



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date: 11/25/2024</b>	<b>BCC Date: 12/17/2024</b>
<b>Case Number</b>	241106ZC
<b>CDP-AR</b>	31942
<b>Type of Case</b>	<b>Rezoning</b> from General Agriculture (A-1) and Community Business (B-2) to Rural Activity Center (RAC).
<b>Owner</b>	Harold Feaster
<b>Applicant</b>	Danika Oliverio, with CHW
<b>Street Address/Site Location</b>	18080 N US HWY 441, REDDICK 5591 W HWY 318, REDDICK
<b>Parcel Number(s)</b>	03114-000-00 and 03101-000-00
<b>Property Size</b>	±6.2
<b>Future Land Use</b>	Rural Activity Center (RAC)
<b>Existing Zoning Classification</b>	General Agriculture (A-1) and Community Business (B-2), and Community Business (B-2)
<b>Overlays Zones/Special Areas</b>	Farmland Preservation Area (FPA), Secondary Springs Protection Zone (SSPZ)
<b>Staff Recommendation</b>	Approval
<b>P&amp;Z Recommendation</b>	<b>Approval, on Consent</b>
<b>Project Planner</b>	Eryn Mertens, JD, Planner II
<b>Related Cases</b>	Companion – 24-S10: Small Scale Land Use Amendment to (RAC)

## I. ITEM SUMMARY

Danika Oliverio with CHW, on behalf of Harold Feaster, filed a rezoning application to change ±6.2-acres from Community Business (B-2) and General Agriculture (A-1) to Rural Activity Center (RAC). The Parcel Identification Numbers for the subject properties are 03114-000-00 and 03101-000-00; the site is addressed as 5591 W HWY 318, Reddick, and 18080 N US Hwy 441, Reddick, and the legal descriptions are provided within the application (see Attachment A). The subject property is on the northwest corner boundary of a designated RAC at the intersection of N US Hwy 441 and W HWY 318. The site is located within the Farmland Preservation Area (FPA) and the Secondary Springs Protection Zone (SSPZ). The existing Rural Activity Center is currently approximately 46 acres in size. According to the Marion County Comprehensive Plan, Rural Activity Centers can be a maximum of 96 acres. This request seeks integration of an additional approximately 6.2 acres into this RAC, bringing the total acres of the RAC to approximately 52.2 acres, which is consistent with this policy.

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application, along with the companion small-scale comp plan amendment application request. Staff believes RAC zoning would be most appropriate for the area provided there's an existing Rural Activity Center (RAC)

at the intersection to accommodate commercial development, and there is. Further, if the future land use designation is changed under the companion application to the RAC land use, then the zoning classification should also be changed to be consistent with the land use.

### 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 (16 owners) within 300 feet of the subject property on November 8, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on November 14, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on November 11, 2024. Evidence of the above-described public notices are 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 are addressed below.

#### A. *Compatibility with Surrounding Area*

"Compatibility" is defined in Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, 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, above, is a general location aerial displaying existing and surrounding site conditions.

Figure 2, below, shows the future land use designation of the subject property, designated as Rural Land (RL), along with a majority of the surrounding area. as well properties to the south and east designated as Rural Activity Center (RAC), a node dedicated to providing goods and services to the citizens residing in this rural area. A small parcel to the northeast is designated as Public land use (State owned), but all other surrounding properties share a Rural Land future land use. The properties in the area are outside the Urban Growth Boundary (UGB), within the Farmland Preservation Area (FPA), and inside the Secondary Springs Protection Overlay Zone (SSPOZ).

