



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 8/25/2025	BCC Date: 9/15/2025
Case Number	250906ZC
CDP-AR	32996
Type of Case	Rezoning from General Agriculture (A-1) to Single-Family Dwelling (R-1).
Owner	Black Marlin Capital, L.L.C.
Applicant	Gardner Brewer Hudson, P.A., c/o Truett Gardner
Street Address/Site Location	No address assigned
Parcel Number(s)	37905-003-00
Property Size	±13.33 AC
Future Land Use	Medium Residential (MR)
Existing Zoning Classification	General Agriculture (A-1)
Overlays Zones/Special Areas	Primary Springs Protection Zone (PSPZ) & Urban Growth Boundary (UGB)
Staff Recommendation	DENIAL
P&Z Recommendation	DENIAL
Project Planner	Jared Rivera-Cayetano
Related Cases	None

I. ITEM SUMMARY

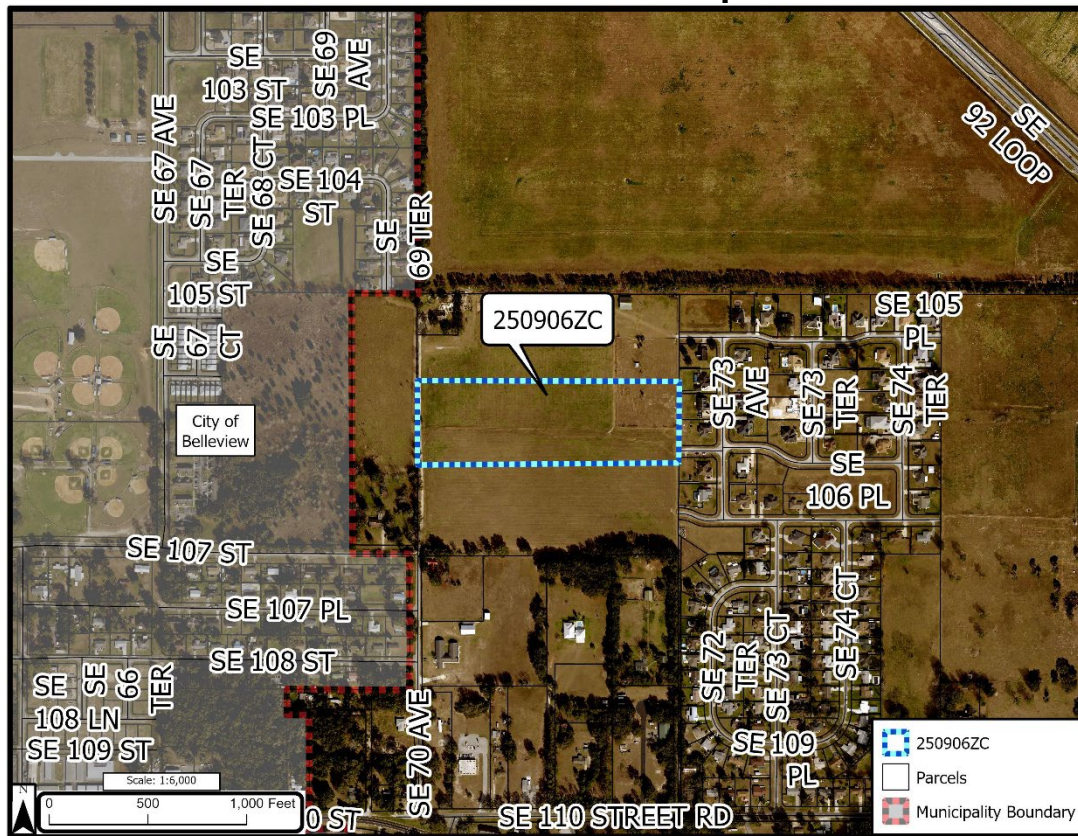
Gardner Brewer Hudson, P.A., on behalf of Black Marlin Capital, L.L.C., filed a rezoning application to change the zoning of a ±13.33-acre property from General Agriculture (A-1) to Single-Family Dwelling (R-1). The Parcel Identification Number for the subject property is 37905-003-00; the site has not been assigned an address. The legal descriptions are provided within the rezoning application (see Attachment A). The site is located within the Primary Springs Protection Zone (PSPZ). The site is located inside the Urban Growth Boundary (UGB). The subject property is not part of an existing subdivision; however, the applicant intends to connect to the Green Meadows subdivision to the east of the property. Specifically, the intention of this zoning change is to provide twenty-eight (28) dwelling units on 0.25-acre lots. An R-1 zoning classification across the entire property would ultimately allow a density between one (1) and four (4) dwelling units per one (1) acre, as required by its Medium Residential (MR) Future Land Use (FLU) designation. In total, up to fifty-three (53) lots would be permitted by right, subject to limitations such as minimum lot dimensions, drainage, open space requirements, and right-of-way/easement requirements; although the applicant has proposed a development agreement to cap residential development on the subject property to thirty (30) dwelling units.

