



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 2/24/2025	BCC Date: 3/17/2025
Case Number	250303ZC
CDP-AR	32305
Type of Case	Rezoning from Light Industrial (M-1) to Heavy Industrial (M-2).
Owner	Bruce & Lynn Denson
Applicant	Gateway Properties LLC
Street Address/Site Location	Near 3700 Block of NW 44 th Ave (No address assigned)
Parcel Number(s)	13708-000-06 & 13708-001-00
Property Size	±35.64 Acres
Future Land Use	Commerce District (CD)
Existing Zoning Classification	Light industrial (M-1)
Overlays Zones/Special Areas	First & Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	Approval
P&Z Recommendation	Approval (7-0)
Project Planner	Kenneth Odom, Senior Planner/Transportation Planner
Related Cases	None

I. ITEM SUMMARY

Gateway Properties LLC, agent for the applicant/owners Bruce and Lynn Denson, has filed a rezoning application to rezone approximately ± 35.64 -acres from Light Industrial (M-1) to Heavy Industrial (M-2) (see Attachment A). The Parcel Identification Numbers for the subject parcels are 13708-000-06 & 13708-001-00; there is no assigned address as the subject parcels are unimproved at this time. The legal description is provided within the application (see Attachment A). The site is located within the Secondary Springs Protection Zone with a small portion in the southeastern corner being within the Primary Springs Protection Zone. The application proposes rezoning the entire ± 35.64 -acre parcel for all uses permitted within the proposed zoning classification.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application.

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 (4 owners) within 300 feet of the subject property on February 7, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on February 5, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on February 10, 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. *How is the request compatible 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 a general location aerial displaying existing and surrounding site conditions.

Figure 2 shows the subject property as well as all surrounding properties designated as Commerce District (CD). The property is within the urban growth boundary (UGB as well as the First and Secondary Springs Protection Zone and is bounded by Interstate-75 to the east.