**Figure 2  
FLUMS Designation**

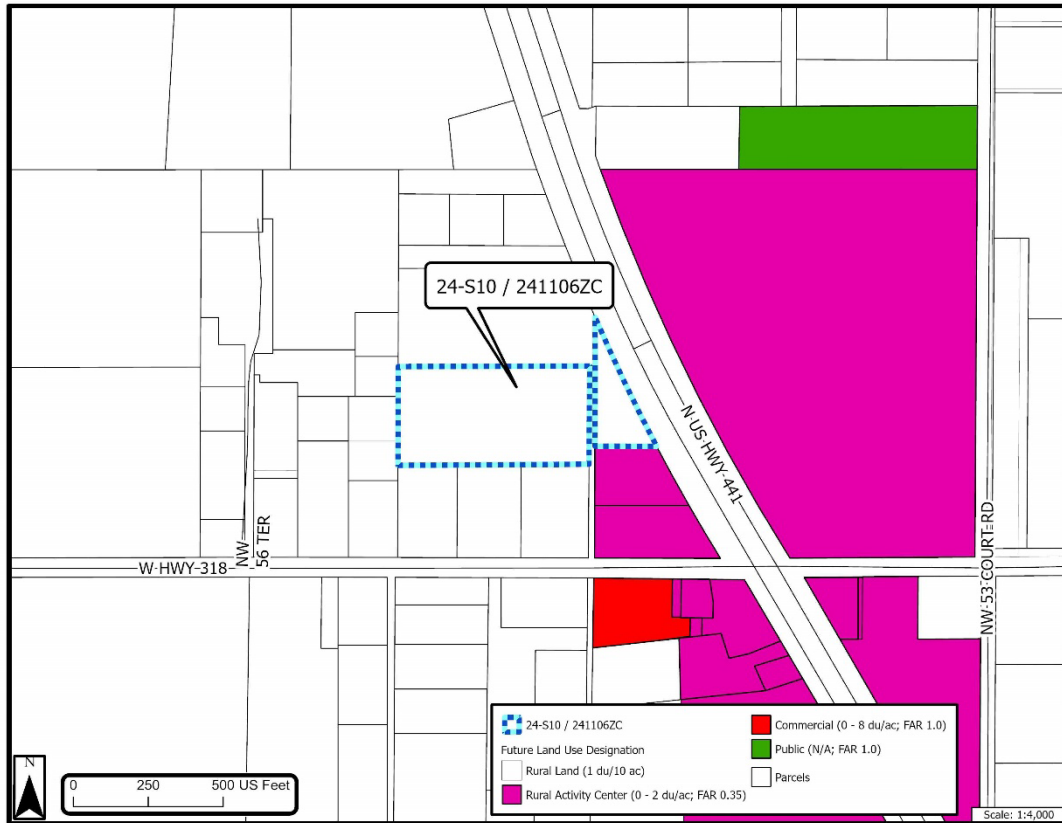
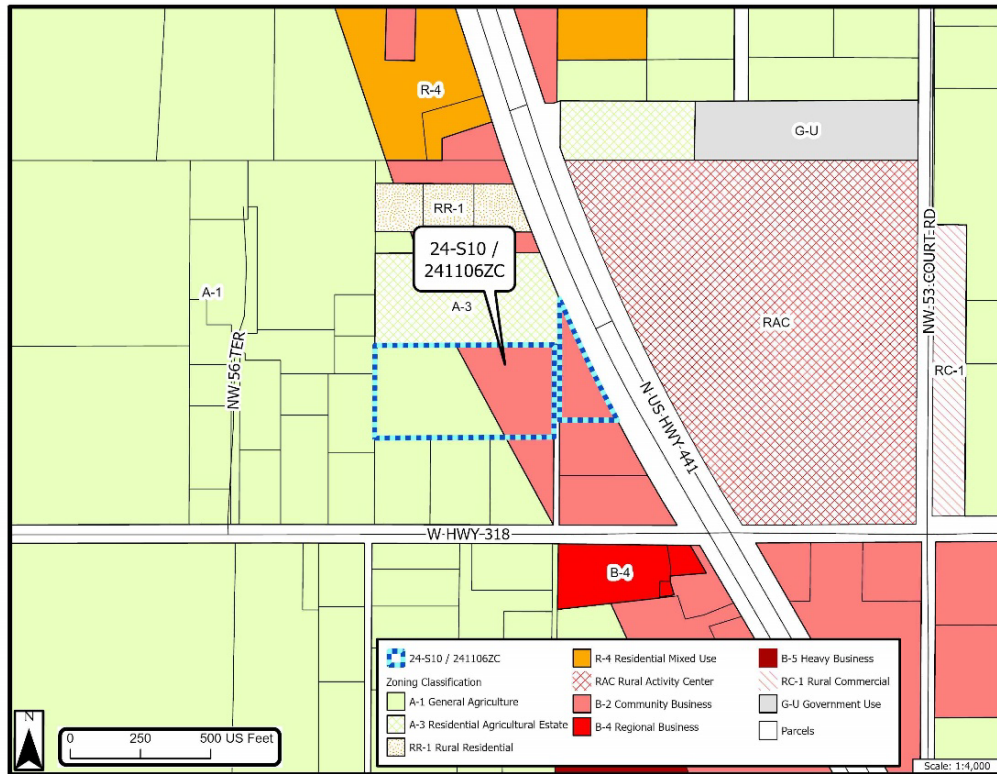


