



**Marion County
Board of County Commissioners**

Growth Services

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

Public Hearing Dates	P&Z: 12/30/2024	BCC: 1/13/2025
Case Number	250110ZC	
CDP-AR	32166	
Type of Case: Rezoning	From: General Agriculture (A-1) To: Regional Business (B-4)	
Owner	8640 SE 73, LLC	
Applicant	Mastroserio Engineering, Inc.; Paulo Mastroserio	
Street Address/Site Location	8640 SW 73 rd Avenue, Ocala, FL 34476; Green Turf Acres Unrecorded Subdivision (#20) Lot 23	
Parcel Number(s)	3564-023-000	
Property Size	±4.42 acres	
Future Land Use	Low Residential (LR) [<i>Concurrent Future Land Use Amendment Application for Employment Center (EC)</i>]	
Existing Zoning Classification	General Agriculture (A-1)	
Overlays Zones/Special Areas	Urban Growth Boundary (UGB), Secondary Springs Protection Zone (SSPZ), Marion County Utilities SW Regional Service Area	
Staff Recommendation	DENIAL	
P&Z Recommendation	DENIAL	
Project Planner	Christopher D. Rison, AICP, Senior Planner	
Related Cases	25-S01: Small-Scale Land Use Amendment to EC	
Code Cases	964669: Storing manufactured homes in A-1 zone, potentially related to sales operation to the west on Green Turf Acres Lot 32. <i>Homes removed, case closed on 11/4/2024.</i>	

I. ITEM SUMMARY

Paolo Mastroserio with Mastroserio Engineering, Inc., filed a rezoning application on behalf of 8640 SE 73, LLC, to change a ± 4.42 acre site from General Agriculture (A-1) to Regional Business (B-4). The Parcel Identification Number for the property is 3564-023-000; the site is addressed as 8640 SW 73rd Avenue, Ocala, and the legal description is provided within the application (see Attachment A). The subject property is **Lot 23** of the Green Turf Acres Unrecorded (UNR) Subdivision No. 20, and forms the northwest corner of the SW Hwy 200 and SW 73rd Avenue intersection at the south entrance to the Green Turf Acres UNR Subdivision. The site is located within the Urban Growth Boundary, in the County-wide Secondary Springs Protection Zone (SS-SPOZ), and in Marion County's SW Utility Service Area. The application proposes rezoning the subject property for all uses permitted. *The site was the subject of a Code Enforcement Case related to storing manufactured homes on the site (in relation to a sales operation east of the site) as the use is not permitted in A-1 zoning and no appropriate building permits were pulled for the placement of the manufactured homes; the manufactured homes have been removed and the case closed at this time, and this application is part of an effort to obtain a land use and zoning change for the site that would enable pursuing such a use.* A concurrent future land use map (FLUM) amendment application to change the site's future land use designation from Low Residential (LR) to Employment Center (EC) has also been submitted, and obtaining approval of that request is required for this concurrent application; *however, staff is recommending denial of the concurrent land use change wherein this rezoning request would not be consistent with the site's unchanged future land use designation, and staff is therefore recommending denial of this rezoning request.*

Figure 1
Aerial Map (Fall 2023)



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** of the rezoning application. Staff finds the requested zoning does not conform to LDC Section 2.7.3.E(2) would adversely affect the public interest, is not compatible with the Marion County Comprehensive Plan, and is not compatible with the surrounding area.

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 (9 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 the week of December 9, 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; staff notes that parties in opposition to the request appeared and spoke at the Planning & Zoning Commission public hearing held on December 30, 2024.

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. *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.

Generally, the subject site and surroundings are located along the SW Highway 200 corridor within the Urban Growth Boundary (UGB) and outside the Farmland Preservation Area (FPA). The site and surroundings are located in the county-wide Secondary Springs Protection Zone (SSPZ) and within Marion County Utilities' Southwest (SW) Utility Service Area. The site is Lot 23 of the Green Turf Acres UNR Subdivision, as discussed later in this staff report.

