



**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**

Public Hearing Dates	P&Z: 5/27/2026 (Continued from 4/26/2026)	BCC: 6/17/2026
Case Number	260507ZC	
EPL-AR	PL ZoneChg-000166-2025	
Type of Case: Rezoning	From: Single-Family Dwelling (R-1) To: Community Business (B-2)	
Owner	The Deltona Corporation, Denise Smith, Authorized Agent	
Applicant	John Rudnianyn	
Street Address / Site Location	Northeast and northwest corners of the SW Hwy 484 and Marion Oaks Course Intersection; no address assigned.	
Parcel Number(s)	8007-0000-08 (Tract "H" part) and 8007-0000-10 (Tract "J" part)	
Property Size	Tract "H" - ±0.15 acres of 1.42 acres Tract "J" - ±0.14 acres of 6.06 acres Totaling ±0.29 acres	
Future Land Use	Preservation [Marion Oaks Vested Development of Regional Impact (VDRI)]	
Existing Zoning Classification	Single-Family Dwelling (R-1)	
Overlays Zones / Special Areas	Outside the Urban Growth Boundary (UGB), In the Marion Oaks Urban Area, in the County-wide Secondary Springs Protection Overlay Zone (S-SPOZ), In Marion County Utilities SW Regional Service Area; NOT in the Farmland Preservation Area.	
Staff Recommendation	DENIAL (Staff and the applicant are discussing alternatives related to this request and its concurrent applications. As such, the staff recommendation remains DENIAL, but further resolution prior to the final Board of County Commission consideration is anticipated and the P&ZC's input regarding the requests is desired.)	
P&Z Recommendation	APPROVAL	
Project Planner	Christopher D. Rison, AICP, Senior Planner	
Related Cases	26-S03 , Future Land Use Map Amendment from Preservation (PR) to Commercial (COM) 260508BL , Binding Letter of Modification for Binding Letter of Vested Rights for Marion Oaks Vested DRI	
Code Cases	N/A	

I. ITEM SUMMARY

John Rudnianyn, on behalf of the Deltona Corporation, filed a zoning change application (see Attachment A) to change the zoning from Single-Family Dwelling (R-1) to Community Business (B-2) for two sites consisting of a total of ±0.29 acres within the Marion Oaks Vested Development of Regional Impact (MO VDRI). The two sites adjoin the north side of W. Hwy 484 and consist of ±0.15 acres lying east of Marion Oaks Course and ±0.14 acres lying west of Marion Oaks Course. The Parcel Identification Numbers for the overall properties are 8007-0000-08 (east Tract "H" part) and 8007-0000-10 (west Tract "J" part) and no addresses are assigned to the parcels.

