



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date: 01/26/2026</b>	<b>BCC Dates: 02/17/2026</b>
<b>Case Number</b>	260206ZC
<b>CDP-AR</b>	PL ZoneChg-000005-2025
<b>Type of Case</b>	<b>Rezoning</b> a portion of land from General Agriculture (A-1) to Single-Family Dwelling (R-1).
<b>Owner</b>	Mike Kirby, Amber Kirby, and Roberta Patton
<b>Applicant</b>	Beau Cylmer, P.E. – Clymer Farner Barley, Inc.
<b>Street Address/Site Location</b>	8107 E Hwy. 25, Belleview, FL 34420
<b>Parcel Number(s)</b>	39279-010-00
<b>Property Size</b>	± 4.01-acre portion of an overall 6.23-acre parcel
<b>Future Land Use</b>	Medium Residential (MR)
<b>Existing Zoning Classification</b>	General Agriculture (A-1) and Single-Family Dwelling (R-1)
<b>Overlays Zones/Special Areas</b>	Urban Growth Boundary (UGB), Secondary Springs Protection Overlay Zone (S-SPOZ)
<b>Staff Recommendation</b>	<b>Approval</b>
<b>P&amp;Z Recommendation</b>	<b>Approval (on consent 6-0)</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner
<b>Related Cases</b>	None

## I. ITEM SUMMARY

Mike Kirby, Amber Kirby, and Roberta Patton, property owners and applicants, have filed a rezoning application to change a 4.01-acre portion of General Agriculture (A-1) to Single-Family Dwelling (R-1) for an overall ±6.23-acre parcel (see Attachment A). The Parcel Identification Number for the property is 39279-010-00; the site address is 8107 E. Hwy 25, Belleview, FL, 34420, and the legal description is provided within the application (see Attachment A). The site is currently being used residentially with a site-built residence and mobile home on the property. The proposed zoning change would allow for a division desired by the applicants to give a portion of the property to a family member. The site is located within the Urban Growth Boundary (UGB) as well as the Secondary Springs Protection Overlay Zone (S-SPOZ).

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Approval** of the rezoning application. Staff finds that the rezoning will not adversely affect public interest, is consistent with the Comprehensive Plan, and is compatible with surrounding uses.

### 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 (12 owners) within 300 feet of the subject property on January 9, 2026. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on January 9, 2026, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on January 12, 2026. 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, but that the proposed zoning change is not consistent with the current Comprehensive Plan, and that it is not compatible with land uses in the surrounding area. Staff's analysis of 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 subject property as well as surrounding properties share a Medium Residential (MR) land use. To the southeast, southwest, and west are areas with Commercially designated land use.

The site is located within the Urban Growth Boundary as well as the Primary Springs Protection Overlay Zone (P-SPOZ)

