



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 3/25/2024, at 5:30 PM	BCC Date: 4/17/2024, at 1:00 PM
Case Number	24-S01
CDP-AR	31102
Type of Case	Future Land Use Map Series (FLUMS) amendment Public (P) to Commercial (COM)
Owner	Richard Bernasol
Applicant	Aldana Contracting, LLC
Street Address	None Assigned
Parcel Number	41489-000-00
Property Size	± 5.39 acres
Future Land Use	Public (P)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SSPZ)
Staff Recommendation	DENIAL
P&ZC Recommendation	Approval, 6:0
Project Planner	Eryn Mertens, Planner II
Related Case(s)	240410ZC

This report has been updated for the second hearing before the BCC.

I. ITEM SUMMARY

Travis Aldana, of Aldana Contracting, LLC, acting as agent for the property owner Richard Bernasol, has filed a Small-Scale Future Land Use Map Series (FLUMS) amendment application to change the land use designation of a ±5.39-acre site located on SW Hwy, about ½ mile west of S HWY 475. The applicant seeks to change the Future Land Use designation from Public (P), which is the existing land use from when the property was owned by the State of Florida, to Commercial (COM) land use, which allows for 0-8 dwelling units per acre or a FAR of 1.0 and can accommodate single-family, multi-family, and commercial uses contingent on the zoning (see Attachment A).

The subject property was part of a takings in 2005 when the State of Florida took the property for the widening of HWY 484. The parcel was never utilized for the project, and the State of Florida subsequently sold the property to Richard Bernasol in May of 2019. The property was originally Rural Land when the State of Florida took ownership of the property in the taking, and the land use was administratively changed to Public in 2013. When it was sold in 2019, it had an A-1 zoning, and had kept its rural character, and had remained undeveloped. The only zoning classification which is consistent with a Public future land use designation is Government Use (G-U). Once the State of Florida sold the property and it would no longer be used for the widening of 484, or any other Government Use, the property should have been returned to its original Rural Land future land use designation to bring it back into consistency with its still current General Agriculture (A-1) zoning.

Figure 1, below, is an aerial photograph showing the general location of the subject property. The subject property is located approximately 2 miles outside the Urban Growth Boundary (UGB), and within the Secondary Spring's Protection Overlay Zone (SSPZ).

II. STAFF SUMMARY RECOMMENDATION

Staff is recommending the **DENIAL** of the Small-Scale Future Land Use Map Series (FLUMS) amendment because it is inconsistent with Land Development Code Section 2.3.3.B, which requires amendments comply and be consistent with the Marion County Comprehensive Plan as well as the provisions of Chapter 163, Florida Statutes.

Figure 1
General Location Map



III. NOTICE OF PUBLIC HEARING

Notice of public hearing was originally mailed to 6 property owners within 300 feet of the subject property on March 8, 2024. A public hearing notice sign was also posted on the property on March 5, 2024, advertising the first hearing to occur before the Planning and Zoning Commission on March 25, 2014, at 5:30 PM, and the second hearing to occur on April 17, 2024, at 2:00 PM.