Figure 3, below, displays the zoning for the subject property in relation to the existing zoning of the surrounding properties, while Figure 4 shows the proposed zoning. The subject site's Northeast, East, and South is a mix of RAC and Business zoning classifications. All other surrounding areas are designated General Agriculture (A-1). The site is also adjacent to a designated Rural Activity Center, a node intended for limited commercial and mixed uses to serve the surrounding rural community.

**Figure 3  
Zoning Classification**



**Figure 4.  
Proposed Zoning Classification**

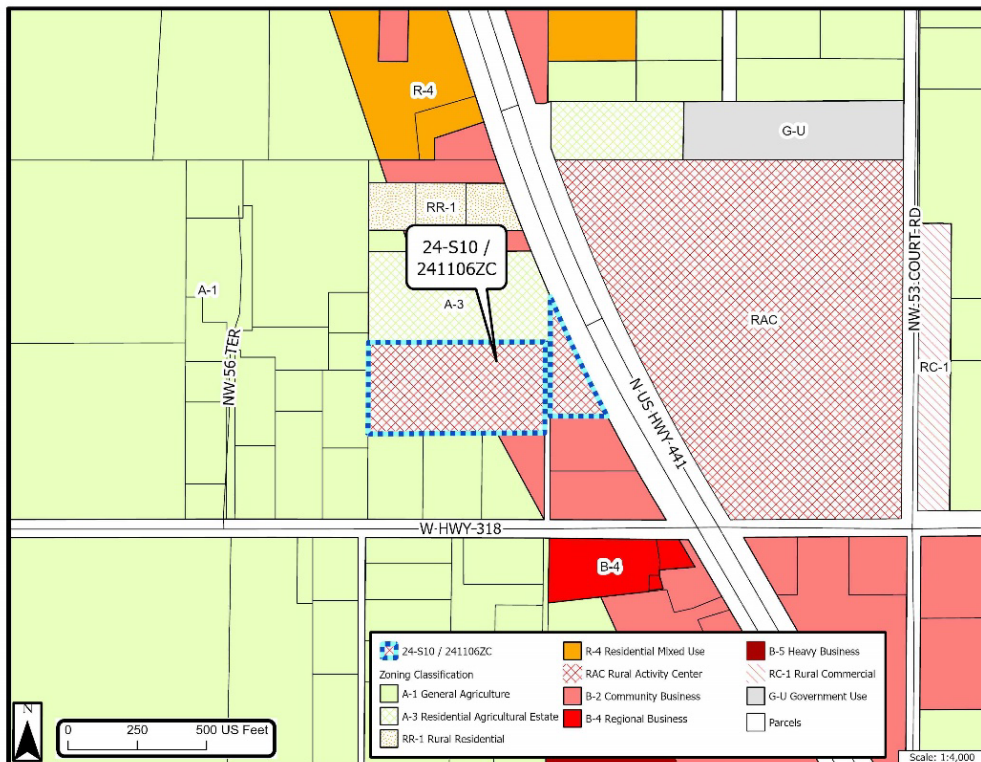


Figure 5, below, displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). Many of the Agricultural parcels in the area are being utilized for grazing land and the commercial development in the area brings a mix of services, retail, and offices to serve the rural area around it.

