



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 12/30/2024	BCC Date: 1/13/2024
Case Number	250106ZC
CDP-AR	32158
Type of Case	Rezoning from Community Business (B-2) and Mixed Residential (R-4) to General Agriculture (A-1).
Owner	2020 Sunshine Holdings, LLC; and Christine Riley
Applicant	Christine Riley
Street Address/Site Location	5592 NW 185 th Street, REDDICK 18400 N US Hwy 441, REDDICK No address assigned
Parcel Number(s)	03063-001-00 03063-002-00 03079-002-00
Property Size	±3.16 ac Total Acres: ±18.73 ±3.73 ac ±11.84 ac
Future Land Use	Rural Land (RL)
Existing Zoning Classification	Community Business (B-2), Mixed Residential (R-4), and General Agriculture (A-1)
Overlays Zones/Special Areas	Farmland Preservation Area (FPA), Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	Approval
P&Z Recommendation	Approval (On Consent)
Project Planner	Eryn Mertens, JD, Planner II/ Kenneth Weyrauch, AICP
Related Cases	None

I. ITEM SUMMARY

Christine Riley, on behalf of 2020 Sunshine Holdings, LLC, and herself, filed a rezoning application to change a combined area of ± 18.73 acres (between 3 parcels) from Community Business (B-2) and Mixed Residential (R-4) to General Agriculture (A-1). The Parcel Identification Numbers for the subject properties are 03063-001-00, 03063-002-00, and 03079-002-00; the site is addressed as 5592 NW 185th Street, Reddick, and 18400 N US Hwy 441, Reddick, and the third parcel has not been assigned an address. The legal descriptions are provided within the application (see Attachment A). The subject property is on the southwest corner of the intersection of N US Hwy 441 and NW 185th Street. The site is located within the Farmland Preservation Area (FPA) and the Secondary Springs Protection Zone (SSPZ). There is a designated Rural Activity Center just to the south of the site at the intersection of N US Hwy 441 and W Hwy 318. The intention of this zoning change is to convert the parcels entirely to A-1 for agricultural purposes, including the potential for each parcel to have a home and a guest home.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning application. Staff believes General Agriculture (A-1) zoning would be most appropriate for the area because the future land

use designation is Rural Land (RL). Approving this request would give the property a zoning classification that is 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 (22 owners) within 300 feet of the subject property on December 13, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on December 12, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on December 16, 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 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 most of the surrounding area. To the south and east is a Rural Activity Center (RAC), a node dedicated to providing goods and services to the citizens residing in this rural area. 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