Figure 2
FLUMS Designation

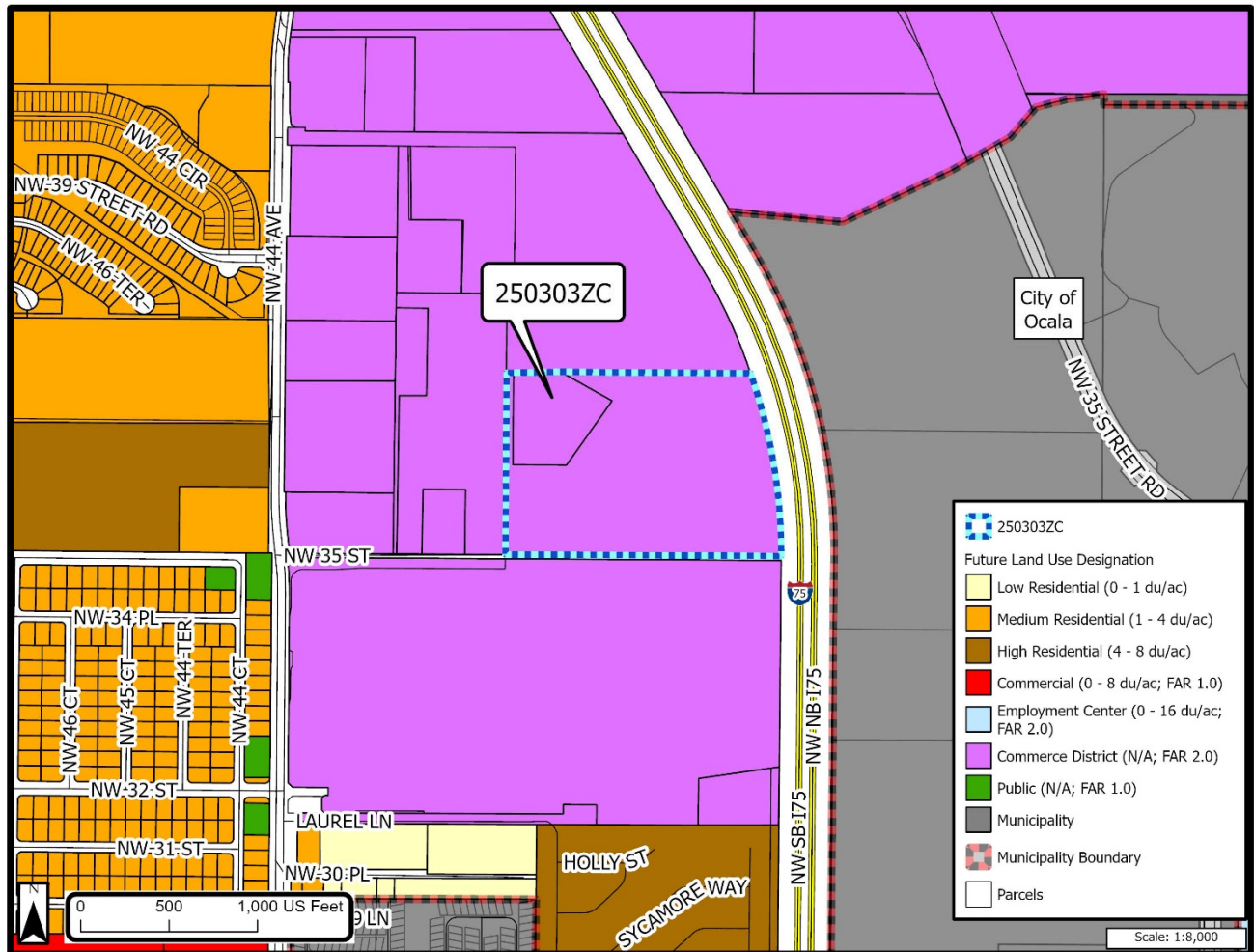


Figure 3 displays the zoning for the subject property in relation to the existing zoning of the surrounding properties and Figure 4 shows the proposed zoning. The subject parcel is surrounded by other commercially zoned parcels of B-4, B-5, and M-1 designations.

The site is located within the Urban Growth boundary and within the First and Secondary Springs Protection Zone. Higher-intensity uses are permitted within the UGB and they currently exist in the immediate area. The Red Rock spec building is immediately adjacent to the south which will house an undisclosed logistics operation in the very near future. Additionally, Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). The subject parcels are intended for infill heavy uses by zoning designation and land use.

