



**Marion County  
Board of County Commissioners**

**Growth Services**

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Ocala, FL 34470  
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**PLANNING & ZONING SECTION  
STAFF REPORT**

|                                       |                                                                                                                                    |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>P&amp;Z Date: 10/27/2025</b>       | <b>BCC Date: 11/17/2025</b>                                                                                                        |
| <b>Case Number</b>                    | 251108ZC                                                                                                                           |
| <b>CDP-AR</b>                         | 33197                                                                                                                              |
| <b>Type of Case</b>                   | <b>Rezoning</b> from General Agriculture (A-1) to Heavy Industrial (M-2) for a 1.6-acre portion of an overall 36.77-acre parcel.   |
| <b>Owner</b>                          | Agri-Source LLC.                                                                                                                   |
| <b>Applicant</b>                      | 3855 35 <sup>th</sup> Street LLC.                                                                                                  |
| <b>Street Address/Site Location</b>   | 4001 NE 35 <sup>th</sup> St., Ocala, FL 34479                                                                                      |
| <b>Parcel Number(s)</b>               | 15861-000-00                                                                                                                       |
| <b>Property Size</b>                  | ±1.6-acre portion of an overall ±36.77-acres                                                                                       |
| <b>Future Land Use</b>                | Commerce District (CD)                                                                                                             |
| <b>Existing Zoning Classification</b> | General Agriculture (A-1), the remaining property is currently zoned Heavy Industrial (M-2)                                        |
| <b>Overlays Zones/Special Areas</b>   | Urban Growth Boundary (UGB), Primary Springs Protection Overlay Zone (P-SPOZ), Silver Springs Community Redevelopment Area (SSCRA) |
| <b>Staff Recommendation</b>           | <b>DENIAL</b>                                                                                                                      |
| <b>P&amp;Z Recommendation</b>         | <b>Approval (3-1)</b>                                                                                                              |
| <b>Project Planner</b>                | Kathleen Brugnoli                                                                                                                  |
| <b>Related Cases</b>                  | None                                                                                                                               |

## I. ITEM SUMMARY

3855 35<sup>th</sup> St. LLC., on behalf of the owner, Agri-Source LLC., filed a rezoning application to change a ±1.6-acre portion of an overall ±36.77-acre parcel from General Agriculture (A-1) to Heavy Industrial (M-2). The Parcel Identification Number for the property is 15861-000-00; the site is addressed as 4001 NE 35<sup>th</sup> St., Ocala, FL (see Attachment A). The intent with this rezoning is to address the A-1 portion that's currently non-conforming with the existing land use. The site is located within the Urban Growth Boundary (UGB), Primary Springs Protection Overlay Zone (P-SPOZ), and the Silver Springs Community Redevelopment Area (SSCRA).

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** of the rezoning application because it is inconsistent 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, and with LDC Section 4.2.28 - Heavy Industrial (M-2) zoning. The proposed rezoning may introduce issues of incompatibility based upon the intensity of use, consistency with the Comprehensive Plan, and uses within the surrounding area.

Staff's concerns with compatibility and the potential for adverse impacts to the public interest are focused mainly on the parcel's location within the SSCRA and in close proximity to Coehadjoe Park, a county owned and maintained Recreational Area, the Silver Springs Sandhill Conservation Area, and Indian Lake State Forest. The site is also within the Primary Springs Protection Zone and new and expanding permitted and special uses allowed exclusively in B-5, I-C, or M-2 zoning categories are prohibited within the Primary Springs Protection Zone, unless the owner demonstrates to the Planning/Zoning Manager, based on credible scientific data and information, that the proposed use will not pose a potential threat to groundwater quality.

**As an alternative, staff would be willing to support Light Industrial (M-1) zoning.** M-1 uses are more restrictive than M-2 and must be done indoors. Additionally, M-1 zoning would act as a transition between the NE 35<sup>th</sup> St. ROW and the existing M-2 to the "rear" (north) of the subject property.

### III. NOTICE OF PUBLIC HEARING

Notice of public hearing was mailed to 17 property owners within 300 feet of the subject property on October 10, 2025. A public hearing notice sign was also posted on the property on October 8, 2025, and was published in the Star Banner on October 13, 2025. As of the date of the initial distribution of this Staff Report, no correspondence in support or opposition to the rezoning has been received. Evidence of the public hearing notices are on file with the Growth Services Department and are incorporated herein by reference.