Prior Figure 1 is an aerial of the site from Fall 2023, while following Figure 2 is a 2024 Google Aerial of the site and surroundings, also including parallel FLUM Amendment and Rezoning Applications (25-S02, and 250110ZC) for the property to the east on Lot 32 of the Green Turf Acres UNR Subdivision where an active

Code Enforcement Case is also pending, the outcome of which is based on the outcome of those parallel requests.

Figure 2
Aerial Map (Google, 2024)



Following Figures 3a and 3b below identify the site and surroundings' current future land use designation and the requested FLUM designation for Employment Center (EC) that is not recommended for approval by staff. Lands to the northeast, north, and west are designated Low Residential and are other lots within the Green Turf Acres UNR Subdivision. Properties to the east, southeast, and south are designated Commercial; however, the property to the east is the subject of similar parallel FLUM and rezoning change requests for Employment Center (EC) and Regional Commercial (B-4) zoning (25-S02 and 250110ZC, respectively) that are also not recommended by staff.

Figure 3a
Current FLUM Designation

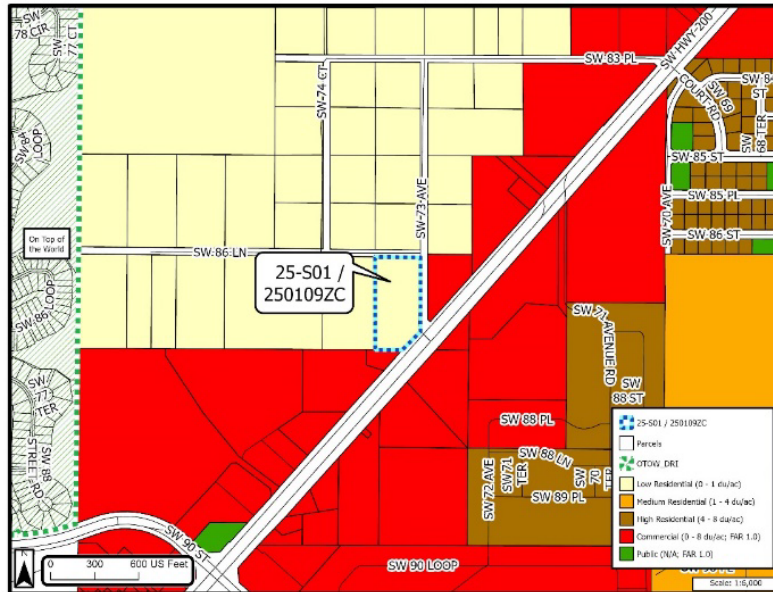
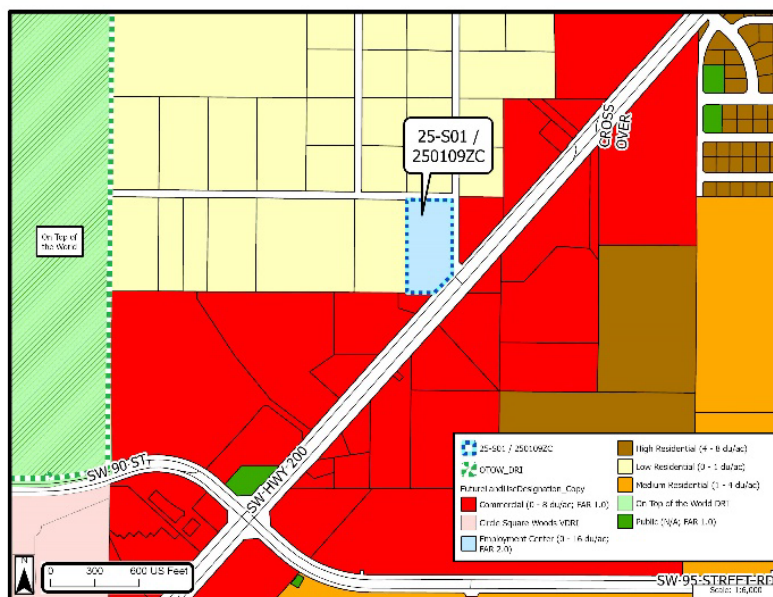


Figure 3b
Requested FLUM Designation
(Concurrent FLUM application 25-S01, and parallel 25-S02 to the east, are requests for Employment Center (EC); neither is recommended for approval by staff.)



