



**Marion County
Board of County Commissioners**

Growth Services

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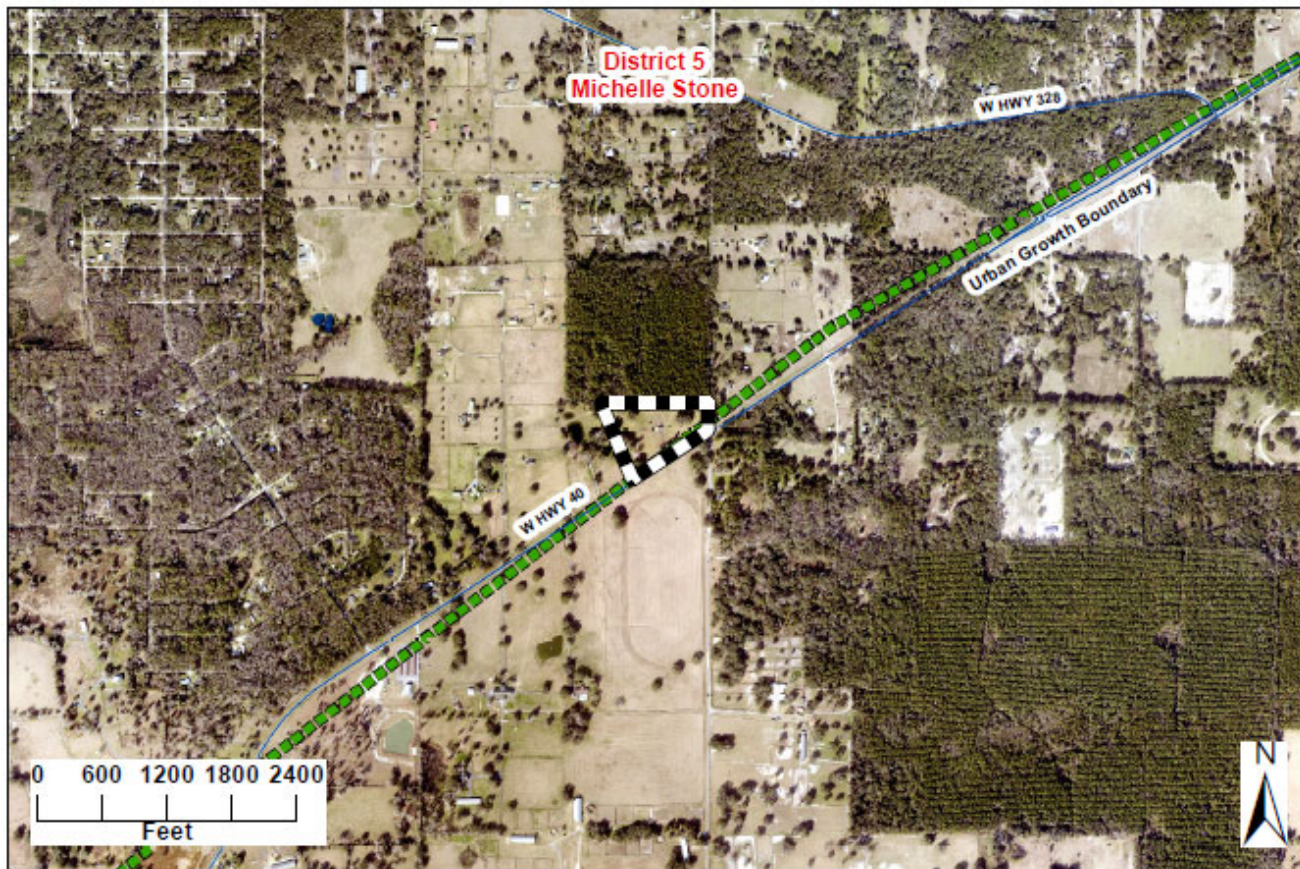
**PLANNING & ZONING SECTION
STAFF REPORT**