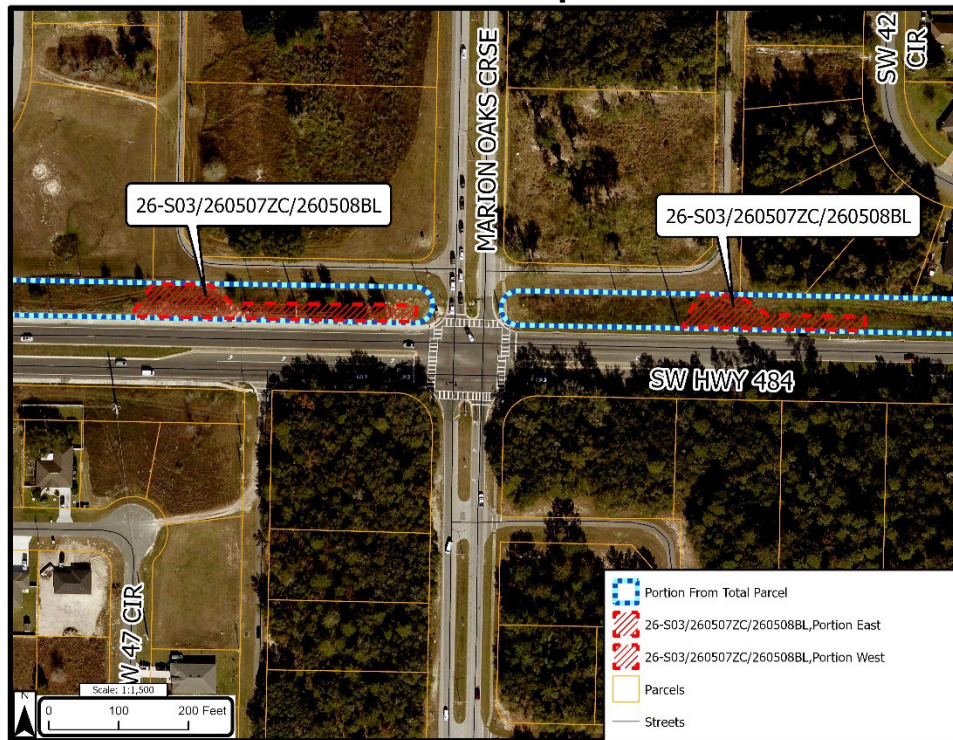
This application is dependent upon the granting of a concurrent Small-Scale Comprehensive Plan Amendment Application (26-S03) and Binding Letter of Modification to a Development with Vested Rights (BLIM) Application accompanied by a Partial Release of a Declaration of Restrictions related to greenbelt designations. Should those concurrent applications not be approved, this application will not be inconsistent with the Comprehensive Plan and the Vested Rights and will not be eligible for approval. This application's consideration by the Planning & Zoning Commission (P&ZC) was continued for April 26, 2026, to May 27, 2026, at the applicant's request, with staff's concurrence, to enable staff and the applicant to further discuss and address alternatives related to the request and its concurrent applications. Discussions have been ongoing and moving forward; this request is being presented to obtain the P&ZC's input and recommendation for this and the other concurrent applications.

Marion County's 2013/2014 Comprehensive Plan Update integrated the County's approved and established Developments of Regional Impact and their authorized development plans, and land uses within the Future Land Use Map. That update also integrated future land use designations for two of the County's primary Chapter 380.06, F.S. Vested Developments of Regional Impact based on master plan documents available to the County, specifically Silver Springs Shores and Marion Oaks. The Marion Oaks Subdivision's applicable documents, including deed restrictions and the master plan documents, each identified the overall subject properties as "Greenbelt" tracts where development of the properties was significantly limited and those tracts were then *identified as Preservation (PR)*. *The R-1 zoning reflected the Greenbelt / Preservation designation as the R-1 zoning also enables community and/or personal use garden and public park, playground or other public recreational use. This Amendment Application is proposed in order to revise a portion of the overall subject properties to enable driveway connections for commercial purposes directly to SW Hwy 484. Further, this application is part of a set of concurrent applications to also amend the site's future land use designation and obtain a Binding Letter of Modification For Vested Rights for a Vested DRI that includes a companion release request for the greenbelt restriction designation. The concurrent applications are contingent on approval of the amendment, which is not recommended by staff, and if not granted, this request would not be eligible for approval.*

II. STAFF SUMMARY RECOMMENDATION

Staff have recommended denial of the concurrent Comprehensive Plan Amendment request for the sites that are the subject of this application. As such, staff recommend **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.

**Figure 1
Aerial Map**



III. NOTICE OF PUBLIC HEARING

Notice of public hearing was provided pursuant to LDC Section 2.7.3. as listed in following Table A. As of the issuance of this report, staff have not received any letters in opposition to the request.

TABLE A. PUBLIC NOTICE SUMMARY			
METHOD	FORMAT	DATE	LDC Section
Legal Notice	Webpage Ad	Ad Run: 5/11/2026	2.7.3.C
Sign	Small-Scale CPA	Posted: 5/22/2026	2.7.3.B
300-foot Mail Notice	SPO Letter 163 - owners	Mailed: 5/8/2026	2.7.3.E(1)

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.

