



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 4/29/2024	BCC Date: 05/21/2024
Case Number	240508ZC
CDP-AR	31236
Type of Case	Rezoning from General Agriculture (A-1) to Community Business (B-2).
Owner	Chi Ocala 2 Properties LLC
Applicant	Paolo Mastroserio
Street Address/Site Location	7312 W Hwy 40 Ocala, FL 34474
Parcel Number(s)	Portions of 23307-000-00 & 23307-000-01
Property Size	±6.42 Acres (Proposed Rezoning) 48.59 Acres (Total)
Future Land Use	Low Residential (LR)
Existing Zoning Classification	General Agriculture (A-1)
Overlays Zones/Special Areas	Inside the Urban Growth Boundary (UGB), Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	Approval
P&Z Recommendation	TBD
Project Planner	Kenneth Odom, Transportation Planner
Related Cases	24-S03: Concurrent small scale amendment from Low Residential (LR) to Commercial (COM).

I. ITEM SUMMARY

Paolo Mastroserio, agent for the applicant, Chi Ocala 2 Properties LLC, property owner, filed a rezoning application to change 6.42 acres of an overall 48.59 acres on two adjacent parcels, from General Agriculture (A-1) to Community Business (B-2), filed on February 2, 2024 (see Attachment A). The Parcel Identification Number for the properties are 23307-000-00 and 23307-000-01; the site address is 7312 W Hwy 40 Ocala, FL and the legal description is provided within the application (see Attachment A). The subject property lies approximately 3.1 miles west of I-75. The site is located within the Urban Growth Boundary (UGB) and the Secondary Springs Protection Zone (PSPZ). It is located within the City of Ocala Utilities area and, depending upon development, may be within connection distance.

The application proposes rezoning the a ±6.42-acre portion of the 48.59 acres to Community Business (B-2) from General Agriculture (A-1) for all uses permitted within the proposed zoning classification. Clear intention of the use of the subject property after rezoning has not been indicated at this time.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The rezoning, along with a companion small-scale land use amendment, will establish a zoning district consistent with the future land use of the property and Marion County's 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 (23 owners) within 300 feet of the subject property on April 12, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on April 9, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on April 15, 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.

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 subject property as well as all surrounding properties designated as Commercial (COM), Low Residential (LR), Medium Residential (MR), Public (P).

