



**Marion County
Board of County Commissioners**

Growth Services

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

**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 12/28/2022	BCC Date: 02/21/2023
Case Number	230110ZP
CDP-AR	29296
Type of Case	Rezoning from General Agriculture (A-1) to Planned Unit Development (PUD) with master plan proposing an 80,000 square foot travel center accommodating retail sales (indoor and outdoor) with food and beverage sales, fuel canopies with 120 vehicle fueling stations, parking and loading area, diesel exhaust fluid positions, and associated signage with 125' tall pole sign. This is not a commercial truck stop.
Owner	Baldwin Angus Ranch, Inc.
Applicant/Agent	Buc-ee's Ocala, LLC.
Street Address	2990 NW 53 rd St. Ocala, FL 34475
Parcel Number	A portion of 13462-000-00
Property Size	32.83± acres of an overall 464.48 acre parcel NOTE: LEGAL DESCRIPTION AND ACREAGE MAY VARY BASED ON FINAL RIGHT-OF-WAY CONFIGURATION FOR INTERSTATE 75 AND NW 35TH STREET ROAD
Future Land Use	Commerce District (CD)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Primary and Secondary Springs Protection zone
Staff Recommendation	APPROVE WITH CONDITIONS
P&ZC Recommendation	APPROVAL WITH CONDITIONS (ON CONSENT)
Project Planner	Kathleen Brugnoli, Planner II
Related Case(s)	None

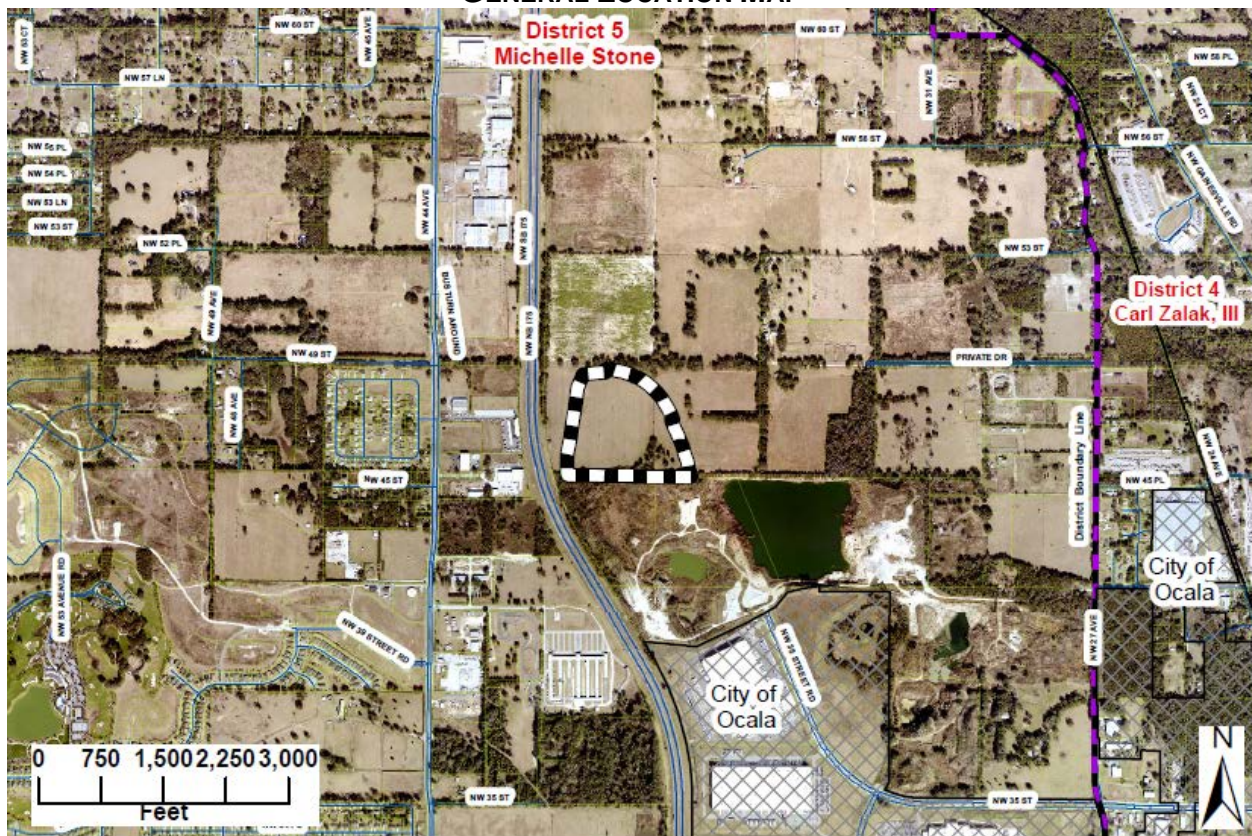
I. ITEM SUMMARY

Buc-ee's Ocala, LLC., on behalf of the landowner, Baldwin Angus Ranch, Inc., has filed an application to rezone a 32.83± acre irregularly shaped site located directly east of I-75 and 1.75 miles south of W. Hwy 326 from General Agriculture (A-1) to Planned Unit Development (PUD) (see Attachment A) with a Master Plan (Attachment B). The PUD Master Plan proposes a zoning change on a 32.83± acre portion of a 464.48± acre site:

- 80,000 square foot travel center/building accommodating retail sales (indoor & outdoor) with food and beverage services
- Three fuel canopies totaling 120 vehicle fueling stations (VFS)
- 750 regular parking spaces with 28 electric vehicle (EV) parking spaces, 21 handicapped parking spaces, 11 recreation vehicle/bus parking spaces, eight (8) Diesel Exhaust Fluid (DEF) positions
- Loading areas
- Associated signage including a 125' tall pole sign.