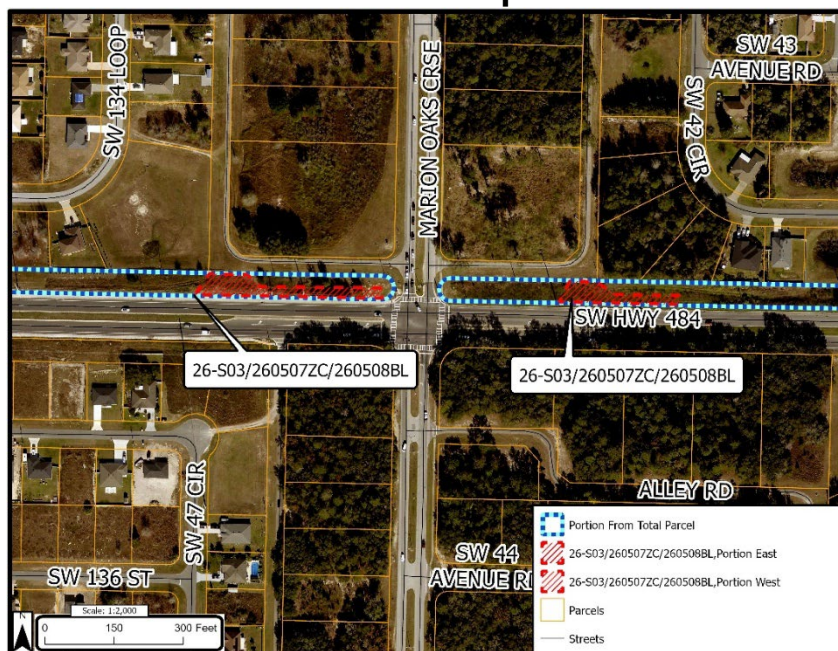
A. *How is the request compatible with surrounding uses?*

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.

The site is in the Marion Oaks Urban Area, in the County-wide Secondary Springs Protection Overlay Zone (S-SPOZ), in Marion County's SW Utility Service Area, and not in the Farmland Preservation Area (FPA). The site does not include any identified flood plain per the Federal Emergency Management Agency's Flood Insurance Rate Maps Series (FEMA FIRM); however, the Marion County Stormwater Division's Watershed Management Program (WMP) identifies a flood prone area in the vicinity; however, the amendment sites are not within that flood prone area.

Prior Figure 1 is a zoomed-in aerial view of the site while following Figure 2 is aerial photograph of the site and surrounding area development.

**Figure 2
Aerial Map**



Following Figures 3a and 3b identify the site and surroundings' current land use designation and requested future land use designation from Preservation to Commercial that is not recommended for approval by staff.

**Figure 3a
Current FLUMS Designation**



**Figure 3b
Requested FLUMS Designation**



Following Figures 4a and 4b display the current and requested zoning district classifications for the site and surrounding properties.