Commissioner District 5 Michelle Stone.	P&ZC Date: 4/24/23	BCC Date: TBD
Case Number:	230501ZC	
CDP-AR:	29731	
Type of Case:	Rezoning of a ±8.22-acre portion of Community Business (B-2) & a ±1.78 portion of General Agriculture (A-1) to General Agriculture (A-1) on a 10-acre site.	
Owner	Diamond D. Ranch, LLC.	
Applicant	Matthew J. Dyer & Bill Dyer.	
Street Address	Not addressed	
Parcel Number	21162-006-01	
Property Size	± 10 ac	
Future Land Use	Rural Land	
Zoning Classification	General Agriculture (A-1) & Community Business (B-2)	
Overlay Zone/Scenic Area	Secondary Springs Protection Zone	
Staff Recommendation	APPROVAL	
P&ZC Recommendation	TBD	
Project Planner	Ngozi Ajufu, Senior Planner	
Related Case(s)	None	

I. ITEM SUMMARY

Matthew Dyer & Bill Dyer, on behalf of owner, Diamond D Ranch, LLC, have filed a rezoning application (see Attachment A) to change the zoning classification of a ± 10 -acre site from ± 8.22 -acre of Community Business (B-2) and ± 1.78 -acre of General Agriculture (A-1) to General Agriculture (A-1). The Parcel ID Number associated with the property is 21162-006-01, and the street address is not addressed. The legal description is displayed on the warranty deed included as part of the application. The subject property is outside the Urban Growth Boundary (UGB), and within the Secondary Springs Protection Zone and County Commission District 5.

**FIGURE 1
GENERAL LOCATION MAP**



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the applicant's request because it is consistent with Land Development Code (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.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C., a notice of public hearing was mailed to all property owners (7) within 300 feet of the subject property on April 07, 2023. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on March 30, 2023, and consistent with LDC Section 2.7.3.E. due public notice was published in the Ocala Star-Banner on April 10, 2023. Evidence of the above-described public notices is 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 is addressed below.

- A. *Compatibility 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 displays the subject property's and surrounding properties' Future Land Use Map Series (FLUMS) designation, and it shows the subject property is designated Rural Land (RL) which allows a maximum of 1 dwelling unit per 10 acres. This Parcel abuts Rural Land designation to the north, west, east, and W Hwy 40 to the south. Staff concludes the land use **is compatible** with the surrounding uses on all sides.