Per Section 6.11.4.A of the Marion County Land Development Code (LDC), a second access point along the subject property needs to be established due to the size of the existing Green Meadows subdivision (>50). Staff has suggested in past pre-application meetings that the applicant provide full legal access through the subject property' South (PID 37905-004-00) to connect to SE 70th Avenue. Residential development on this property could potentially facilitate the establishment of the required second access point; however, Staff notes this parcel currently has a General Agriculture (A-1) zoning classification and would first need to be rezoned for large-scale residential development. Staff notes that this property is owned by Wilcox Real Properties, Inc. As of the date of this staff report, the applicant has not determined how to provide a second access point fully compliant with County standards.

II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** of this rezoning application at this time. Staff finds that—although the Single-Family Dwelling (R-1) zoning may be more consistent with Comprehensive Plan intentions for the Medium Residential (MR) land use designation than the existing agricultural zoning—the applicant has not clarified how to provide a second access point compliant with County standards. Assuming Development Review Committee (DRC) waiver approval from providing a full second access point at the time of development review, this rezoning request would give the property a zoning classification that may adversely affect the public interest and is not consistent with certain provisions in the Marion County Comprehensive Plan. Assuming no waiver approval, approving this request would allow a density that the subject property cannot properly accommodate, as it does not meet all minimum County standards (for access). This rezoning request is therefore premature.

Figure 1
General Location Map



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 (15 owners) within 300 feet of the subject property on August 8, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on August 13, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on August 11, 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 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.

"Compatibility" is defined in Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, 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, above, is a general location aerial displaying existing and surrounding site conditions.

A second access point to SE 70th Avenue has been suggested by Staff in past pre-application meetings, unless another access point can be identified. The Fern Meadows and Bellevue Manor Unit 1 subdivisions are located along this road. Such subdivisions contain 0.25-acre lots.

[illegible]

Within the City of Belleview, the Kreb's Corner, Diamond Ridge and Autumn Glen subdivisions especially have seen some degree of construction activity.

Within unincorporated Marion County, Figure 3 identifies nearby under-review, DRC-approved, or permitted residential developments. Given the subject property's location within the Urban Growth Boundary (UGB)—with the subject property directly to the east of the City of Belleview—there are several large residential developments along major arterial and collector roads, including SE 92nd Loop, E Highway 25, and US Highway 441. There is one (1) pending residential development, Sandy Clay LLC with a proposed 452 residential units, to the east of the subject property along SE 110th Street Road.