Following Figures 4a and 4b display the current and requested zoning district classification for the site and surroundings. The properties to the northeast, north, and west are lots in the Green Turf Acres UNR Subdivision zoned General Agriculture (A-1). Southeast of the site the lands are zoned Neighborhood Business (B-1). Southwest is a 0.45 acre parcel is zoned Regional Business (B-

4). The land east of the site is currently zoned Community Business (B-2) but is the subject of the parallel FLUM Amendment and Rezoning Application noted earlier (25-S02 and 250110ZC respectively); however, those applications are not recommended for approval by staff.

**Figure 4a
Current Zoning**

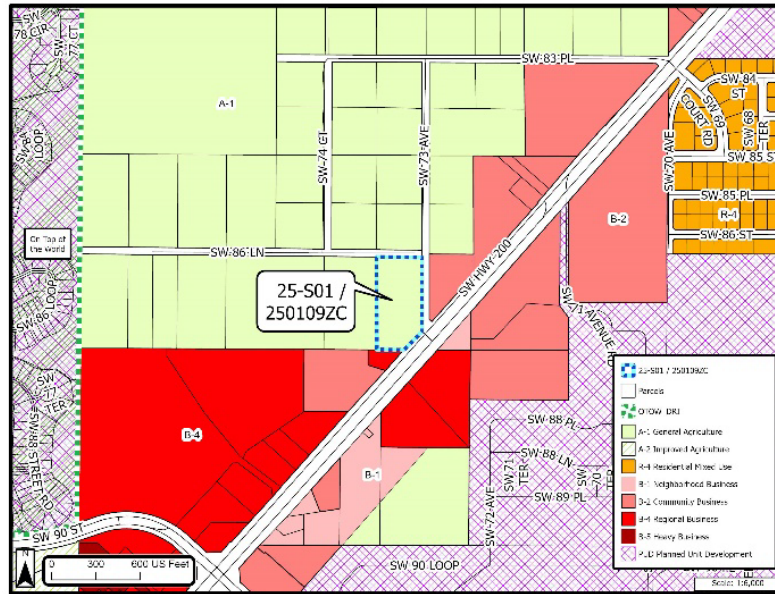


Figure 4b

Requested Zoning

(This application and parallel 250110ZC are requests for Regional Business (B-4); neither is recommended for approval by staff.)