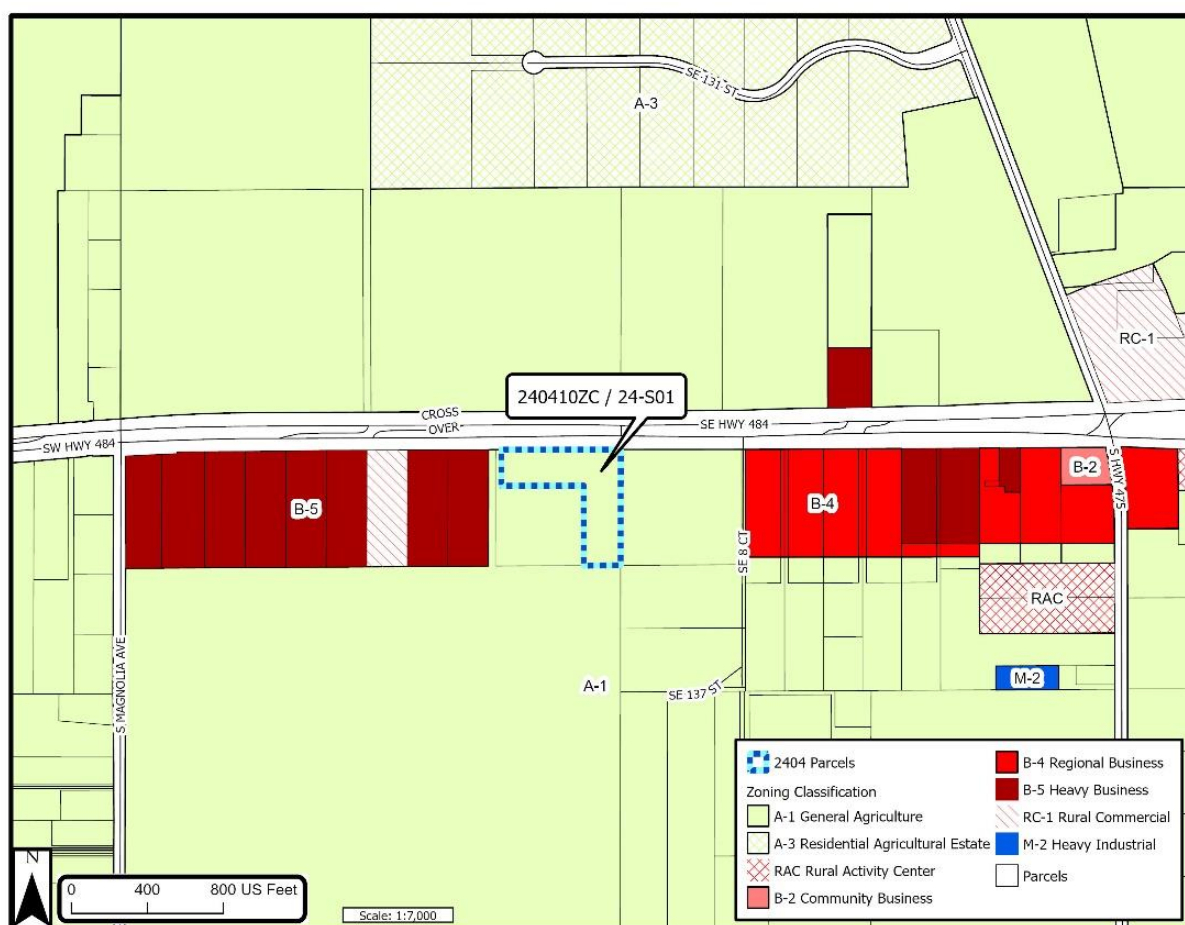
The time was changed administratively for the second hearing on April 17, rescheduling the hearing to 1:00 PM for this item to be considered by the Board of County Commissioners. Notice of the updated hearing time was mailed to 6 property owners within 300 feet of the subject property on March 19, 2024. A correction was added to the public hearing notice sign on March 27, 2024, correcting the scheduled time of the second public hearing to reflect the updated time of 1:00 PM on April 17, 2024, for the second public hearing. A public hearing notice for the Planning & Zoning Commission hearing was published in the Star Banner on March 11, 2024, and a correction will be published in the Star Banner on April 2, 2024, to provide adequate notice of the updated time of the second hearing.

As of the date of the initial distribution of this Staff Report, no correspondence in support of or in opposition to the amendment has been received. Evidence of the public hearing notices are on file with the Growth Services Department and are incorporated herein by reference.

BACKGROUND/PROPERTY HISTORY

- A. *ZDM history.* Figure 2 shows the subject property is classified General Agriculture (A-1). This is its initial zoning classification.