Figure 3.
Surrounding Residential Developments

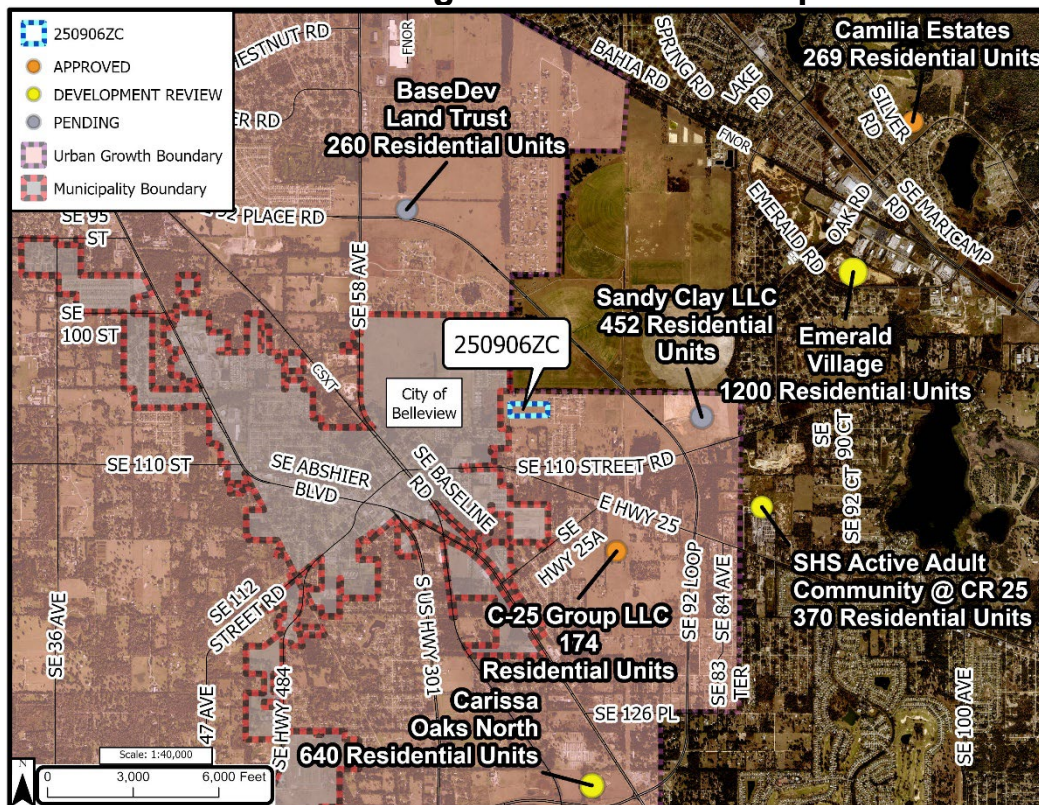


Figure 4, below, shows the Future Land Use (FLU) designation of the subject property, as well as the nearby Green Meadows subdivision. Both are designated as Medium Residential (MR). Staff notes the FLU designation of the subject property and the third addition of the Green Meadows subdivision were amended in 1999 (Attachment D). The subject property, along with most properties within the Green Meadows, are within the Primary Springs Protection Overlay Zone (PSPOZ). The surrounding properties are all within the Urban Growth Boundary (UGB).

There is a small commercial node at the intersection of SE 110th Street Road and E Highway 25.

Figure 4 FLUMS Designation

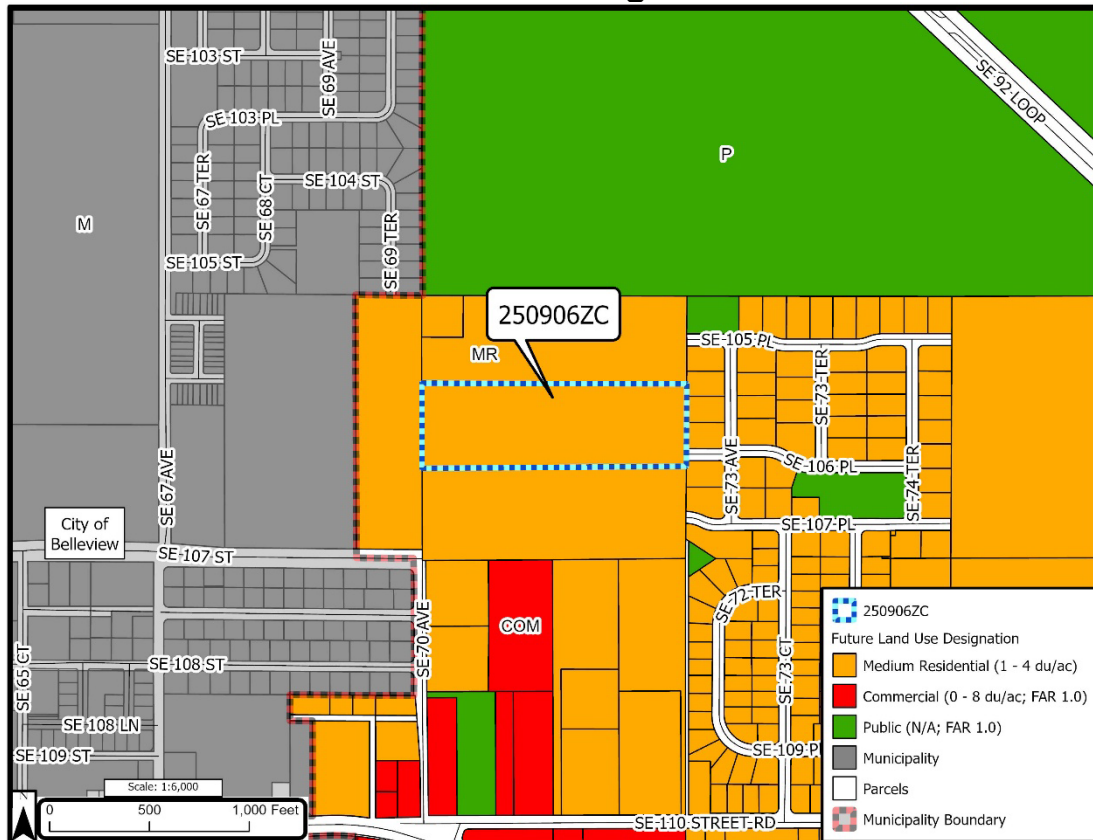
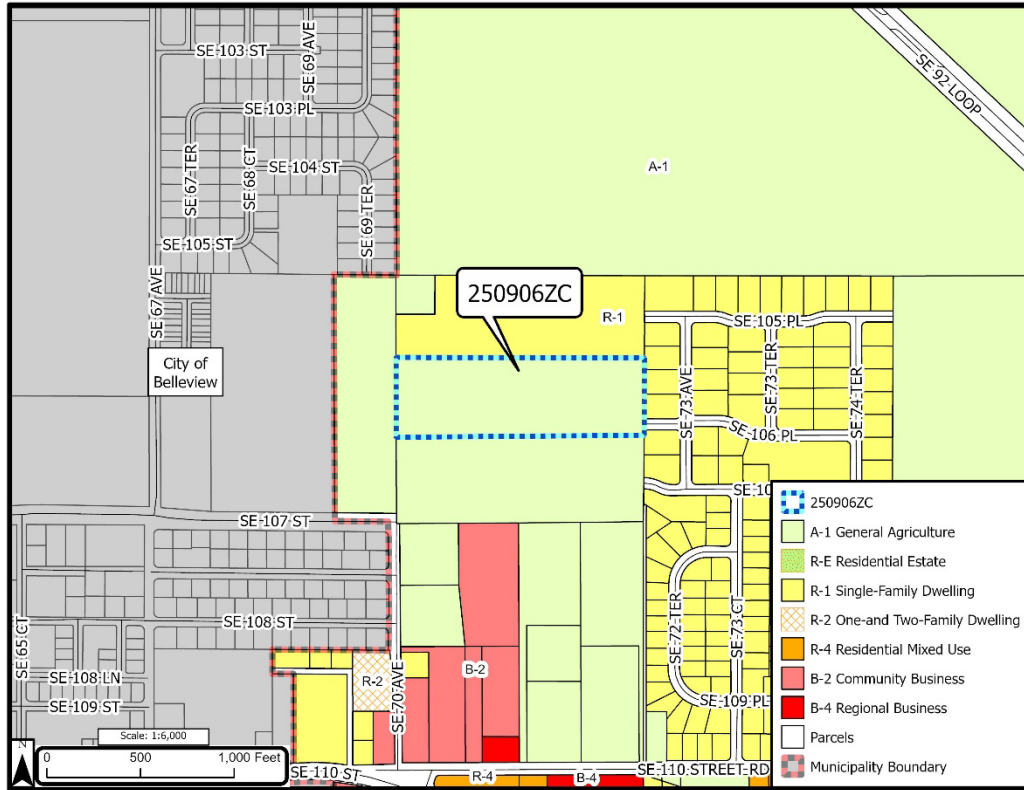