### IV. ANALYSIS

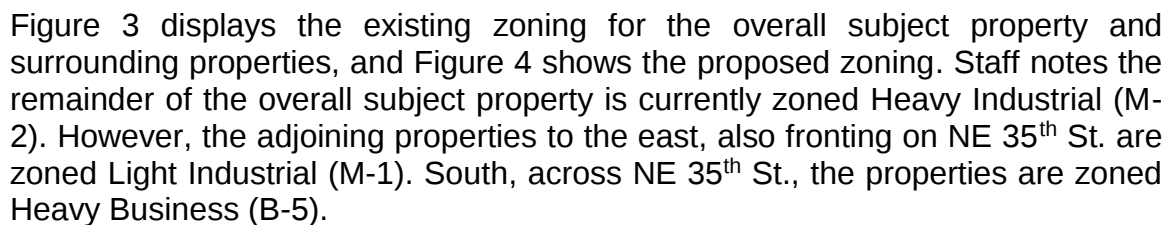
LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and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

#### A. *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 future land use designation for the overall subject property, as well as, properties to the north and east that are designated as Commerce District (CD). Other surrounding properties include Commercial (COM) land use to the west and south, while parcels within the limits of the city of Ocala indicated by

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



### Figure 3 Zoning Classification

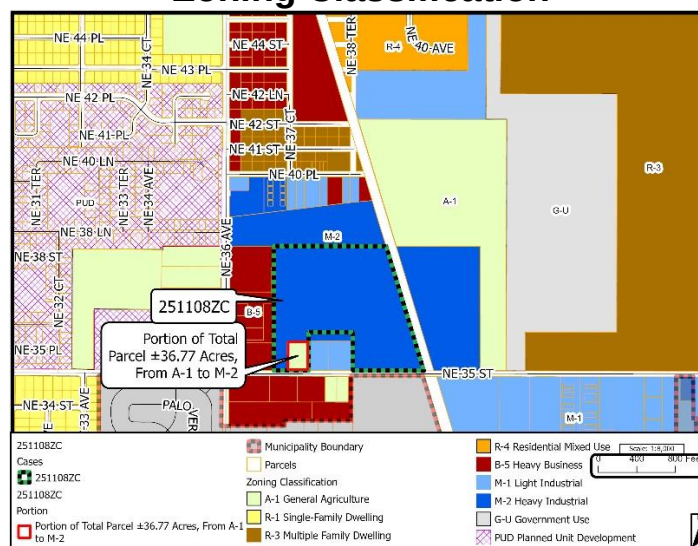
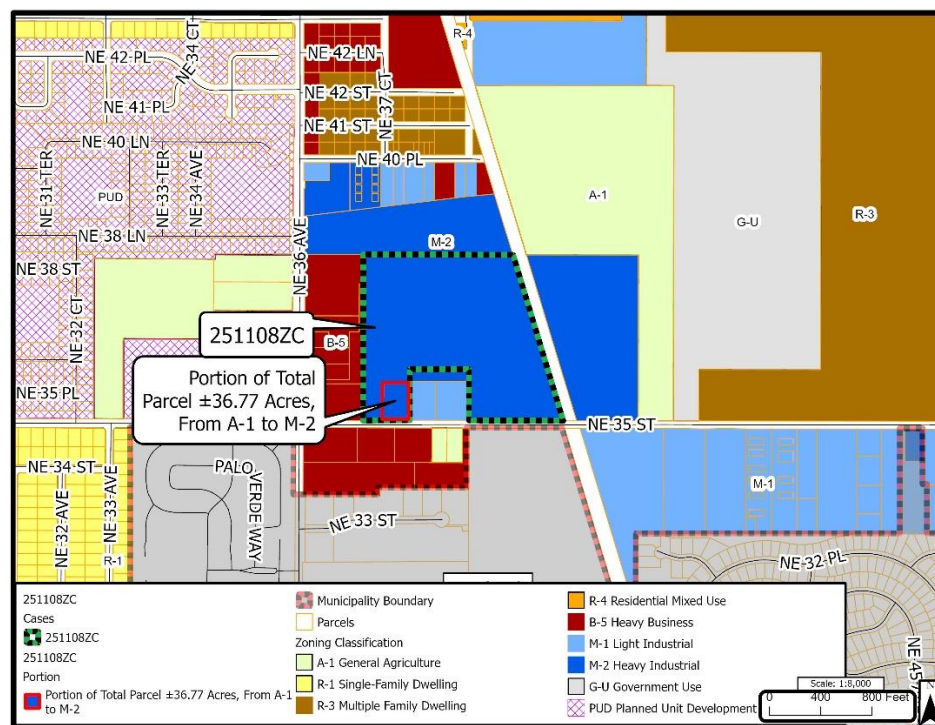