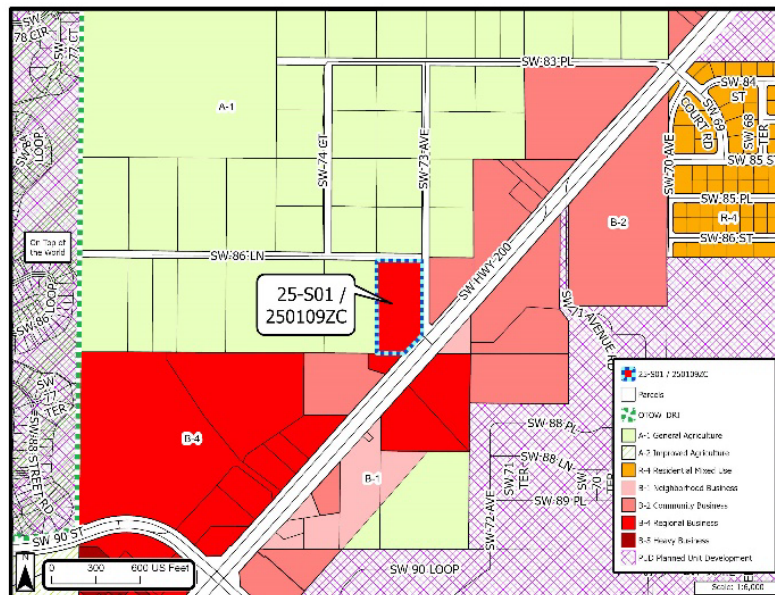
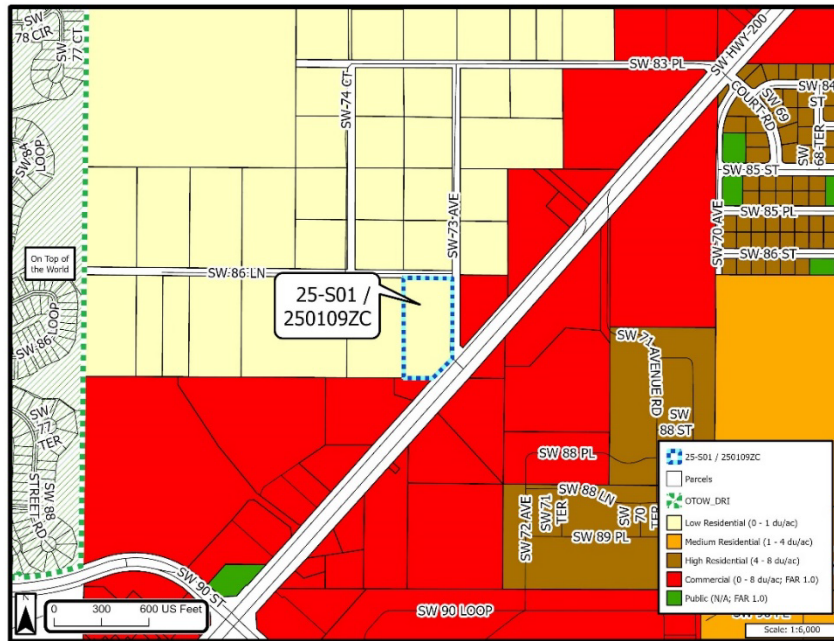


Figure 5
Existing Use per Property Appraiser Property Code



Prior Figure 5 displays the site and surrounding properties' existing uses as identified by the Marion County Property Appraiser Office's Property Code (PC). Following Figure 6 displays a broader aerial image of the site and surrounding properties with the surrounding subdivisions noted, including the Green Turf Acres UNR Subdivision. Table A then displays the information of Figures 3, 4, and 5 in tabular form.