**Figure 3.
Zoning Classification**

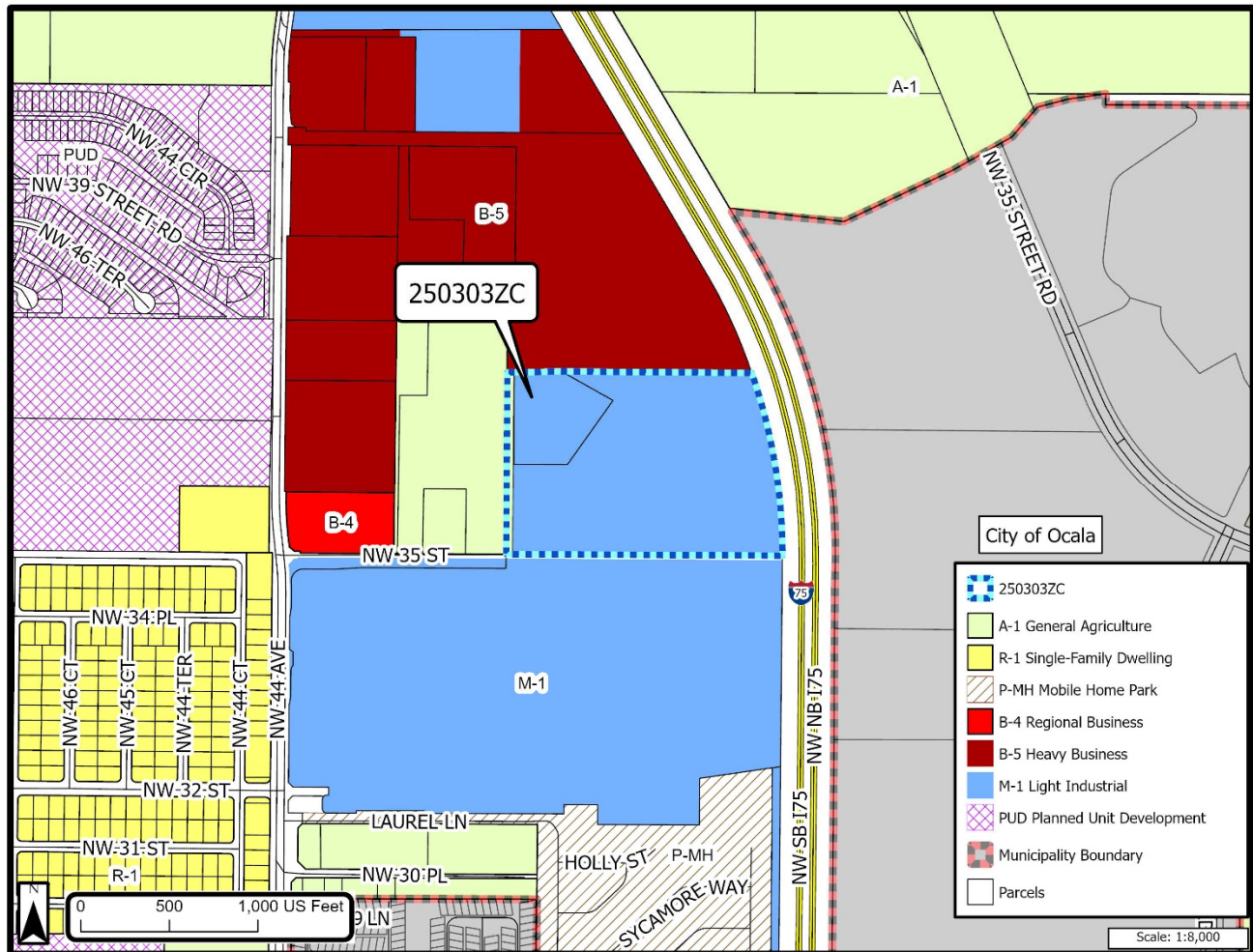


Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Table A displays the information of Figures 2, 3, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and found the subject property to be undeveloped at this time. Surrounding properties consist of the Red Rock logistics spec building to the south, undeveloped General Agriculture (A-1) adjacent to the west and the remnants of the I-75 Flea Market to the north, a portion of which will be acquired through eminent domain for stormwater needs to accommodate the upcoming I-75 widening project. I-75 bounds the property to the east.