This is not a commercial truck stop. Only delivery trucks will be accessing the site. Figure 1 is an aerial photograph showing the general location of the 32.83± acre subject property. The subject property is situated within the Urban Growth Boundary (UGB) and is located within both the primary and secondary spring's protection overlay zones.

**FIGURE 1
GENERAL LOCATION MAP**



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the applicant's request because it is consistent with Land Development Code Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, the rezoning is consistent with the Marion County Comprehensive Plan (MCCP), and the rezoning is compatible with land uses in the surrounding area, and the development proposal and design provided by the PUD Application and the recommended development conditions will ensure the proposed PUD is consistent with the provisions of LDC Section 4.2.31 on Planned Unit Development.

The PUD request is consistent with uses allowed in the Heavy Commercial (B-5) zoning district including a 50' maximum building height.

The site is directly off of the future I-75 interchange with NW 49th Street, and access will also be provided by the extension of NW 35th Street Rd. Please note the PUD legal description and size will be defined based on final coordination with the Florida Department of Transportation and Marion County on the limits of the I-75 and NW 49th Street/ NW 35th Street Rd. rights-of-way. PUD Master Plan General Note 9 proclaims this is not for the purposes of a commercial truck stop.

III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (44 owners) within 300 feet of the subject property on December 9th, 2022. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on December 7th, 2022 during the site visit (Attachment C) and consistent with LDC Section 2.7.3.E. due public notice was published in the Ocala Star-Banner on December 12th, 2022. 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

Land Development Code 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 are addressed below.

A. *Will/will not adversely affect the public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. A traffic study methodology was approved by Marion County on December 21, 2022. A Traffic impact analysis was provided by Kimley Horn (see Attachment D). Due to the size of the site as well as the number of fueling stations, it was indicated that the ITE trip generation manual would not provide the best estimates for trips. Instead, "surrogate sites" throughout the southeast were

provided using locations with 104-120 vehicle fueling positions (VFP). Weekday daily trips were shown to be 17,704 trips with 828 peak AM and 1,192 peak PM. For weekends, daily trips were shown to be 24,916 trips with 1,046 peak AM and 1,747 peak PM trips. Roadways impacted by development of this property will be the future I-75 interchange at NW 49th Street as well as the future extension of NW 35th Street Rd. 90% of site traffic is expected to be strictly to and from I-75 with only 10% being local. Three access points are provided to the site. Closest to the interchange will be a right-in followed by a full signalized access and at the southeast area of the property, a full access shared with the property to the south.

- b. Public transit. There are fixed route services available in the area, the closest existing stop is approximately 0.75 miles south of the subject property at 3400 NW 35th Street Rd within the existing Ocala Marion County Commerce Park.
- c. Other mobility features. The Master Plan depicts a proposed 6' wide sidewalk along the project frontage adjacent to the future NW 35th Street Road right of way. The sidewalk enters the project at the southernmost driveway and continues westward along the north side of the private drive where it connects to a bicycle plaza. The sidewalk then continues northwesterly to the generator, and a crosswalk connects the sidewalk to the southwest side of the building.

LDC Section 6.11.8.F provides there shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians. A sidewalk abutting the west, north, east and a portion of the south sides of the building provides pedestrian access to the parking spaces along the sides of the building. Southwest of the the signalized intersection are two fuel canopies and a crosswalk leads from each of these canopies in a southwesterly direction to the front of the building. The provision of additional ingress and egress from the parking spaces to the building can be addressed during the Major Site Plan process.

Based on the above findings, it is concluded the application's proposed **transportation impacts would not adversely affect the public interest** provided the following conditions are imposed:

- A Traffic Impact Analysis was completed and submitted to Marion County for this project. The Traffic Impact Analysis shall be reviewed to the satisfaction of the County Engineer and Growth Services Director and adequate provision shall be made for the coordination of improvements with the PUD.
- During the Major Site Plan process, details for sidewalks, the bicycle plaza, and the number of bicycle spaces shall be provided. Pedestrian access and circulation throughout the site shall be consistent with LDC requirements.

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 32.83 acres of non-residential property, the rezoning would result in a proposed generation of 90,282.5 gallons per day. The DRC comments letter (Attachment E) states water is immediately available and that connection would be required. Thus, it is concluded the application's **potable water impacts would not adversely affect the public interest.** As a condition of approval, staff recommends:
 - The PUD shall connect to Marion County centralized water and sewer.
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 32.83 acres of non-residential property, the proposed rezoning would result in a generation of 65,660 gallons per day. The DRC comments letter finds sanitary sewer is immediately available and that connection would be required. Thus, it is concluded the application's **sanitary sewer impacts would not adversely affect the public interest.** A condition for approval has already been recommended.
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. Golden Ocala Fire Station #20 is located roughly 5.24 miles southwest at 3600 NW 70th Avenue Road, Ocala. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. There are five Fire Stations within roughly a 5-mile radius of the subject property and, therefore, it is concluded the application's **fire rescue/emergency impacts would not adversely affect the public interest.**
6. Law enforcement. The North Multi District Sheriff's Substation, located at 8311 N. US Hwy 441, Ocala, is roughly 4.75 miles northeast of the subject property. The Comprehensive Plan does not establish a level of service standard for law enforcement services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, it is concluded the application's **law enforcement impacts would not adversely affect the public interest.**

7. Public schools. The schools within the area Fessenden Elementary (97.6% capacity), Howard Middle (73% capacity), and Vanguard High (89% capacity). These numbers represent enrollment as of the 60th day of the 2022-2023 school year. The PUD proposes a Commercial use that will not result in additional students as there is no residential component being planned with this PUD. It is concluded that the proposed rezoning **public schools' impacts would not adversely affect the public interest.**

In conclusion, staff finds the proposed development impacts **would not adversely affect the public interest** provided appropriate conditions are imposed.