Figure 6
Aerial Map (Fall 2023) with Surrounding Subdivisions

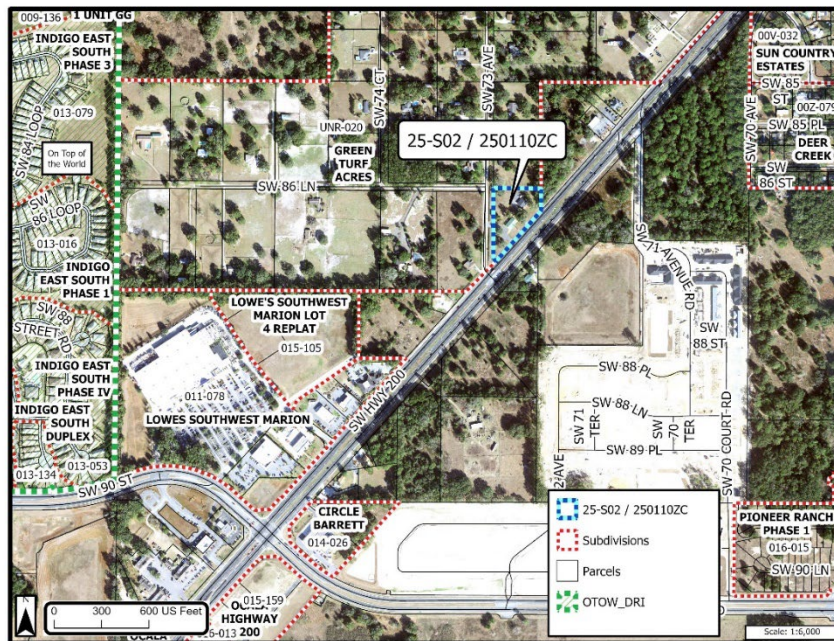


TABLE A. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Existing Use Per MCPA Property Code
Subject Property	Low Residential (LR)	General Agriculture (A-1)	Single-family Residence (1972)
North	Low Residential (LR)	General Agriculture (A-1)	Single-family Residence (1985)
Southwest¹	Commercial (COM)	Regional Business (B-4)	J&J Seafood (retail) (1983)
East¹	Commercial (COM) <i>Employment Center (EC) Requested</i>	Community Business (B-2) <i>Regional Business (B-4) Requested</i>	Commercial Office <i>(Manufactured home sales operation – code enforcement case)</i>
	Commercial (COM)	Neighborhood Business (B-1)	Commercial Office
West	Low Residential (LR)	General Agriculture (A-1)	Single-family Residence (1972)
¹ The Marion County Property Appraiser lists North Pointe Mobile Home Sales, LLC., as the owner of Green Turf Acres Subdivision Tract 32 and the ±0.45 acre site located southwest of the subject property; Tract 32 is the affiliated manufactured home sales operation location undergoing similar land use and zoning change reviews.			

Staff notes that the original Green Turf Acres UNR Subdivision consisted of 37 lots on 155 acres resulting in an average lot size of 4.2 acres. Staff notes Lot 37 was the largest lot at ±10 acres that has been historically occupied by various church uses; excluding Lot 37, the resulting average lot size is 4.0 acres. Staff notes that some lots were "split" in the past under family division options; however, recent amendments to the family division provisions will no longer enable family divisions within Green Turf Acres, and a recent request to rezone a lot to Residential Estate (R-E) to enable further division was denied by the Board. The current average lot size within Green Turf Acres is ±3.3 acres, excluding the original Lot 37 based on the subdivision's remaining 145 acres. FLUE Policy 2.1.13, notes that "Marion County shall recognize "rural neighborhoods" that occur within or outside of the UGB deserve special protection from the intrusion of urban uses, densities and intensities where new development occurs within the immediate vicinity. For the purpose of this policy, a rural neighborhood is an existing recorded or unrecorded subdivision where the overall density does not exceed *one unit per three acres* and the subdivision has a predominant Future Land Use Designation of Rural Land or Low Residential." *Given FLUE Policy 2.1.13, staff proposes the Green Turf Acres UNR Subdivision qualifies for recognition as a "rural neighborhood."*

The Regional Business (B-4) zoning classification is comparable to the Comprehensive Plan's Employment Center future land use designation, listed in FLUE Policy 2.1.23, that is "intended to provide a mix of business, enterprise, research and development, light to moderate intensity commercial, and light industrial, activities. This designation also allows residential uses, campgrounds and recreational vehicle parks (RVP). - This land use designation will allow for and encourage mixed use buildings. The density range for residential units shall

be up to sixteen (16) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 2.0, as further defined by the LDC. This land use designation is an Urban land use designation.”

As noted previously, staff has recommended denial of the concurrent request to change the site’s future land use designation to Employment Center (EC), and as such staff recommends the requested Regional Business (B-4) is not consistent with the site’s continuing Low Residential (LR) land use designation as provided by FLUE Policy 2.1.17. Further, approving a Regional Business (B-4) zoning classification on the site would establish an intense zoning that would allow a new significant incursion of intense activity into the Green Turf Acres UNR Subdivision, inconsistent with FLUE Policy 2.1.13.