**Figure 2
FLUMS Designation**

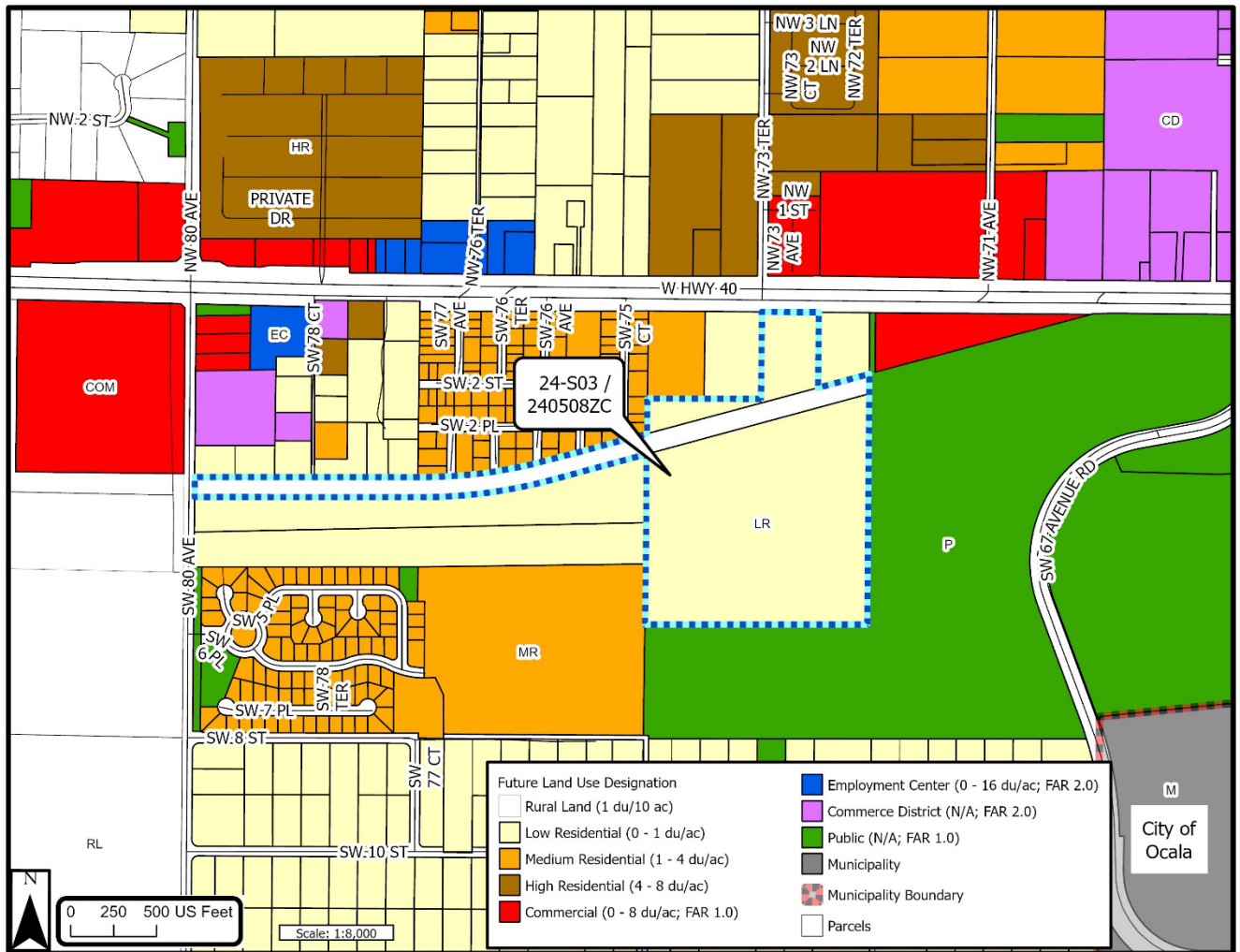


Figure 3 displays the proposed zoning for the subject property in relation to the existing zoning of the surrounding properties. North of the subject parcel, across SR 40, is a mix of intense commercial uses comprised of Regional Business (B-4 and Heavy Business (B-5), west is a mix of residential and agricultural designations, south is residential mixed-use and east is an area of Government Use (G-U).

The site is located within the Urban Growth boundary as well as the Secondary Springs Protection Zone (SSPZ). Being outside of what is considered the Primary Springs Protection Zone and within the growth boundary makes this a parcel where more intense development would be considered. Additionally, the similarly intense

land uses of the surrounding area mean the potential for compatibility issues is less likely.