Figure 4.
Proposed Zoning Classification

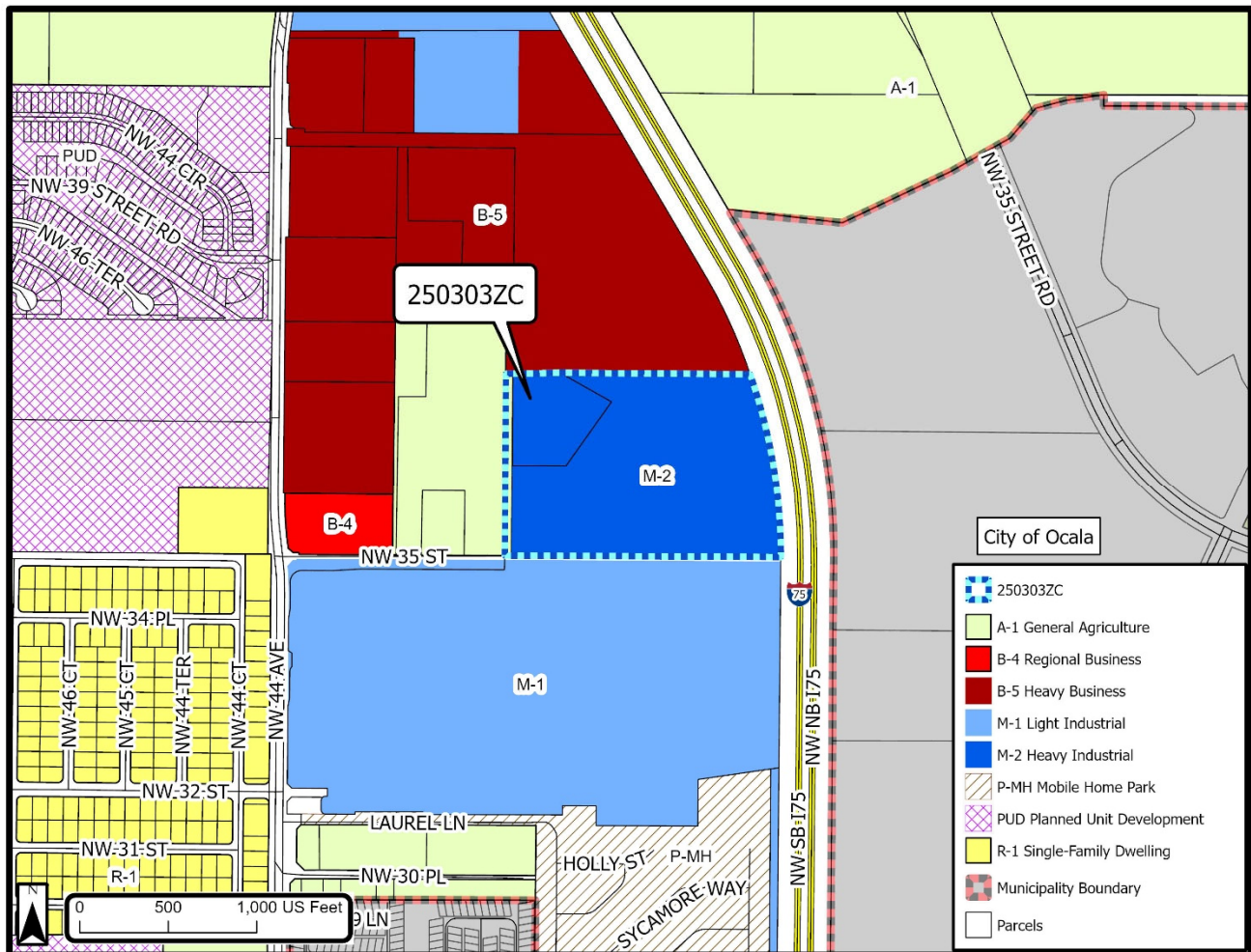


Figure 5.
Existing Use per Property Appraiser Property Code

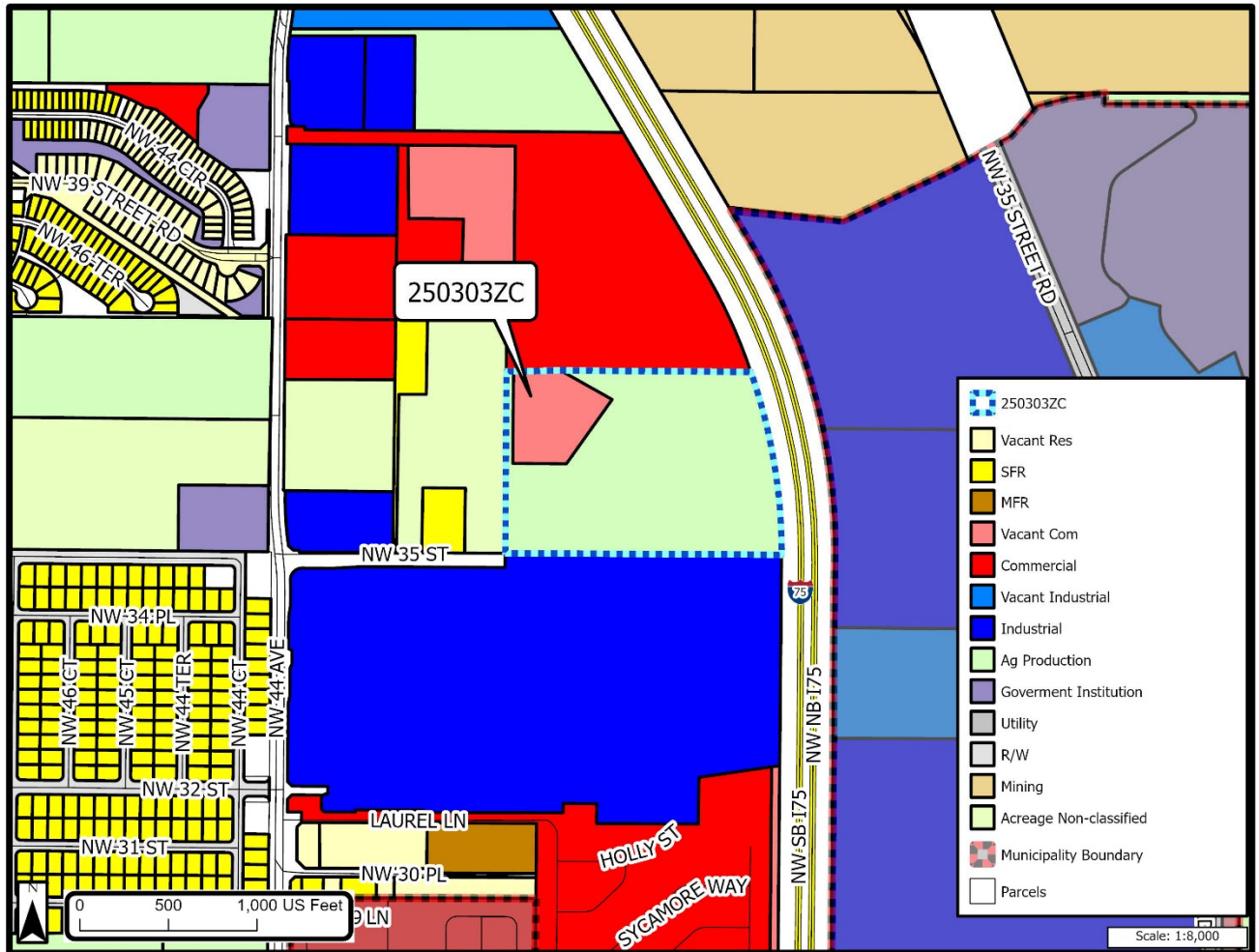


TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Commerce District (CD)	Heavy Business (B-5)	Wholesale Outlet (29)
South	Commerce District (CD)	Light Industrial (M-1)	Warehouse Distribution (48)
East	I-75	I-75	I-75
West	Commerce District (CD)	General Agriculture (A-1)	Acreage Non-Classified (99)

Figure 5 provided by the Marion Property Appraiser's Office

Based on the above findings, the proposed rezoning application **is compatible** with the existing and future surrounding land uses. This area has been designated for heavy and intensive commercial/industrial activities.

How does the request affect the public interest?

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. NW 44th Avenue will serve as the primary access corridor for operations at this location. The location allows for immediate access to US 27, and I-75 via US 27 and it will also have access to I-75 via the soon-to-be-constructed NW 49th Street Interchange.
 - b. Public transit. There are no fixed route services in the area.
 - c. Other mobility features. Sidewalks currently exist along NW 44th Avenue and the NW 35th Street. Therefore, the application would not adversely affect the public interest.

Based on the above findings, the rezoning roadway **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.

The property is within the UGB, within the City of Marion County Utilities' Service Area and within the current connection distance. While the proposed location is significant in size being over thirty-five acres, the proposed use for this site is a "big box" for distribution which tends to utilize less water than other commercial uses because of fewer employers per square acre. Based on the above findings, the rezoning'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 residential calculation, the proposed rezoning would result in a potential demand of 264 gallons per day.

The property is within the UGB, within the City of Marion County Utilities' Service Area and within the current connection distance. While the proposed location is significant in size being over thirty-five acres, the proposed use for this site is a "big box" for distribution which tends to produce less sewage than other commercial uses because of fewer employers per square acre. Based on the above findings, the rezoning'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 for residential demand. A commercial/industrial level of service standard is not currently in place for Marion County as such operations are required to provide for individual commercial collection wherein disposal within Marion County is alternatively addressed. Based on the above, the rezoning **solid waste impacts would not adversely affect the public interest.**

5. Recreation. Recreation Element Policy 1.1.1. adopts a level of service standard of two (2) acres per 1,000 persons. A commercial/industrial level of service standard is not currently in place for Marion County., based on the proposed zoning, the rezoning **recreation impacts would not adversely affect the public interest.**