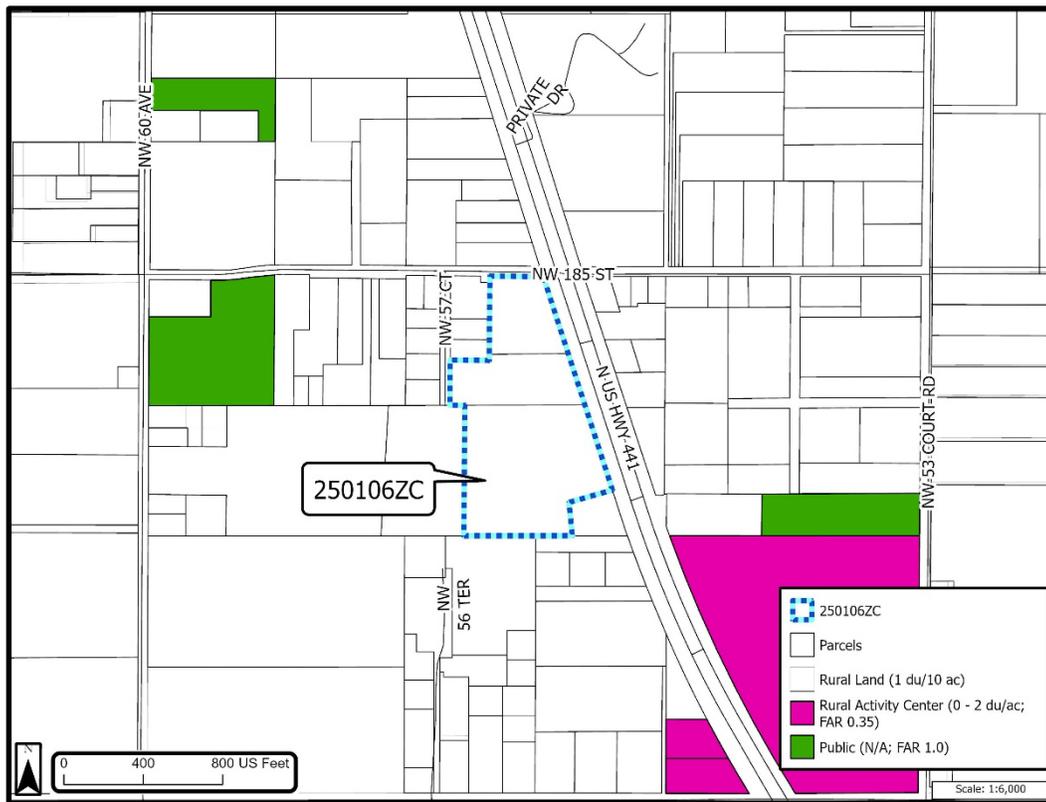


Figure 3, below, displays the existing zoning classifications for the subject properties in relation to the existing zoning classifications of the surrounding properties, and Figure 4 shows the zoning classification proposed by the applicant. The subject site's North, East, and South is a mix of Business and Residential zoning classifications. There's a small node of residential zoning classifications to the west of the subject property, but all other surrounding areas are designated General Agriculture (A-1).