**FIGURE 2
FLUMS DESIGNATION**

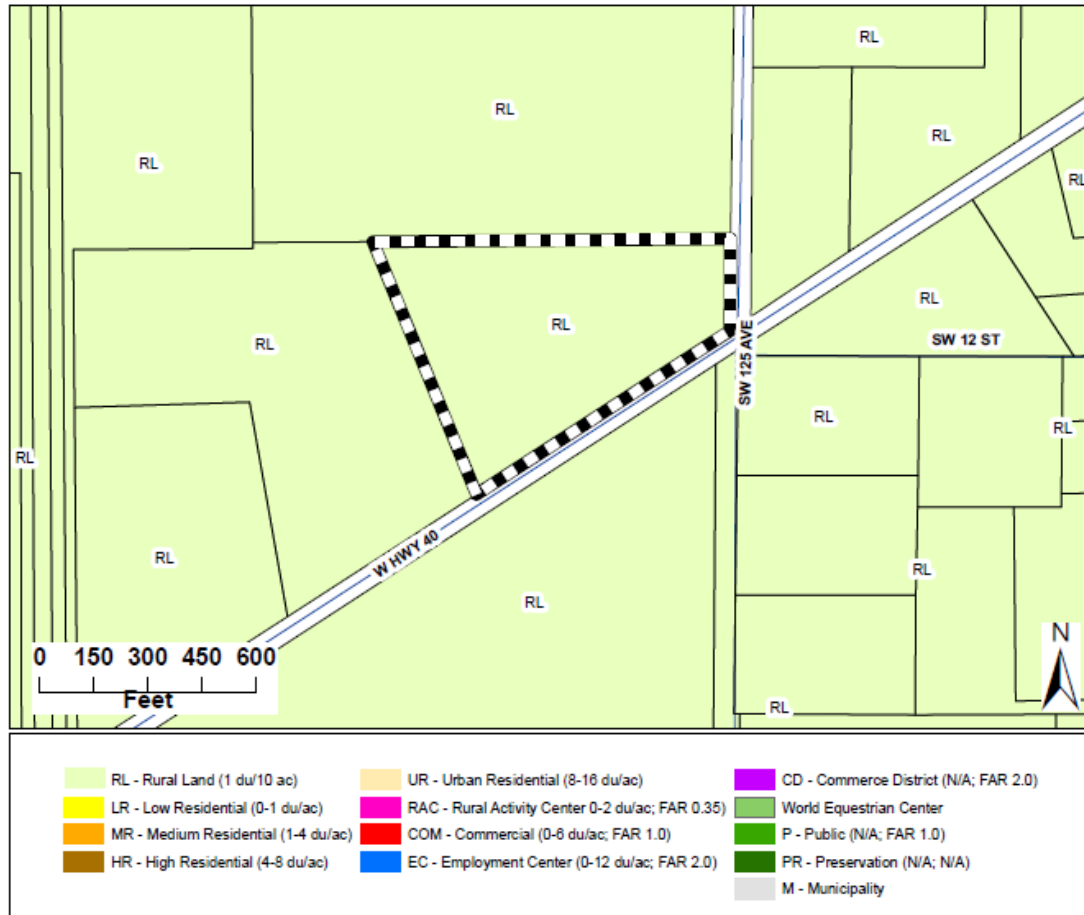


Figure 3 displays the subject property and surrounding properties' zoning classification, and it shows the subject property has a ± 1.78 -acre of General Agriculture (A-1) which allows for 1 dwelling unit per 10 acres & ± 8.22 -acre of Community Business (B-2) which allows up to a maximum of 8 dwelling unit per acre. The Community Business zoning (B-2) is not consistent with Rural Land Designation but General Agriculture (A-1) zoning is consistent with Rural Land Designation.

LDC Sec 4.2.3.A states, "The General Agriculture classification is intended to preserve agriculture as the primary use. This classification in the Urban Area may be used for agriculture until it is rezoned to another permitted classification." LDC sec 4.2.14.B allows for "General farming, agricultural uses such as aquaculture, fish hatcheries, agricultural crop production including sod farms, agricultural production of livestock and forestry, including horses, cattle or the keeping and raising of ratites such as ostriches and emus". Staff finds that the proposed rezoning will make the ± 10 -acre site consistent with LDC Sec 4.2.3.B.

