



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

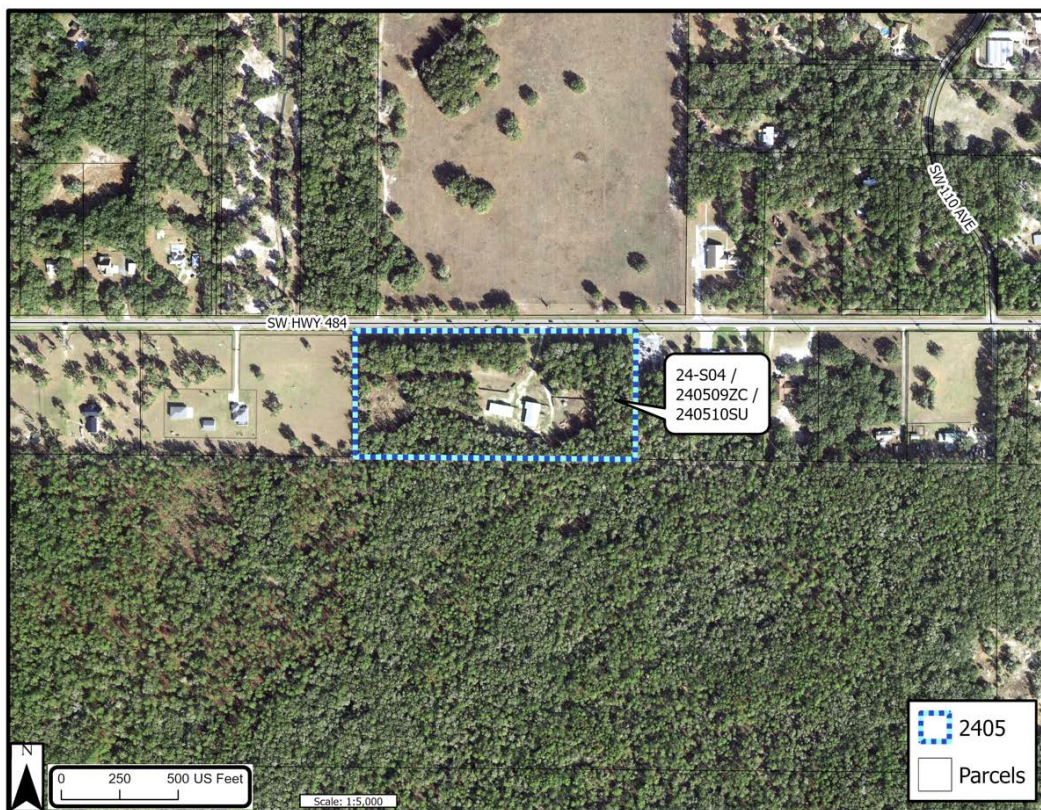
<b>P&amp;ZC Date: 04/29/2024</b>	<b>BCC Date: 05/21/2024</b>
<b>Case Number</b>	24509ZC
<b>CDP-AR</b>	31244
<b>Type of Case</b>	<b>Rezoning</b> from General Agriculture (A-1) to Neighborhood Business (B-1) for the intended use of boat, RV, and trailer storage with concurrent special use permit
<b>Owner</b>	1415 Brothers Holdings, LLC.
<b>Applicant/Agent(s)</b>	Tillman & Associates Engineering, LLC.
<b>Street Address / Site Location</b>	11374 SW Hwy 484, Dunnellon, FL 34432
<b>Parcel Number</b>	35300-215-02
<b>Property Size</b>	±15 acres
<b>Future Land Use</b>	Commercial (COM)
<b>Zoning Classification</b>	General Agriculture (A-1)
<b>Overlay Zone/Scenic Area</b>	Silver Springs - Secondary Protection Overlay Zone (SSPOZ)
<b>Staff Recommendation</b>	<b>DENIAL</b>
<b>P&amp;ZC Recommendation</b>	<b>TBD</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner II
<b>Historic/Related Case(s)</b>	Concurrent Cases: 24-S04 Small Scale Map Amendment from Rural Land (RL) to Commercial (COM) and 240510SU for outside storage of boats, recreational vehicles, and trailers.

