.E.(4)(a)2. provides the maximum height limit for all PUDs shall be seventy-five feet; however, an alternative maximum height limit may be proposed, subject to ensuring the safe and effective provision of services, maintenance, and support of the PUD development (e.g., fire service/ladder truck) and the provision of sufficient buffering to surrounding uses both within and outside the PUD.
2. LDC Section 4.2.31.E.(4)(a)3. provides all maximum height limits for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

**Analysis:** Design standards provided list the maximum building height of 50' but a typical illustration showing the maximum height was not provided.

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

**Analysis:** As previously provided in this report, a 50' maximum building height is proposed with abutting development on surrounding properties being limited to the same 50' maximum building height. As such the PUD will be **consistent with this section**.

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

1. LDC Section 4.2.31.E(5)(a) requires the following be illuminated: Potentially dangerous and/or hazardous locations to promote and maintain health and safety (e.g., roadway intersections, cross-walk locations, etc.); Structures and facilities to discourage and deter criminal activity (e.g., loading docks, utility facilities, etc.); and Structures and facilities consistent with their authorized hours of operation (e.g., recreation facilities, business, etc.).



**Analysis:** Lighting wasn't addressed in the PUD. However, a standard condition is provided to address lighting during the Development Review phase of the PUD.

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

2. LDC Section 4.2.31.E(5)(b) provides all lighting shall be installed in a manner to illuminate the identified structure, facility, or activity while ensuring the lighting does not cast direct light on adjacent dwellings or properties in a negative manner, or cast light in an upward manner so as to illuminate the night sky and/or become a hazard to air navigation.

**Analysis:** Outdoor lighting was previously addressed in the report. A condition has been recommended to address lighting.

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

**Analysis:** Outdoor lighting was previously addressed in the report. A condition has been recommended to address lighting.

- I. LDC Section 4.2.31.E.(6) provides buffers shall be provided externally and internally, between the PUD and surroundings and between internal PUD uses, in order to maintain compatibility between uses and avoid and/or limit adverse impacts between uses and nuisance situations as follows:

1. Buffers shall be provided between the proposed PUD uses and the PUD's surroundings, and between the PUD's internal uses, in a manner that conforms to the requirements of Section 6.8.6; however, a PUD may propose alternative buffer standards and designs provided the intent of the buffer requirement is satisfied,
2. A PUD may propose the elimination of internal buffers within the PUD; however, for significantly dissimilar uses (e.g., residential versus industrial), mechanisms to ensure future PUD residents and occupants are aware of the elimination of such requirements may be required in response to such a proposal.

**Analysis:** The provision of perimeter buffers has been previously addressed. A condition has already been recommended to address this requirement.

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

1. LDC Section 4.2.31.E.(7)(a) provides that for a PUD implementing a Rural Land - Residential Cluster, Rural Land - Hamlet, or Rural Community development form as authorized by the Comprehensive Plan future land use element and Division 3.3, the PUD shall be subject to the following:

- a. The PUD shall identify all the required natural open space (NOS) acreage to be permanently conserved consistent with the Comprehensive Plan and this Code, with particular attention to Sec. 6.6.6.A., along with the intended form and/or method of conservation.
- b. If the PUD is also subject to a native habitat vegetation preservation requirement as listed in Section 6.6.5, the minimum 15% native habitat to be preserved should be included within the natural open space, thereby simultaneously complying with the NOS and native habitat conservation requirements; additionally, the applicant is encouraged to preserve as much of the native habitat within the NOS as possible.
- c. The PUD shall provide a minimum of five percent improved open space as provided in Section 6.6.6.B, with this improved open space being focused on satisfying the recreation facility needs of the PUD as listed in (7)(c) below.

**Analysis:** The PUD site 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 minimum 20% open space will be provided. Of the 39.36 acres, 20% would be 7.87 acres; the concept plan indicates 12.83 acres will be provided for open space. The application is currently **consistent** with this section of the LDC.

- *The PUD must meet the LDC requirement of a minimum of 20% improved open space.*
- *A property owner's association OR the developer must care for and maintain all common areas used by residents of the subdivision as well as buffers, stormwater, and any other forms of infrastructure within the subdivision.*

3. LDC Section 4.2.31.E.(7)(c) establishes the following design guidelines for open space:
  - a. IOS shall be permanently set aside and shall be designated on the PUD and be established as separate properties/tracts to be owned and managed by a governing association for the PUD, whether a private property owners association, community development district, or municipal service unit unless otherwise approved by the Board upon recommendation by the DRC.
  - b. The PUD's minimum required IOS amounts shall be listed on the PUD's related plans, and shall be depicted depending on the level of development review, allowing for more general with conceptual and proceeding to detailed for platting and/or site planning.