Figure 3 Zoning Classification

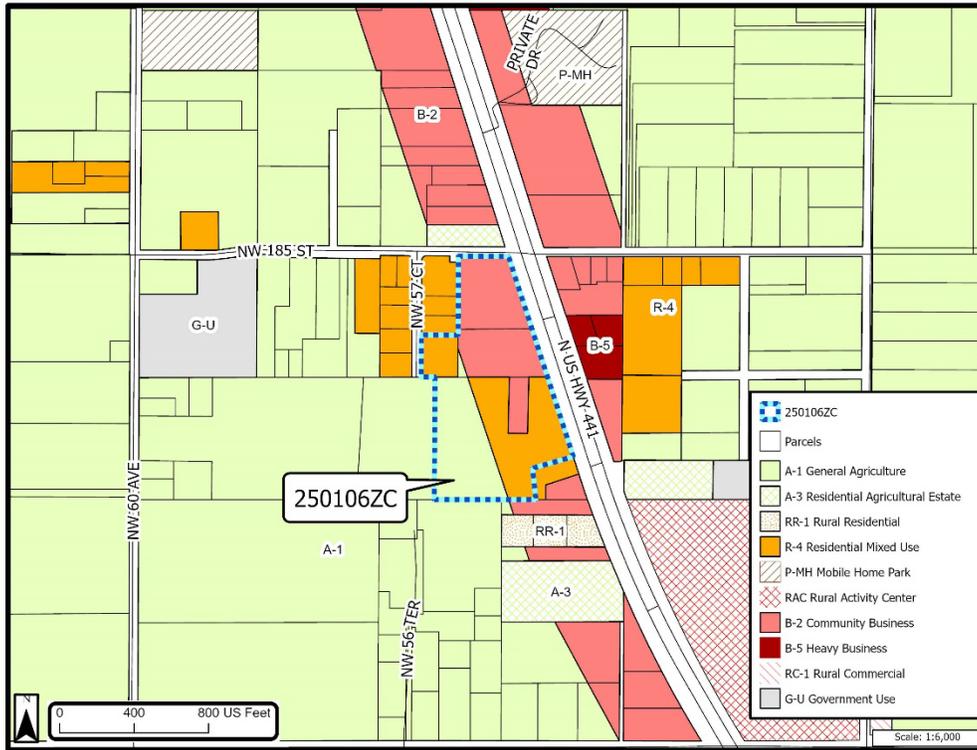


Figure 4. Proposed Zoning Classification

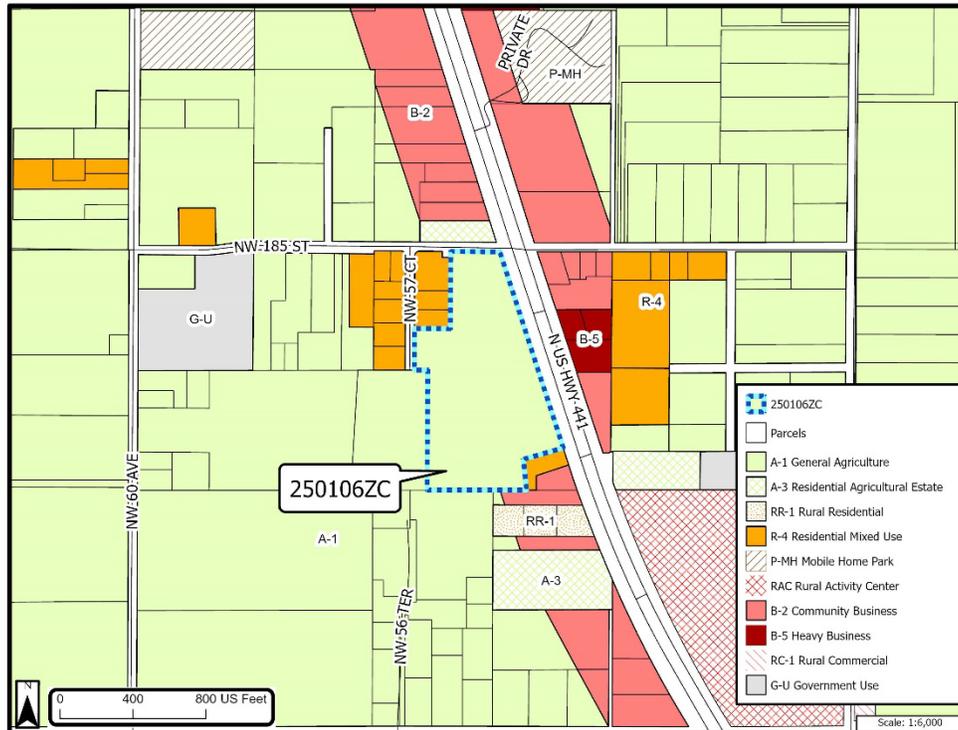


Figure 5, below, displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). The property to the west of the southern portion of the subject property is also owned by the applicant but is not subject to this application. It is zoned General Agriculture (A-1) and is currently being used as grazing land per the Marion County Property Appraiser's (MCPA) website. There is another parcel to the south/east that is also owned by the applicant and is not subject to this application. That parcel has split Mixed Residential (R-4) and Community Business (B-2) zoning. According to the MCPA, that parcel is being utilized as a church.