Figure 5, below, displays the existing zoning classifications for the subject properties in relation to the existing zoning classifications of the surrounding properties, and Figure 6 shows the zoning classification proposed by the applicant.

The nearby Green Meadows subdivision (including a large lot directly to the north of the subject property) and a small number of properties along SE 70th Avenue are zoned for residential uses. There is a small node of properties zoned for commercial uses at the intersection of SE 110th Street Road and E Highway 25. The proposed Sandy Clay LLC development along SE 110th Street Road has been recently rezoned for Planned Unit Development (PUD).

All remaining properties in between the subject property and the commercial node in the south are currently zoned for agricultural purposes. The subject property's West (PID 37933-000-00) and South (PID 37905-004-00)—the latter of which has been suggested to provide a second access—are also zoned for General Agriculture (A-1); however, such properties do have a Medium Residential (MR) land use designation. The latter has direct access to both SE 107th Place in the Green Meadows subdivision to the east and SE 70th Avenue to the southwest.

**Figure 5.
Zoning Classification**



**Figure 6.
Proposed Zoning Classification**

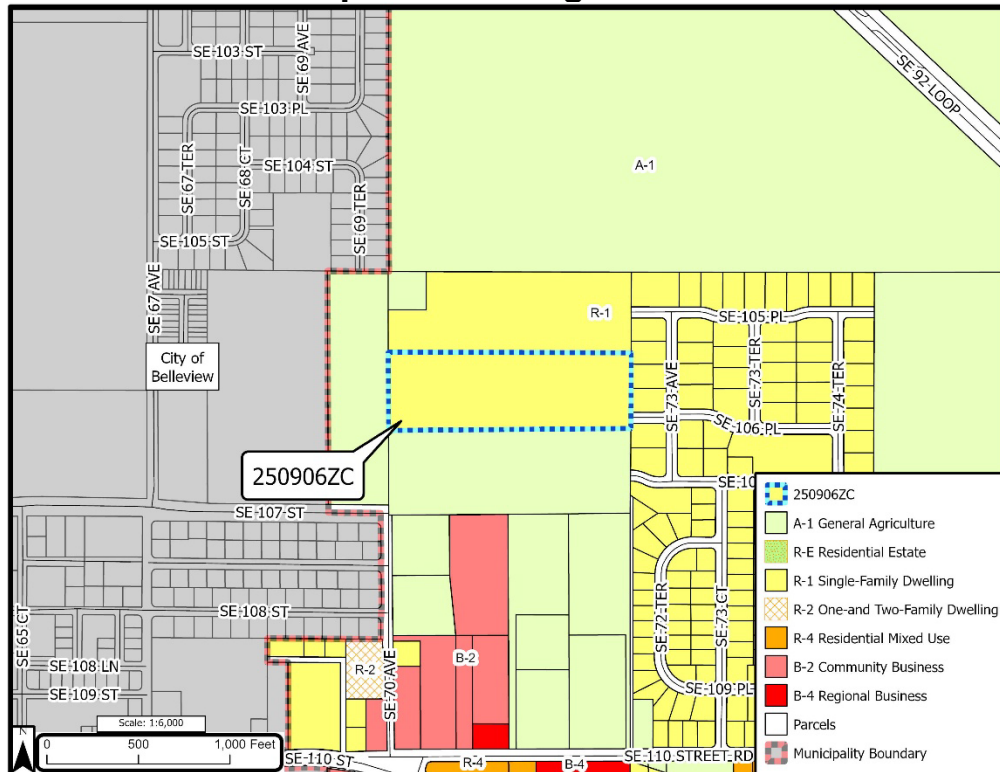


Figure 7, below, displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Lots in the nearby Green Meadows subdivision—as well as in other subdivisions along SE 67th Avenue, SE 70th Avenue, and E Highway 25—are residential in nature, with some parcels characterized as vacant residential or mobile home residential. A small number of agriculturally zoned properties are currently characterized by single-family residential. At the intersection between SE 110th Street Road and E Highway 25, there are several properties characterized as commercial, institutional, and industrial.