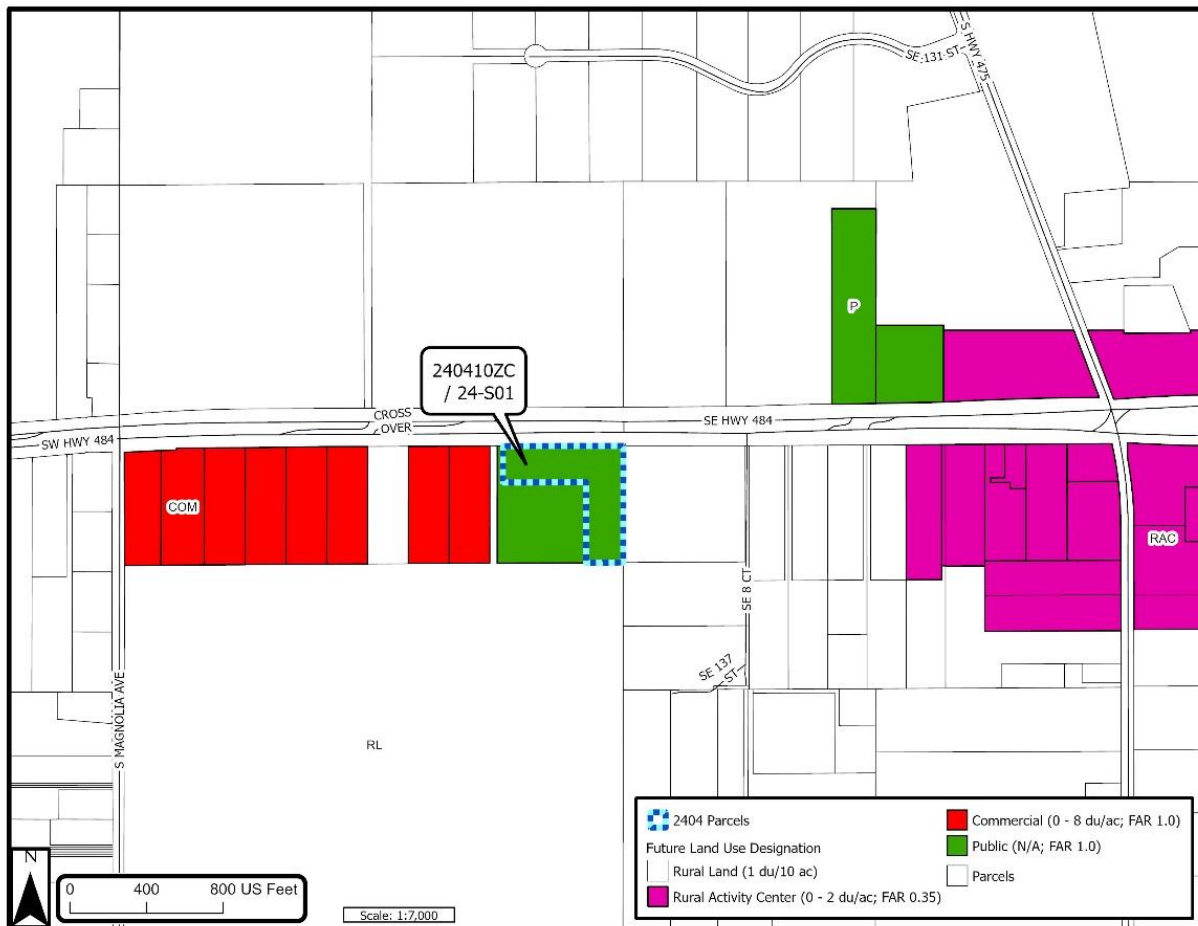
Figure 2
Zoning District Map



- B. *FLUMS history.* Figure 3 displays the FLUMS designation of the subject property along with that of the surrounding properties. The subject property currently carries a Public (P) land use, which, according to the Marion County Comprehensive Plan, Policy 2.1.15, “[Is] intended to recognize publicly owned properties for the use of the general public or portions of the community infrastructure and services, which includes items such as parks, government buildings, water treatment plants, public safety facilities, schools, etc. with a maximum Floor Area Ratio is 1.0, as further defined in the Land Development Code (LDC). This land use designation is

allowed in the Urban and Rural Area.” The property was designated as Rural Land before the 2013 Comprehensive Plan update.

Figure 3
Future Land Use Map Series designation



IV. CHARACTER OF THE AREA

A. Existing site characteristics.

Figure 4, below, is an aerial photograph showing the subject property and surrounding area. The subject property is metes & bounds, and not located within a subdivision. Parcels to the north (across SW Hwy 484) and east are Rural Land, and to the west are Public Land Use, with some strip commercial mixed with Rural Land Use. The zoning to the north is A-1, while the zonings to the east and west are a mixture of A-1 and commercial zonings with a Rural Activity Center (RAC) to the east, about 1,500' away. To the south is Rural Land with a zoning of A-1.

The parcel has roughly 625' of frontage on 484 and a depth of approximately 185' for the main area with frontage. For the eastern 188' of frontage along SW Hwy

484 the property has almost 600' of depth in the "L" parcel. The parcel is currently undeveloped and full of mature trees.

Figure 4
Aerial Photograph



B. Adjacent and surrounding land uses.

Figure 5 is a map based on the Marion County Property Appraisers data showing the existing, adjacent, and surrounding land uses. The subject property is, again, Public use with A-1 zoning. According to the Marion County Property Appraiser, the property is listed as vacant residential. To the west is a DRA and various commercial properties. The agricultural properties to the north, east, and south are adjacent. There is a RAC to the east at Hwy 475 and Hwy 484. The RAC to the east is Monroe's Corner RAC is intended to be the commercial node to serve the day to day needs within the rural areas of Marion County. This RAC is 49.59 acres in size and allows for 0.35 FAR, which is a total of 756,049 gross square feet (GSF) of commercial use at the RAC. Currently, about 43,000 GSF of commercial uses are all on the SW corner of the RAC.