Figure 4a
Current Zoning Classification

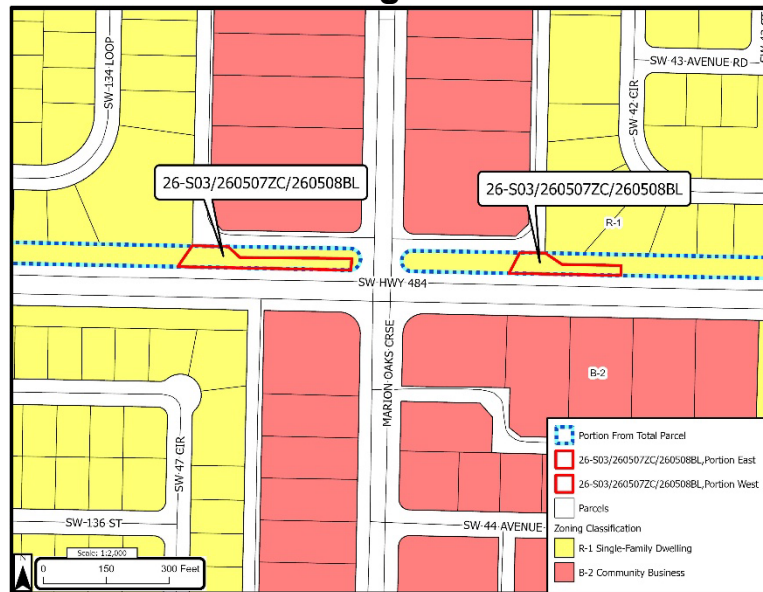


Figure 4b
Requested Zoning Classification

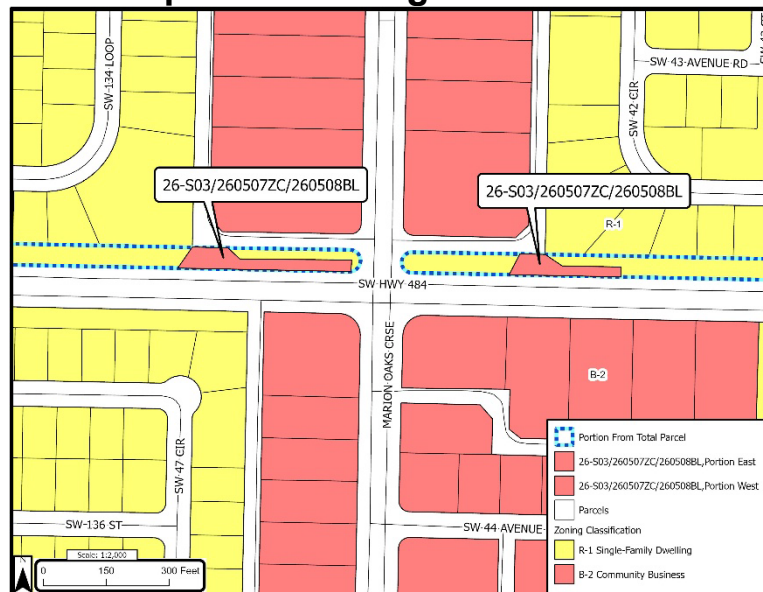
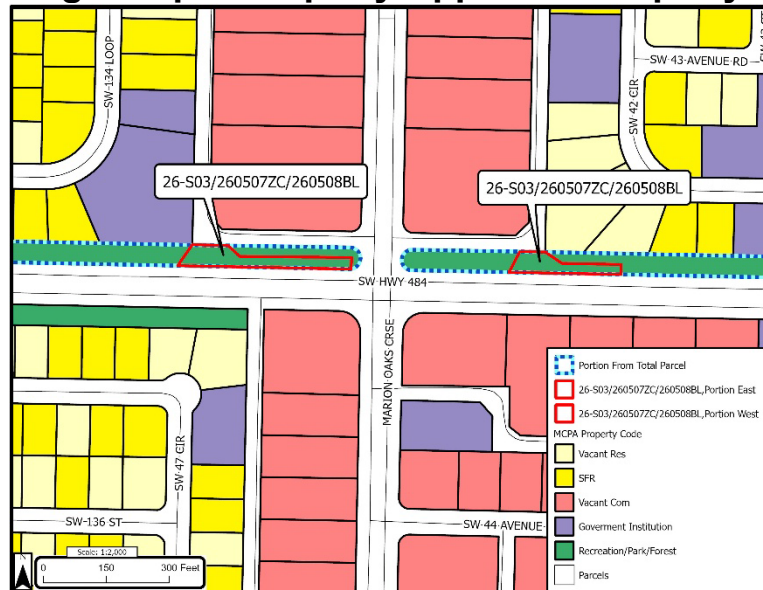


Figure 5
Existing Use per Property Appraiser Property Code



Prior Figure 5 displays the site and surrounding properties' existing uses as identified by the Marion County Property Appraiser Office's Property Code (PC). Table A 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
WEST Subject Property	Preservation	Single-Family Dwelling (R-1)	Greenbelt
North	Commercial (COM), Preservation (PR)	Community Business (B-2), Single-Family Dwelling (R-1)	Vacant, Greenbelt
South	Preservation	Single-Family Dwelling (R-1)	Greenbelt
East	Preservation	Single-Family Dwelling (R-1)	Greenbelt
West	Preservation	Single-Family Dwelling (R-1)	Greenbelt
EAST Subject Property	Preservation	Single-Family Dwelling (R-1)	Greenbelt

TABLE A. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Existing Use Per MCPA Property Code
North	Commercial (COM), Preservation (PR), Medium Residential (MR)	Community Business (B-2), Preservation (PR), [Medium Residential (MR)]	Vacant, Greenbelt
South	Preservation	Single-Family Dwelling (R-1)	Greenbelt
East	Preservation	Single-Family Dwelling (R-1)	Greenbelt
West	Preservation	Single-Family Dwelling (R-1)	Greenbelt

As noted previously, staff has recommended denial of the concurrent request to change the site’s land use designation to Commercial and as such staff recommends the requested Community Business (B-2) zoning classification is not consistent with the site’s current Preservation land use designation.