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

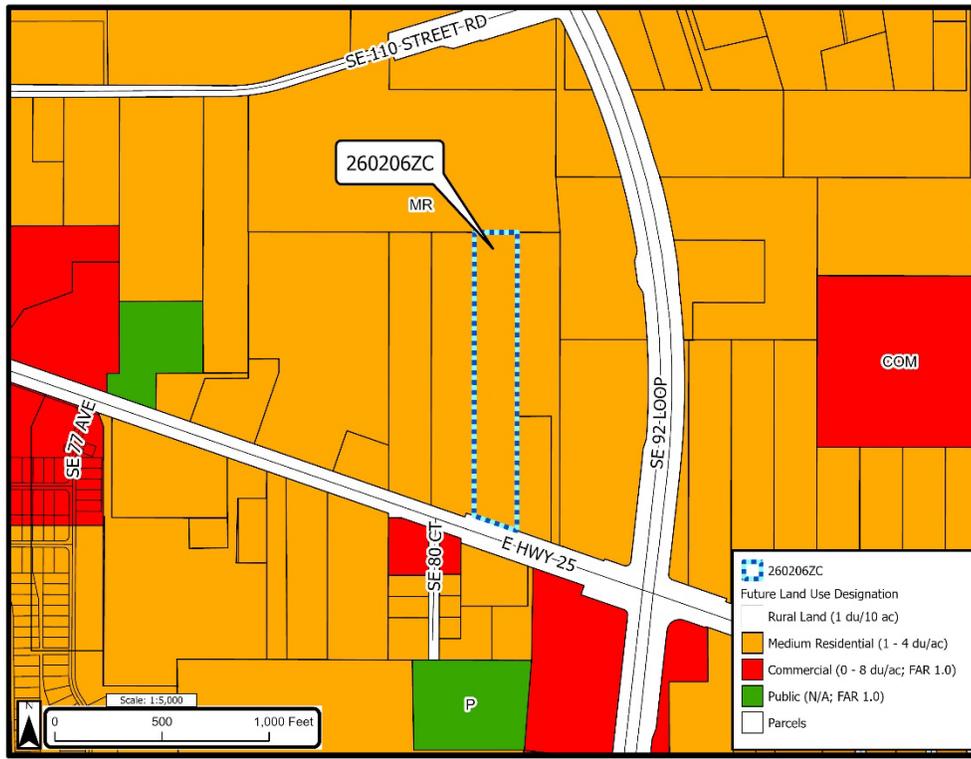
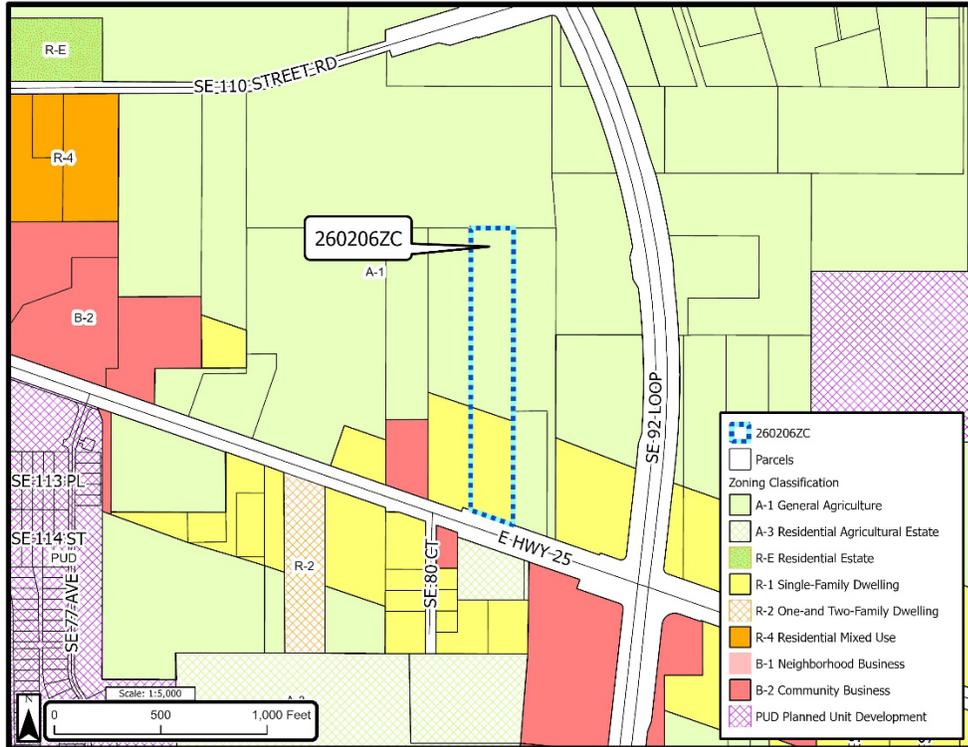


Figure 3 displays the current zoning for the subject property in relation to the existing zoning of the surrounding properties while Figure 4 displays the proposed zoning relative to that of the parcels surrounding it. The area surrounding the subject parcel has a similar pattern of zoning with Single-Family Dwelling (R-1) for the “front” portion of the property nearest E Hwy 25 and General Agriculture (A-1) towards the “rear” of the properties. This same pattern can be seen moving east and west along E Hwy 25. Southeast of the subject site are subdivisions Belleview Ridge Estates and Spruce Creek Country Club “Sherwood” and “Sherwood Replat.” West of the property are Vista Trace, Belleview Oaks Estates, and Lake Weir Gardens.