All remaining properties in between these areas, including properties directly to the North, West, and South of the subject property, are characterized by Marion County Property Appraiser as agricultural production.

Consistent with LDC Section 2.7.3.D, staff conducted a site visit on August 13, 2025 and found that the subject property is primarily accessible through a single Green Meadows subdivision entrance along SE 110th Street Road. SE 106th Place ends at the subject property line. There is a separate private driveway at the corner of SE 107th Street and SE 70th Avenue that crosses the subject property. This driveway is used to access a small residential property to the north of subject property (PID 37905-002-01). The property itself is currently vacant, with limited trees present on-site—if at all. No agricultural production occurs on the subject property.

Staff notes that the subject property's North (PID 37905-002-00)—although zoned for single-family residential development—is currently vacant. The subject property's South (PID 37905-004-00), which may be required to provide a second access, is also vacant. The subject property's West (PID 37933-000-00) contains one (1) primary single-family unit and one (1) accessory unit on a 10-acre property. Site photos are attached to this report (see Attachment C).

Figure 7.

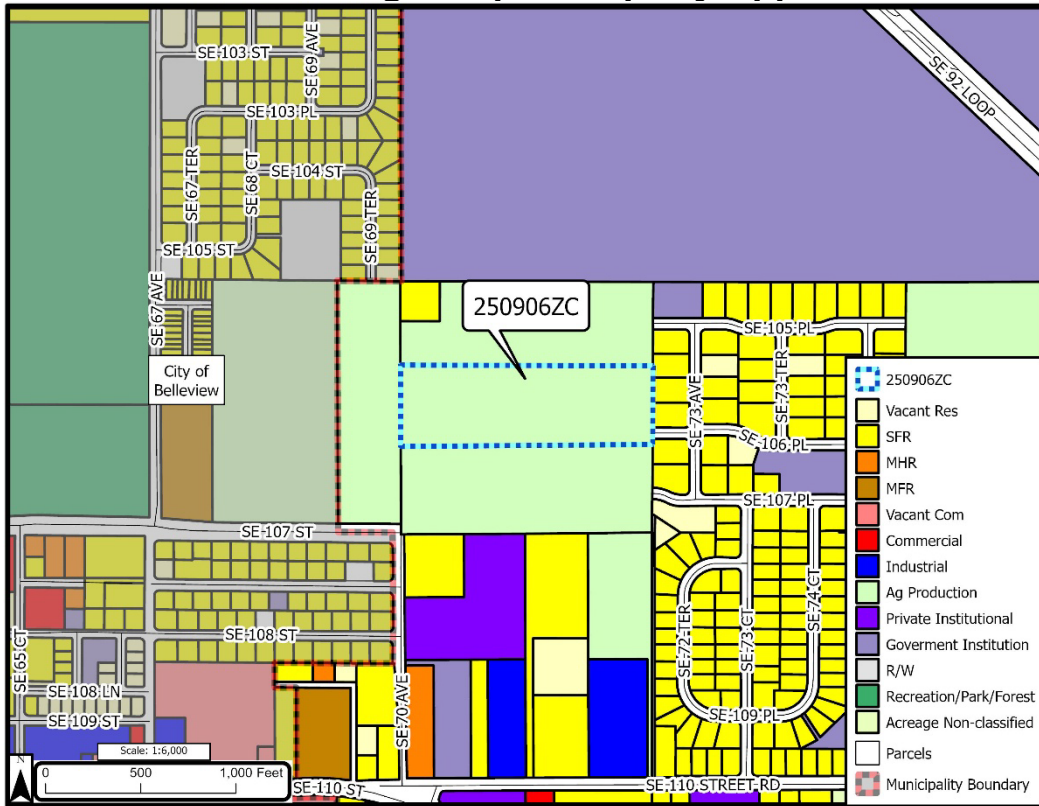


Table A, below, assembles the information in Figures 3, 4, 5, and 6 in tabular form. Figure 8 displays a preliminary site plan of the proposed subdivision provided within the rezoning application (Attachment A). Residential lots shall meet dimensional standards for R-1 zoning, as provided in LDC Sec. 4.2.9, during development review.