## I. ITEM SUMMARY

Tillman & Associates Engineering, LLC., on behalf of 1415 Brothers Holdings LLC., has filed an application to rezone a 15-acre property on the south side of SW Hwy 484 from General Agriculture (A-1) to Neighborhood Business (B-1) (see Attachment A), pursuant to the provisions of Land Development Code (LDC) Division 2.7 – Zoning and LDC Section 4.2.17.

Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is in the Silver Springs - Secondary Protection Overlay Zone (SPOZ). B-1 zoning allows storage/mini-warehouses by right, but due to the proposed outside storage of vehicles, boats, and RV's, a companion special use permit would need to be approved for this type of use.

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** of the applicant's request because it is not consistent with LDC Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, that the rezoning is consistent with the Marion County Comprehensive Plan (MCCP), and that the rezoning is compatible with land uses in the surrounding area. The proposed rezoning will adversely affect the public interest based on the increased intensity of use, its inconsistency with the Comprehensive Plan, and incompatibility with the surrounding uses.

## III. NOTICE OF PUBLIC HEARING

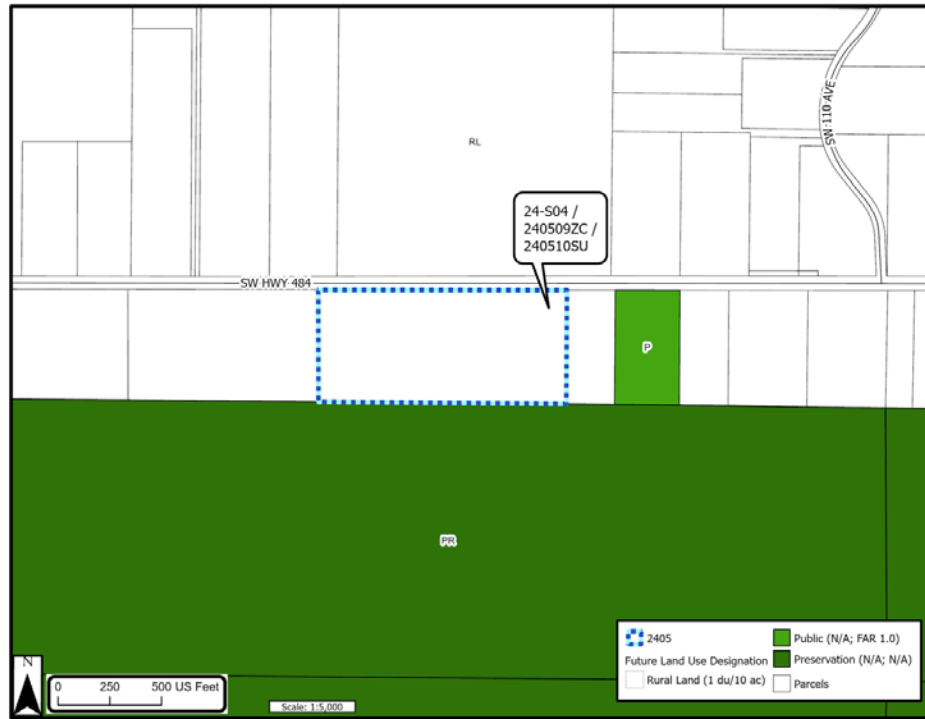
Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (8 owners) within 300 feet of the subject property on April 12, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property the week of April 2, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on April 15, 2024. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