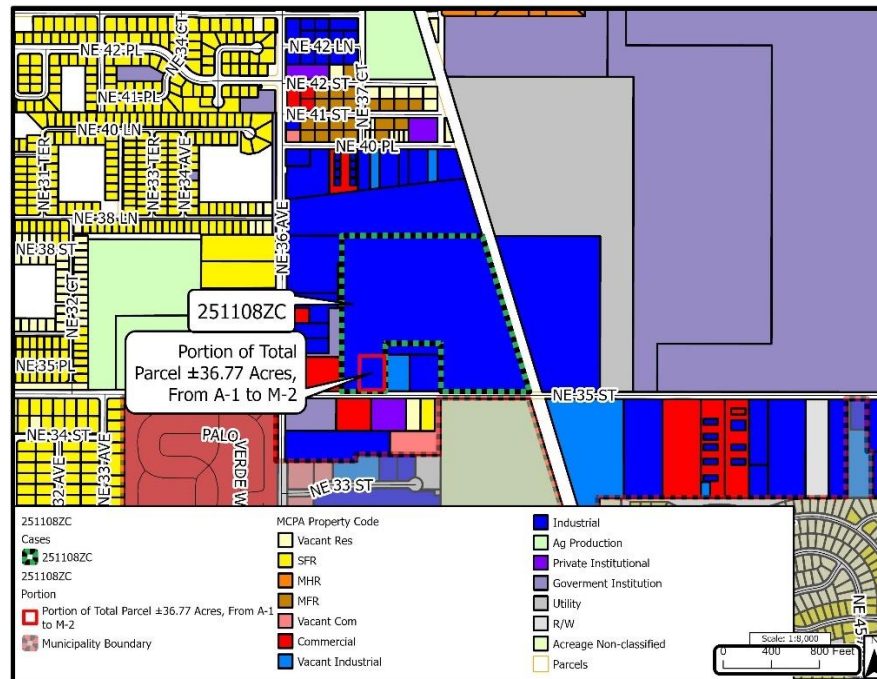
Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). The subject property is currently used for Industrial, with surrounding parcels primarily used for Industrial and Commercial uses.

Table A displays the information of Figures 2, 3, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit (Attachment B) and found that to the north and east of the proposed zoning change are similar uses to that being requested. To the south, across NE 35<sup>th</sup> St., are a landscaping/gardening material provider and a church, with the property to their west, at the corner of NE 35<sup>th</sup> St. and NE 36<sup>th</sup> Avenue being a Marion County owned property acquired in June 2022. West of the site is a convenience store/gas station site wherein its eastern portion is currently vacant and heavily treed. The portion of land proposed for rezoning is also currently undeveloped and heavily treed.

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



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



| TABLE 1.<br>ADJACENT PROPERTY CHARACTERISTICS |                        |                           |                                               |
|-----------------------------------------------|------------------------|---------------------------|-----------------------------------------------|
| Direction                                     | FLUM Designation       | Zoning Classification     | Marion County Property Appraiser Existing Use |
| <b>Subject Property</b>                       | Commerce District (CD) | General Agriculture (A-1) | Vacant/Industrial                             |
| <b>North</b>                                  | Commerce District (CD) | Heavy Industrial (M-2)    | Industrial                                    |
| <b>South</b>                                  | Commercial (COM)       | Heavy Business (B-5)      | Commercial                                    |
| <b>East</b>                                   | Commerce District (CD) | Light Industrial (M-1)    | Ag Production                                 |
| <b>West</b>                                   | Commercial (COM)       | Heavy Business (B-5)      | Commercial                                    |

The subject property lies east of NE 36<sup>th</sup> Ave., a collector roadway, and west of the CSX railway. While the remainder of the overall subject property is Commerce District with M-2 zoning, the subject rezoning site adjoins parcels designated Commerce District that are zoned M-1. Across NE 35<sup>th</sup> St. are Commercial designated properties with a B-5 zoning; however, one of the sites includes an existing place of worship, while further the corner parcel at NE 35<sup>th</sup> St. and NE 36<sup>th</sup> Av. was acquired by Marion County in 2022, potentially in anticipating of improvements to the intersection and adjoining roadways. The site and surroundings are part of the Silver Springs CRA established to recognize the

unique nature of the Silver Springs community, wherein NE 35<sup>th</sup> Street is one of the western gateways to the Silver Springs CRA, along with the access to Coehadjoe Park and its adjoining state conservation lands.