Although not provided in the preliminary site plan, Staff notes the Marion County Land Development Code (LDC) includes several provisions to ensure compatibility between different land uses. Section 6.8.6 of the Marion County LDC requires a Type E buffer on any residential property boundary abutting an agricultural parcel, as well as a Type E buffer on any residential property boundary abutting *another* residential parcel.

Figure 8 Preliminary Site Plan

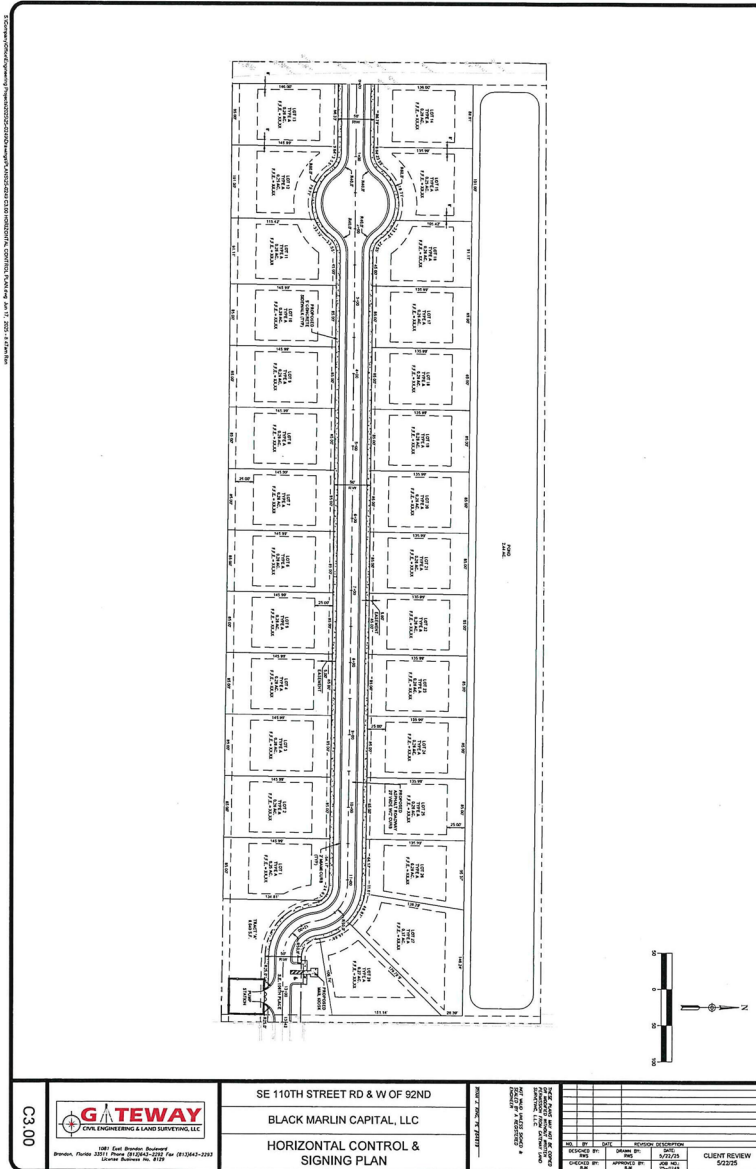


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Medium Residential (MR)	General Agriculture (A-1)	Agricultural Production
North	Medium Residential (MR)	Single-Family Dwelling (R-1)	Agricultural Production & Single Family Residential
South	Medium Residential (MR)	General Agriculture (A-1)	Agricultural Production
East	Right-of-Way & Medium Residential (MR)	Right-of-Way & Single-Family Dwelling (R-1)	Right-of-Way & Single Family Residential
West	Medium Residential (MR)	General Agriculture (A-1)	Agricultural Production

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

B. Effect on Public Interest

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

Roadways. All access points for the proposed subdivision would be in close proximity to SE 110th Street Road, a paved collector road maintained by Marion County, which itself connects with E Highway 25, another paved collector road. Both SE 110th Street Road and E Highway 25 currently meet County Level of Service Standards for urban collector roadways, as established by the Marion County Comprehensive Plan. As part of the subdivision process, a traffic impact analysis will be required, where traffic improvements will be identified and coordinated. Staff notes that 110th Street Road does not directly intersect with E Highway 25; instead, a small cross road connects both major roadways.

Furthermore, Staff notes that a second access point southwest of the subject property beginning at the intersection of SE 70th Avenue, a local subdivision road, and SE 106th Street, a minor local road, has been suggested by Staff to meet LDC Sec. 6.11.4.A—unless an alternative second access point is identified. Currently, a private easement from this intersection is used to access a small residential property to the north of subject property (PID 37905-002-01).

Given that the applicant proposes twenty-eight (28) lots for single-family residential units, the rezoning would yield 313 daily trips, 23 AM peak HR trips, and 30 PM peak HR trips. Fifty-three (53) lots from the subject property alone would yield approximately 502 daily trips, although the applicant has proposed a development agreement to cap residential development on the subject property to thirty (30) dwelling units. As of the date of this staff report, the applicant has not identified a full second access point compliant with County standards. Therefore, the rezoning request is premature at this time.