B. *Comprehensive Plan consistency.*

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

Analysis: Staff finds the property is located in the urban growth boundary and is designated Commerce District on the FLUMS. This land use is intended to provide for more intense commercial and industrial uses than may be suitable in the Employment Center (EC) designation due to noise, odor, pollution, and other nuisance issues. A maximum Floor Area Ratio of 2.0 is allowed, as further defined by the LDC. Staff finds the application is **consistent with FLUE Policy 1.1.3.** because it located a traffic intensive development in proximity to a future I-75 Interchange and its location helps to mitigate noise, odor and other potential nuisance issues.

2. FLUE Policy 1.1.7 provides, "The County shall discourage scattered and highway strip commercial development by requiring the development of such uses at existing commercial intersections, other commercial nodes, and mixed-use centers with links to the surrounding area."

Analysis: The PUD is proposed to be located at a new I-75 interchange. Based on the above, it is concluded the application **is consistent** with FLUE Policy 2.1.4.

3. FLUE Policy 3.1.2 on Planning Principles within the UGB states, "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:
 - a. Preserve open space, natural beauty, and critical environmental areas

- b. Allow for a mix of land uses to create compact residential, commercial, and employment hubs.
- c. Strengthen and direct development towards existing communities and development.
- d. Encourage compact and mixed use building design.
- e. Foster distinctive, attractive communities with a strong sense of place.
- f. Create walkable and linked neighborhoods.
- g. Create a range of housing opportunities and choices.
- h. Provide a variety of transportation choices.
- i. Encourage community and stakeholder collaboration.
- j. Make development decisions predictable, fair, and cost effective.
- k. Encourage interconnected development, multi-modal transportation opportunities, linked to the surrounding neighborhoods, and alternative transportation routes.
- l. Establish priority areas for public facility and service infrastructure.

Analysis: The proposed PUD encourages commercial growth in an area already established for commercial, as well as industrial, uses. Additionally, the location of this particular development is ideal due to its close proximity to I-75. Being directly off the interchange, the potential strain to local roads from visitor traffic will be mitigated.

- 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 December 28th, 2022 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: The determination of development impacts to adopted LOS standards has been evaluated in Part IV.A. of this Staff Report and it

concludes impacts will not adversely affect the public interest because the adopted LOS is being maintained.

6. TE Objective 2.2. on Access Management provides “To maintain the intended functionality of Marion County’s roadway network, access management standards shall be established which provides access controls and manage the number and location of public roadways, private roadways, driveways, median openings, and traffic signals.”

Analysis: The PUD proposes two full access points on the future NW 35th Street Road; and one right-in only access point (sliplane on to NW 49th Street just east of the new I-75 interchange). The application is **consistent** with TE Objective 2.2.

7. 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 project is within service area and will be connecting to the sanitary sewer line. Based on the above findings, it is concluded the application **is consistent** with SSE Policy 1.1.3.

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

Analysis: The site is in Marion County Utilities Service Area and services are located within the vicinity. Based on the above findings, it is concluded the application **is consistent** with PWE Policy 1.6.4.

11. SWE Policy 1.1.5 provides “Permits shall be denied for development that would either increase demands on an already deficient facility or cause a facility to exceed its capacity until such time that the facility may provide service in accordance with the adopted LOS standard.”

Analysis: 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. The owner is placed on notice that should disposal facilities become unavailable, permits shall not be issued for the project. Based on the above findings, it is concluded the application **is consistent** with SWE Policy 1.1.5.

13. 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: The owner provided a preliminary drainage analysis (Attachment F) acknowledging that stormwater shall be accommodated to meet Marion County, St. John's River Water Management District, and Florida Department of Transportation (FDOT) standards as applicable. Based on the above, it is concluded the application **is consistent** with SE Policy 1.1.4.

14. 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 and FDOT are coordinating stormwater controls between the new interchange project and this project. Pre-development runoff will be included with FDOT's design and this project will be responsible for providing 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.

- C. *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. The area to be developed is currently vacant and mostly open pasture area with few trees.

Figure 2 shows the subject property and the surrounding properties are designated Commerce District and, therefore, there are no compatibility issues.

**FIGURE 2
FLUMS DESIGNATION**

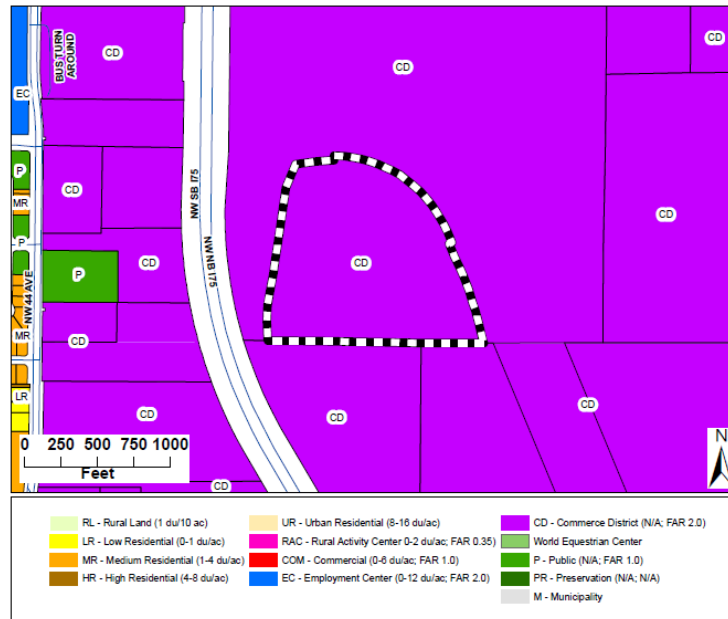


Figure 3 shows the existing zoning classifications for the subject and abutting properties is General Agriculture (A-1) and since the zoning classification is the same, staff concludes land use compatibility issues do not exist.