**FIGURE 3
ZONING CLASSIFICATION**

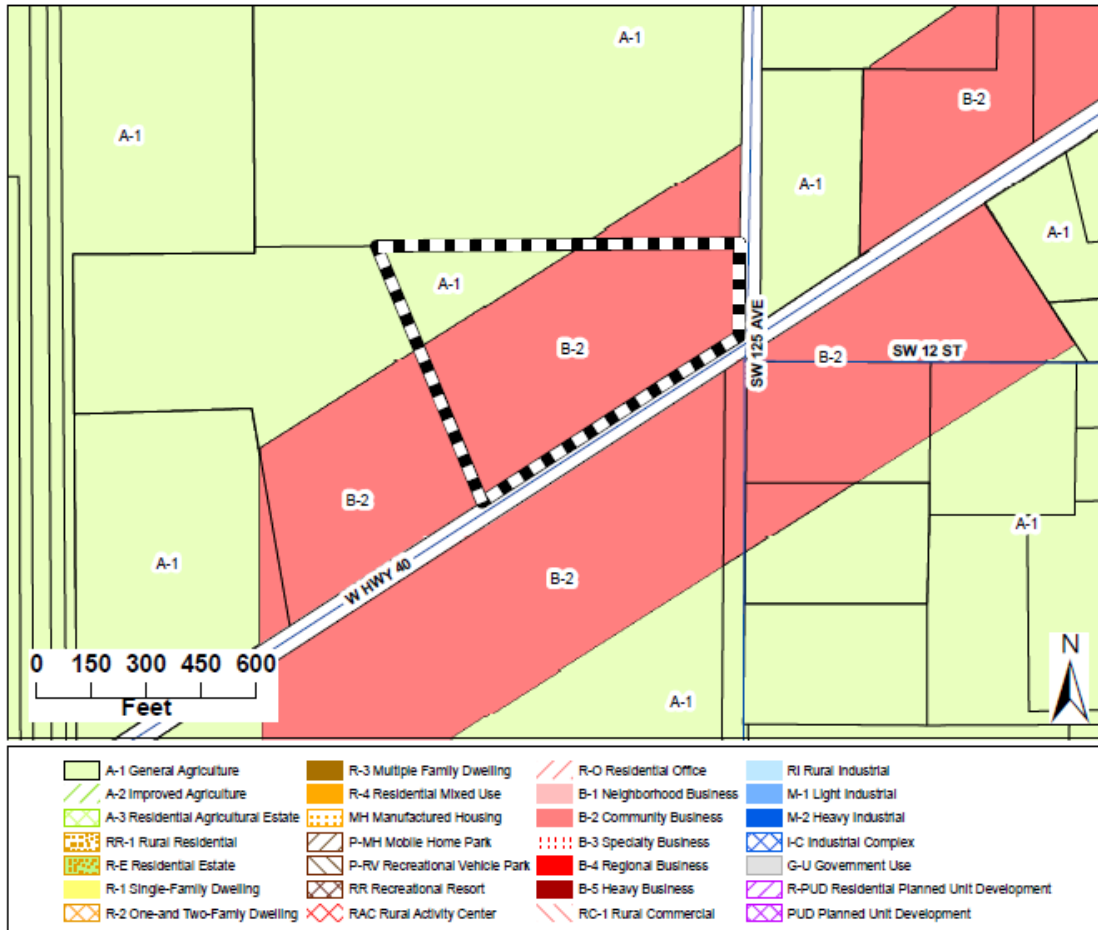


Figure 4 displays the proposed zoning classification of the property from Community Business (B-2) to General Agriculture (A-1) in relationship to the surrounding zoning districts.

Abutting to the north and west of the subject property is a mix of General Agriculture (A-1) and Community Business (B-1) zoned parcels. To the south is W Hwy 40 and Community Business (B-2) and General Agriculture (A-1). To the east is SW 125TH Avenue and General Agriculture (A-1) zoned parcel. Staff concludes that the proposed rezoning is compatible with surrounding uses.