- c. IOS is intended to be integrated into the PUD design and provide the primary avenue for satisfying overall landscaping requirements for all development as required in Divisions 6.7, 6.8, and 6.9.
- d. IOS shall be integrated throughout the PUD to provide a linked access system to the IOS.
- e. IOS shall be improved, including compatible structures, to the extent necessary to complement the PUD uses.

**Analysis:** The PUD plan states the minimum 20% open space will be provided and figures are shown confirming this making the application **consistent** with this section of the LDC.

- 4. LDC Section 4.2.31.E.(7)(d) establishes the following improved open space eligibility standards:
  - a. Landscape buffers required for the PUD perimeter to surrounding properties, and within the PUD to provide internal buffering shall be counted at 100 percent,
  - b. Parks, playgrounds, beaches, bikeways, pedestrian walks, equestrian trails, and other similarly improved, usable outdoor areas shall be counted at 100 percent,
  - c. Up to 25 percent of stormwater facilities may be counted to satisfy area/acreage requirements for required IOS. A higher percentage may be approved by DRC, depending on the design and lay of the facility, wherein the stormwater facilities provide a stable, dry, surface for extended periods of time and are not subject to erosion and/or damage to key design components when subjected to active use by PUD residents, employees, and patrons.
  - d. Parking areas and road rights-of-way may not be included in calculations of IOS; however, separate tracts exclusive of rights-of-way providing landscaping buffers, or landscaped pedestrian, bicycle and other non-vehicular multi-use trails may be classified as IOS.
  - e. Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space requirements in accordance with the following criteria:
    - 1) Waterbodies available and used for active water-oriented recreation uses such as boating, kayaking, canoeing, paddle boarding, fishing, water/jet skiing, and swimming may be used in calculations of IOS area of waterbodies but shall not exceed 50 percent of the total IOS; however, the adjoining recreational lands supporting the active water-oriented recreation uses may be counted at 100 percent.
    - 2) Waterbodies not available or used for the noted active water-oriented recreation uses may be used in calculations of IOS but shall not exceed 10 percent of the total IOS; however, the adjoining recreational lands supporting the waterbody that are established as recreation/amenity space may be counted at 100 percent recreational space. Only those waterbodies which are available to the development for water-oriented recreation use such as boating, fishing, water skiing,

swimming and have associated recreational land areas may be used in meeting these requirements.

- f. If golf courses and/or driving ranges are provided to partially fulfill recreation space requirements, a maximum of 60 percent of the golf course and/or driving range land may be counted toward the required IOS. A golf course, driving range, and waterbodies combined cannot exceed 75 percent of the required IOS.

**Analysis:** The PUD plan states the minimum 20% open space will be met and provides detailed figures and lists the areas being designated for open space on the site plan. The application is **consistent** with LDC Section 4.2.31.E.(7)(c).

- K. LDC Section 4.2.31.E.(8)(a through e) address Maximum Commercial Use Area in a Residential PUD in a Residential Future Land Use Designation.

**Analysis:** The PUD site features no Commercial Use area, 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 took place with Growth Services staff on the same day, but prior to, application submittal.

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 being provided by the applicant as a concept 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 typical with required yard setbacks and parking lot locations.
- n. Preliminary sidewalk locations.
- o. Proposed parallel access locations.
- p. Show 100-year floodplain on the site.
- q. Show any proposed land or right of way dedication.
- r. Identify any proposed parks or open spaces.
- s. A note describing how the construction and maintenance of private roads, parking areas, detention areas, common areas, etc. will be coordinated during development and perpetually after the site is complete.
- t. Architectural renderings or color photos detailing the design features, color pallets, buffering details.

**Analysis:** The application submitted **is consistent** with this provision.

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

**Analysis:** The DRC considered the application at their June 30, 2025 meeting.

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

**Analysis:** The PUD application included states this is a concept plan. A final master plan will be required prior to moving on to Development Review.

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

**Analysis:** This PUD was submitted as a conceptual plan and will need for return to the Board of County Commissioners for final approval



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

**Analysis:** Staff finds that a final development plan was not submitted with the conceptual plan.

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

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

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

N. LDC Section 4.2.31.K addresses PUD amendments.

**Analysis:** This application is for the initial PUD approval following expiration of the previously approved PUD 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 **Deny** the rezoning.
- 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 to adopt a proposed Ordinance to **Approve with amended conditions** the rezoning amendment.

- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

## VII. STAFF RECOMMENDATION

Staff recommends the 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** the proposed rezoning because the application:

- A. **Will not adversely** affect the public interest based upon impacts to the surrounding area;
- B. **Is consistent** with the following Comprehensive Plan provisions
1. FLUE Policy 1.1.1, 1.1.5, 2.1.18, 3.1.2, 5.1.3, 5.1.4, 6.1.3;
  2. TE 2.1.4, 2.3.2;
  3. SSE 1.1.3, 1.2.1;
  4. PWE 1.6.4;
  5. SE 1.1.5;
- C. **Is compatible** with the surrounding uses as the request is to develop a single-family development similar to that of the surrounding area.

