



**Marion County  
Board of County Commissioners**

**Growth Services**

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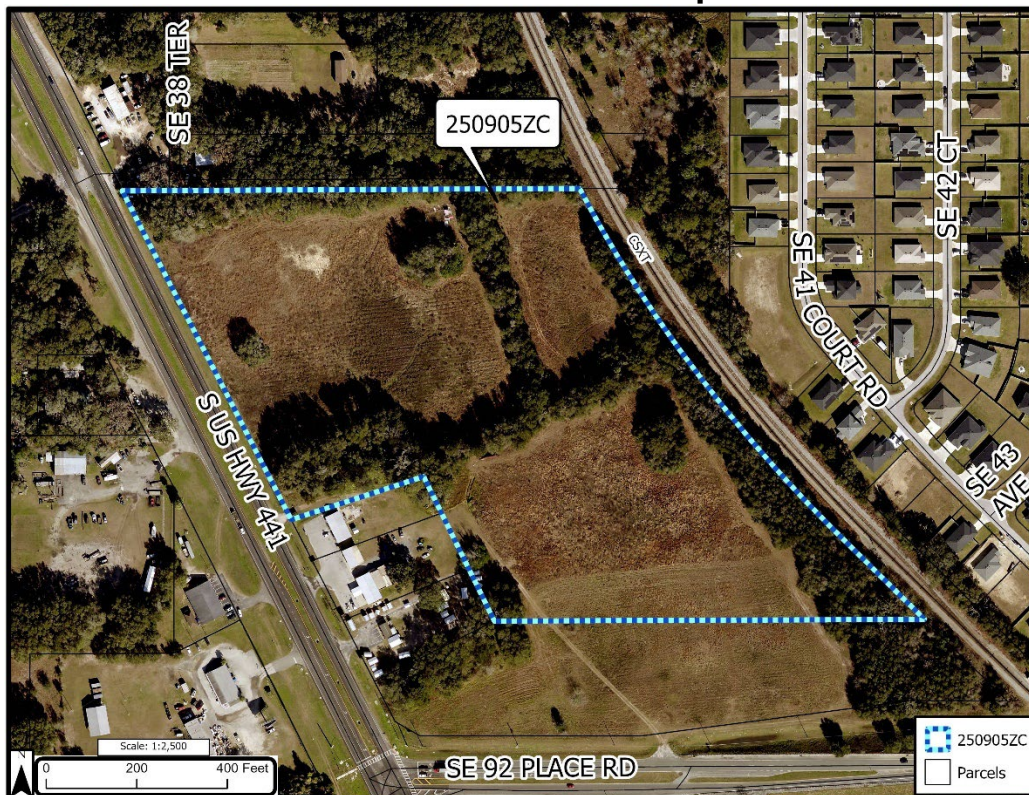
**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date: 08/25/2025</b>	<b>BCC Dates: 09/15/2025</b>
<b>Case Number</b>	250905ZC
<b>CDP-AR</b>	32953
<b>Type of Case</b>	<b>Rezoning</b> from expired Planned Unit Development (PUD) to Heavy Business (B-5).
<b>Owner</b>	Solarium Properties, LLC.
<b>Applicant</b>	Michael Solari
<b>Street Address/Site Location</b>	No Address Assigned
<b>Parcel Number(s)</b>	36943-000-00
<b>Property Size</b>	± 20.90 acres
<b>Future Land Use</b>	Commerce District (CD)
<b>Existing Zoning Classification</b>	Expired Planned Unit Development (PUD) formerly Heavy Business (B-5)
<b>Overlays Zones/Special Areas</b>	Urban Growth Boundary (UGB), Primary Springs Protection Overlay Zone (P-SPOZ)
<b>Staff Recommendation</b>	<b>Approval</b>
<b>P&amp;Z Recommendation</b>	<b>Approval (on consent)</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner
<b>Related Cases</b>	000901Z: Heavy Business (B-5) to Planned Unit Development (PUD) – Approved.