## IV. ANALYSIS

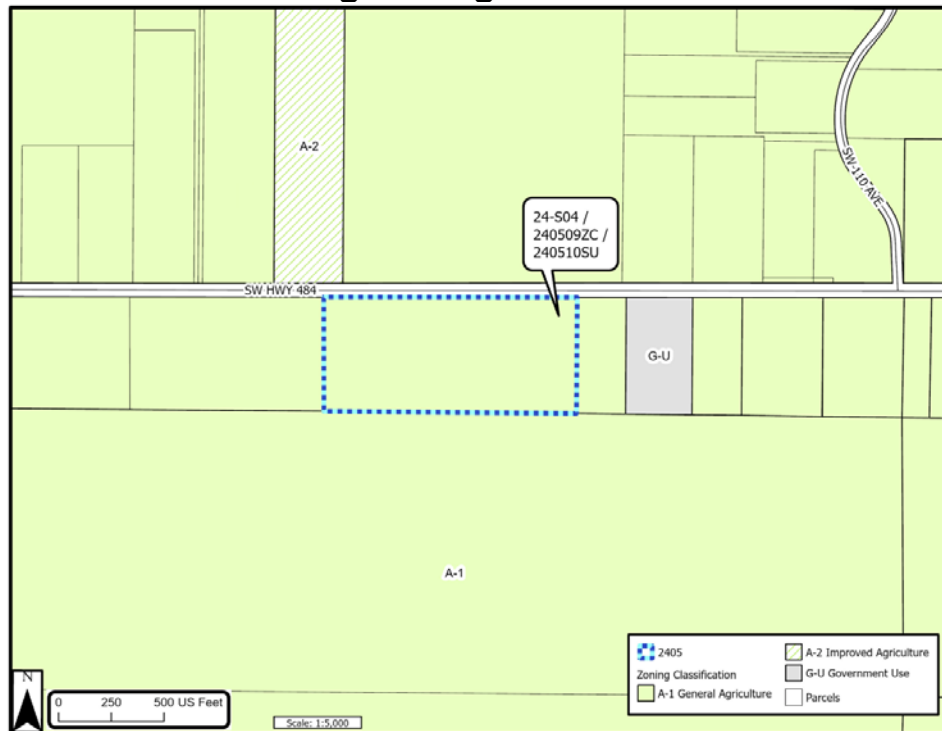
LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and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

- A. *Compatibility with surrounding uses.* Compatibility is defined as a condition in which land uses, or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is an aerial photograph displaying existing and surrounding site conditions. Figure 2 displays the site and surrounding areas' future land use designations as shown in Map 1 of the Comprehensive Plan Future Land Use Map Series (FLUMS). Figures 3 and 4 display the existing and surrounding properties' existing zoning classifications and the site's proposed zoning classification. Figure 5 shows the uses of the subject property and surrounding properties as classified by the Marion County Property Appraiser. Table A displays the information from Figures 2, 3, and 5 in tabular form.