Figure 5
Existing and Surrounding Land Uses

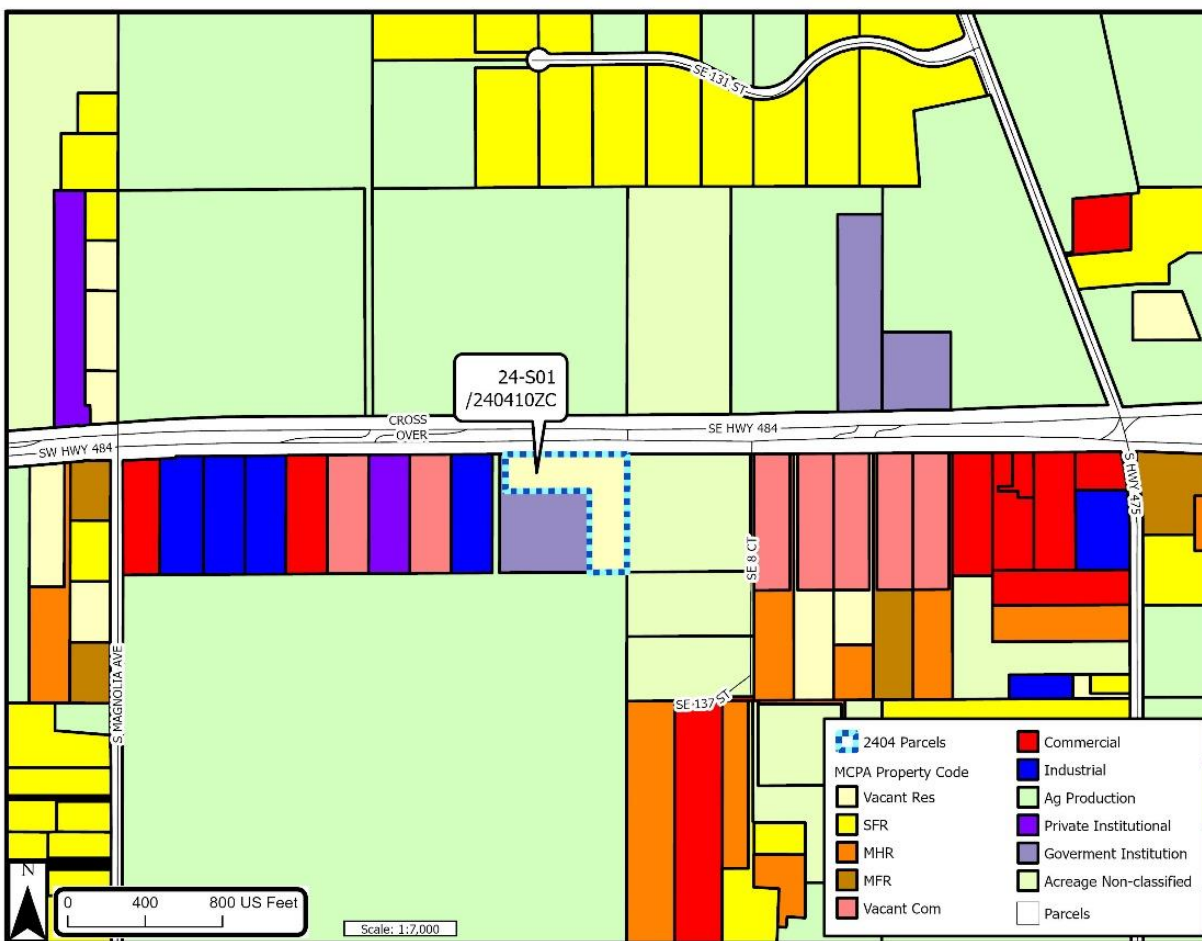


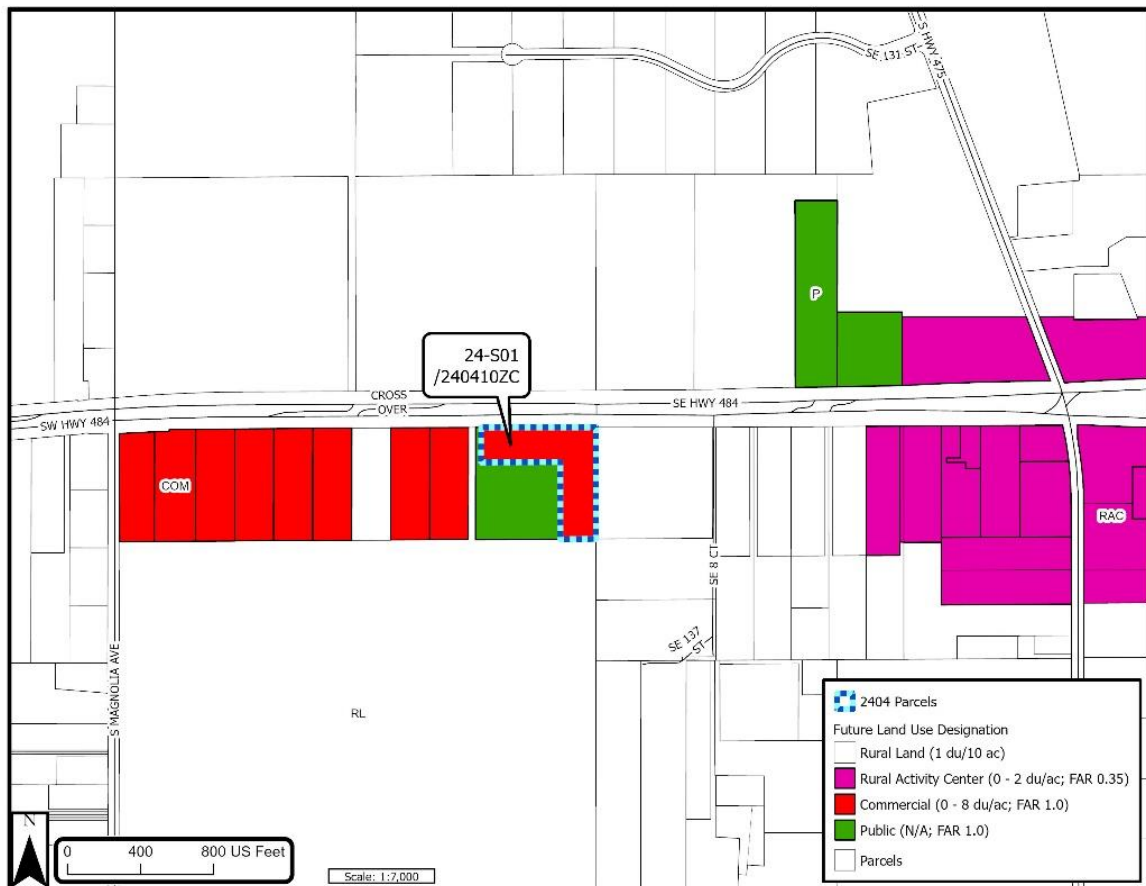
Table 1, below, displays the FLUMS, Zoning Classification, and existing uses on the subject site and surrounding uses.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Marion County Property Appraiser Existing Use
Subject Property	Public (P)	General Agriculture (A-1)	Vacant Residential
North	Rural Land (RL)	General Agriculture (A-1)	Grazing Land
South	Rural Land (RL)	General Agriculture (A-1)	Agricultural and DRA
East	Rural Land (RL)	General Agriculture (A-1)	Acreage Non-classified
West	Public (P)	General Agriculture (A-1)	DRA and Agricultural

C. Project request.

Figure 6 depicts the FLUMS amendment proposed by this application. Approving the application would change the Public land use designation to the Commercial land use designation (up to 8 du/ac), allowing the 5.39-acre lot to develop at a density of up to 43 dwelling units, or a FAR of 1.0 (234,788 GSF).

Figure 6
Proposed FLUMS Designation



V. ANALYSIS

LDC Section 2.3.3.B requires a Comprehensive Plan Amendment Application to be reviewed for compliance and consistency with the Marion County Comprehensive Plan and Chapter 163, Florida Statutes. Staff's analysis of compliance and consistency with these two decision criteria are addressed below.

A. Consistency with the Marion County Comprehensive Plan

1. Future Land Use Element (FLUE).

- a. FLUE Policy 1.1.5 on Higher Density/Intensity Uses provides, "The County shall require higher densities and intensities of

development to be located within the Urban Growth Boundaries and Planned Service Areas, where public or private facilities and services are required to be available.”

Analysis: The subject site requesting a higher density and intensity land use is neither in the Urban Growth Boundary, nor a Planned Service Area. The request does not meet the requirements set in place by this policy and is **not consistent** with FLUE Policy 1.1.5.

- b. FLUE Policy 1.1.7 on Discouraging Strip Commercial and Isolated Development 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 land use change proposed is not located at a commercial intersection, within a commercial node, or in a mixed-use area. This use would be skipping a couple parcels and extending an existing strip of commercial that is within a half mile of a RAC. Approving this change in land use would constitute isolated strip commercial development in a rural area. This application is **not consistent** with FLUE Policy 1.1.7.