## I. ITEM SUMMARY

Michael Solari with Solarium Properties, LLC. has filed a rezoning application to change from expired Planned Unit Development (PUD) to Heavy Business (B-5) for an overall  $\pm 20.90$ -acre parcel (see Attachment A). The Parcel Identification Number for the property is 36943-000-00; the site address does not have a physical address, and the legal description is provided within the application (see Attachment A). The proposed zoning is necessary to remove the expired PUD zoning classification and revert to its previous zoning classification of Heavy Business (B-5). Florida State Statute requires zoning changes to be granted by ordinance, even in the case of a now expired PUD.

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Approval** of the rezoning application. Staff finds that the parcel reverting to its initial zoning classification would not adversely affect public interest, is consistent with the Comprehensive Plan, and is compatible with surrounding uses.

### **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 (26 owners) within 300 feet of the subject property on August 8, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on August 14, 2025 (Attachment B), and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on August 11, 2025. Evidence of the above-described public notices 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**

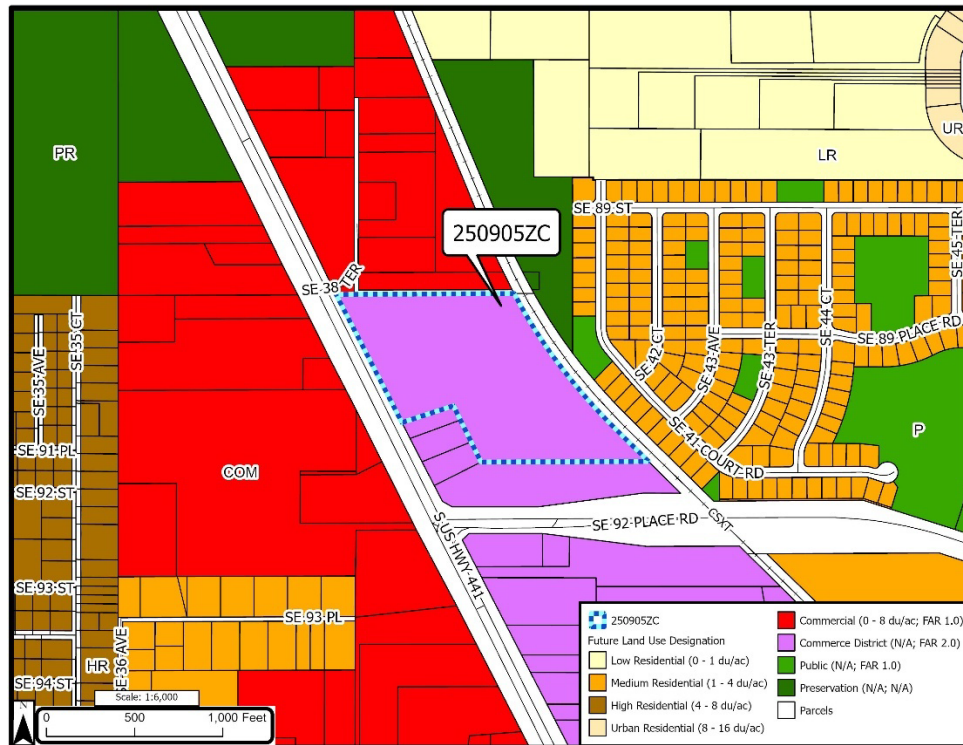
LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, but that the proposed zoning change is not consistent with the current Comprehensive Plan, and that it is not compatible with land uses in the surrounding area. Staff's analysis of these three criteria are 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 properties to the south being designated Commerce District (CD) with Commercial (COM) to the north, S US Hwy 441 to the west and the CSX railroad to the east.