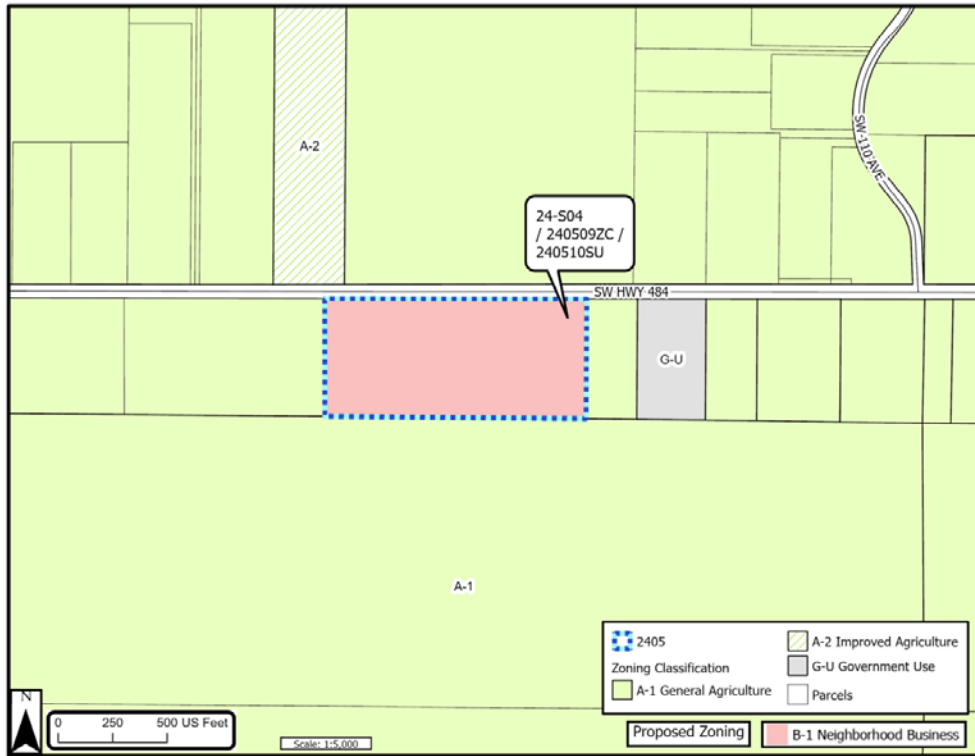
### Figure 2 FLUMS Designation



### Figure 3 Existing Zoning Classification



### Figure 4 Proposed Zoning Classification



### Figure 5 Existing and Surrounding Land Uses

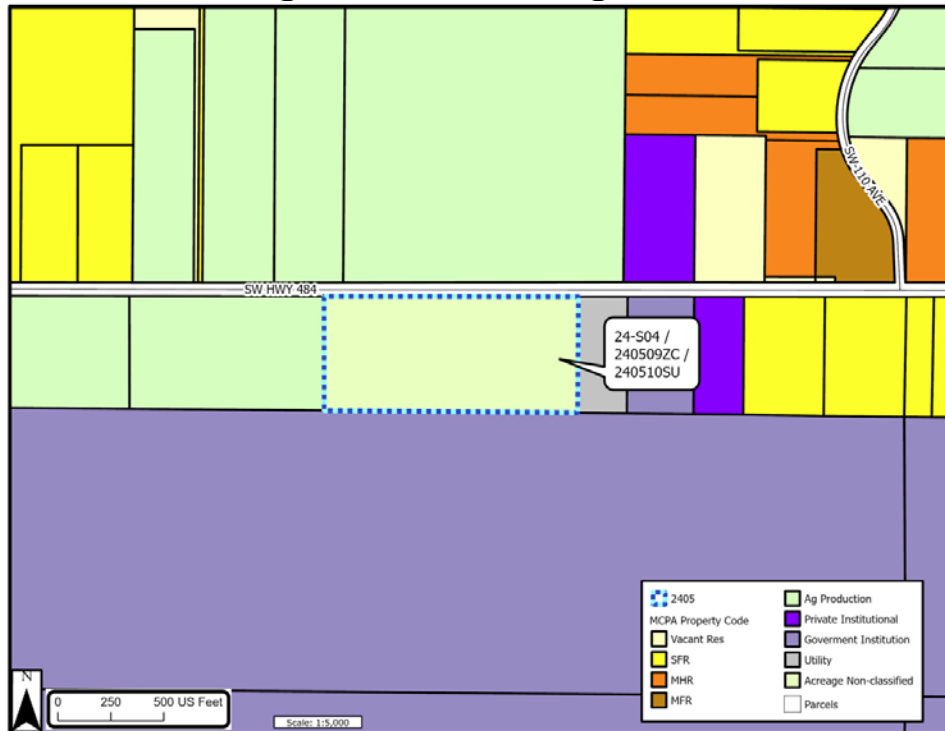


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Rural Land (RL)	General Agriculture (A-1)	Acreage Non Classified
North	Rural Land (RL)	General Agriculture (A-1) Improved Agriculture (A-2)	Grazing Land
South	Preservation (PR)	General Agriculture (A-1)	State Property
East	Rural Land (RL)	General Agriculture (A-1)	Utilities
West	Rural Land (RL)	General Agriculture (A-1)	Grazing Land

- A. Consistent with LDC Section 2.7.3.D, staff conducted a site visit (Attachment B) and found the subject property and surrounding area appeared rural in nature with few structures and a large number of trees and open pasture area. The driveway on to the property appears to be some sort of stone or lime rock, it is not paved, and shows degradation at the transition from road to property as well as some drop-offs that risk breaking at the edges of the road with heavy traffic. SW Hwy 484, at the time of the visit, was busy with long lines of vehicles offering little space to enter the road safely, an issue that has been brought up by Traffic in their DRC comments (Attachment C). The site is guarded from view by mature tree growth and a fence around the property, but what can be seen are the structures shown in the site photos and largely unimproved open areas similar in nature to those surrounding the subject site.

Based on the above findings, staff concludes the proposed rezoning is **not compatible** with the existing and future surrounding land uses.