- c. FLUE Policy 2.1.1 on Supply and Allocation of Land provides, “The County shall designate future land uses on the Future Land Use Map to accommodate needs identified within the Comprehensive Plan supporting document (i.e., Data, Inventory & Analysis) and allow for a sufficient allocation of land and land uses to allow for development based on market potential.”

Analysis: The proposed land use amendment is asking to convert Public land that was initially Rural Land to 5.39 acres of Commercial use in a rural area of the county along a major east/west arterial road. This area is within a half mile of a RAC that is 0.06% developed with 43,000 GSF of the 756,049 GSF commercial use allowed. Additionally, there are two 3-acre commercial properties that are vacant to the west of the subject property. The applicant has not submitted a market study showing why this area needs more commercial use. Simply owning property does not demonstrate a need to convert that property to commercial use. Especially outside of the Urban Growth Boundary and in the rural areas of Marion County. This application is **not consistent** with FLUE Policy 2.1.1.

- d. FLUE Policy 2.1.7 on Conversion of Rural Lands Provides, “Applications for conversion of agricultural properties designated as Rural Land on the Future Land Use Map to a mixed use, industrial, commercial or residential future land use category shall demonstrate the following:

The amendment will not result in urban sprawl as defined in Chapter 163, Part II, Florida Statutes;

1. Availability of public infrastructure, including public water and sewer and transportation facilities to serve a more dense or intense use is available at the time of application; or will be available at concurrently with development.

2. The relationship of the proposed amendment site to the UGB boundary and other more densely or intensely designated or developed lands.

The Board of County Commissioners may require that such conversion is conducted through the Transfer of Development Rights program.”

Analysis: Development Review Committee (DRC) comments (Attachment C) provided by Marion County Utilities (MCU) explain that while the property is in MCU service area, there are no water or sewer mains within immediate availability. This area has no sidewalks, and there is no transit in this area. The UGB is approximately 2.11 miles east of this property and is not a designated PSA. This application does not meet any of the abovementioned requirements and is, by definition, sprawl. The application is **not consistent** with FLUE Policy 2.1.7.

- e. FLUE Policy 2.1.22 on Commercial (COM) provides, “This land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).”

Analysis: This application requests a land use intended for urban areas in which this parcel is not located. The subject property is located outside of the UGB and almost perfectly placed midway between the UGB area south of the City of Belleview and the Marion Oaks/I-75 urban area. This site is **not consistent** with FLUE Policy 2.1.22 or the intent of Commercial land use.

- f. FLUE Policy 3.1.1, regarding the Establishment of UGB, before listing the establishment and maintenance standards for the UGB, the Comprehensive Plan states, “The County FLUM Series, Map #1, Marion County 2045 Future Land Use Map, *designates an UGB that reinforces the preferred land use patterns of Marion County through policies that are*

designed to effectively discourage the proliferation of urban sprawl (emphasis added)."

Analysis: The proposed amendment seeks to encourage the proliferation of urban sprawl, which is exactly opposite to the intent of the creation of the Urban Growth Boundary. As of today, there is a total of 87,699 acres total inside the Urban Growth Boundary. Out of those 87,699 total acres, 45,064 acres remain undeveloped land inside the Urban Growth Boundary. Of those 45,064 total undeveloped acres inside the UGB, 1,500.91 has commercial land use and are vacant. Our Comprehensive Plan is projecting a minimum 20 years for that land inside the UGB to fully develop. Considering above, this site is **not consistent** with FLUE Policy 3.1.1.

- g. FLUE Policy 3.1.4 on Rural Areas 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." (emphasis added)

Analysis: The application provided looks to change this rural area located outside the UGB to Commercial for development. The current zoning and land use of the property are appropriate given the surrounding area and the nearby rural nature of properties. If any change is made, it should be amended to return to its original future land use designation (Rural Land), since the State did not end up using the parcel for public use (widening of CR 484). The request being made with this application meets none of the five criteria above, and is **not consistent** with FLUE Policy 3.1.4.

- h. FLUE Policy 5.1.2 on Review Criteria – Changes to the Comprehensive Plan and Zoning Provides, “[b]efore approval of a Comprehensive Plan Amendment (CPA), Zoning Change (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is suitable. The County shall review, and make a determination 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:
1. Market demand and necessity for the change;
 2. Availability and potential need for improvements to public or private facilities and services;
 3. Allocation and distribution of land uses and the creation of mixed-use areas;
 4. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
 5. Agricultural activities and rural character of the area;
 6. [sic]
 7. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
 8. Consistency with the UGB;
 9. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
 10. Compatibility with current uses and land uses in the surrounding area;
 11. Water Supply and Alternative Water Supply needs; and
 12. Concurrency requirements.”