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

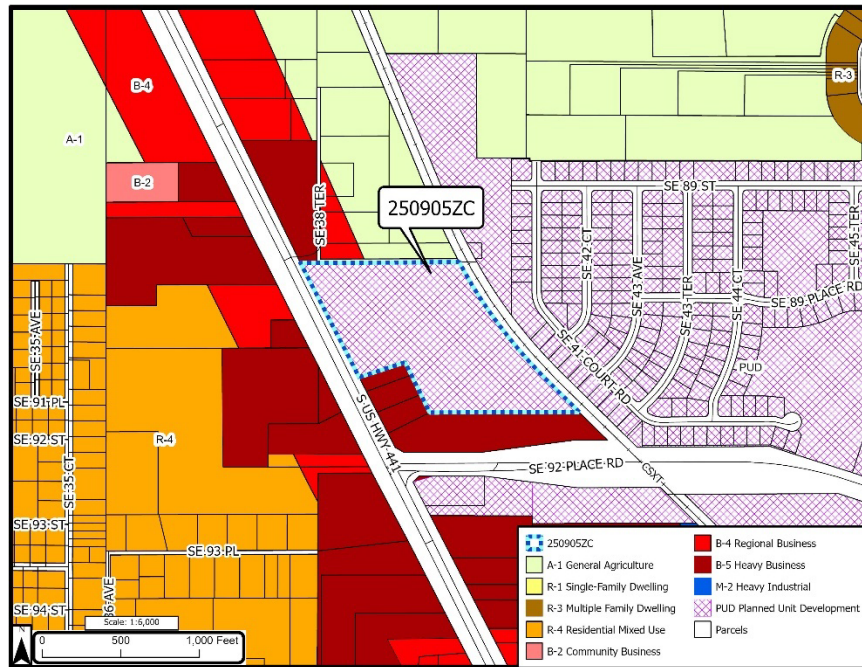


The site is located within the Urban Growth Boundary as well as the Primary Springs Protection Overlay Zone (P-SPOZ)

Figure 3 displays the current zoning for the subject property in relation to the existing zoning of the surrounding properties while Figure 4 displays the proposed zoning relative to that of the parcels surrounding it. The areas north and south abutting S US Hwy 441 are zoned B-5 with the “rear” or eastern portions of the properties being zoned General Agriculture (A-1). Parcels west and across the roadway are similarly zoned with commercial classifications and parcels to the east across the railroad are within the Planned Unit Development (PUD) of Summercrest. The proposed rezoning to revert to the original zoning classification would be similar to the northern and southern properties abutting S US Hwy 441 and would be a zoning compatible with the existing CD land use.