**Figure 5.**  
**Existing Use per Property Appraiser Property Code**

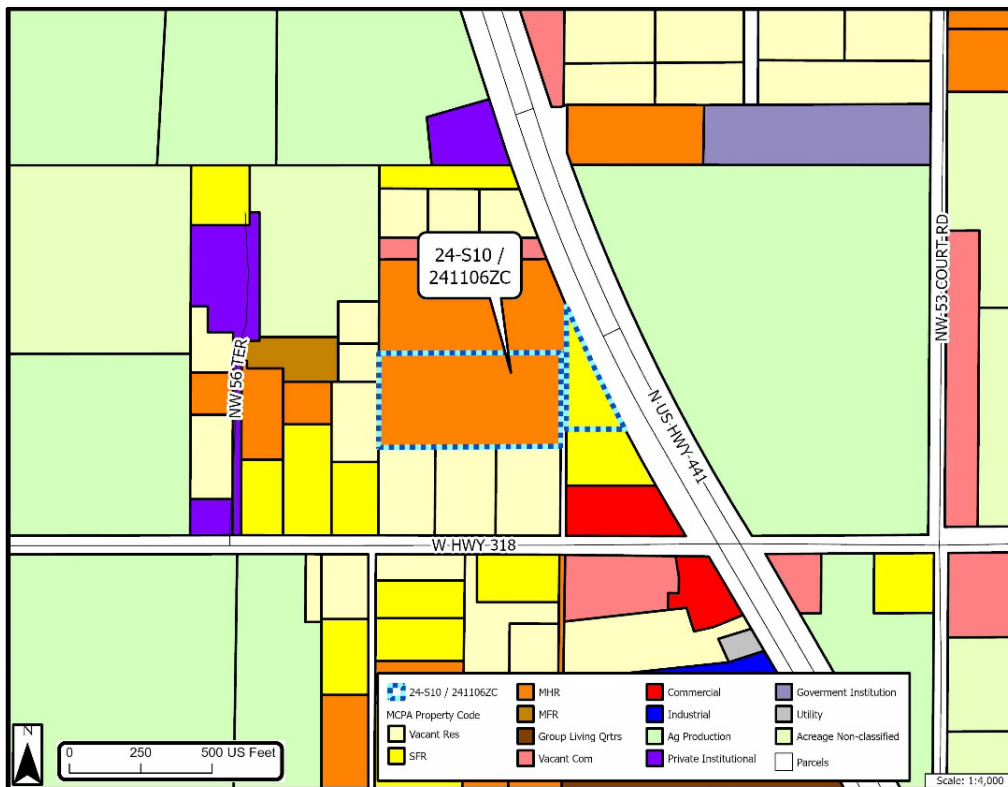


Table A, below, assembles the information in Figures 2, 3, 4, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and found that the subject property is overgrown with old growth trees providing a lush canopy over a dilapidated, abandoned single-family home which is situated along the N US Hwy 441 right-of-way. Outside of this node of mixed uses, the properties sitting to the north of the subject property are largely agricultural, with parcels to the west being the same. Parcels to the south and southeast are a mix of vacant residential, single-family homes, mobile home residential, private institutional, and commercial uses, with parcels to the east being a mix of residential, agriculture, and vacant commercial uses.