**FIGURE 3
ZONING CLASSIFICATION**

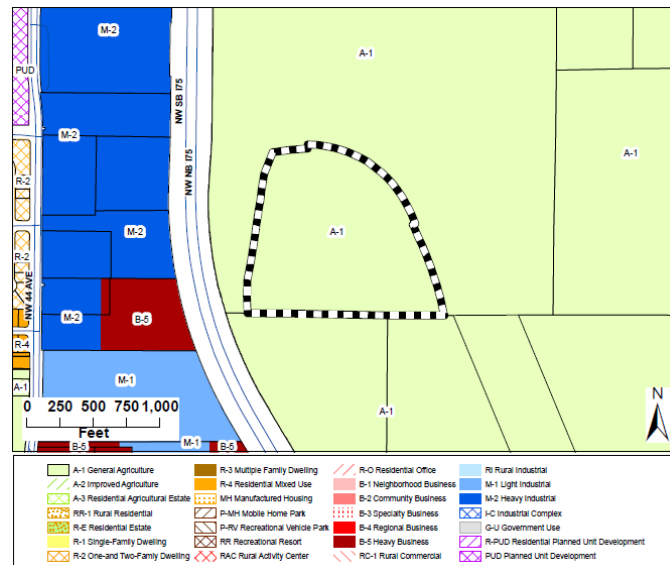


Figure 4 shows the proposed zoning classification for the subject property is Planned Unit Development (PUD) and the existing classifications for abutting properties is General Agriculture (A-1), which may serve within the Urban Area as a “holding” district until such time as it is rezoned to another permitted classification. Based upon the FLUMS and the A-1 “holding” zoning districts of the abutting properties, staff concludes the proposed rezoning to PUD will not create any land use incompatibilities.

**FIGURE 4
PROPOSED ZONING RE-CLASSIFICATION**

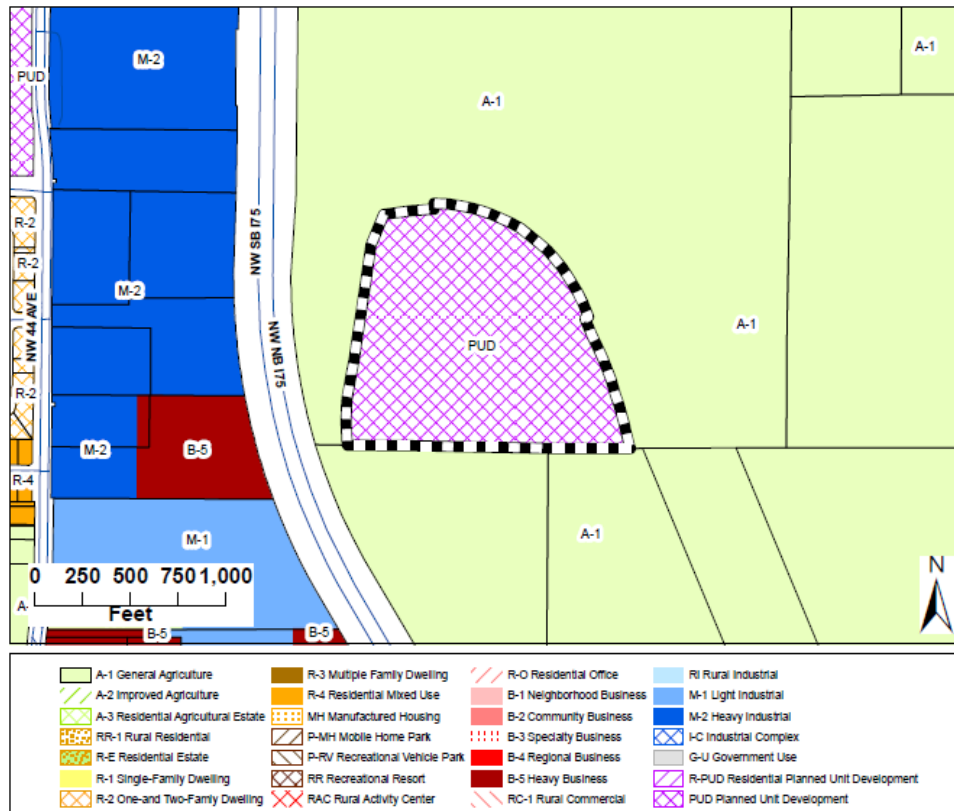


Figure 5 shows the uses of subject property and surrounding properties as classified by Marion County Property Appraiser. Consistent with LDC Section 2.7.3.D, staff conducted a site visit (see Attachment C) and finds the subject property and the properties abutting to the east, north and west are currently unimproved. These properties will be developed consistent with its FLUMS designation. To the south is an existing sand mine which is a temporary use that will be redeveloped consistent with its Commerce District designation upon completion of extraction activities. Based on the above findings, staff concludes the proposed travel center will not create land use incompatibility issues with the surrounding properties.