However, assuming DRC waiver approval, the subject parcel would only have County-compliant access from SE 106th Place, a local subdivision road maintained by Marion County. Staff notes SE 73rd Court, another local subdivision road maintained by Marion County, serves as the only entrance to the Green Meadow subdivision. The first, second, and third additions of the Green Meadows subdivision—which connect to SE 73rd Court—contain 133 residential lots. Staff notes that sections of SE 73rd Court currently have a County Pavement Condition Index rating of 41.1, indicating relatively poor condition.

- a. Public transit. There are no fixed route services in the area.
- b. Other mobility features. No sidewalks exist along any roadways listed as contiguous to this parcel; however, the applicant does propose internal sidewalks.

Based on the above findings, the transportation impacts of the rezoning request, if approved, **would adversely affect the public interest.**

TABLE 2. TRIP GENERATION FOR PROPOSED DEVELOPMENT							
Intensity (Dwelling Units)	Daily	AM Peak-Hour			PM Peak-Hour		
	Total	In	Out	Total	In	Out	Total
28	313	6	17	23	19	11	30

Source: ITE Trip Generation Manual, 11th Edition, LU Code 210-Single Family Detached Housing

TABLE 3. ZONING TRANSPORTATION IMPACTS		
Zoning	Units*	Estimated Daily Trips
Existing: General Agriculture (A-1)	1 dwelling unit	± 10 trips/day
Proposed: Single Family Dwelling (R-1) with Development Agreement	30 dwelling units	± 284 trips/day
Proposed: Single Family Dwelling (R-1)	53 dwelling units (maximum)	± 502 trips/day

* Based on number of residential lots, including subject property. Guest homes as an accessory use are *not* considered.

Source: ITE Trip Generation Manual, 10th Edition, LU Code 210-Single Family Detached Housing

TABLE 4. ZONING TRANSPORTATION IMPACTS (FOR GREEN MEADOWS SUBDIVISION)		
Development Amount	Units*	Estimated Daily Trips
Existing Layout	134 dwelling units	± 1,266 trips/day
Proposed Layout (30 Dwelling Units)	163 dwelling units	± 1,540 trips/day
Maximum Buildout (53 Dwelling Units)	186 dwelling units (maximum)	± 1,756 trips/day

* Based on number of residential lots, including subject property. Guest homes as an accessory use are *not* considered.

Source: ITE Trip Generation Manual, 10th Edition, LU Code 210-Single Family Detached Housing

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of approximately 150 gallons per person per day for residential demand and 2,750 gallons per acre per day for non-residential demand. Since twenty-eight (28) dwelling units are proposed at this time, the proposed rezoning would result in, at most, a potential demand of 16,800 gallons per day, assuming a four-person household.

The subject property within the City of Belleview service area. Whether any new development will require connection to a central water system or an individual well will be determined during development review; however, the applicant has indicated that central potable water service is immediately available. As part of the Improvement Plan review process. Marion County Utilities (MCU) will require a letter of availability and capacity from the City

of Belleview. Based on the above findings, if approved, the potable water impacts of the rezoning request **would not adversely affect the public interest.**

3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of approximately 110 gallons per person per day for residential demand and 2,000 gallons per acre per day for commercial and industrial demand. Since twenty-eight (28) dwelling units are proposed at this time, the proposed rezoning would result in, at most, a potential demand of 12,320 gallons per day, assuming a four-person household.

The subject property within the City of Belleview service area. The applicant has indicated that central wastewater service will be utilized, with the nearest wastewater lines between 400 and 600 square feet from the subject property. Staff notes utility easements will thus be required across the subject property's South (PID 37905-004-00). An on-site pump station is indicated by the applicant. As part of the Improvement Plan review process, Marion County Utilities (MCU) will require a letter of availability and capacity from the City of Belleview.

Based on the above findings, if approved, the wastewater impacts of the rezoning request **would not adversely affect the public interest.**

4. Solid waste impacts. SWE Policy 1.1.1 provides "The LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day. Given that twenty-eight (28) dwelling units are proposed at this time, the proposed rezoning would generate, at most, 694.4 pounds of solid waste per day, assuming a four-person household. Marion County currently provides solid waste collection facilities for unincorporated areas, and has identified and arranged for short- and long-term disposal needs through a long-term contract with a private Sumter County landfill. Based on the above, the solid waste impacts of the rezoning request, if approved, **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. Based on the proposed development by the applicant, twenty-eight (28) dwelling units would generate a demand of roughly 0.22 acres of recreation land, assuming four-person households. Approximately 0.424 acres would be required for fifty-three (53) dwelling units. Marion County includes a variety of local, regional, state, and national recreation and conservation land, including the Belleview Sports Complex on SE 107th Street. Based on the above, the recreation impacts of the rezoning request **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 is indicated to be entirely within the Primary Springs Protection

Zone (PSPZ). Section 5.4.4 of the Marion County Land Development Code (LDC) limits certain uses within the Primary Springs Protection Zone (PSPZ).

