



**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: 10/27/2025	BCC Date: 11/18/2025
Case Number	251109ZC	
CDP-AR	33318	
Type of Case	Rezoning from Improved Agriculture (A-2), Multiple Family Dwelling (R-3) & Community Business (B-2) to Regional Business (B-4) & Multiple Family Dwelling (R-3) for the intended uses of retail and multifamily.	
Owner	On Top of The World Communities, LLC	
Applicant	Klein & Klein, PLLC (Fred N. Roberts, Esq.)	
Street Address/Site Location	No Assigned Address	
Parcel Number(s)	35300-000-03, 35300-001-17 & portion of 35300-000-16	
Property Size	± 24.10-acre portion of ± 37.14-acre parcels	
Future Land Use	Circle Square Woods VDRI	
Existing Zoning Classification	A-2 (Improved Agriculture), R-3 (Multiple Family Dwelling), B-4 (Regional Business) & B-2 (Community Business)	
Overlays Zones/Special Areas	Urban Growth Boundary, Secondary Springs Protection Zone	
Staff Recommendation	Approval	
P&Z Recommendation	Approval	
Project Planner	Xinyi Cindy Chen	
Related Cases	N/A	

I. ITEM SUMMARY

Klein & Klein, PLLC, on behalf of the property owner On Top of the World Communities, LLC, submitted a rezoning application on August 28, 2025. The request seeks to rezone multiple parcels (see Attachment A) from Improved Agriculture (A-2), Multiple Family Dwelling (R-3), and Community Business (B-2) to Regional Business (B-4) and Multiple Family Dwelling (R-3). The subject property includes Parcel Identification Numbers 35300-000-03, 35300-001-17, and a portion of 35300-000-16. A site address has not been assigned. The rezoning area is ± 24.10 -acre portion of total ± 37.14 -acre parcels, including 3.247 acres to Multiple Family Dwelling (R-3) and 20.857 acres to Regional Business (B-4). The property is located within the Circle Square Woods Vested DRI, northwest of SW Highway 200 and east of SE 80th Avenue. It lies within the Urban Growth Boundary and the Secondary Springs Protection Zone. Figure 1 provides a general location map illustrating existing and surrounding conditions. The proposed rezoning to R-3 and B-4 would allow new retail (Target) and multifamily development.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The rezoning will establish a zoning district that is consistent with Marion County's future land use of the property and Comprehensive Plan.

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 (21 owners) within 300 feet of the subject property on October 10th, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on October 16th, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on October 13th, 2025. 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 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 2 shows the subject property as well as all surrounding properties designated as Circle Woods Square VDR1.

Figure 3 shows the existing zoning for the subject property. The existing zoning classifications include A-2 (Improved Agriculture), R-3 (Multiple Family Dwelling), B-4 (Regional Business) and B-2 (Community Business).

Figure 4 displays the proposed zoning for the subject property in relation to the existing zonings of the surrounding properties. The surrounding parcels are in the area of Community Business (B-2), Regional Business (B-4), Multiple Family Dwelling (R-3), and A-2 (Improved Agriculture). The site is located within the Urban Growth Boundary (UGB) as well as the Secondary Springs Protection Zone. The proposed rezoning is consistent with the surrounding zoning classification.

Figure 5 provides an aerial image of the subject property and surrounding area, while Figure 6 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). These two maps show the proposed zoning change is consistent with the surrounding land use and compatible with the adjacent zonings.