### Figure 3 Existing Zoning Classification



### Figure 4 Proposed Zoning Classification

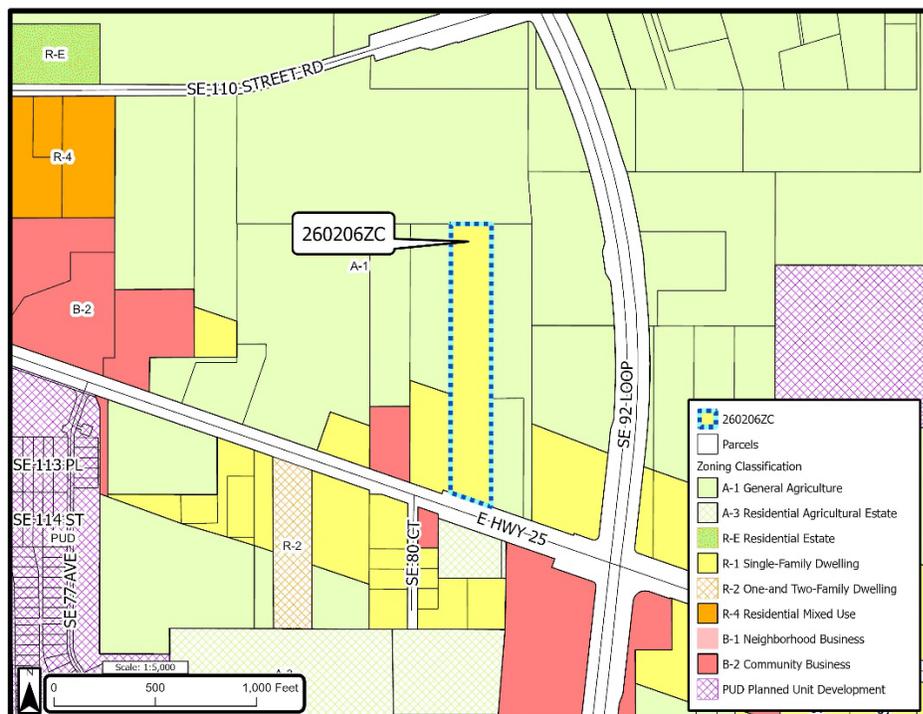


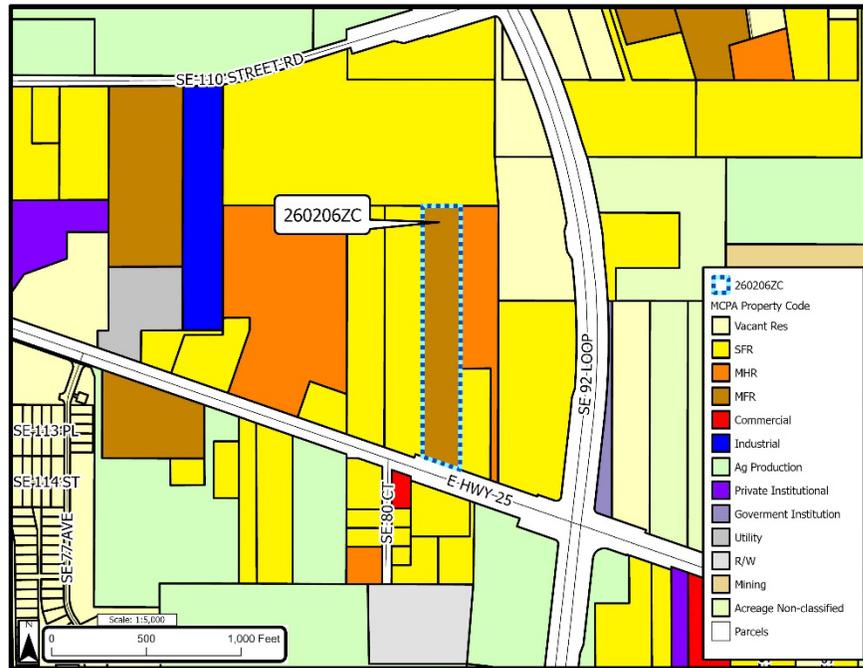
Figure 5 provides an aerial image of the subject property and surrounding area, while Figure 6 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