**FIGURE 4
PROPOSED ZONING CLASSIFICATION**

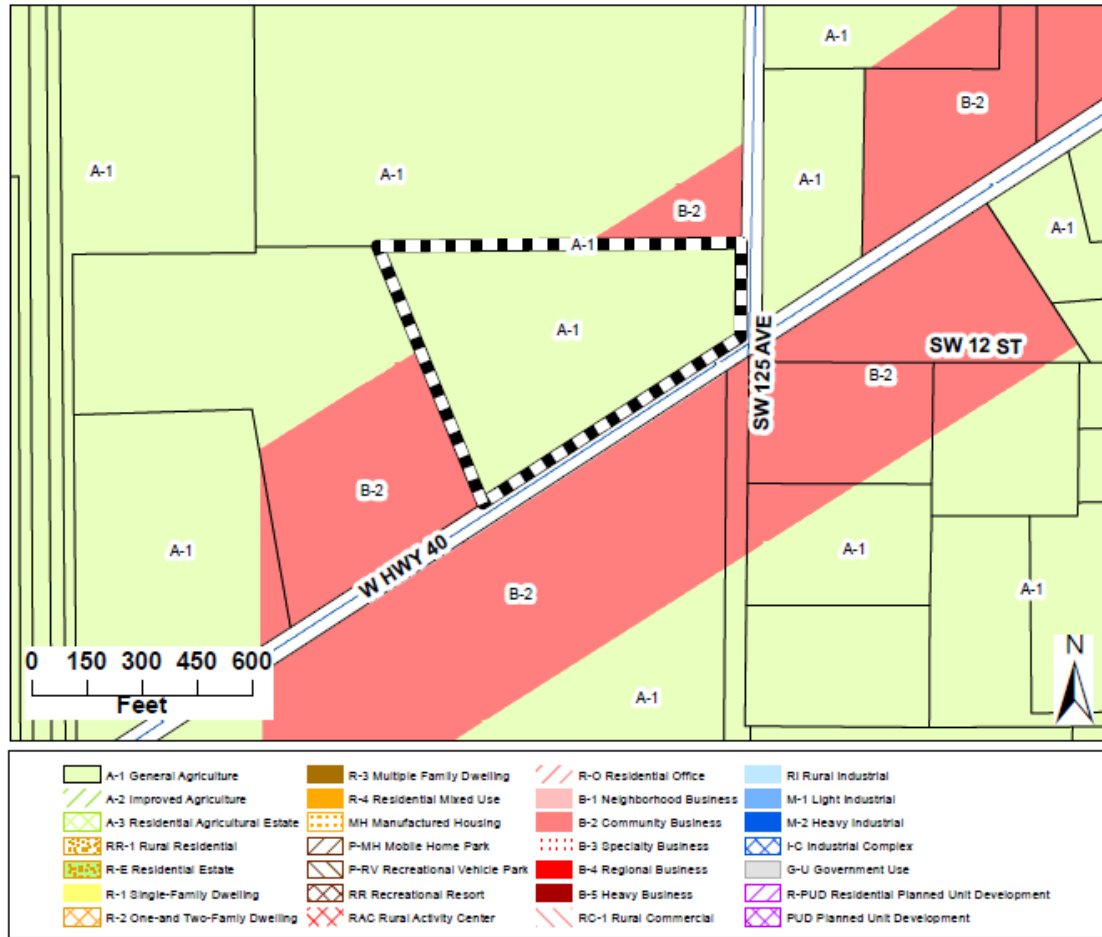


Figure 5 is an aerial photograph displaying existing and surrounding site conditions while Figure 6 displays existing uses and surrounding uses according to the Marion County Property Appraiser (MCPA). Consistent with LDC Section 2.7.3.D., staff conducted a site visit and found the subject property has 834 linear feet of frontage on W Highway 40. The ±10-acre site has a 1,296 SF horse barn and a few scattered trees on site (see Attachment A Page 3).

**FIGURE 5
EXISTING USES**



According to the MCPA, the property abutting to the north is a 40-acre square-shaped site currently undeveloped and heavily wooded and classified as timberland. Abutting to the west is a 15-acre irregularly shaped site, developed with a 2,356 SF horse barn and classified as grazing land. Abutting to the south is W Hwy 40 and a 62-acre irregular shape site developed with a 4,115 SF single-family residence and 3-horse bans built in 1977 and classified as grazing land. Abutting to the east is a 4.18-acre square foot site developed with a 2,230 square-foot single-family residence built in 2003 and classified as improved residential.