Based on the above findings, the proposed rezoning application is **not compatible** with the existing and future surrounding land uses and would create an additional incursion of intense zoning and urban activity into the Green Turf Acres UNR Subdivision rural neighborhood.

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

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways.
 - SW Hwy 200 – Paved Public 6-lane roadway, maintained by FDOT.
 - SW 73rd Avenue. “Slag” paved private roadway, privately maintained by the property owners; no association is on record via State of Florida SUNBIZ, nor is roadway dedicated to any particular entity as an unrecorded registered subdivision.

The site features frontage to both SW Hwy 200 and SW 73rd Avenue; however, access to SW Hwy 200 is unlikely for commercial use due to the site’s intersection location. Increased intensities of commercial activity on the site may create additional traffic impacts and further increase traffic volumes on SW 73rd Avenue, which, as an undedicated roadway, is the responsibility of the Green Turf Acres UNR Subdivision property owners for maintenance. The Traffic Engineering Division has raised concerns regarding the significant intensity of the requested zoning and the existing roadway conditions, and does not support the request (Attachment D) along with Growth Services staff. For reference, Green Turf Acres Lot 23 was historically a larger parcel, wherein FDOT acquired a 75’ wide strip of land along Hwy 200 from the site to accommodate the widening of Hwy 200. The site originally had ±175’ of frontage along Hwy 200, but that amount increased to ±175’ today, while the site originally had ±564’ of frontage along SW 73rd Avenue, but that amount decreased to ±506’ of frontage.

- b. Public transit. There are no fixed route services in the area.
- c. Other mobility features. Sidewalks currently exist along SW Hwy 200, however no sidewalks are located along SW 73rd Avenue. Upon development, sidewalks may be required, or the developer may elect to provide a fee-in-lieu for construction, as permitted by the LDC.

Based on the above findings, the rezoning roadway **impacts would 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. Potential non-residential demand would increase from zero gallons per day to 12,155 gallons per day. Utilities are generally available in the area, wherein a water main is present on the south side of SW Hwy 200 across from the site's frontage. 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. Potential non-residential demand would increase from zero gallons per day to 8,840 gallons per day. Utilities are generally available in the area, wherein a force main is present on the north side of SW Hwy 200 along the site's frontage. 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. As a non—residential zoning classification, recreation impacts are not typically anticipated by the proposed request; however, as a commercially zoned property, the site would be eligible for use under the State of Florida “Live Local Act” that enables qualified affordable housing developments in a commercial zoning as a permitted administrative use. Based on the proposed commercial zoning, the rezoning **recreation impacts would not adversely affect the public interest,** if used in a non-residential manner.

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 does not include any flood plain areas but does contain some flood prone areas. 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. The Friendship Fire Station #21, located at 7884 SW 90th Street, is ±0.84 miles southwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive distance from the subject property as evidence of the availability of such services. Based on the above, the rezoning fire rescue/emergency impacts would not adversely affect the public interest and the application is **consistent** with this section.
8. Law enforcement. The Sheriff's Southwest District Office/SR 200, located at 9084 SW Hwy 200, is ±2.74 miles southwest of the subject property. 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 rezoning law enforcement impacts would not adversely affect the public interest and the application is **consistent** with this section.
9. Public schools. As a non-residential zoning classification, no recreation impacts are anticipated by the proposed request, unless the site were utilized for a qualified "Live Local Act" affordable housing development. However, such residential development of the site could generate up to 70 dwelling units generating an estimated 7-elementary, 3-middle, and 3-high school students for a total of 13 students. The following figures are provided for the current school year: Hammett Bowen, Jr. Elementary (111.01%), Liberty Middle School (92.64%), and West Port High School (116.83%). While there are areas of overcrowding, overall, there is capacity within Marion County Schools. 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, if used in a non-residential manner.

In summation, staff concludes that the application, while meeting some of the above criteria, **will adversely affect the public interest**, particularly when related to compatibility with surrounding uses, intrusion into the overall Green Turf Acres rural neighborhood, and traffic infrastructure impacts.