- B. *Will adversely affect the public interest.*
1. Transportation impacts. These include roadways, public transit, and other mobility features.
    - a. Roadways. Access to the subject site is provided by SW Hwy 484, a County maintained two-lane arterial roadway. Traffic recommended denial and stated concerns with developing this parcel to be commercial in nature and the fact that this could significantly increase the amount of traffic generated in the rural setting its in. As mentioned previously, the site visit to the property provided first-hand experience with the road and type of traffic that can be expected; there were very long stretches where the line of traffic did not provide enough space to safely enter the roadway in a standard SUV from the property. The Ocala Marion CMP Database provides an adopted Level of Service (LOS) standard of 29,340 trips per day on this road with current counts at 12,000 trips per day; meaning the road is currently operating at 41% LOS.
    - b. Public transit. The nearest SunTran fixed route service available is located approximately nine (9) miles to the northeast at the Ocala VA Clinic.

- c. **Other mobility features.** There are no existing mobility features in the area.

Based on the above findings, it is concluded the application's proposed **transportation impacts, would adversely affect public interest.** If the zoning change is approved.

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 15 acres, the proposed rezoning would result in an overall generation of 41,250 gallons per day. DRC comments provided by Marion County Utilities state there are no central water services in the area. With no services in the area, it is concluded the application's **potable water impacts would not adversely affect the public interest.**
3. **Sanitary sewer impacts.** Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of 110 gallons per person per day for residential demand and approximately 2,000 gallons per acre per day for commercial and industrial demand. Based on the 15 acres, the proposed rezoning would result in an overall generation of 30,000 gallons per day. The DRC comments from Utilities note sanitary sewer is not available at this time. Thus, it is concluded the application's **sanitary sewer impacts would not adversely affect the public interest.**
4. **Solid waste impacts.** Solid Waste Element Policy 1.1.1 adopts a LOS standard of 6.2 pounds of solid waste generation per person per day. The SWE does not establish a LOS standard for solid waste generation for non-residential uses. The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County. Based on the above, it is concluded the application's **solid waste impacts would not adversely affect the public interest.**
5. **Fire rescue/emergency services.** Ray Lloyd Jr. Fire Station #31, located at 11240 SW HWY 484, is roughly 240' east of the subject property. Formally, there is no established LOS provided for emergency services, however, the site is centrally located in relation to surrounding services. It is concluded the application's **fire rescue/emergency impacts would not adversely affect the public interest.**
6. **Law enforcement.** The Sheriff's Southwest District Office SR 200, located at 9048 SW State Rd. 200, Ocala FL, 34481, is roughly 2.7 miles northeast of the subject property. Due to the proximity of the facility, it is concluded the application's **law enforcement impacts would not adversely affect the public interest.**

7. Public schools. As a non-residential use, the rezoning is not expected to affect schools within the area. It is concluded that the proposed rezoning's impact to **public schools would not adversely affect the public interest.**

In conclusion, staff finds **the public facility impacts will not adversely affect the public interest** as proposed and recommended.

C. *Comprehensive Plan consistency.*

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

**Analysis:** Staff finds the property is located in a rural area comprised of Agriculture and Preservation type uses. The proposed commercial use is incompatible with the surrounding uses and offers no buffering or gradual increase in density or intensity; this request jumps from Agriculture to Commercial and, with subsequent special use permit, looks to ask for even more intensity of use than that permitted by the B-1 zoning requested. As recommended, staff concludes the proposed amendment **is not consistent** with FLUE Policy 1.1.6

2. FLUE Policy 1.1.7: Discourage Strip Commercial and Isolated Development. 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 subject site is not located at a commercial intersection, commercial node, or mixed use center. The closest property with Commercial land use and zoning is roughly a mile to the east and is currently vacant. The appropriate land use and zoning are available in nearby areas, to create more commercial parcels while there are existing properties with the desired zoning and land use that are vacant encourages poor planning in direct conflict of basic planning principles. Staff concludes the proposed amendment **is not consistent** with FLUE Policy 1.1.7.

3. 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:** The intended rezoning proposes changing a General Agriculture (A-1) property to Neighborhood Business (B-1) for commercial use which does not look to protect this rural area from premature urbanization. As previously stated, this parcel is not located in the UGB or a PSA and the desired use is incompatible with surrounding agricultural uses in the area.