**FIGURE 6
 EXISTING USES**

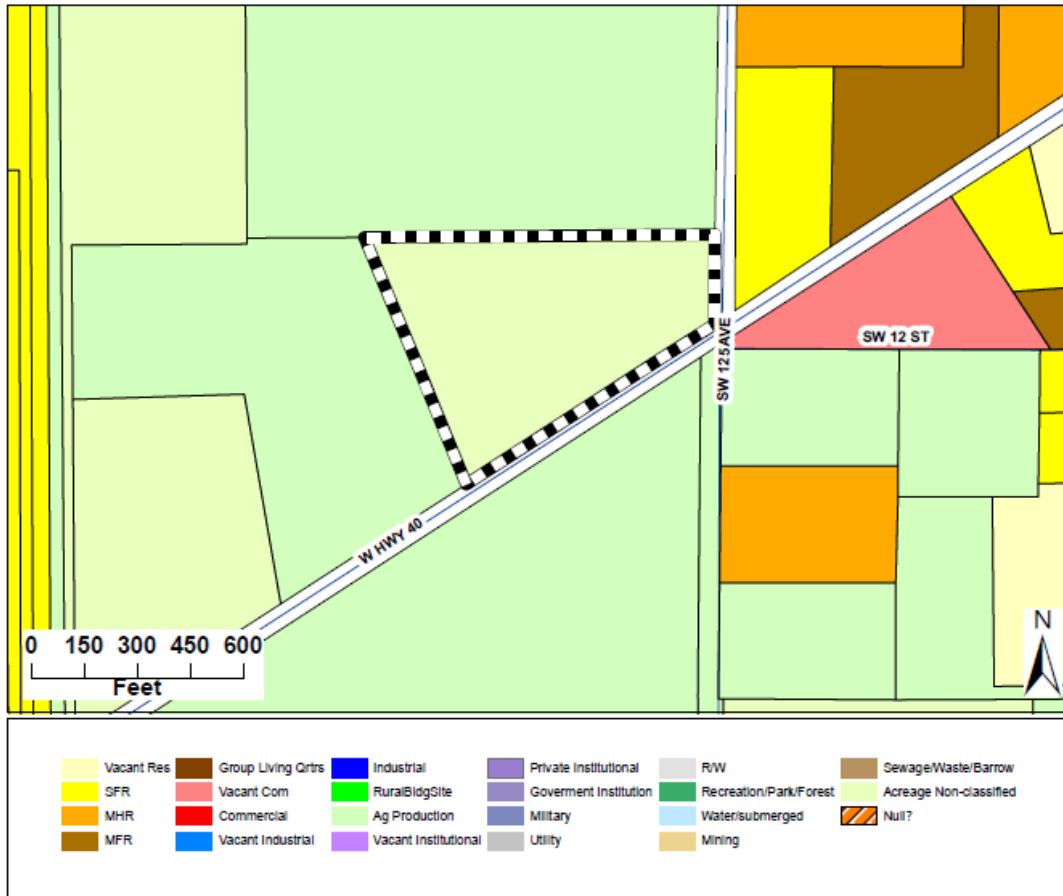


Table A displays in tabular form the FLUMS designation, zoning classification, and existing uses on the subject and abutting properties.

TABLE A
EXISTING USES PER MARION COUNTY PROPERTY APPRAISER MAP

ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning Classification	Existing Use
Site	Rural Land	General Agriculture (A-1) & Community Business (B-2)	Acreage/Non Classified (99)
North	Rural Land	General Agriculture (A-1)	Timber Land (56)
South	Rural Land	General Agriculture (A-1)	Right-of-way & Grazing Land (62)
East	Rural Land	General Agriculture (A-1)	Improved Residential (01)
West	Rural Land	General Agriculture (A-1)	Grazing Land (62)

In conclusion, the staff finds that the proposed rezoning is compatible with the surrounding uses.

A. *Affect on public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The Development Review Comments letter on the proposed Rezoning found **no traffic concerns** with this request. (See Attachment B).

Thus, based on the above findings, staff concludes the proposed rezoning **would not adversely affect the public interest.**
 - b. Public transit. The property is located outside the Urban Growth Boundary and there is no public transit available in this area. It is concluded the application **would not adversely affect the public interest.**
 - c. Other mobility features. The site's frontage does not have a sidewalk or bicycle lane. It is concluded the application **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.