<b>TABLE 1. ADJACENT PROPERTY CHARACTERISTICS</b>			
<b>Direction</b>	<b>FLUM Designation</b>	<b>Zoning Classification</b>	<b>MCPA Existing Use</b>
<b>Subject Property</b>	Rural Land (RL)	General Agriculture (A-1) Community Business (B-2)	Single-Family Residential, Mobile Home Residential
<b>North</b>	Rural Land (RL)	Residential Agricultural Estate (A-3), Right-of-Way	Mobile Home Residential
<b>South</b>	Rural Land (RL), Rural Activity Center (RAC)	General Agriculture (A-1), Community Business (B-2)	Vacant Residential, Single-Family Residential
<b>East</b>	Rural Activity Center (RAC)	Right-of-Way, Rural Activity Center (RAC)	Ag Production
<b>West</b>	Rural Land (RL)	General Agriculture (A-1)	Mobile Home Residential, Vacant Residential

The rezoning site lies just north of the intersection of N US Hwy 441 and W Hwy 318, where the designated RAC is situated. Just over a mile north of the site is another RAC, which is approximately over 93% developed. The Alachua County line curves southward into Marion County and is just over a mile to the northeast. Traveling north for two and one-quarter miles (2.25), approximately, you run into the Town of McIntosh.

The historical future land use map, listed the intersection at which the subject property is located to have been intended to contain RAC uses since before June of 2014; so, the intent for development of this particular area to have uses like the one proposed has been in place over ten years.

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

**B. Effect on Public Interest**

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. N US Hwy 441 along the east. Intersection with W Hwy 318 to the south (subject property does not have frontage).
  - b. Public transit. There are no fixed route services in the area.

- c. **Other mobility features.** No sidewalks currently exist along any of the roadways listed as contiguous to this parcel. Upon development, sidewalks may be required, or the developer may elect to provide a fee-in-lieu for construction, as permitted by the LDC.

Based on the above findings, the transportation impacts of the rezoning request, if approved, **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 approximately 2,750 gallons per acre per day for nonresidential demand. Based on the nonresidential calculation, the proposed rezoning would result in a potential demand of 17,050 gallons per day.

The property is outside the Marion County Utilities' Service Area and connection distance will be determined at the time of site plan review. Based on the above findings, the potable water impacts of the rezoning request, if approved, **would not adversely affect the public interest.**

3. **Sanitary sewer impacts.** Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of approximately 2,000 gallons per acre per day for commercial and industrial demand. Based on the nonresidential calculation, the proposed rezoning would result in a potential demand of 12,400 gallons per day.

The property is outside the Marion County Utilities service area and connection distance will be determined during site plan review. Based on the above findings, the sanitary sewer impacts of the rezoning request, if approved, **would not adversely affect the public interest.**

4. **Solid waste impacts.** 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 solid waste impacts of the rezoning request, if approved, **would not adversely affect the public interest.**

5. **Recreation.** A commercial/industrial level of service standard is not currently in place for Marion County. Based on the permitted density of two dwellings per acre on 6.2 acres, there would be a potential for 29 people to live on-site if that was the desire of the property owner. However, their intent is to provide a self-storage facility in the area, which doesn't have a LOS standard. Based on the proposed zoning, the recreation impacts of the rezoning request, if approved, **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 flood prone areas, or flood zones. Development of 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 stormwater/drainage impacts of the rezoning request, if approved, **would not adversely affect the public interest.**

7. Fire rescue/emergency services. Orange Lake Fire Station #9, located at 18945 N. US Hwy 441, Reddick, is roughly one mile north of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. However, Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, the fire rescue/emergency impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
8. Law enforcement. The nearest Sherriff substation is located approximately 11 miles southeast of the subject property at 8311 N. Hwy 441, Ocala. The Comprehensive Plan does not establish a level of service standard for law enforcement services. Based on the above, the law enforcement impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
9. Public schools. The proposed use is commercial, however, because of the allowance of some residential use in RACs, the following schools which would be impacted by this rezoning request, if approved, are: Reddick-Collier Elementary (53.64%), North Marion Middle (74.15%), North Marion High (68.49%). While there are areas of overcrowding, overall, there is capacity within Marion County Schools. Based on the above findings, the proposed development would not adversely affect public interest. Therefore, the public schools impacts of the rezoning request, if approved, **would not adversely affect the public interest.**

When weighing the totality of the circumstances, **the public interest is not adversely affected** if this rezoning request is approved.