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



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

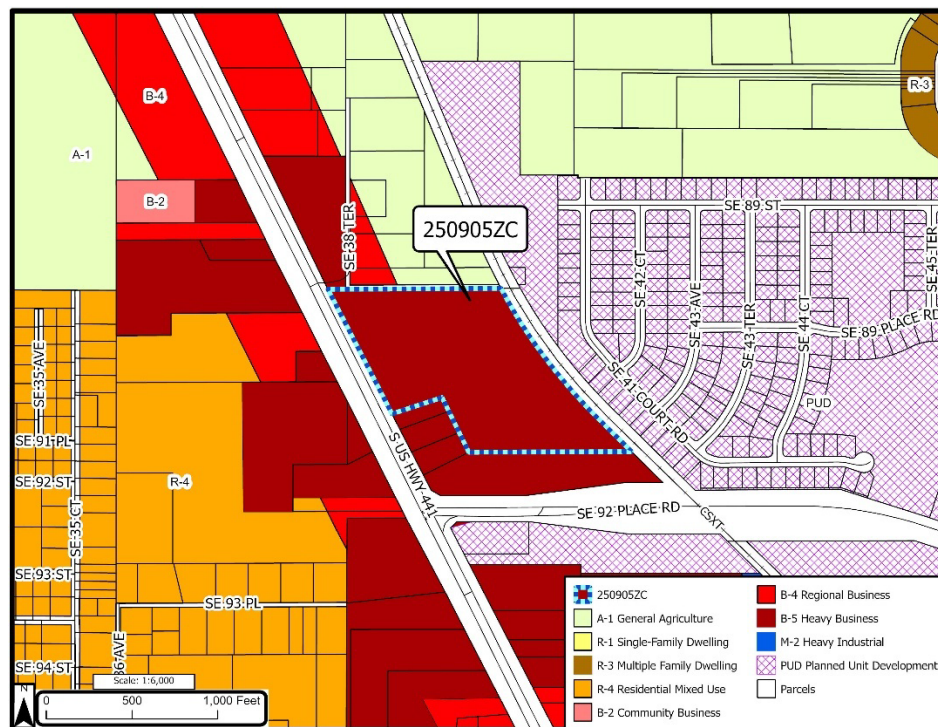
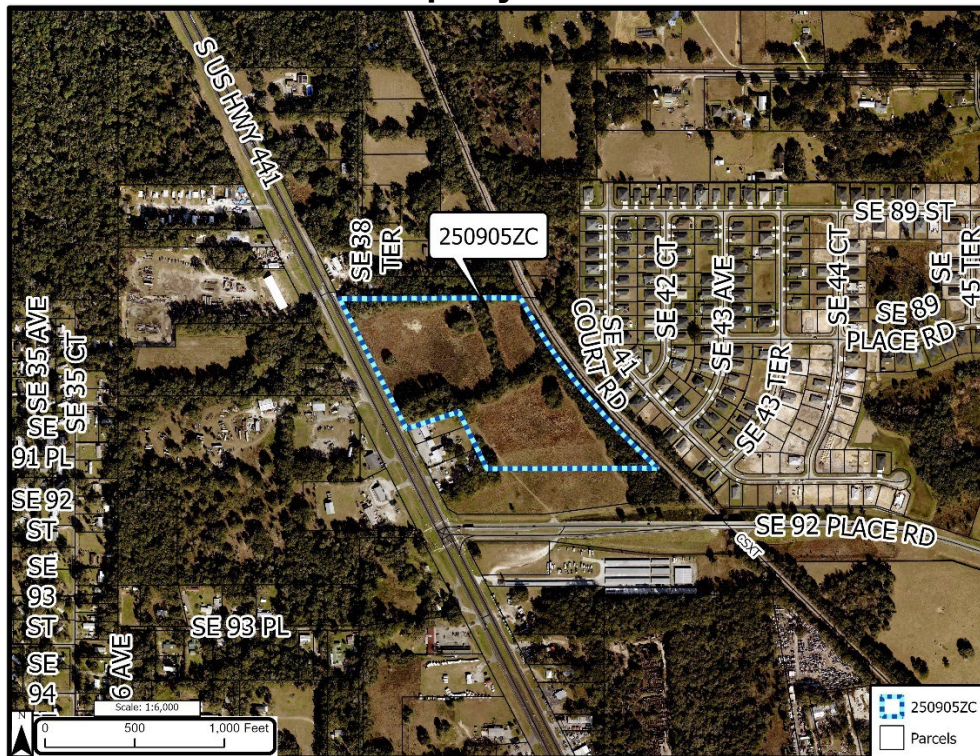


Figure 5 provides an aerial image of the subject property and surrounding area, while Figure 6 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). Parcels to the north and south are being used commercially with commercial and industrial uses west across S US Hwy 441 as well. To the north are car sales and auto repair and to the south pool & spa sales, sign printing, stereo installation, window tinting, and shed sales.

Table A displays the information of Figures 2, 3, and 6 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit on August 14, 2025, and found the property to be vacant with trees through the middle of the property but otherwise being grassy and open. To the north, south, and west, businesses were observed and shown in the site photos provided in Attachment B.