**FIGURE 5
EXISTING AND SURROUNDING LAND USES**

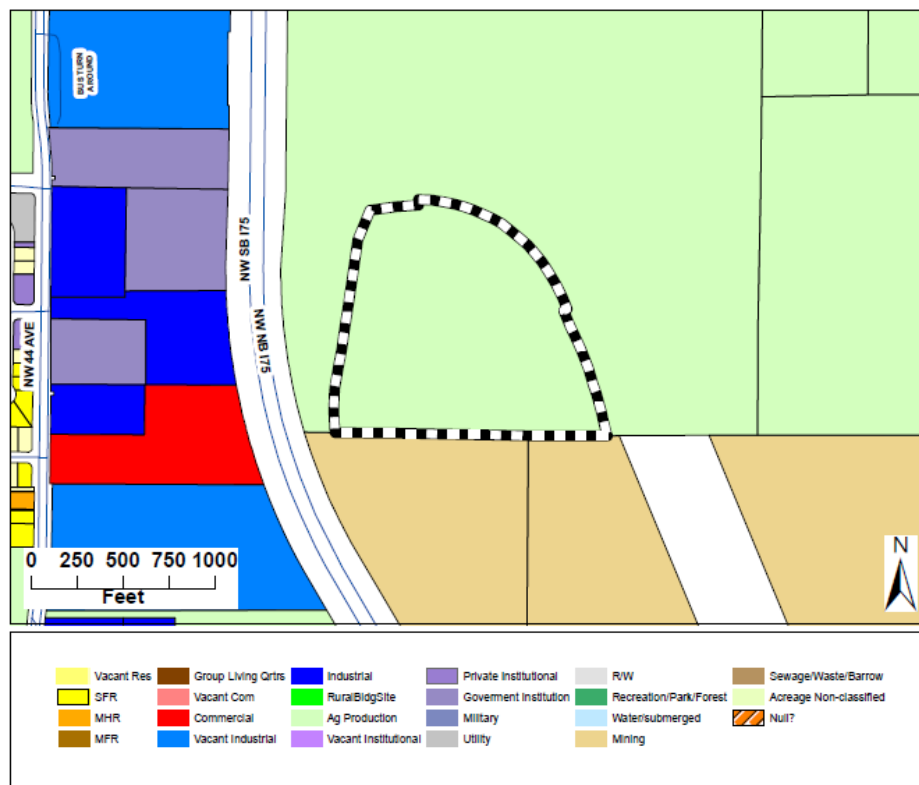


Table 1 displays the information from Figures 2, 3 and 5 in tabular format.

TABLE 1			
ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning District	Existing Use(s)
Site	Commerce District	General Agriculture (A-1)	Unimproved
North	Commerce District	General Agriculture (A-1)	Unimproved
South	Commerce District	General Agriculture (A-1)	Sand mine
East	Commerce District	General Agriculture (A-1)	Unimproved
West	Commerce District	General Agriculture (A-1)	Unimproved

Based on the above findings, staff concludes the proposed rezoning is **will not create any land use compatibility issues** provided appropriate conditions are imposed on the PUD.

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.
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;
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.
4. LDC Section 4.2.31.B.(4) establishes three (3) methods for setting forth the list of permitted and special uses.
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: Staff finds the PUD Master Plan zoning requirements states the proposed land uses will be consistent with the Heavy Business (B-5) zoning classification. That classification is intended to provide for those uses such as retail or wholesale, repair and service, which may require larger parcels for the outside storage of materials or equipment in inventory or waiting repair. Businesses are intended to serve clients and customers from a regional area providing access for large delivery trucks. More specifically, that classification allows as permitted uses:

- Bakery, industrial and commercial;
- Fuel oil, sales and storage, retail, wholesale;
- Motor freight terminal, truck stop facilities including gas station, restaurants convenience stores;
- Produce sales, outside; and
- Restaurant.

The PUD Master Plan proposes an

- 80,000 square foot travel center/building accommodating retail sales (indoor & outdoor) with food and beverage services,
- Three fuel canopies totaling 120 vehicle fueling stations (VFS),
- 750 regular parking spaces with 28 electric vehicle (EV) parking spaces and 21 handicapped parking spaces, 11 recreation vehicle/bus parking spaces,
- Eight (8) DEF positions, and
- Associated signage including a 125' tall pole sign.

Staff finds the intended character of the PUD Master Plan is for a heavy commercial use consistent with the B-5 zoning classification. The structure type will be commercial in nature and elevations are provided. Staff finds the application is **in conformance** with this requirement provided the following conditions are imposed:

- The PUD shall be limited to 32.83± acres of commercial use and developed consistent with the Ocala Travel Center PUD Master Plan dated January 2023. Notwithstanding, the PUD legal description and size will be defined based on final coordination with the Florida Department of Transportation and Marion County on the limits of the I-75 and NW 35th Street Road rights-of-way.

- 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 survey and the PUD Master Plan show the property exceeds the minimum PUD size.

- 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.
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.
3. LDC Section 4.2.31.D.(3) provides density/intensity increases may be attained through one of three methods.
4. LDC Section 4.2.31.D.(4) allows for blending of densities/intensities if the subject property has more than one FLUMS designation.
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.
 - 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.
 - 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: Based on a size of 32.83 acres and a 2.0 floor area ratio (FAR), the maximum allowable development is 2,860,149.6 square feet. Based upon 80,000 square feet of development, the FAR equals 0.02797 or less than 3% of the maximum allowable development. The property does not have more than one FLUMS designation so blending is not applicable.