**Figure 3.
Proposed Zoning Classification**

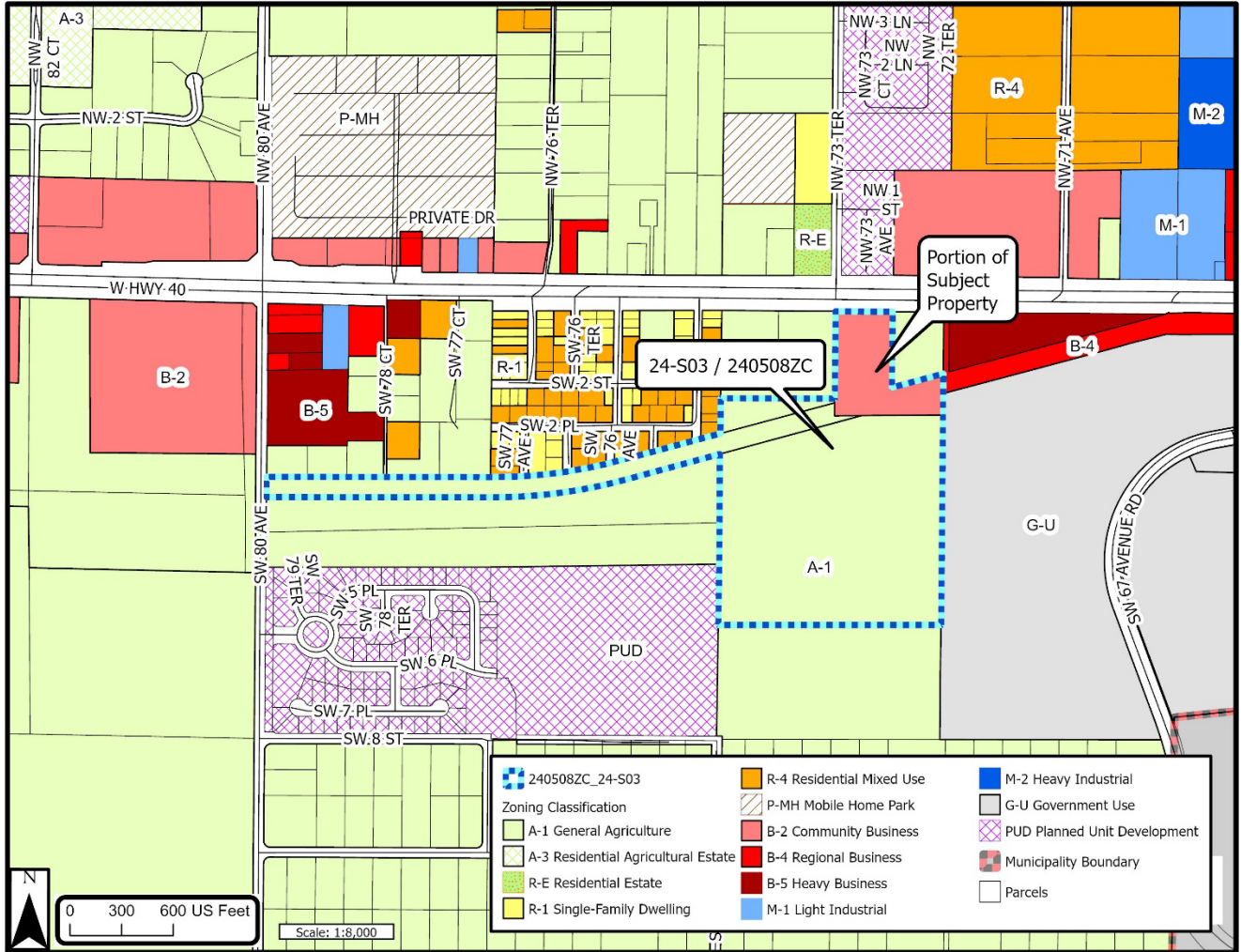
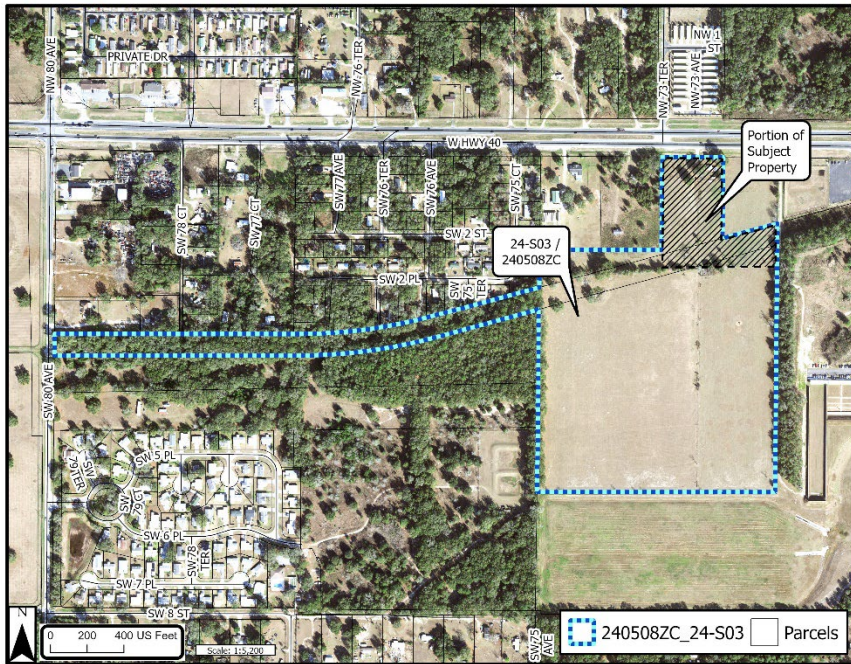