Based on the above findings, the proposed rezoning application is **not compatible** with the existing and future surrounding land uses and would create further impacts on the Marion Oaks community including affecting compatibility with the residential areas and potential traffic impact affects related to SW Hwy 484 and Marion Oaks Course by increasing accessibility related to the proposed rezoning sites.

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 484 - Paved public arterial roadway, currently 4-lanes, maintained by Marion County; forms southernmost county roadway that extends ±28 miles east to west from US 41 to US 441.
 - Marion Oaks Course - Paved public collector roadway, current divided 2-lane, maintained by Marion County, forms central spine roadway for Marion Oaks north of and parallel to SW Hwy 484, and provides connection to SW 49th Avenue. Marion Oaks Elementary School is located ½ mile to the north of the sites.

The request zoning change would provide for establishing direct access to SW Hwy 484 with in-line connectivity to an existing alley separating commercial use areas and residential areas. Access to the commercial sites to the north utilizing the subject properties may create additional traffic impacts for both capacity and operation that may further affect safety along with compatibility with the adjoining residential lands. While a traffic study for a single site proposed for a convenience store has been provided, no

further analysis regarding overall impacts related to the overall commercial area to the north has been provided.

- b. Public transit. There are no fixed route services in the area.
- c. Other mobility features. Limited sidewalks currently exist along part of SW Hwy 484 and Marion Oaks Course; however, no other sidewalks are currently proposed and the proposed access, particularly for the eastern site, is a concern for staff.

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. Based on the non-residential calculation, the proposed rezoning would not result in a potential increase in demand; however, residential use of the site could result in a potential demand of 798 gallons per day.

The property is within Marion County Utilities' Service Area but is not currently connected to such services at this time. 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 non-residential calculation, the proposed rezoning would not result in a potential increase in demand; however, residential use of the site could result in a potential demand of 580 gallons per day.

The property is within Marion County Utilities' service area but not within Marion County Utilities' required 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. 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 zoning, the rezoning **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. Marion Oaks Fire Station #24 at 102 Marion Oaks Lane, Ocala, is located ±1.24 miles south 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. *However, as staff further note elsewhere in this report, there are concerns related to the potential community and traffic impacts related to the proposal without further analysis and/or agreements related to the operation and design of the related sites which may result in activities that place greater demand for emergency services.* As such, staff find the application is **not consistent** with this section.
8. Law enforcement. The Sheriff’s Marion Oaks District Office, located at 280 Marion Oaks Lane, Ocala, is located ±1.4 miles east of the subject property. The Comprehensive Plan does not establish a level of service standard for law enforcement/sheriff services. *However, as staff further note elsewhere in this report, there are concerns related to the potential community and traffic impacts related to the proposal without further analysis and/or agreements related to the operation and design of the related sites which may result in activities that place greater demand for emergency services.* As such, staff find the application is **not 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, factoring in the total ±0.29-acre sites, such affordable housing residential development of the site could generate up to 4 dwelling units which would not be expected to have a significant student generation rate in regard to the overall Marion Oaks development. For reference, the site is located in the Marion Oaks Elementary, Horizon Academy at Marion Oaks Middle School, and West Port High School districts at this time along with

the new High School CCC at Marion Oaks for the 2026/2027 school year. Therefore, it is concluded that the application is **consistent** with this section.

In summation, staff concludes that the application, while meeting some of the above criteria, **will adversely affect the public interest**, particularly due to potential access and roadway concerns related to the site's unique size, configuration, and location at the SW Hwy 200 & SW 73rd Avenue intersection, and along SW 73rd Avenue that is a substandard privately maintained roadway within the Green Turf Acres UNR Subdivision.

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

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 open accessibility to a commercial area that may significantly increase the impacts to adjoining residential areas and creating potential traffic impacts and design issues, without a method to address and coordinate those concerns given the requested "standard" B-2 zoning. The application is **not consistent** with FLUE Policy 1.1.1.

2. FLUE Policy 1.1.6: Buffering of Uses – The County shall require new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties, as further defined in the LDC.