4. FLUE Policy 3.1.4. Rural Area Outside the UGB: 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:** Staff finds the proposed rezoning does not protect the existing rural and equestrian character and instead looks to introduce a commercial use that is not agricultural or supporting of agricultural uses. The proposed use does not encourage future opportunities for growth that are appropriate for the area and does not acknowledge that a portion of Marion County's population intentionally lives in a rural setting to avoid the very type of development being proposed. Based on the above, it is concluded that the application **is not consistent** with FLUE Policy 2.1.22.

5. FLUE Policy 5.1.2: review Criteria – Changes to Comprehensive Plan and Zoning. Before approval of a Comprehensive Plan Amendment (CPA), Zoning Changes (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:
  - I. Market demand and necessity for the change
  - II. Availability and potential need for improvements to public or private facilities and services;
  - III. Allocation and distribution of land uses and the creation of mixed use areas;
  - IV. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
  - V. Agricultural activities and rural character of the area;
  - VI. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
  - VII. Consistency with the UGB;

- VIII. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
- IX. Compatibility with current uses and land uses in the surrounding area;
- X. Water supply and alternative water supply needs; and
- XI. Concurrency requirements.

**Analysis:** Staff was not provided any supporting documentation stating there is a need for this type of zoning in the area. The infrastructure is not present to support commercial uses on the property as this is not located in the appropriate area (UGB) and subsequently, would encourage sprawl if approved. The rezoning does not match the rural nature of the area in any way and is an example of inconsistency with the planning principles and regulations in this Comprehensive Plan, Zoning, and the LDC. Staff finds the rezoning **is not consistent** with FLUE Policy 5.1.2.

- 6. 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 April 29, 2024 Planning and Zoning Commission and, therefore, the application **is consistent** with this FLUE Policy 5.1.3.

- 7. 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.

- 8. 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:** DRC comments provided by Traffic state the following, “Recommend Denial - A Traffic Impact Analysis submitted with a Comprehensive Plan Amendment is required to compare the potential traffic generated from the existing land use to the maximum potential traffic generated by the proposed land use.... A commercial land use has the potential to significantly increase the amount of traffic generated by this site in this rural area.” Based on the above findings, the application is **not consistent** with TE Policy 2.1.4.

9. 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 site is not within the Marion County Utilities Service Area, and no information on sanitary sewer services was provided. However, the property card indicates a well and septic on the property. A change from A-1 to B-1 allows a much greater density and intensity which has the potential to trigger sewer expansion requirements from urban areas to the rural area at the expense of the property owner. By meeting Utilities requirements for development (including expansion), it is concluded the application is **consistent** with SSE Policy 1.1.3.

10. 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:** Again, the only mention of water comes from the property card which lists a well on-site. Whether this well could support commercial use is unknown. Level of Service could be greatly impacted by a change in intensity from A-1 to B-1; extension of services to this property may be a requirement for development and would be the financial responsibility of the property owner. Provided the services required by Utilities are met, including line expansion from urban areas to this rural area, it is concluded the current application is **consistent** with PWE Policy 1.6.4

12. 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:** At the time of development order approval, the owner will need to demonstrate post-development stormwater runoff can be accommodated by the proposed stormwater facility, which facility could potentially include reducing the form, intensity, and/or density of the proposed development (e.g., units, building SF, impervious square feet). Based on the above, it is concluded the application **consistent** with SE Policy 1.1.4.

In conclusion, based upon the totality of the circumstances, staff concludes the rezoning application is consistent with some elements the Comprehensive Plan, but of the elements analyzed for compatibility, the rezoning application is **not consistent**.

## 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 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.

## VI. 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 Planning & Zoning Commission to **DENY** the proposed rezoning because the application:

- A. **Will adversely** affect the public interest based upon impacts to the surrounding area;
- B. **Is not consistent** with the following Comprehensive Plan provisions
  1. FLUE Policy 1.1.6, 1.1.7, 1.2.1, 2.1.22, 5.1.2
  2. TE Policy 2.1.4, and Objective 2.2,
  3. SSE 1.2.1
  4. PWE 1.6.4
- C. **Is not compatible** with the surrounding uses because this application proposes to introduce a Commercial use into the Rural area outside of the UGB.

## VII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined.

## VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Rezoning Application filed
- B. Site Photos.
- C. DRC Staff Comments Letter.