Based on the above findings, the proposed rezoning application is **not compatible** with the surrounding area's future land uses and zoning classifications.

B. *How does the request affect the public interest?*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. South of the parcel is NE 35<sup>th</sup> St., a county-maintained Collector roadway, which intersects to the west with NE 36<sup>th</sup> Ave., also a county-maintained Collector roadway. DRC Comments (Attachment C) provided by Traffic state the following, "No traffic information was provided with this zoning request as required by the County's Traffic Impact Analysis Guidelines. However, manufacturing uses typically generate a low volume of traffic compared to commercial uses.... Both NE 35<sup>th</sup> St. and NE 36<sup>th</sup> Ave. are collector roadways designed to handle a certain amount of truck traffic that would come from an industrial site. Both of these roadways operate at Level of Service D, which is within their adopted Level of Service Standard. There are concerns with the existing access this site has to NE 35<sup>th</sup> St. It appears there are multiple closely spaced driveways at the eastern half to the property near the railroad crossing. These driveways are in disrepair and do not meet spacing requirements. These driveways will require modification to meet existing code requirements and bring in to good condition." Following requirements as provided by Traffic during development review, staff concludes that the proposal would be **consistent** with the TE Policy 2.1.4.
  - b. Public transit. One mile west of the subject parcel is a Suntran stop on the yellow route. The stop is located at the Pearl Britain Plaza also located on NE 35<sup>th</sup> St. The plaza hosts several businesses and restaurants with the anchor store being the Pearl Britain Publix location.
  - c. Other mobility features. No sidewalks currently exist along any of the roadways listed as contiguous to this parcel. Upon development, sidewalks may be required, or the developer may elect to provide a fee-in-lieu for construction, as permitted by the LDC. Therefore, the application would not adversely affect the public interest.

Based on the above findings, the rezoning roadway **impacts 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 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 for 1.6 acres, the proposed rezoning would result in a potential increase in demand of 4,400 gallons per day.

The property is within Marion County Utilities' Service Area but has immediate access to City of Ocala water infrastructure as explained in DRC Comments from Utilities (Attachment C Page 2). Based on the above findings, the rezoning'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 industrial calculation, the proposed rezoning would result in a potential demand of 3,200 gallons per day.

The property is within Marion County Utilities service area with immediate access to a MCU sewer force main. Based on the above findings, the rezoning'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 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. The intent is to rezone the A-1 portion of the parcel to M-2, an industrial zoning classification with no level of service standard for recreation. Based on the proposed zoning, the rezoning **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 a flood area in the southeast corner of the property which is also listed as a freshwater pond under the wetland inventory. Another flood prone area runs through a portion of the southern and southwestern areas of the property. 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 rezoning **stormwater/drainage impacts would not adversely affect the public interest.**

7. Fire rescue/emergency services. Anthony Fire Station #1, located at 3199 NE 70<sup>th</sup> St. is located roughly 2.4 miles north of the proposed development. 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 application's **fire rescue/emergency services impacts would not adversely affect the public interest.**
8. Law enforcement. The nearest Sherriff substation is located approximately 7.25 miles northwest of the subject property at 8311 N Hwy 441, Ocala, FL 34475. 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 may adversely affect the public interest based on distance from the site.**
9. Public schools. The proposed development does not propose a residential use that would potentially increase the number of students to be enrolled in a Marion County school and would not adversely affect public interest. Therefore, it is concluded that the application is **not applicable** with this section.