Analysis: As staff recommend denial of the concurrent land use change, the site remains designated Preservation reflecting the originating Marion

Oaks development documents. Further, with increased direct Hwy 484 access the intensity of commercial activity enabled on the Commercial designated lands to the north may then create added compatibility effects for the adjoining residential areas, and may create significant impacts to the area's traffic network which includes a critical east-west arterial and collector roadways that for a key intersection for connecting north-south traffic to SW 49th Avenue. The application is **not consistent** with FLUE Policy 1.1.6.

3. FLUE Policy 2.1.22: Commercial (COM) - 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: As staff recommend denial of the concurrent land use change, the site remains designated Preservation reflecting the originating Marion Oaks development documents. Further, with increased direct Hwy 484 access the intensity of commercial activity enabled on the Commercial designated lands to the north may then create added compatibility effects for the adjoining residential areas, and may create significant impacts to the area's traffic network which includes a critical east-west arterial and collector roadways that for a key intersection for connecting north-south traffic to SW 49th Avenue. As such, the application is **not consistent** with FLUE Policy 2.1.22.

4. FLUE Policy 2.1.26: Preservation (PR) - This land use is intended to recognize publicly or privately owned properties intended for conservation purposes and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency. Development for recreation, scientific research, education and training facilities, public facilities or services, etc. in this designation shall be limited to result in minimal impact to the preservation of the area as allowed under the contractual agreement or management plan, as further defined in the LDC. This land use designation is allowed in the Urban and Rural Area.

Analysis: As staff recommend denial of the concurrent land use change, staff further notes the zoning change will convert previously identified open space/greenbelt lands not slated for development in the originating Marion Oaks development documents. The change will significantly reduce buffering, screening, and separation effects offered by the historic tracts in regard to SW Hwy 484, the residential community areas adjoining the related alleys, and the overall Marion Oaks community. Further, the

expanded access may create significant impacts to the area's traffic network which includes a critical east-west arterial and collector roadways that for a key intersection for connecting north-south traffic to SW 49th Avenue. The application is **not consistent** with FLUE Policy 2.1.22.

5. 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 April 27, 2026, Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

6. 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.

7. FLUE Policy 5.1.2 on Review Criteria – Changes to the Comprehensive Plan and Zoning Provides, "Before approval of a Comprehensive Plan Amendment (CPA), Zoning Change (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is suitable. The County shall review, and decide that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:
 1. Market demand and necessity for the change;
 2. Availability and potential need for improvements to public or private facilities and services;
 3. *Allocation and distribution of land uses and the creation of mixed use areas;*
 4. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
 5. Agricultural activities and rural character of the area;
 6. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
 7. Consistency with the UGB;
 8. *Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;*
 9. Compatibility with current uses and land uses in the surrounding area;
 10. Water Supply and Alternative Water Supply needs; and

11. Concurrency requirements.

Analysis: As staff recommend denial of the concurrent land use change staff further note the rezoning will convert previously identified open space/greenbelt lands for commercial development. The change will significantly reduce buffer/screening/separation effects offered by the historic tracts in regard to SW Hwy 484, the residential community areas adjoining the related alleys, and the overall Marion Oaks community. Further, the expanded access may create significant impacts to the area's traffic network which includes a critical east-west arterial and collector roadways that for a key intersection for connecting north-south traffic to SW 49th Avenue. The application is **not consistent** with FLUE Policy 5.1.2.

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, 1.1.6, 2.1.26, and 5.1.2.

- C. **Is not compatible** with the surrounding uses because the proposed zoning would allow an increased range and intensity of uses in a Commercial designated area and increasing the range and intensity of uses in the existing Green Turf Acres UNR Subdivision rural neighborhood.

Staff and the applicant are discussing alternatives related to this request and its concurrent applications. As such, the staff recommendation remains DENIAL, but further resolution prior to the final Board of County Commission consideration is anticipated and the P&ZC's input regarding the requests is desired.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

APPROVAL 4-0

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Application.
- B. West Survey Diagram – Tract “H” Part.
- C. East Survey Diagram – Tract “J” Part.
- D. DRC Staff Review Comments (AR 000165-2025).
- E. Marion Oaks Unit Seven, Plat Book O, Pages 140-153.
- F. Marion Oaks Unit Seven Greenbelt Deed Restrictions
- G. Traffic Study – Sunstop Convenience Store
- H. Site/Sign Photos.
- I. Plat and Site Concept Geometry.