If the board chooses to agree staff's recommendation and approve the PUD, the following development conditions are proposed to mitigate the potential for any negative impacts to the surrounding area:

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

<b>Table 2. DEVELOPMENT SETBACKS 36640-004-00</b>	
<b>Direction</b>	<b>Setback</b>
<b>Front (No sidewalk/Sidewalk)</b>	20'/25'
<b>Rear</b>	15'
<b>Side (Interior/Streetside)</b>	5'/20'
<b>Accessory (Side/Rear)</b>	5'/10'

2. The PUD shall comply with the Staff Recommended PUD Development Buffers listed in Table 3 below and as listed within the buffering plan provided.

<b>TABLE 3. BUFFERS FOR PARCEL 36640-004-00</b>				
<b>Direction</b>	<b>Adjoining Use</b>	<b>Per LDC</b>	<b>Proposed</b>	<b>Staff Recommended</b>
<b>North</b>	Single-Family Residential	E-Type	Modified C-Type*^	Modified C-Type*^
<b>South</b>	Single-Family Residential Government Institution	C-Type	Modified C-Type*^	Modified C-Type*^
<b>East</b>	Multi-Family Residential Government Institution Vacant Multi-Family Residential	C-Type	Modified C-Type* Enhanced Landscaping*	Modified C-Type* Enhanced Landscaping*
<b>West</b>	Single-Family Residential	E-Type	Existing Vegetation	Existing Vegetation
<b>Entrance</b>	ROW	N/A	Entrance Landscaping as shown	Entrance Landscaping as shown

\*Privacy fencing.

^Buffer does not extend the entire length of the property.

3. The PUD shall be limited to a maximum of 151 detached single-family residences.
4. Homes along the northern property boundary line shall be limited to single-story.
5. The PUD shall be developed consistent with the PUD Plan provided.
6. Requirements provided by OCE and MCPS regarding each of the respective access points must be adhered to.
7. Two points of access as described in the Traffic Study must be developed.
8. Sidewalk to be provided internally as shown in the PUD site plan.
9. Sidewalks, as required by OCE, shall be developed along Juniper Rd. and to Legacy Elementary.
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 PUD must meet the LDC requirement of a minimum of 20% improved open space.
12. A property owner's association OR the developer must care for and maintain all common areas used by residents of the subdivision as well as buffers, stormwater, and any other forms of infrastructure within the subdivision.

13. 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.
14. A Stormwater agreement for using the DRA shall occur no later than 6 months after PUD approval.
15. The County shall have no obligation to fund, perform, or reimburse any maintenance, repair, replacement, capital, or operational costs for stormwater facilities within or affecting the DRA; the Developer/HOA is solely responsible.
16. The County shall not share in any catastrophic failure repairs (e.g., breach, sinkhole, structure collapse). Developer/HOA must restore, repair, and indemnify the County.
17. Developer can relocate an equivalent storage volume to the DRA's existing capacity (based on current as-built stage-storage) plus one (1) foot of freeboard is reserved exclusively for the County's present and future use and shall not be utilized to serve the Project or third parties.
18. Perpetual drainage & storage easement: Record an easement in favor of the County over the DRA area covering (i) the reserved storage, (ii) defined County inflow hydrographs, and (iii) inspection and emergency access rights.
19. Record an Operation and Maintenance plan and funding mechanism (Developer/HOA) for all stormwater assets affecting the DRA, with annual inspection reports provided to the County.
20. Buffers and landscaping shall be installed no later than six (6) months from final plat approval and shall be bonded for the cost of landscaping + 120%. If installation is not completed within the six (6) month time frame, the bond shall be used for installation.
21. If development is a single phase, amenities must be completed by 50% of CO's for development 200 units or less or 25% of CO's for development 201 units or more and be backed by bond for cost of amenities + 120%. If multi-phase, amenities must be completed with the first phase of the development and be backed by bond for cost of amenities + 120%.
22. If conditions are not met:
  - a. First Notice: Written notice stating violation and supporting evidence is sent.
  - b. Second Notice: Final written notice. If violation continues, a revocation hearing will be scheduled with the Board of County Commissioners.
  - c. Final Action: Board of County Commissioners revocation hearing.

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

Approved (5-1).

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

To be determined.

## **X. LIST OF ATTACHMENTS**

- A. Rezoning Application.
- B. Historic Approvals.
- C. Site Photos.
- D. Traffic Study.
- E. DRC Staff Comments.
- F. MCFR and MCSO Responses
- G. Surrounding Property Owner Notification.