**Figure 5**  
**Property Aerial**





**Figure 6**  
**Existing Use per Property Appraiser Property Code**

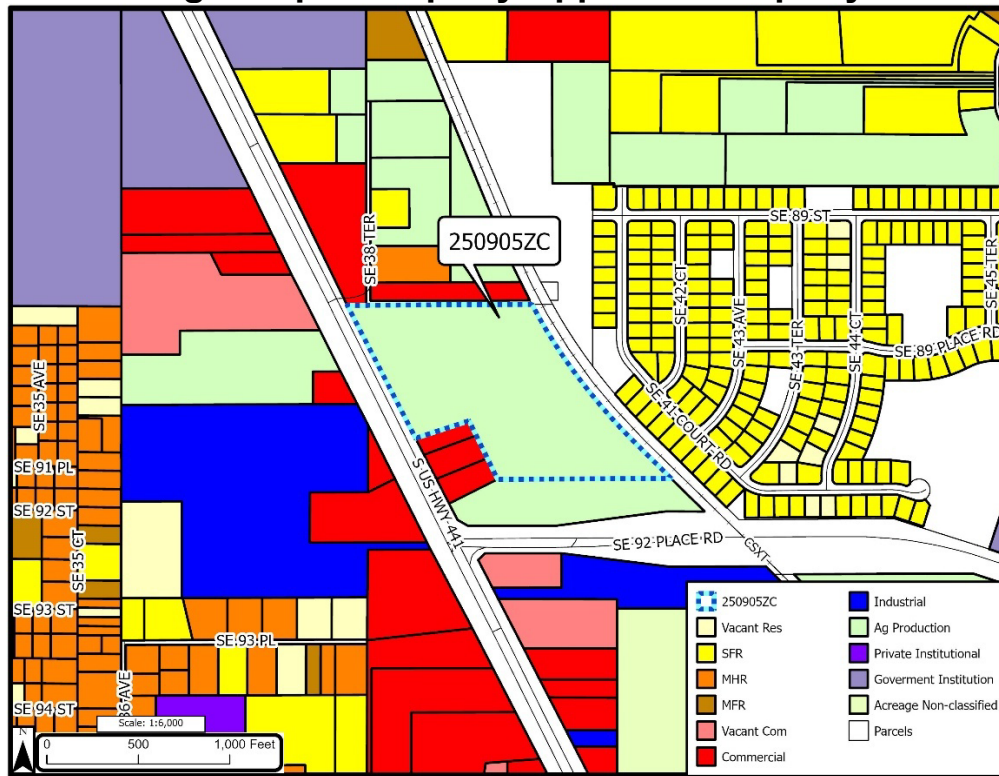


TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Commercial (COM)	Heavy Business (B-5) General Agriculture (A-1)	Commercial
South	Commerce District (CD)	Heavy Business (B-5)	Ag Production Commercial
East	Preservation (PR) Public (P) Medium Residential (MR)	Planned Unit Development (PUD)	Residential
West	Commercial (COM)	Regional Business (B-4) Heavy Business (B-5)	Ag Production Commercial

Based on the above findings, the proposed rezoning application is **compatible** with the existing and future surrounding land uses because the change looks to change the zoning back to the classification previously assigned. Additionally, the

property fronts S US Hwy 441 and has a CD land use making B-5 a compatible zoning given the parcel's, and contiguous parcels, CD land use.

*How does the request affect the public interest?*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. The property fronts on S US Hwy 441, a state-maintained highway. Further to the south, but not accessible by this parcel, is the intersection of S US Hwy 441 and SE 92<sup>nd</sup> Place Rd., a county-maintained arterial road. Traffic stated in their DRC comments (Attachment C) that based upon approved uses and the FAR authorized for B-5 that this property could result in up to 60,217 daily trips with 5,0007 peak PM trips and, as a result of these numbers, recommended denial. However, this is not a zoning change to a new classification, this is a reversion back to the B-5 the property initially had that would have allowed for the exact same traffic potential.
  - b. Public transit. There are currently no fixed route services available in the area.
  - c. Other mobility features. No sidewalks currently exist on this portion of S US Hwy 441. Therefore, the application would not adversely affect the public interest.