The DRC comment letter indicates Marion County Utility is in support of this request (see Attachment B). It is concluded that the application **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.

The DRC comment letter indicates Marion County Utility is in support of this request (see Attachment B). It is concluded that the application **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.

The DRC comment letter indicates Marion County Utility is in support of this request (see Attachment B). Based on the above, it is concluded the application's 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. Marion County features a variety of federal, state, and local recreation lands satisfying the general level of service standard. It is concluded that the application **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. DRC Comment letter from OCE – Stormwater “Stormwater is not opposed to the rezoning. The applicant proposes to rezone from B-2 to A-1. Parcel# 21162-006-01 is currently zoned B-2 & A-1 and is a total of 10 acres in size. There are FEMA Flood Zone and Flood Prone Areas on the property (NAVD 79.8' & 80.5'). Per the MCPA, this parcel currently has 1,296 SF of impervious coverage. This site will be subject to a Major Site Plan when its existing and proposed impervious coverage exceeds 9,000 SF” (see Attachment B). It is concluded the application **would not adversely affect the public interest.**

7. Fire rescue/emergency services. The site is within the Meadowood Farms Marion County Fire Station # 12, located ± 1.82 miles northeast of the proposed development at 120 NW 110TH Avenue. It is concluded the application's fire rescue/emergency impacts **would not adversely affect the public interest.**

8. Law enforcement. The Sheriff's Substation, located at 9048 SW Hwy 200, Ocala FL, it is concluded the application's law enforcement impacts **would not adversely affect the public interest.**
9. Public schools. The schools within the area are Dunnellon High School, located at 10055 SW 180TH Avenue Road, Dunnellon FL (111.26 % capacity). North Dunnellon Middle School, located at 21005 Chestnut Street, Dunnellon, FL (64.59 % capacity). Dunnellon, Elementary School, located at 10235 SW 180th Avenue Road, Dunnellon (99.83% capacity). It is concluded the application's public school impacts **would not adversely affect the public interest.**

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

B. *Comprehensive Plan consistency.*

1. Policy 2.1.16: Rural Land (RL). This land use designation is intended to be used primarily for agricultural-related uses, associated housing related to farms, and agriculture-related commercial and industrial uses. The base density shall be 1 dwelling unit per 10 gross acres, and the designation is a Rural Area land use, as further defined in the LDC. This land use designation is an Urban Land Area use.

Analysis: The subject property is requesting a re-zoning from B-2 & A-1 to A-1 which is consistent with the Rural Land (RL) FLUMS. Staff concludes the proposed rezoning **is consistent** with FLUE Policy 2.1.16.

2. TE Policy 2.1.4 on the determination of impact provides in part, "All proposed development shall be evaluated to determine impacts to adopted LOS standards."

Analysis: Staff finds potential traffic impacts of the proposed rezoning will be similar to the uses currently allowed within the existing zoning classifications. Staff concludes the proposed rezoning **is consistent** with TE Policy 2.1.4.

In summation, staff concludes that the rezoning is **consistent** with the land use, is **consistent** with the Comprehensive Plan, is **compatible** with the surrounding area, and **will not adversely affect** the public interest as listed in LDC Section 2.7.3.E.(2).

V. ALTERNATIVE RECOMMENDATIONS

- 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 the Board of County Commissioners to **DENY** the rezoning amendment.
- B. 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 the approval of the Ordinance, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE** 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 the Board of County Commissioners 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 and Zoning Commission (PZC) 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 the Board of County Commissioners to **APPROVE** the proposed rezoning because the application is consistent with the Comprehensive Plan, is compatible with the surrounding area, and, will not adversely affect the public interest, therefor is consistent with those requirements listed in LDC Section 2.7.3.E.(2).

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined.

VIII. BOARD OF COUNTY COMMISSIONERS' ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. A rezoning application was filed on February 09, 2023.
- B. DRC Staff Review Comments.
- C. Site Photos.