In summation, when weighing the totality of the circumstances, **the public interest would not be adversely affected.**

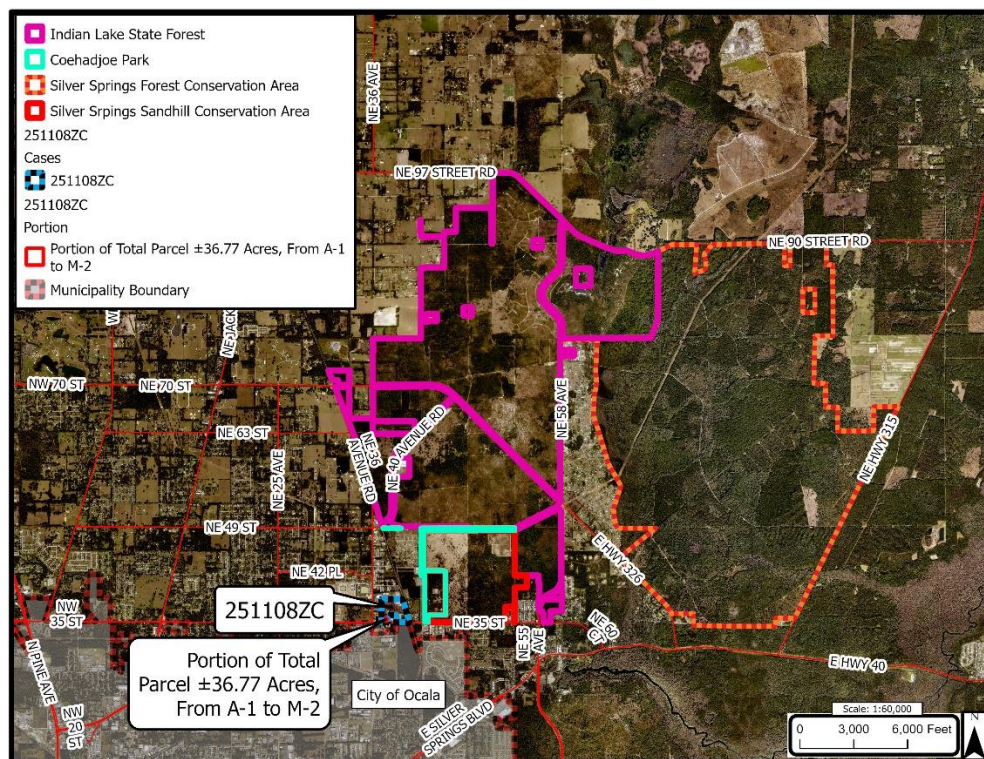
C. *How is this request consistent with the Comprehensive Plan?*

1. FLUE 1.1.1: Marion County Planning Principles - The County shall rely upon the following principles to guide the overall planning framework and vision for the County:
  - 1.) Preserve, protect and manage the County's valuable natural resources.
  - 2.) Recognize and protect the rural equestrian and agricultural character as an asset of the County's character and economy while providing clear, fair and consistent standards for the review and evaluation of any appropriate future development proposals.
  - 3.) Support the livability of the existing cities and towns in the County by planning for the logical extension of development in a manner that enhances the scale, intensity and form of these areas through the introduction of sustainable smart growth principles and joint planning activities.
  - 4.) Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities

and that foster a local economic development environment that is conducive to the creation and growth of new businesses, the expansion of existing businesses, and is welcoming to private entrepreneur activities.

**Analysis:** Under FLUE Policy 1.1.1, the County is required to designate appropriate areas for growth while balancing residential, agricultural, and environmental needs. The subject location, while located within the Urban Growth Boundary, is also located within the Silver Springs Community Redevelopment Area (SSCRA). Not only is the parcel within the CRA, its also at the very boundary, at the southwest corner near the intersection of NE 36<sup>th</sup> Ave. and NE 35<sup>th</sup> St.; an area acting as a “gateway” in to the CRA. Within this area, development goals are to create an attractive and aesthetically pleasing area that will attract both citizens and visitors to explore the CRA and reinvest in the area to better assist in its redevelopment. By granting of the M-2 zoning, the goals of supporting development in the CRA in a way to make the area more attractive to visitors would be undermined. Thus, this application is **inconsistent** with Policy 1.1.1.

**Figure 6**  
**Parks & Conservation Areas**



- FLUE Policy 1.1.6 on Buffering of Uses provides, “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:** The proposed zoning change intends to develop a currently vacant portion of A-1 land to M-2, the County's most intense industrial zoning classifications which allows both indoor and outdoor activities. In doing so, staff has concerns due to proximity (Figure 6) to County owned and maintained Coehadjoe Park which is 0.4 miles east of the requested change as well as Silver Springs Sandhill Conservation Area, directly east of Coehadjoe Park and contiguous to Indian Lake State Forest, as well as Silver Springs Forest Conservation Area further to the east. Based on the potential for adverse impacts and incompatibility from increasing the acreage with such an intense zoning classification, staff finds the application is **inconsistent** with Policy 1.1.6.