Figure 5.
Existing Use per Property Appraiser Property Code

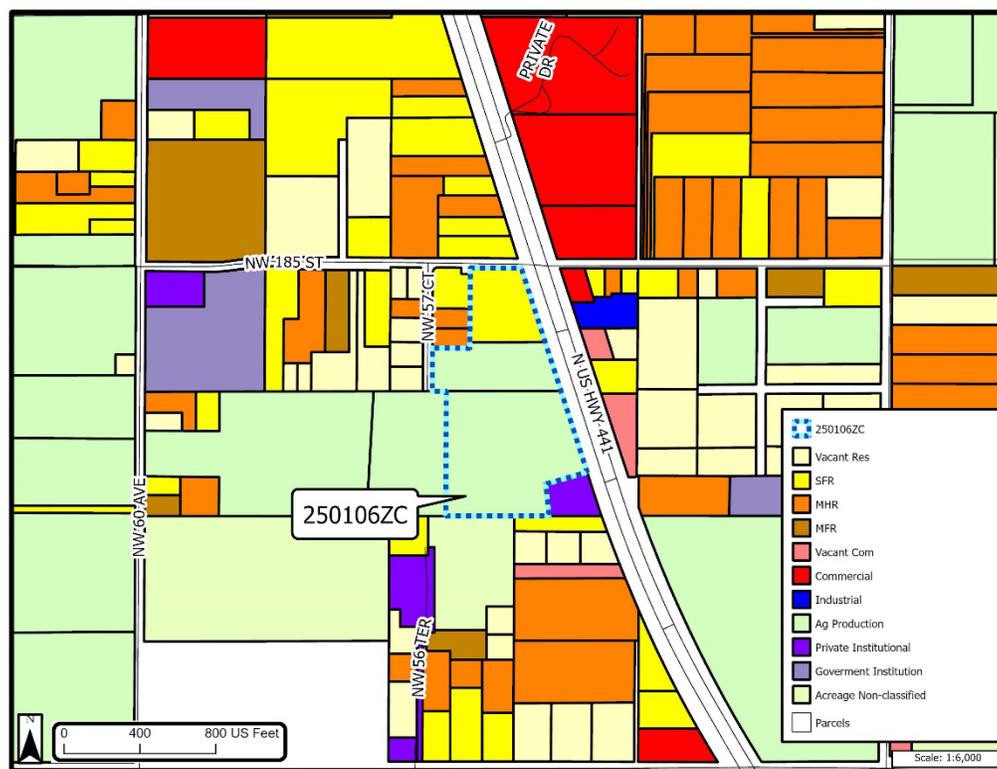


Table A, below, assembles the information in Figures 2, 3, 4, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and found that the subject property, comprised of three parcels, has a couple of single-family homes on site and some agricultural structures, including storage and a barn.

The area surrounding the subject property is mainly rural. The few commercial uses in the area are low-intensity or vacant. The properties sitting north of the subject property are primarily residential, with parcels to the west being agricultural. Parcels to the south and southeast are a mix of vacant residential, mobile home residential, single-family residential, vacant commercial, private institutional, and more agricultural uses, with parcels to the east being a mix of residential, agriculture, and vacant residential and vacant commercial uses.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Rural Land (RL)	Community Business (B-2), Mixed Residential (R-4), General Agriculture (A-1)	Single-Family Residential, Mobile Home Residential
North	Rural Land (RL)	Right-of-Way, Residential Agriculture Estate (A-3)	Mobile Home Residential
South	Rural Land (RL)	General Agriculture (A-1), Community Business (B-2)	Vacant Residential, Single-Family Residential
East	Rural Land (RL)	Right-of-Way, Rural Activity Center (RAC)	Ag Production
West	Rural Land (RL)	General Agriculture (A-1)	Mobile Home Residential, Vacant Residential

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. The subject parcels have access to N US Hwy 441 along the east and NW 185th Street to the north. Highway 441 is a state highway while NW 185th St is a minor local road maintained by Marion County. The proposed zoning change would allow a maximum of three residential units due to the three parcels already existing as pre-existing nonconforming parcels of record.
 - b. Public transit. There are no fixed route services in the area.
 - c. Other mobility features. No sidewalks exist along any roadways listed as contiguous to this parcel. Sidewalks may be required upon development, 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 150 gallons per person per day for residential demand. Based on the nonresidential calculation, the proposed rezoning would result in a potential demand of 720 gallons per day.

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

3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of approximately 110 gallons per person per day for commercial and industrial demand. Based on the nonresidential calculation, the proposed rezoning would result in a potential demand of 792 gallons per day.

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

4. Solid waste impacts. SWE Policy 1.1.1 provides "The LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day. The proposed zoning change will generate about 45 pounds of solid waste per day. Based on the above, the solid waste impacts of the rezoning request, if approved, **would not adversely affect the public interest.**

5. 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.**

6. 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.**

7. 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.**
8. Public schools. The proposed zoning change, if approved, would result in three parcels being agricultural. 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 will not be adversely affected** if this rezoning request is approved.

C. *Consistency with the Comprehensive Plan*

1. Policy 2.1.16: Rural Land (RL)-This land use designation is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses...

Analysis: The subject site is located within Rural Land (RL) use proposes to use the parcel residentially. This use aligns with the intent of the Rural Land use and is **consistent** with Policy 2.1.16.

2. 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 proposed zoning change is requesting to change urban zonings, residential and commercial to agriculture which is consistent with Rural Land and consistent with rural areas outside of the Urban Growth Boundary. Therefore, this rezoning request meets the criteria above and is **consistent** with FLUE Policy 3.1.4.

3. 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 December 30, 2024, by the Planning and Zoning Commission, and therefore, the application is **consistent** with FLUE Policy 5.1.3.

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 2.1.6, 3.1.4, and 5.1.3and
- C. Is compatible with the surrounding uses the proposed zoning change is in the rural area and is requesting to remove urbanized zonings that are incompatible with the surrounding area.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

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

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for January 13, 2025, at 9:00 AM.

IX. LIST OF ATTACHMENTS

- A. Application
- B. DRC Comments Letter
- C. Site Photos