Analysis: The application does not have a market study to support the need for additional commercial in this area. The area is surrounded by rural lands consisting of agricultural and very large lot residential uses. The need for more commercial use is not apparent.

There are currently no central services or transportation services within the area. The property is located outside the UGB, is incompatible with surrounding uses as shown in all previous Comprehensive Plan policies listed, and as defined in the statutes and also referenced in the Comprehensive Plan, constitutes sprawl,

and further proliferation of strip commercial along this arterial highway. The application is **not consistent** with FLUE Policy 5.1.2.

- i. FLUE Policy 5.1.3 on the Planning & Zoning Commission (P&Z) 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: This application is scheduled to appear in front of the Planning & Zoning Commission on March 25, 2024. This application is **consistent** with FLUE Policy 5.1.3.

- j. FLUE Policy 5.1.4 on Notice of Hearing provides, “[t]he 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.

2. Transportation Element (TE).

- a. TE Policy 2.1.4 on Determination of Impact provides in part, “[a]ll proposed development shall be evaluated to determine impacts to adopted LOS standards.”

Analysis: DRC comments provided by the Traffic division (ENGTRF) within the Office of the County Engineer (OCE) state the following, “*Recommend denial. B-5 zoning allows for any type of commercial development including very high traffic generating uses like a shopping center. No detailed traffic information has been provided even though it is now required with any re-zoning, so a detailed analysis can't be provided. However, the change from A-1 zoning to B-5 zoning will significantly increase the traffic generating potential from this site. This site is also located along CR 484 which is a high-speed arterial roadway and will require another commercial driveway to be placed in close proximity to other driveways and nearby approved commercial properties. There is also no proposal for mixed use or cross access which would help reduce the use of the arterial roadway. So, local traffic between this and neighboring developments will have to use CR 484, increasing the impacts to this high-speed arterial roadway.*” Based on the above findings, the application is **not consistent** with TE Policy 2.1.4.

- b. TE Objective 3.1 on Financial Feasibility of Development is, “[t]o encourage development within the Urban Growth

Boundary where infrastructure can be provided in a financially feasible manner.”

Analysis: The subject property is not located inside the UGB and, if approved, would not encourage development where infrastructure can be provided in a financially feasible manner. Based on the above, the application is **not consistent** with TE Objective 3.1.

3. Sanitary Sewer Element (SSE).

- a. SSE Policy 1.1.1 provides in relevant part, “The 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 is adopted as the basis for future facility design, determination of facility capacity, and documentation of demand created by new development. This LOS shall be applicable to central sewer facilities and to package treatment plants but shall not apply to individual OSTDS.”

Analysis: The proposed land use amendment, if approved and developed to the maximum intensity could produce 10,780 gallons of Sanitary Sewer. While centralized utilities are not immediately available, intense development would require line extensions and those extensions would be extended through the rural area.

4. Potable Water Element (PWE).

- a. PWE Policy 1.1.1 provides in part, “[t]he LOS standard of 150 gallons per person per day (average daily consumption) is adopted as the basis for future facility design, determination of available facility capacity, and determination of demand created by new development with regard to domestic flow requirements, and the non-residential LOS standard shall be 2,750 gallons per acre per day.”

Analysis: Staff finds that based on the proposed non-residential change in land use, this application has the potential to increase demand to 14,823 gallons per day. While centralized utilities are not immediately available, intense development would require line extensions and those extensions would be extended through the rural area.

5. Solid Waste Element (SWE).

- a. SWE Policy 1.1.1 provides, “[t]he LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day. This LOS standard shall be used as the basis to determine the capital facilities or contractual agreements needed to properly dispose of solid waste currently generated in the County and to determine the demand for solid waste

management facilities which shall be necessitated by future development.”

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. Based on the above findings, the application is **consistent** with SWE Policy 1.1.1.

6. Stormwater Element (SE).

- a. SE Policy 1.1.4 provides, “[t]he 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 that post-development stormwater runoff can be accommodated by the stormwater facilities proposed during development review. Based on the above, the application is **consistent** with SE Policy 1.1.4.

- b. SE Policy 1.1.5 provides, “[s]tormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.”

Analysis: The owner is advised they will be responsible for funding the stormwater facilities with sufficient capacity to accommodate the post-development runoff. Based on the above findings, the application is **consistent** with SE Policy 1.1.5.