Based on the above findings, the rezoning roadway **impacts will not adversely affect the public interest.**

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on the nonresidential calculation, the proposed rezoning would result in a potential demand of up to 57,475 gallons. The City of Belleview provided a will-serve letter confirming availability (Attachment D). **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 nonresidential development, this parcel could generate up to 41,800 gallons. The City of Belleview provided a will-serve letter confirming availability (Attachment D). **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 current and intended uses being commercial in nature, **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 includes two flood prone areas, one on the western boundary line and one in the southeastern corner of the property. Stormwater comments state that there is currently nothing on the property but if/when development commences, a major site plan will be required once 9000 sq. ft. of impervious is exceeded (Attachment C). 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 Belleview Fire Station #18, located at 11941 SE 55<sup>th</sup> Avenue Rd., Belleview, approximately three (3) miles southeast of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The nearest Sherriff substation is the South Multi-District Office located approximately one (1) mile north of the subject property at 3260 SE 80<sup>th</sup> St., Ocala. 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. Local school zones include Belleview-Santos Elementary (95%), Belleview Middle (108%), and Belleview High (115%) with corresponding capacity figures from 60<sup>th</sup> day of the '24- '25 school year. While there are areas of localized overcrowding within the county, overall, Marion County Public Schools (MCPS) currently has sufficient district-wide capacity; further, MCPS is examining school capacities and is currently undertaking the construction of new public schools. Additionally, this application is for commercial use only. Therefore, the application's public-school impacts **would not adversely affect the public interest.**

When weighing the totality of the development impacts, the **public interest will not be adversely affected.**

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

1. FLUE Policy 2.1.24: Commerce District (CD), "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, pollutions, and other nuisance issues. A maximum Floor Area Ratio of 2.0 is allowed, as further defined by the LDC. This land use designation is an urban land use designation.

Analysis: The subject parcel is bordered by heavy commercial and industrial, a CSZ railroad, and S US Hwy 441 as well as being located within the UGB. Given the location and surrounding land uses matching this parcel's CD land use, the rezoning to B-5 would match the land use and uses of land within the area. Therefore, the proposed rezoning is **consistent** with FLUE Policy 2.1.24

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

**Analysis:** This rezoning looks to revert back to its original B-5 zoning (Attachment E) in order to develop in an area with similar uses that has the

infrastructure needed including a state roadway and central water & sewer services. The rezoning requested is predictable, fair, and cost effective in that it's taking place in an urban area with central services that shares a higher intensity commercial land use. The proposed rezoning would be **consistent** with FLUE Policy 3.1.2.

3. FLUE Policy 4.1.2: Conflicts between Comprehensive Plan, Zoning, and LDC, "The Comprehensive Plan shall be the governing document. In the event of conflict between the Comprehensive Plan, Zoning, and LDC, the more stringent regulation shall apply, unless the County has developed a process to allow a variance or waiver of the regulation where a conflict in regulations occurs in accordance with the Comprehensive Plan, Zoning, of LDC."

**Analysis:** The PUD zoning classification on this property never developed and has since expired. To change the zoning back, this application is required. The intent is to change the zoning back to its initial zoning classification that is similar to the surrounding properties to the north and south that is also compatible with the CD land use. To avoid conflict, the B-5 zoning classification being sought is best suited with the existing CD land use. The proposed rezoning is **consistent** with FLUE Policy 4.1.2.

4. FLUE Policy 5.1.3 on Planning and Zoning Commission provides, "The County shall enable applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County's Local Planning Agency. The advisory board's purpose is to make recommendations on CPA, ZC, and SUP requests to the County Commissioners. The County shall implement and maintain standards to allow for a mix of representatives from the community and set standards for the operation and procedures for this advisory board.

**Analysis:** The proposed zoning change is scheduled for the August 25, 2025, Planning and Zoning Commission, and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

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 being processed **consistent** with FLUE Policy 5.1.4.

Based on the totality of 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, amend the findings and conclusions contained herein so as to support a recommendation for the denial of the Ordinance, and make a recommendation to adopt a proposed Ordinance 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 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;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
  - 1. FLUE Policies: 2.1.24, 3.1.2, 4.1.2, 5.1.3, 5.1.4
- C. Is compatible with the surrounding uses because the proposed rezoning would allow similar development to that of the surrounding area by granting a similar zoning classification.

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

Approval (on consent).

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

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Rezoning application.
- B. Site and Area Photographs.
- C. DRC Comments.
- D. Will-Serve Letter from City of Bellevue
- E. Historical Information.
- F. Surrounding Property Owners Notification.