- A. Table A displays the information of Figures 2, 3, and 6 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit on January 9, 2026 and found the property developed with a single-family dwelling and a vacant mobile home that is to be removed from the property; the property owners are in the process of securing a buyer for the mobile home. The property is mostly comprised of open field with a few clusters of trees toward the south end of the property and closer to E. Hwy 25.

**Figure 5**  
**Property Aerial**



**Figure 6**  
**Existing Use per Property Appraiser Property Code**



**TABLE A. Adjacent Property Characteristics**

Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Medium Residential (MR)	General Agriculture (A-1)	Improved Residential
South	Medium Residential (MR)	Residential Agricultural Estate (A-3)	Improved Residential
East	Medium Residential (MR)	General Agriculture (A-1)	Manufactured Home
West	Medium Residential (MR)	General Agriculture (A-1) Single-Family Dwelling (R-1)	Improved Residential

Based on the above findings, the proposed rezoning application is **compatible** with the existing and future surrounding land uses because the change looks to convert the remaining portion of property to the same residential zoning classification existing in the area. The parcel is being used residentially and intends to continue with this use.

*How does the request affect the public interest?*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. The property fronts on E Hwy 25 and is very close to the intersection of E Hwy 25 and SE 92<sup>nd</sup>. E Hwy 25 is a county-maintained collector road and SE 92<sup>nd</sup> Loop is a county-maintained arterial road. Traffic stated in their comments, "At the time of family division, the lots will need to be divided in a way that allows for shared use of the existing driveway." While the intent is to divide a portion of the property off for a family member, this will not be done by the family division process; this parcel doesn't meet the minimum requirements for a family division, namely it lacks Low Residential land use which is required within an Urban Area for a family division to take place. This parcel will split via one-time division and will require each resulting parcel to have its own 40' of access unless Traffic permits for some alternative access arrangement. Using the ITE 10<sup>th</sup> Edition Trip Generation Planner, staff was able to find that based on the maximum of 24 units for 6.23 acres of medium residential (1-4 du/ac), the parcel could generate up to 228 daily trips with 18 peak AM and 24 peak PM trips.
  - b. Public transit. There are currently no fixed route services available in the area.
  - c. Other mobility features. No sidewalks currently exist on this northern portion of E Hwy 25. Therefore, the application would not adversely affect the public interest.

Based on the above findings, the rezoning roadway **impacts will 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 residential calculation, the proposed rezoning could result in a potential demand of up to 9,000 gallons. The property is currently served by well, however, the property is located within City of Belleview utilities service area. Belleview has provided a letter of availability and capacity (Attachment A Page 4) for future development of the property should it meet the minimum connection distance requirements. **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 residential calculation, the proposed rezoning could result in a potential demand of 6,600 gallons if required to connect to central

sewer services. The property is currently served by septic but is within City of Belleview's service area. Future development of this property may require connection to sewer services should minimum connection distance be met. **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 maximum development possible on this parcel of 24 homes and the average home size of 2.5 people established by census data would generate roughly 60 people, well below the level of service requirements. **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 does not include any flood zone or flood prone areas. Additionally, there are not wetland areas on the site. includes flood prone areas located near the southern end of the property as well as the northwest portion of property. Stormwater notes in DRC comments (Attachment C) that the parcel is at roughly 3,214 sq. ft. of impervious and will require a major site plan review when 9,000 sq. ft. is met or exceeded. 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 Belleview Fire Station #18, located at 11941 SE 55<sup>th</sup> Avenue Rd., Belleview, FL, approximately three (3) 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 time 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 the Silver Springs Shores District Office located approximately 4.6 miles north of the subject property at 501 Water Rd., Ocala. 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.**