6. LDC Section 4.2.31.D.(6) requires the PUD 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: LDC Table 6.8-2 requires a C-Type buffer when a commercial use abuts a public right-of-way, that is, along the north, east and west sides. A C-Type buffer consists of a 15-foot wide landscape strip without a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer and form a layered landscape screen with a minimum height of three feet achieved within one year. The PUD proposes a modified C-Type 15' wide landscape buffer along all roadways with two shade trees and three understory trees per 100 linear feet and Enhanced Landscape Areas along the frontage near I-75 and the signalized entrance. Since the abutting properties to the south are designated Commerce District, a landscaped buffer is not required. Nonetheless, the application proposes a 5' wide modified E-Type buffer without a wall to include four shade trees per 100 linear feet. Based upon the above, staff concludes the application is **in conformance** with this requirement provided the following condition is imposed:

- The PUD Master Plan modified buffer types shall be developed consistent with the buffering plan provided and maintained in perpetuity by the property owner.

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.
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.
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.).
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).
 5. LDC Section 4.2.31.E.(1)(e) requires all appropriate utility infrastructure shall be made available to and provided for the PUD.
 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 this Code.
 7. LDC Section 4.2.31.E.(1)(g) requires all access, regardless of mode and/or infrastructure, shall be provided in compliance with the requirements of Article 6.

Analysis: The PUD displays three vehicular access points, two being full access and one being a right-in. Part IV.A.1 of this Staff Report addresses conditions to satisfy the sidewalks and bicycle facilities requirements. Staff finds the PUD Master Plan shows various types of parking spaces and loading zones and a condition is being added to require that details for such spaces be provided during the Major Site Plan process. The PUD Master Plan provided a preliminary drainage analysis to address stormwater for the project. Proposed in the preliminary drainage analysis are five retention areas to serve the site that will contain the 100 year 24-hour post storm event. Based upon the above, staff concludes the application is **in conformance** with this requirement provided the following conditions are imposed:

- Three access points generally displayed in the Master Plan shall be allowed but the precise location will be worked out to the satisfaction of the Development Review Committee during the time of Development Review, acknowledging coordination with FDOT.
- Details for regular, handicapped, electric vehicle, recreation vehicle/bus, diesel exhaust fluid positions and loading zones shall be displayed on the Major Site Plan.

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.
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: The PUD Master Plan displays a cross access easement along the east side of the south property line. A 50' x 50' multi-use lift station is shown but no access easement to the station is displayed. Based upon the above, staff concludes the application is **in conformance** with this requirement provided the following condition is imposed:

- During the Major Site Plan process, access to the lift station and any new access easements that may be required shall be coordinated with Marion County Utilities and the Office of the County Engineer.

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

1. LDC Section 4.2.31.E.(3)(a) provides all setbacks for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.
 - a. Similar to the authorization of uses in Section 4.2.6.A(4), the PUD may use or reference an existing standard zoning classification's setback standard or propose alternative setbacks.
 - b. The front yard setback for all PUDs shall ensure the safe and effective provision of services, maintenance, and support of the PUD development (e.g. multi-modal access, utility lines, landscaping, etc.)
 - c. 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.
2. LDC Section 4.2.31.E.(3)(b) provides all setbacks be measured from the foundation, walls, or similar building structural support components and/or habitable areas; however eaves, rood overhands, and other similar non-habitable architectural features may encroach or protrude by not more than two feet into any required setback.
3. 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
4. LDC Section 4.2.31.E(3)(d)1. provides separations between structures shall comply with the setbacks set forth for the PUD.
5. LDC Section 4.2.31.E(3)(d)2. Provides in the event specific setbacks are not applicable (e.g. multiple-family development), then the following shall apply:

- a. 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.
- b. LDC Section 4.2.31.E.(3)(d)2.b. provides all structures shall comply with applicable fire code and building code separation and/or construction requirements.

Analysis: For setback purposes, the B-5 zoning classification establishes the following minimum setbacks:

- 40 feet front setback (65 feet with gas pump);
- 25 feet rear setback;
- 10 feet side setback (65 feet with gas pump); and
- Accessory structures for gas pumps or islands require a 25 feet setback but gas pump canopies may protrude 10 feet into a required setback.

The PUD Master Plan proposes the following setbacks:

- 65 feet front setback and 25 feet for accessory structures and fuel canopy;
- 25 feet for rear setback and 25 feet for accessory structures and fuel canopy; and
- 65 feet side setback and 25 feet for accessory structures and fuel canopy.

There are no pop-outs, cantilevers, etc. provided either in the Master Plan or shown in the elevations provided encroaching on any setback. Fuel canopies and small accessory structures (outbuildings, storage structures, etc.) may sit closer to the front property line but the primary structure, as well as gas pumps, must meet the 65' minimum front setback. The PUD Master Plan shows a 50' separation between fuel canopies. Based upon the above, staff concludes the application is **in conformance** with this requirement.

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: Analysis: The PUD Master Plan zoning requirements lists the maximum building height of 50' with the proposed travel center being well over 100' from all property lines. The LDC Section 4.4.4.F.(1)(g) provides freestanding signs located

within 2000' of intersections located on I-75 shall not exceed 55' in overall height. LDC Section 4.4.4.H.(2)(a) allows one free standing on-site identification sign not exceeding a maximum of 600 square feet per sign face and not exceeding 55' in height. Notwithstanding the above, LDC Section 4.1.4.N. provides structures exceeding 50 feet above finished grade of the supporting structure shall be approved by special use permit or Planned Unit Development. The findings of fact states the requested signage will allow for 125' high sign to be seen from both directions of traffic on I-75, be recognized by driver's traveling at interstate speeds, and allow those drivers sufficient time to safely change lanes and exit the interstate. LDC Section 4.4.4.H.(2)(b) explains wall signage, roof signage, or a combination of the two shall not exceed 520 Sq. Ft. However, LDC Section 4.2.31.B(2) discusses uses that ordinarily require a special use, such as an increase in signage, are not required to apply for a separate special use if considered with a PUD as long as the use is identified, its internal to the PUD, and it demonstrates compliance with general SUP application review criteria. A total of 1,275 Sq. Ft. of wall signs is proposed with the PUD application. Based upon the above, staff concludes the application is consistent with the PUD requirements, provided the following conditions are imposed:

- With the exception of the freestanding pole sign, all structures shall adhere to the 50' maximum building height proposed within the Master Plan.
 - The proposed freestanding pole sign shall not exceed a maximum height of 125' above ground level. During the Major Site Plan process, a line of sight analysis or other documentation shall be provided demonstrating that the 125' height is the minimum height needed to ensure adequate visibility.
 - On-site signage for the project shall be per the proposed signage plan and during the Master Sign Plan process, details for additional signage, such as wall and directional signs, shall be provided consistent with the LDC.
3. LDC Section 4.2.31.E.(4)(b) addresses dissimilar uses.
- a. LDC Section 4.2.31.E.(4)(b)1 provides that when commercial, industrial, or institutional uses are provided within a PUD within 100' feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use or zoning classification outside the PUD is residential:
- 1) A non-residential structure may not exceed a height that is twice the height of the closest existing abutting residential structure; however, the height of the non-residential structure shall also not exceed the maximum height allowed in the abutting residential zoning classification.
 - 2) If the residential zoned land directly adjacent to the PUD is vacant land, then the height of a non-residential structure within the PUD shall not exceed the maximum height allowed in the abutting residential classification.
 - 3) An alternative height limit may be proposed; however, it is the PUD applicant's responsibility to fully demonstrate the alternative will be sufficiently mitigated to address potential impacts of the increased height of the non-residential use in

relation to the existing residential use and/or residential zoning classification; however, the Board is not obligated to agree and/or accept the alternative proposal.

Analysis: The abutting uses to the north, east and west are vacant land and to the south is a sand mine. The surrounding zoning districts are not residential. Consequently, staff concludes this requirement is **not applicable**.

H. LDC Section 4.2.31.E(5) addresses outdoor lighting. Outdoor lighting shall be provided to support and courage a safe and secure environment within the PUD, while limiting potential adverse impacts within the PUD and to surrounding properties as follows:

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

Analysis: Staff finds the findings of facts states that exterior lighting will comply with all Marion County LDC requirements. In addition, PUD General Note 10 provides similar language. Based upon the above, staff concludes the application is **in conformance** with this requirement.

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

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

Analysis: The Master Plan does not propose internal buffering as there is a single commercial use being proposed in the PUD. The Land Development Code

requires a C-Type 15' buffer along all rights-of-way. Modified buffers are proposed with the C-Type including two shade trees and three understory trees per 100'. Enhanced Landscape Areas along the frontage near I-75 and the signalized entrance and the southern boundary line being a modified E-Type buffer including four shade trees per 100'. Staff finds the modification to be appropriate given that the property to the South is a mine. Based upon the above, staff concludes the application is **in conformance** with 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 (c) below.
 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.
 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 to 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.
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 similar 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.
5. LDC Section 4.2.31.E.(8) addresses Maximum Commercial Use Area in a Residential PUD in a Residential Future Land Use Designation.

- a. LDC Section 4.2.31.E.(8)(a) provides commercial uses may be provided within the PUD, at a ratio of two acres of commercial use area per each 250 dwelling units, with a minimum of 250 units required before any commercial use area may be authorized in the PUD.
- b. LDC Section 4.2.31.E.(8)(b) provides the type of commercial uses permitted in the commercial use area shall comply with the following:
 - 1) Those uses permitted in the B-1 (Neighborhood Business Classification) for projects of a size equal to or greater than 250 dwelling units but less than 800 dwelling units; and
 - 2) Those uses permitted in the B-2 (Community Business Classification) for projects of a size equal to or greater than 800 dwelling units.
 - 3) More intense commercial uses and special uses may be permitted by the Board upon review and recommendation of the Development Review Committee, consistent with Section 4.2.6.A.
- c. LDC Section 4.2.31.E.(8)(c) provides the commercial use areas shall be situated internally to the PUD and buffered so as not to create a detrimental effect on adjacent internal residential areas. Said areas shall be located so as to best serve the residents of the project. Said areas shall not be located at the perimeter of the project with frontage on or direct access to an existing functionally classified or major through road so as to attract a market substantially outside of the project; however, a PUD that provides for the creation of a new internal functionally classified or major through road which is not access controlled and is open and available to the public may establish the commercial use area along that roadway, subject to compliance with the traffic and access management provisions of Divisions 6.11 and 6.12.
- d. LDC Section 4.2.31.E.(8)(d) provides the commercial use area shall be specifically included in the development schedule.

Analysis: Staff finds that the project is entirely commercial with a commercial land use making a number of these conditions not applicable. The master plan provided confirms that a minimum of 20% open space will be provided. Based upon the above, staff concludes the application is **in conformance** with this requirement.

K. 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 held with the applicant on September 21, 2022. Thus, this application is **in conformance** with 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 Master Plan. Thus, the application is **in conformance** with this requirement.

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: Staff finds the PUD Master Plan General Note 5 addresses the requirement that 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. Based upon the above, staff concludes the application is **in conformance** with this requirement.