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

1. Future Land Use Element (FLUE).

1. FLUE Policy 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: The requested zoning change for the site would significantly increase the potential density/intensity of the site, projecting further into the Green Turf Acres Subdivision consisting of lower intensity residential uses, functionally creating a limited "spot" of potential higher intensity development surrounded by lower intensity development, and also further affecting an established rural neighborhood and its existing substandard roadway infrastructure. The application is **not consistent** with FLUE Policy 1.1.1.

2. FLUE Policy 2.1.13: Protection of Rural Neighborhoods - Marion County shall recognize "rural neighborhoods" that occur within or outside of the UGB deserve special protection from the intrusion of urban uses, densities and intensities where new development occurs within the immediate vicinity. For the purpose of this policy, a rural neighborhood is an existing recorded or unrecorded subdivision where the overall density does not exceed one unit per three acres and the subdivision has a predominant Future Land Use Designation of Rural Land or Low Residential.

Analysis: The site is part of the Green Turf Acres UNR Subdivision that represents a "rural neighborhood" as previously noted. Further increasing the site's zoning classification to B-4 would enable more intense uses to encroach into the neighborhood. Therefore, the application is **not consistent** with FLUE Policy 2.1.13.

3. As staff recommends denial of the concurrent land use change, the site remains designated Low Residential that under FLUE Policy 2.1.17: Low Residential (LR) - This land use designation is intended to recognize areas *suited for primarily single-family residential units* for existing and new development within the UGB, a PSA or Urban Area. Parcels outside of, but contiguous to the UGB and outside of the FPA are eligible for conversion to Low Residential designation through density bonus programs consistent with FLU Policy 2.1.3. The density range shall be up to one (1) dwelling unit per one (1) gross acre, as further defined in the LDC. This land use designation is considered the Urban Area. Where Low Residential abuts the Farmland Preservation Area or other Rural Area, hamlet, clustered or other development methods to preserve large tracts of open space is encouraged.

Analysis: The request for Regional Business (B-4) provides for an increased range of uses not consistent with the residential nature of the site's continuing Low Residential (LR) land use, as granting the requested Employment Center (EC) land use is not recommended. Therefore, the application is **not consistent** with FLUE Policy 2.1.17.

4. FLUE Policy 5.1.3 on Planning and Zoning Commission provides, "The County shall enable applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County's Local Planning Agency. The 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 December 30, 2024 Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

5. FLUE Policy 5.1.4 on Notice of Hearing provides, "The County shall provide notice consistent with Florida Statutes and as further defined in the LDC."

Analysis: Public notice has been provided as required by the LDC and Florida Statutes and, therefore, the application is being processed **consistent** with FLUE Policy 5.1.4.

Based on the 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 **DENY** the requested rezoning.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to **APPROVE** the requested rezoning.
- 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 and make a recommendation to **TABLE** the application for up to two months in order for the applicant 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 because the application:

- A. **Will adversely** affect the public interest.
- B. **Is not consistent** with the Comprehensive Plan provisions because it is not in conformance with:
 - 1. FLUE Policies 1.1.1, 2.1.13 and 2.1.17.
- C. **Is not compatible** with the surrounding uses because the proposed would allow growth of an existing RAC node provided to serve residents of the rural surrounding area.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

The Planning & Zoning Commission voted to agree with staff's findings and recommendation and voted unanimously to recommend **DENIAL** of Rezoning Application 250109ZC.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Application.
- B. Green Turf Acres Unrecorded Subdivision No. 20 Plat, 7/9/1970
- C. DRC Staff Review Comments.
- D. Code Enforcement Report with Photos Lot 23 – closed.
- E. Site/Sign Photos.
- F. Reference FLUM Definitions and Zoning Class Intents.
- G. Definitions related to Model Centers, Manufactured Buildings, and Manufactured Homes.
- H. Community Business (B-2) versus Regional Business (B-4) Table.