Figure 2
FLUMS Designation

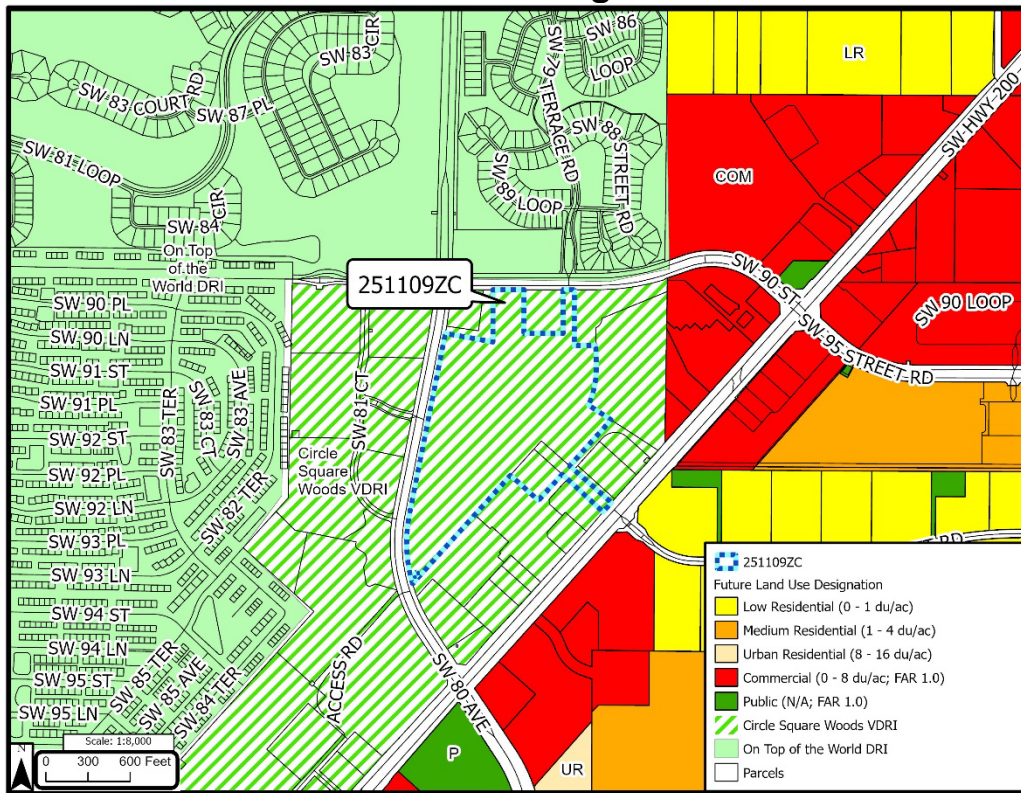


Figure 3
Current Zoning Classification

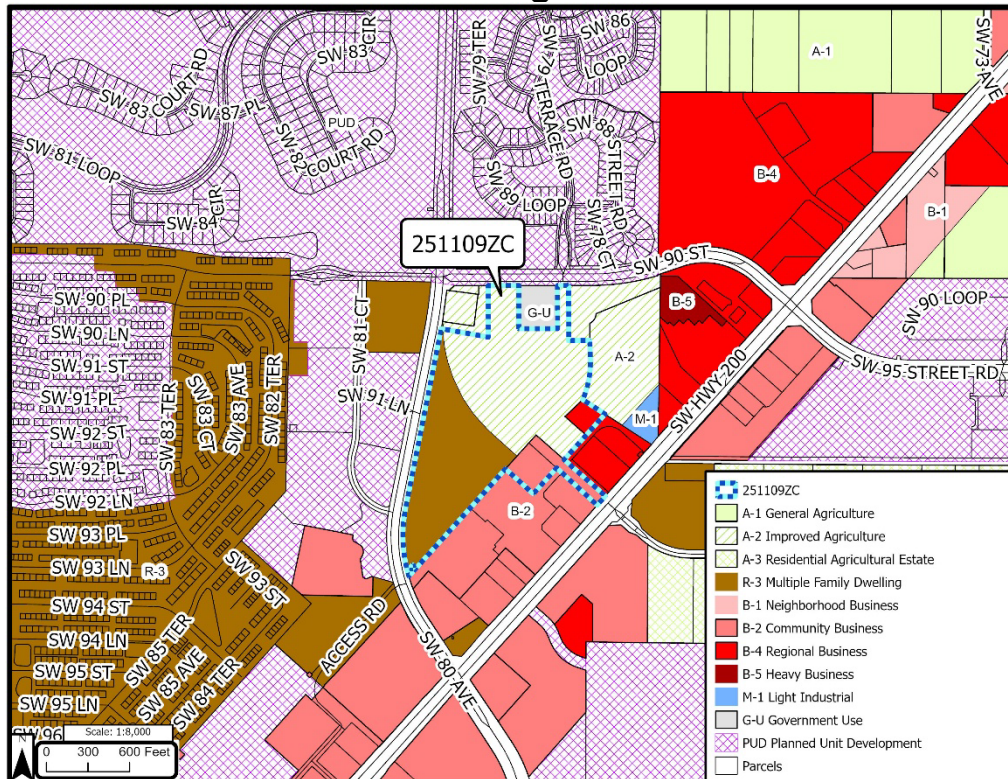


Figure 4



Figure 5



Figure 6
Existing Use per Property Appraiser Property Code

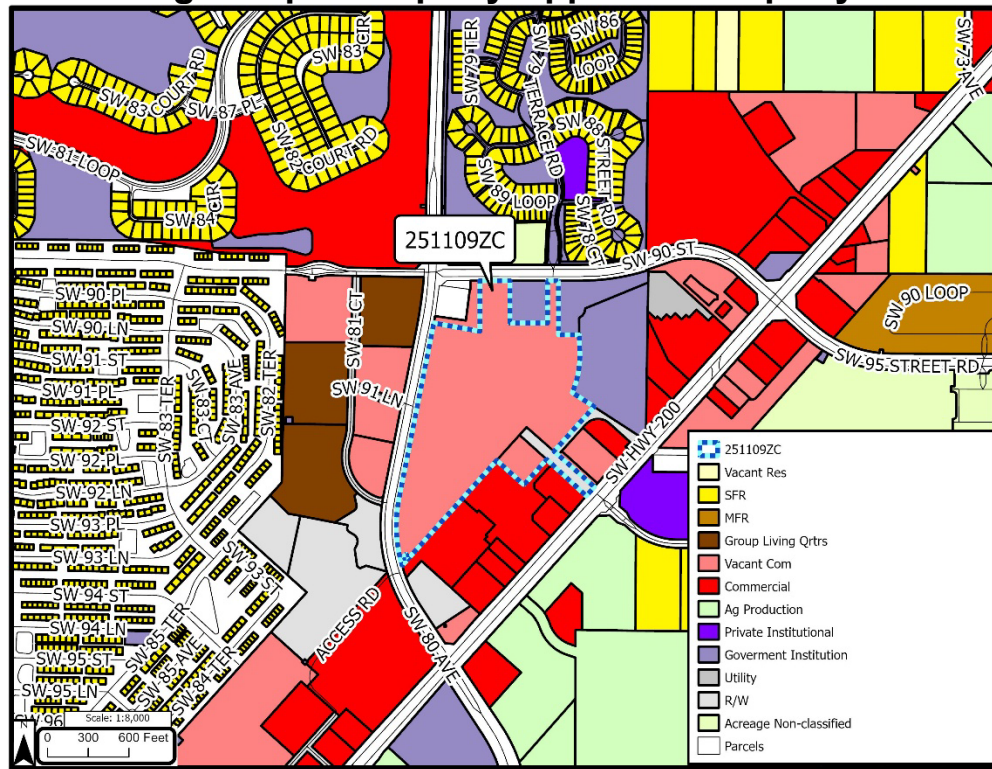


Table A displays the information of Figures 2, 3, 4 and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and found the subject site is mainly undeveloped with natural grassland and trees on the property as can be seen in the site photos provided in Attachment B.

TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
Subject Property	Circle Square Woods VDRI	Community Business (B-2), Regional Business (B-4), Multiple Family Dwelling (R-3), and A-2 (Improved Agriculture)	ROW, Vacant Commercial
North	ROW, Circle Square Woods VDRI	ROW, Government Uses (G-U), Improved Agriculture (A-2)	ROW, Government Institution
South	Circle Square Woods VDRI	Multi Family Dwelling (R-3), Improved Agriculture (A-2)	Commercial
East	Circle Square Woods VDRI	Improved Agriculture (A-2), Regional Business (B-4)	Government Institution

West	ROW, Circle Square Woods VDRI	ROW, Multi Family Dwelling (R-3)	ROW
-------------	-------------------------------	----------------------------------	-----

The subject property is adjacent to commercial properties along the SW HWY 200. Nearby uses of Walmart, Starbucks, Burger King, salon, and other stores are similar in intensity to uses permissible in Circle Woods Square VDRI.

Based on the above findings, the proposed rezoning application **is compatible with the existing and future surrounding land uses.**

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

1. Transportation impacts. These include roadways, public transit, and other mobility features.

- a. Roadways. The subject property fronts SW Highway 200, a principal arterial roadway that provides regional access and supports a variety of commercial and residential uses in this corridor. The rezoning area is accessible from SW 80th Ave as well as through existing roadways from SW 90th St and SW HWY 200. Given its location within the Circle Square Woods VDRI, the site has already received concurrency approval as part of the DRI review process.

Staff comments from the Development Review Committee (DRC) Traffic (Attachment C) indicate that while a full traffic impact study is not required for the rezoning, further analysis is necessary to evaluate operational effects. Specifically, an operational analysis of the proposed driveways and adjacent intersections will be required to ensure safe and efficient traffic flow. A traffic methodology must be submitted, reviewed, and approved prior to conducting the analysis, and the results of the operational study must be approved prior to site plan approval.

At the time of development, the applicant will be required to comply with all applicable Land Development Code standards for access management, driveway design, and intersection improvements, as well as any conditions identified through the operational analysis. These requirements will mitigate potential adverse traffic impacts and ensure the site functions safely within the broader roadway network.

- b. Public transit. The property is not along or within one-quarter mile of existing transit routes. No transit routes are currently projected to extend to the vicinity of the project. Therefore, the application would not adversely affect the public interest.
- c. Other mobility features. Sidewalks currently exist along SW 90th St, SW 80th Ave and SW HWY 200.

Based on the above findings, given its location within the Circle Square Woods VDRI, the site has already met the concurrency. The rezoning roadway **impacts would not adversely affect the public interest. The traffic methodology and operational study must be approved prior to site plan approval.**

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 commercial calculation (rezoning to B-4), the entire property would result in a demand of 57,356 gallons per day. For residential calculation, the exact demand will depend on the number of dwelling units approved at site plan. Parcels are located within the Bay Laurel Community Development District (BLCCDD) utility service area. Marion County Utilities has no comments regarding the proposed zoning change. According to the DRC comments, Marion County Utility will require a Letter of Availability and Capacity to Serve from BLCCDD during the plan review stages of each future project included in the rezoning concept. The applicant shall ensure that BLCCDD has been notified of the zoning changes, as the proposed rezoning may impact previously calculated flows.
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 commercial calculation, the property would result in 41,714 gallons per day. For residential calculation, the exact demand will depend on the number of dwelling units approved at site plan. Parcels are located within the Bay Laurel Community Development District (BLCCDD) utility service area. Marion County Utilities has no comments regarding the proposed zoning change. According to the DRC comments, Marion County Utility will require a Letter of Availability and Capacity to Serve from BLCCDD during the plan review stages of each future project included in the rezoning concept. The applicant shall ensure that BLCCDD has been notified of the zoning changes.
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. Future residential solid waste generation will be calculated at 6.2 pounds per person per day once unit counts are established at site plan review. A commercial/agricultural level of service standard is not currently in place for Marion County as such operations are required to provide for individual collection wherein disposal within Marion County is alternatively addressed.
5. Recreation. Recreation Element Policy 1.1.1. adopts a level of service standard of two (2) acres per 1,000 persons. Based on the potential residential development associated with the rezoning of 3.247 acres to R-