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 November 21st, 2022, meeting. Feedback was provided by multiple departments requesting more information which, once received, will allow DRC to make a recommendation. An updated Master Plan in response to the DRC comments will be resubmitted by the applicant. However, resolution of the DRC comments is not a requirement for transmittal to P&Z and BCC.

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 Master Plan is in the review process and the applicant is demonstrating a willingness to resolve outstanding comments. Thus, staff concludes the application is **in conformance** with this requirement.

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 is a master plan and is intended to become the final development plan once outstanding comments are addressed. Thus, staff concludes the application is **in conformance** with this requirement.

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: This is a master plan, this item is **not applicable**.

- L. 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. Thus, staff concludes the application is **in conformance** with this requirement.

M. LDC Section 4.2.31.K addresses PUD amendments.

1. LDC Section 4.2.31.K.(1) provides changes to the plan of development which will affect the following items shall be subject to review and approval by Development Review Committee:
 - a. Changes in the alignment, location, direction or length of any internal local street,
 - b. Changes or adjustments in lot or parcel development standards which do not reduce the minimum lot or parcels standards listed in item (a)3,
 - c. Changes in commercial gross leasable areas (GLA) for individual lots or tracts which do not result in increased overall GLA square footage,
 - d. Changes in industrial building square footage or lot coverage percentage which do not result in increased overall building square footage or total lot coverage percentage,
 - e. Changes in mixed use land uses and overall dwelling unit densities, or commercial GLA square footage or industrial building square footage or total lot coverage percentage, which do not result in an increase to the above categories,
 - f. Reorientation or slight shifts or changes in building or structure locations including setbacks,
 - g. Major changes listed below which are subject to final review and approval by the Board.
2. LDC Section 4.2.31.K.(1) provides changes which will modify or increase the density or intensity of items shall be subject to review and approval by the Board through the PUD rezoning application process.
 - a. Intent and character of the development.
 - b. Location of internal and external arterial or collector streets and connection points between and to those streets within the development.
 - c. Minimum lot/parcel sizes including heights or project design standards based on use such as residential vs. non-residential.
 - d. Building setbacks.
 - e. Dwelling unit types or mixes and maximum development density and units.
 - f. Maximum commercial gross leasable areas (GLA) for individual lots or tracts and project wide.
 - g. Industrial building square footage or lot coverage percentage for individual lots or tracts and project wide.
 - h. Minimum size and general location of common open space including buffer areas or zones and method of ownership and maintenance.

- i. Conservation open space areas with intended method of preservation ownership or maintenance.
- j. Location of water and sewage facilities.

Analysis: This is the initial submission of this master plan. Thus, this requirement 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 Planning and Zoning Commission (PZC) enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **APPROVE** the proposed rezoning because the application:

- A. Will not adversely affect the public interest based provided appropriate conditions are imposed;
- B. Is consistent with the following Comprehensive Plan provisions
 1. PWE Element Policy 1.1.1 and 1.6.4
 2. Sanitary Sewer Element Policy 1.1.1 and 1.1.3
 3. Solid Waste Element Policy 1.1.1 and 1.1.5
 4. FLUE Policy 1.1.3, 1.1.7, 3.1.2, 5.1.3, 5.1.4
 5. TE Policy 2.1.4 and Objective 2.2
 6. Stormwater Element 1.1.4 and 1.1.5
- C. Is compatible with the surrounding uses due to the similarity of FLUMS designations on the surrounding properties.

- D. In the event the Planning & Zoning Commission and/or the Board of County Commission chooses to approve the application, the following conditions are the staff's recommendations to address conformance to the LDC:
1. A Traffic Impact Analysis has been completed and was submitted to Marion County for this project. The Traffic Impact Analysis shall be reviewed to the satisfaction of the County Engineer and Growth Service Director and adequate provision shall be made for the coordination of improvements with the PUD.
 2. During the Major Site Plan process, details for sidewalks, the bicycle plaza, and the number of bicycle spaces shall be provided. Pedestrian access and circulation throughout the site shall be consistent with LDC requirements.
 3. The PUD shall connect to Marion County centralized water and sewer.
 4. The PUD shall be limited to ± 32.83 acres of commercial use and developed consistent with the Ocala Travel Center PUD Master Plan dated January 2023. Notwithstanding, the PUD legal description and size will be defined based on final coordination with the Florida Department of Transportation and Marion County on the limits of the I-75 and NW 35th Street Road rights-of-way.
 5. The PUD Master Plan modified buffer types shall be developed consistent with the buffering plan provided and maintained in perpetuity by the property owner.
 6. Details for regular, handicapped, electric vehicle, recreation vehicle/bus, diesel exhaust fluid positions and loading zones shall be displayed on the Major Site Plan.
 7. During the Major Site Plan process, access to the lift station and any new access easements that may be required shall be coordinated with Marion County Utilities and the Office of the County Engineer.
 8. With the exception of the freestanding pole sign, all structures shall adhere to the 50' maximum building height proposed within the Master Plan.
 9. The proposed freestanding pole sign shall not exceed a maximum height of 125' above ground level. During the Major Site Plan process, a line of sight analysis or other documentation shall be provided demonstrating that the 125' height is the minimum height needed to ensure adequate visibility.
 10. On-site signage for the project, including pole sign and wall signs for the building and fuel canopies, shall be per the Proposed Signage Plan included in Attachment B. Directional signs shall be provided consistent with the LDC.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approved on Consent

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Rezoning application filed October 27th, 2022.
- B. Master Plan dated January 2023.
- C. Site Photos.
- D. Traffic Study Impact Analysis.
- E. DRC Comments.
- F. Drainage Analysis.
- G. Soil Survey.
- H. Natural Resources Report.
- I. KARST Assessment.