7. Public School.

- a. The following figures are provided for the 60th day of enrollment for the 2023-2024 school year: Marion Oaks Elementary (94.83%), Belleview Middle (119.27%), and Belleview High School (109%). While there are areas of overcrowding, overall, the county’s school availability has capacity. Based on the above findings, the proposed development would not adversely affect public interest. Therefore, it is concluded that the application is **consistent** with this section.

8. Fire Rescue/emergency.

- a. Belleview Fire Station #18, located at 11948 SE 55th Avenue Rd, is roughly 4.5 miles east of the proposed development. 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 findings the application is **consistent** with this section.

In summation, staff concludes that the application, while meeting some of the above criteria, is **not consistent** with the Comprehensive Plan.

B. Consistency with Chapter 163, Florida Statutes.

1. **Section 163.3177(6)(a)8** provides, “[f]uture land use map amendments shall be based upon the following analyses:
 - a. An analysis of the availability of facilities and services.
 - b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
 - c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.”

Analysis: Section A of this staff report included a detailed analysis of the availability of facilities and services, and drew the following conclusions: Traffic has the potential to negatively impact the area and the proposed land use change was recommended denial by Traffic, the property is located outside the UGB with no central services available and no transportation services available, the location does have access to the public schools listed, as well as Fire Rescue in case of emergency; and any stormwater concerns will be addressed and mitigated at the time of development. Based on this information, the application does not provide availability to all needed facilities and services and **does not comply with and conform to** F.S. Section 163.3177(6)(a)8a.

The analysis of the suitability of the plan amendment for its proposed use was addressed in the “Character of the Area” section of this staff report, and it was found that the application **does not comply with and conform to** F.S. Section 163.3177(6)(a)8b.

The analysis of the minimum amount of land needed to achieve the goals and requirements of this section was addressed in the analysis of FLUE Policies 2.1.1 and 2.1.22, providing that there is ample commercial land in the vicinity and the subject property has not met the minimum standard for proof of demand. Therefore, the application **does not comply with and conforms to** F.S. Section 163.3177(6)(a)8c.

2. **Section 163.3177(6)(a)9, F.S.** provides, “[t]he future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

- a. Subsection 'a' provides, "[t]he primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
- (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
 - (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - (VI) Fails to maximize use of existing public facilities and services.
 - (VII) Fails to maximize use of future public facilities and services.
 - (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.”

Analysis: Staff finds the proposed amendment: is located outside the UGB; promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while failing to use undeveloped lands very nearby that are available and suitable for development; and also fails to provide a clear separation between rural and urban areas. Staff finds that the proposed application fails to discourage the proliferation of sprawl by failing all of the factors listed above. Therefore, the application encourages the proliferation of urban sprawl, and based on this finding, the proposed amendment is **not consistent** with F.S. Section 163.3177(6)(a)9a.

- b. Subsection ‘b’ provides, “[t]he future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
 - (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
 - (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
 - (II) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
 - (III) Promotes conservation of water and energy.

- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.”

Analysis: Staff finds the proposed amendment, rather than directing growth to an area that will not have adverse impacts on the surrounding natural ecosystem, promoting walkability, infrastructure, or preservation of agricultural areas or open spaces; it instead encourages commercial development outside the areas created specifically for that type of growth, and it erodes the usefulness of the nearby RAC. Rather than mediate sprawl, approving this application would create sprawl, and encourage it to continue expanding. Staff finds that the proposed application fails to achieve all of the above items, thus the proposed application encourages sprawl, and is therefore **not consistent** with F.S. Section 163.3.177(6)(a)9b.

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 **APPROVE** the small-scale FLUMS 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 **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 Board of County Commissioners (BCC) 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 **DENY** the proposed small-scale FLUMS amendment number 24-S01 because the application **is not consistent with**:

- A. The Marion County Comprehensive Plan, specifically with:

- 1. FLUE Policies 1.1.5, 1.1.7, 2.1.1, 2.1.7, 2.1.22, 3.1.1, 3.1.4, 5.1.2

2. TE Objective 3.1;
3. TE Policy 2.1.4;

And does **not comply with or conform to:**

B. The Florida Statutes, specifically with:

1. F.S. Section 163.3177(6)(a)8, subsection a, b, and c; and
2. F.S. Section 163.3.177(6)(a)9, subsections a and b.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval, 6:0. Item was considered on March 25, 2024, at 5:30 PM.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for April 17, 2024, at 1:00 PM.

X. LIST OF ATTACHMENTS

- A. Application.
- B. Development Review Committee Comments.
- C. Site Photos.