6. Stormwater/drainage. Stormwater Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development site. The site does not include any FEMA-identified flood plain areas but does contain a small Marion County identified flood-prone area in the southeast corner of the combined parcels. Any new development resulting in additional impervious features on the site will be required to comply with a 100-year frequency 24-hour duration design storm as the site development proceeds through Marion County's site development review processes. Based on the above, the rezoning **stormwater/drainage impacts would not adversely affect the public interest.**

7. Fire rescue/emergency services. The site is officially located in the service district for Marion County's Golden Ocala Fire Station #20, located at 3600 NW 70th Avenue Road, approximately 4.13 miles west of the subject property. 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. Based on the above, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The Marion County Sheriff's Department Main Operations Center is located approximately 2.95 miles southeast of the subject property at 629 NW 30th Avenue. 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, the application's **law enforcement impacts would not adversely affect the public interest.**
9. Public schools. The proposed rezoning is industrial in nature and will not generate new students. Therefore, the application's **public-school impacts would not adversely affect the public interest.**

In summation, when weighing the totality of the circumstances, **the public interest is not adversely affected.**

B. *How is this request consistent with the Comprehensive Plan?*

FLUE Policy 1.1.6: Buffering of Uses, requires new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties as defined in the LDC.

Analysis: The subject parcels are currently undeveloped but will be subject to all buffering requirements per the Marion County Land Development Code. All buffer requirements will be reviewed and approved through the site development process and subject to approval by the Development Review Committee.

Policy 2.1.21: Commerce District (CD). This land use is intended to provide for an area where more intense commercial and industrial uses 41 than may be suitable in the Employment Center (EC) designation due to noise, odor, pollution, and other 42 nuisance issues that may be more suited away from residential and other mixed-use land use 43 designations with a maximum Floor Area Ratio of 2.0, as further defined by the LDC. This land use 44 designation is allowed in the Urban Area and Rural Area.

Analysis: The proposed rezoning will still be compatible with the site's current Commerce District (CD) future land use designation. The requested M-2 zoning is being requested in order to assign the correct zoning designation to accommodate the proposed use of wholesale sales of automobile and freight vehicle tires. The proposed rezoning is consistent with FLUE Policy 2.1.18.

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 of this advisory board.

Analysis: The proposed zoning change is scheduled for the February 24, 2025 Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

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: Public notice has been provided as required by the LDC and Florida Statutes and, therefore, the application is being processed consistent with FLUE Policy 5.1.4.

FLUE Policy 7.4.3 (P/SSPZ) Permitted Uses provides that the County shall implement and maintain an LDC to identify permitted and special uses to ensure that the function of a protected natural feature will not be materially impaired, diminished, or harmed by development activities and that the quality of the surface waters or groundwater will not be adversely impacted by the development activities.

Analysis: The site is within the Countywide First and Secondary Springs Protection Zones wherein specific design standards, focused on stormwater management, may be required. Approval of the requested M-2 zoning for the subject property will control the range of uses for the site, while remaining eligible uses will require implementation of SPZ design standards, particularly depending on soil and subsurface characteristics and/or FDEP requirements. Compliance with the LDC's site and

development standards to stormwater impacts for the site under the B-5 zoning would be consistent with FLUE Policy 7.4.3.

Transportation Element (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 rezoning site is currently unimproved and will be required to submit a traffic methodology to determine the appropriate level of analysis that will be necessary for the development of the subject parcels. Staff concludes the proposed rezoning will be consistent with TE Policy 2.1.4.

Based on the above findings, the proposed rezoning **is consistent with the Comprehensive Plan.**

V. 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 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 a recommendation for the approval of the Ordinance, and make a recommendation 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 **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.

VI. 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 as the impacts to public utilities and infrastructure would be minimal.
- B. Is consistent with the Comprehensive Plan provisions because it in compliance will all considered elements of the comprehensive plan and land development codes.
- C. Is compatible with the surrounding uses because the proposed zoning would allow the rezoning of a parcel to a more intense use that is still consistent with adjacent uses.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval (7-0)

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application filed
- B. Site and Area Photographs
- C. DRC Comments
- D. Deed