Figure 4 provides an aerial image of the subject property and surrounding area, while Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

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 finds the subject property as largely undeveloped and open. The parcel is fenced around the perimeter and fronts only onto SR 40. The majority of the parcels to the west are smaller in size and developed with mostly single-family residences (Attachment B).

**Figure 4
Property Aerial**



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

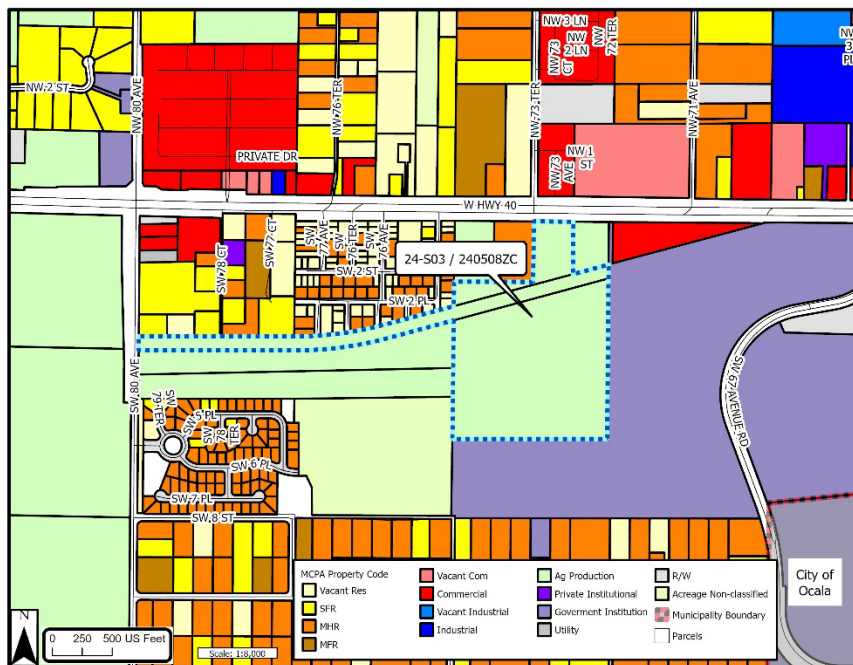


TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Commercial (COM) Low Residential (LR) Medium Residential (MR)	Residential Estate (R-E) General Agriculture (A-1) Planned Unit Development (PUD)	Church (71) Single Family (01) Multi-Family (03)
South	Public (P)	General Agriculture (A-1)	Government
East	Public (P)	Regional Business (B-4) Heavy Business (B-5) Government Use (G-U)	Government
West	Low Residential (LR) Medium Residential (MR)	General Agriculture (A-1) Mixed Residential (R-4) Planned Unit Development (PUD)	Single Family (01) Vacant Residential (00)

The rezoning site lies immediately west of the City of Ocala Airport Industrial/Commerce Park, along the SR 40 corridor. This area has been designated by the City of Ocala as a 'High Intensity Urban Form Area', future complete streets corridor (Heavy Freight Traffic), and future transit corridor. These designations indicate that the area is projected for intense commercial, industrial and residential development.