9. Public schools. local school zones include Emerald Shores Elementary (100%), Lake Weir Middle (88%), and Lake Weir High (75%) with corresponding capacity figures from 60<sup>th</sup> day of the '24- '25 school year. While there are areas of localized overcrowding within the county, overall, Marion County Public Schools (MCPS) currently has sufficient district-wide capacity; further, MCPS is examining school capacities and is currently undertaking the construction of new public schools. Therefore, the application's public-school impacts **would not adversely affect the public interest.**

When weighing the totality of the circumstances, the **public interest will not be adversely affected.**

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

1. FLUE Policy 2.1.18: Medium Residential, "This land use designation is intended to recognize areas suited for primarily single-family residential units within the UGB, PSAs, and Urban Area. However, the designation allows for multi-family residential units in certain existing developments along the outer edges of the UGB or Urban Area. The density range shall be from one (1) dwelling units per one (1) gross acre to four (4) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area land use.

**Analysis:** The parcel currently has a MR land use designation and is located within the UGB. The current use, and future intent, for the property is single-family residential. The division of land sought by the property owners would allow them to develop the property within the 1-4 du/ac density. The zoning change from A-1 to R-1 would bring the parcel in to conformity as the A-1 portion has a maximum density of 1 du/10 ac, a density far below that of the land use currently in place for the parcel. Therefore, the proposed rezoning is **consistent** with FLUE Policy 1.1.6.

2. FLUE Policy 3.1.2. "The County shall implement long-term planning principles to guide the creation of land use policy and development regulations within the County, which shall be implemented through the policies contained in the County Comprehensive Plan and as further defined in the LDC. These principles shall include:
  1. Preserve open space, natural beauty and critical environmental areas.
  2. Allow for a mix of land uses to create compact residential, commercial, and employment hubs.
  3. Strengthen and direct development towards existing communities and development.

4. Encourage compact and mixed-use building design.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Create walkable and linked neighborhoods.
7. Create a range of housing opportunities and choices.
8. Provide a variety of transportation choices.
9. Encourage community and stakeholder collaboration.
10. Make development decisions predictable, fair and cost effective
11. Encourage interconnected development, multi-modal transportation opportunities, links to the surrounding neighborhoods, and alternative transportation routes.
12. Establish priority areas for public facility and service infrastructure.

**Analysis:** The owners wish to divide this property to allow for another family member to build a home in the area. In doing so, they are looking to develop on a parcel large enough to split and already being used residentially, this desire is to direct development towards that which is already existing on their parcel. Additionally, this parcel being within the UGB and in City of Belleview service area means this rezoning is taking place in an area intended for future residential use both by its land use designation and its location within an area with service availability. Based on these facts, the application is **consistent** with FLUE Policy 3.1.2.

3. FLUE Policy 4.1.2 on Conflicts between Comprehensive Plan, Zoning, and LDC provides, "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:** As stated previously in this section, MR land use and A-1 zoning are incompatible; The intended use for each and the density allowed are not the same. In this case, the MR land use would be the vision for the future of this area within the County and would more closely match the R-1 zoning classification for single-family homes. The proposed rezoning would be **consistent** with FLUE Policy 4.1.2.

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 advisory board's purpose 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 January 26, 2026, 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 totality of 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 denial of the Ordinance, and make a recommendation to adopt a proposed Ordinance to **DENY** the rezoning amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance and make a recommendation to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

## VI. STAFF RECOMMENDATION

Staff recommends the 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 public interest;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
  1. FLUE Policies: 2.1.18, 3.1.2, 4.1.2, 5.1.3, and 5.1.4;
- C. Is compatible with the surrounding uses because the proposed rezoning looks to rezone a portion of the overall parcel to the existing residential zoning present in the area.

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

Approval (on consent 6-0).

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

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Rezoning application.
- B. Site and Area Photographs.
- C. DRC Comments.
- D. Surrounding Property Owners Notification.