- 3, the additional population would incrementally increase demand for recreation facilities. However, the property is located within the Circle Square Woods Vested Development of Regional Impact (VDRI), which provides recreational areas for community use. The Owner/Developer shall ensure that the required recreational spaces are provided during the site plan review phase. As such, the proposed rezoning is not anticipated to create any deficiencies in meeting the County's adopted LOS for recreation.
6. Stormwater/drainage. Stormwater Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development site. The subject parcel is not located within Flood Zone or Flood Prone Areas. Based on the above, the rezoning **stormwater/drainage impacts would not adversely affect the public interest.**
 7. Fire rescue/emergency services. The site is officially located in the service district for Marion County's Fire Rescue Station #21, adjacent to the subject property. 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, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**
 8. Law enforcement. The nearest Sherriff substation is located approximately 2.2 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 application's **law enforcement impacts would not adversely affect the public interest.**

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

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

1. FLUE Policy 4.1.6: Inapplicability of Policy 2.1.11 to the On Top of the World Development of Regional Impact, Circle Square Woods Vested Development of Regional Impact and Golden Ocala Development Order. Policy 2.1.11 (Protection of Rural Neighborhoods) shall not apply to the following properties, including any development orders and permits issued for development within the properties: 1. The On Top of the World Development of Regional Impact ("OTOW DRI"), which is governed by the OTOW DRI Amended and Restated Development Order, as amended by Marion County on November 20, 2018, and as may be amended from time to time in the future ("ARDO"). 2. The Circle Square Woods Binding Letter of Interpretation for Modification to a Development of Regional Impact with Vested Rights, as amended by Marion Count yon November 20, 2018 and as may be amended from time to time in the future (BLIM). 3. Marion County

Ordinance No. 17-28 adopted by the Marion County Board of County Commissioners on October 17, 2017, as supplemented by the Settlement Agreement Concerning Golden Ocala Approvals dated February 20, 2018, as may be amended from time to time in the future ('collectively the Golden Ocala Development Order'). In the event of a conflict between Policy 2.1.11 of the Comprehensive Plan and the ARDO, the BLIM or the Golden Ocala Development Order, the ARDO, BLIM or Golden Ocala Development Order, as applicable, shall be deemed to prevail.

Analysis: The subject property is located within Circle Square Woods VDRI, thus the proposed rezoning is not subject to the rural neighborhood protection requirements of Policy 2.1.11. Instead, development within this area is governed by the vested rights established under the Circle Square Woods Binding Letter of Interpretation for Modification to a DRI (BLIM), as amended by Marion County on November 20, 2018. In the event of conflict between Policy 2.1.11 and the BLIM, the vested development order provisions prevail. Therefore, the request is consistent with the Comprehensive Plan as it relates to FLUE Policy 4.1.6.

2. 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 27th, 2025, Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

3. 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 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, amend the findings and conclusions contained herein so as to support a recommendation for the approval of the Ordinance, and make a

recommendation to adopt a proposed Ordinance to **APPROVE** the rezoning amendment.

- B. 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.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to **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 **APPROVE** the proposed rezoning because the application:

- A. Will not adversely affect the public interest because non-conformance with the law enforcement level of service standard are outweighed by conformance with the eight other public facility and services level of service standards;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
 - 1. FLUE Policies 4.1.6, 5.1.3, and 5.1.4;
- C. Is compatible with the surrounding uses because the proposed rezoning would match the existing agricultural use on the property and surrounding uses such as agriculture, rural activity center, and residential.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application package
- B. Site Photos
- C. DRC Comments