C. *Consistency with the Comprehensive Plan*

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

**Analysis:** This change looks to expand the RAC land use onto a property adjacent to a designated RAC. When the RAC node was established in the area, some parcels were already being used residentially, meaning the RAC designation could not fully develop on the acreage granted the designation. This parcel looks to increase the size of the RAC in order to create a space to provide goods and services for the local area without forcing those who are not using their RAC designation to relocate or change their use. Further, expanding the existing RAC by 6.2 acres is still well under the maximum area allotted to RAC nodes, and is still leaving this RAC node with more potential for development, albeit performing better for the community around it. Therefore, approving this request is **consistent** with FLUE Policy 1.1.3.

2. FLUE Policy 2.1.6: Protection of Rural Areas - Rural and agricultural areas shall be protected from premature urbanization and a vibrant rural economy shall be encouraged outside the UGB and Planned Service Areas. Urban and suburban uses incompatible with agricultural uses shall be directed toward areas appropriate for urban development such as within the UGB and PSAs.

**Analysis:** This application looks to encourage a vibrant rural economy while protecting the area from premature urbanization by limiting development to that which is permitted within a RAC. Additionally, this limitation protects the area from incompatible commercial development that might be more appropriate for a Commercial area within the UGB or PSA. Approving this rezoning request is **consistent** with FLUE Policy 2.1.6.

3. FLUE 3.1.4 on Rural Area outside the UGB provides,  
“The lands outside of the UGB shall generally be referred to as the Rural Area and development in this area shall be guided by the following principles and as further defined in the LDC:
  - (1) Protect the existing rural and equestrian character of the area and acknowledge that a certain portion of the County's population will desire to live in a rural setting.
  - (2) Promote and foster the continued operation of agricultural activities, farms, and other related uses that generate employment opportunities in the Rural Area.
  - (3) Establish a framework for appropriate future opportunities and development options including standards that address the timing of future development.
  - (4) Create a focused strategy for the regulation of mining and resource extraction activity.
  - (5) Allow for new Rural Land and Rural Activity Center Future Land Use designations with a Comprehensive Plan Amendment (CPA), as further allowed in this Plan and as further defined in the LDC.”

**Analysis:** The companion application submitted seeks to amend the property's land use (and subsequently, this request seeks to amend the

zoning to be consistent with that land use) to RAC. This policy provides the ability to do that, provided the need is there and the principles listed here are met. The proposed development seeks to provide goods and services which may or may not be agriculture-related to the surrounding rural area, which will reduce drive time for nearby residents in need of the storage space, while creating new jobs to be filled, supporting the operation of farms and the rural nature of the area, and supporting -and improving- the existing RAC. Therefore, this rezoning request meets the criteria above and is **consistent** with FLUE Policy 3.1.4.

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 is scheduled for consideration on November 25, 2024, by the Planning and Zoning Commission, and therefore, the application is **consistent** with 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:** Public notice has been provided as required by the LDC and Florida Statutes and therefore, the application is **consistent** with FLUE Policy 5.1.4.

Based on the above findings, granting the proposed rezoning request 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, 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 Planning & Zoning Commission 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 approving the application:

- A. Will not adversely affect the public interest.
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
  - 1. FLUE Policies 1.1.3, 2.1.6, 3.1.4, 5.1.3, and 5.1.4,and
- C. Is compatible with the surrounding uses because the proposed would allow improvement and growth of an existing RAC node, which currently serves the residents of the surrounding rural area.

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

Approval, on Consent at the November 25, 2024, at 5:30 PM hearing.

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

To be determined. Scheduled for December 17, 2024, at 2:00 PM.

## **IX. LIST OF ATTACHMENTS**

- A. Application
- B. DRC Comments Letter
- C. Site Photos
- D. Full Application Submission.