Based on the above findings, the proposed rezoning application **is compatible** with the existing and future surrounding land uses because the proposed rezoning would allow for an increase in density and intensity within the urban growth boundary that would be compatible with the proposed rezoning, the companion future land use amendment, and the long-term intent for the area.

How does the request affect the public interest?

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

- a. Roadways. SR 40 is a FDOT maintained at-grade Principal Arterial. While rezoning of this property will increase the potential trip generation of the subject parcel, only seventy-one percent of the corridor is currently utilized, so ample capacity is still available.
- b. Public transit. The property is approximately two and one-half miles northwest of the SunTran Silver route on SW 60th Avenue.
- c. Other mobility features. No sidewalks currently exist along SR 40. Upon development, sidewalks may be required or the developer may elect to provide for a fee-in-lieu of 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 commercial calculation, the proposed rezoning would result in a potential demand of 17,655 gallons per day.

The property is within the UGB but and within City of Ocala Utilities' Service Area but potentially outside current connection distance. 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 residential calculation, the proposed rezoning would result in a potential demand of 12,840 gallons per day.

The property is within the UGB but not within Marion County Utilities' current extension area. 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. Based on the proposed commercial use of the property, **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 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 site is officially located in the service district for Marion County's Golden Ocala Fire Station #20 located at 3600 NW 70th Ave Rd (CR 225A), roughly 3.75 miles northwest of 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 Sheriff Office Headquarters is located approximately 4.75 miles northeast of the subject property at 688 NW 30th Ave. 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.**
9. Public schools. The proposed rezoning is for commercial purposes and will not generate new students. Therefore, the application's **public-school impacts would not adversely affect the public interest.**

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

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

1. FLUE Policy 1.1.5: The County shall require higher densities and intensities of development to be located within the Urban Growth Boundaries and Planned Service Areas, where public or private facilities and services are required to be available.

Analysis: The subject site is located within a moderately developed area of higher intensity and agricultural zones, within the urban growth boundary.

Based on the forecasted future growth in the area, The proposed rezoning **is consistent** with FLUE Policy 1.1.5.

2. FLUE Policy 2.1.22: This land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

Analysis: The proposed rezoning is a companion to a small scale land use amendment that would provide for compatibility between the zoning and land use if both are approved. Therefore, the proposed rezoning **is consistent** with FLUE Policy 2.1.23.

3. FLUE Policy 4.1.2: 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: Rezoning to B-2, along with the proposed small scale amendment would allow for compatibility on the subject parcel. This policy states that the governing document is the Comprehensive Plan and therefore, the land use. 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 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 May 21, 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.

6. Objective 10.2: Infill and Redevelopment – Encourage infill and redevelopment to maintain and enhance neighborhood viability, revitalize urban corridors, and discourage urban sprawl.

Analysis: The current zoning and land use encourage infill in an area within the urban growth boundary where commercial development is taking place, requiring workforce housing for employees and residents of Marion County. Approving a rezoning to B-2 encourages infilling in what planning principles designate an appropriate area for higher intensity growth and would use the parcel to its fullest potential, making the request **consistent** with Objective 10.2.

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, adopt the findings and conclusions contained herein, and make a recommendation 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 a recommendation for the approval of the Ordinance, and make a recommendation 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 **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 the proposed commercial rezoning lies within the Urban Growth Boundary, adjacent to developing commerce area;

- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with all cited Land Use policies.
- C. Is compatible with the surrounding uses because the proposed rezoning would allow for an increase in density and intensity within the urban growth boundary compatible with the surrounding area and it's long-term intent.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application filed 2/29/2024
- B. Site and Area Photographs