As mentioned previously in staff's recommendation, M-1 would be a staff supported change in zoning. M-1 for the subject portion of property would act as a buffer towards the existing more intense M-2 zoning already assigned to the rest of this property and would be the same zoning as the two parcels contiguous to the east.

3. FLUE Policy 4.1.2 on 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 to the Comprehensive Plan, Zoning, or LDC.

**Analysis:** While the Comprehensive Plan and the Zoning requested are compatible, the subject location being within the P-SPOZ and LDC Sec. 5.4.4-Uses within the SPOZ have a more stringent regulation to consider in analysis of the request, "The expansion of existing or new uses and activities, as listed below, shall be prohibited within the primary zone: Heavy industrial and commercial uses, including new and expanding permitted and special uses allowed exclusively in B-5, I-C, or M-2 zoning categories, unless the owner demonstrates to the Planning/Zoning Manager, based on credible scientific data and information, that the proposed use will not pose a potential threat to groundwater quality." At this point, staff has not received data regarding the proposed use and if it poses a threat to groundwater quality. At the Planning and Zoning hearing it was shared that the intent is not for Agri-Source to use this property, but that Marion Masonry Materials of Ocala intends to expand their operations to this portion of the overall property. As such, the application is currently **inconsistent** with FLUE Policy 4.1.2.

4. FLUE Policy 5.1.2 on Review Criteria – Changes to the Comprehensive Plan and Zoning Provides, "Before 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. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
7. Consistency with the UGB;
8. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
9. Compatibility with current uses and land uses in the surrounding area;
10. Water Supply and Alternative Water Supply needs; and 12. Concurrency requirements.

**Analysis:** Staff's determination focused on developing, and redeveloping, the Silver Springs CRA into an area welcoming to citizens and visitors. Expansion of heavy industrial type uses and the subsequent storage of items related to the use have the potential to create visually adverse impacts with industrial uses also having the potential to increase dust, noise, glare, etc. related impacts along a roadway that will function as a gateway in to the CRA. For these reasons, staff finds the application to be **inconsistent** with Policy 1.1.6.

5. 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 the October 27, 2025, Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

6. 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.

7. FLUE Policy 10.2.1 on Special Area Planning provides, “The County shall consider use of various planning strategies, such as, corridor studies, sector plans, neighborhood plans, redevelopment plans, etc., as necessary for infill and redevelopment opportunities.”

**Analysis:** Marion County established the Silver Springs Community Redevelopment Area (CRA) including the Community Redevelopment Plan (CRP) and the recent Silver Springs CRA Master Plan Update, that seeks to support and encourage redevelopment of the Silver Springs community as a functional eco-tourism “hub” related the historic nature of the community and the abundance of publicly held conservation lands within and surrounding the CRA. The M-2 zoning is the most intense industrial zoning classification, and it enables outdoor uses that may create adverse impacts to the surrounding. While buffers are generally required, the potential uses may not be conducive or compatible with the goals of the Silver Springs CRA given the outdoor focus of its existing and continued recreational opportunities. Given the designation and presence of the Silver Springs CRA and NE 35<sup>th</sup> St.’s location to provide gateway access to the CRA, staff recommends the application is **not consistent** with FLUE Policy 10.2.1.

Based on the above findings, the proposed rezoning **is not 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 **APPROVE** 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 **DENY** the proposed rezoning, **and instead recommend approval of Light Industrial (M-1)**, because the application, M-1 is permitted within the land use designation and permitted within the Primary Springs Protection Zone:

- A. Will not adversely affect the public interest.

However, the application:

- B. Is not consistent with the Comprehensive Plan provisions because it is not in conformance with:
  - 1. FLUE Policies 1.1.1, 1.1.6, 4.1.2, 5.1.2, & 10.2.1;
- C. Is not compatible with the surrounding uses because of increased intensity of the zoning change and the proximity to the Community Redevelopment Area (CRA) and recreation areas within the county;

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

Approval (3-1).

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

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Agri-Source LLC- AR 33197-Application Package.
- B. Agri-Source LLC- AR 33197-Site and Area Photographs.
- C. Agri-Source LLC- AR 33197-DRC Comments.
- D. Agri-Source LLC- AR 33197-Surrounding Property Notification.