The site is entirely within FEMA Flood Zone X; however, a small Flood Prone area has been identified by Marion County staff. Any development of the site that undergoes Marion County's formal site review processes will be required to comply with a 100-year frequency 24-hour duration design storm. If the proposed impervious coverage for a specific lot exceeds 9,000 SF or 35% of the lot area, whichever is less, the lot would be subject to the Major Site Plan review process. Based on the above, the stormwater/drainage impacts of the rezoning request, if approved, **would not adversely affect the public interest.**

7. Fire rescue/emergency services. The Belleview Fire Station #18, located at 11941 SE 55th Avenue Rd, Belleview, FL 34420 is approximately 2.5 miles (by automobile) southwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services; however, staff has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, the fire rescue/emergency impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
8. Law enforcement. The Comprehensive Plan does not establish a level of service standard for law enforcement services. The nearest Marion County Sheriff's Office (MSCO) substation is located roughly 5.3 miles (by automobile) northwest of the subject property at 3260 SE 80th Street, Ocala, FL 34470. Deputies routinely patrol the area. Based on the above, the law enforcement impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
9. Public schools. The Marion County Comprehensive Plan does not establish concurrency for public school facilities. Marion County Public Schools (MCPS) currently has sufficient district-wide capacity; however, Marion County has adopted a level of service standard of 105%, 105%, and 100% of Florida Inventory of School Houses (FISH) permanent capacity for elementary, middle, and high schools respectively for capital improvement planning purposes—as adjusted annually by the Marion County School Board. If the rezoning request is approved, the applicant would be required to pay an Education System Impact Fee for every single-family residential unit in the proposed development, as part of the permitting process.

That said, as of School Year (SY) 2023-2024, Emerald Shores Elementary School contains 708 students and has a capacity of 713 students, resulting in a utilization rate of 99.30%. Belleview Middle School contains 1,547 students and has a capacity of 1,398 students, resulting in a utilization rate of 110.63%. Belleview High School contains 1,835 students and has a

capacity of 1,533 students, resulting in a utilization rate of 119.74%. Given the current agricultural zoning of the subject property, Marion County Public Schools (MCPS) has concerns with zoning changes in areas where students were not originally anticipated.

The rezoning request would generate between 3 and 6 elementary students, between 2 and 3 middle-school students, and between 2 and 4 high-school students, depending on the number of single-family residential units provided on the subject property. MCPS is examining school capacities and is currently undertaking the construction and expansion of several public schools; however, no *new* public schools have currently been proposed within the Belleview area. Based on the above findings, the public schools impact of the rezoning request, if approved, **would adversely affect the public interest.**

Based on the above findings, **the public interest would be adversely affected** if this rezoning request is approved.

C. *Consistency with the Comprehensive Plan*

1. **Policy 2.1.8** on Medium Residential (MR) provides, "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 multifamily 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 unit 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 subject site is designated as Medium Residential (MR) and the applicant indicates plans for twenty-eight (28) dwelling units within a ±13.33-acre property, thereby maintaining a density of approximately 2.1 dwelling units per one (1) acre—which is greater than the minimum one (1) dwelling unit per one (1) acre. The applicant has proposed a development agreement to cap residential development on the subject property to thirty (30) dwelling units, resulting in a density between one (1) and four (4) dwelling units per one (1) acre. This use thus aligns with the intent of the Medium Residential use and is **consistent** with Policy 2.1.8.

2. **FLUE 3.1.2** on Planning Principles within UGB provides, "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.
- (12) Links to the surrounding neighborhoods, and alternative transportation routes.
- (13) Establish priority areas for public facility and service infrastructure."

Analysis: The proposed zoning change is requesting a zoning classification that allows for more dense residential development compared to the existing rural agricultural zoning. The subject property is located in an existing urban area with central water and wastewater service to be provided by the City of Belleview. Meanwhile, assuming a second access point along SE 70th Avenue, the subject property may also be within walking distance from several commercially-zoned properties.

That said, as of the date of this staff report, the applicant has not identified a full second access point compliant with County standards. As such, the rezoning request is premature at this time. Assuming DRC waiver approval, the subject parcel will only have County-compliant access from SE 106th Place, a local subdivision road maintained by Marion County. Without a full second access point, the proposed addition would functionally create a cul-de-sac for the adjacent Green Meadows subdivision terminating at the west end of the subject property. This rezoning request would not meet Criteria 11 and 12 of FLUE Policy 3.1.2, and is thus **not consistent** with FLUE Policy 3.1.2.

- 3. **FLUE Policy 4.1.1** on Consistency between Comprehensive Plan, Zoning, and LDC provides, "The County shall amend and maintain an official land use and zoning map, appropriate land use designations and zoning classifications, and supporting LDC that shall be consistent with each other."

Analysis: The proposed residential zoning may potentially be more compatible with the Future Land Use designation granted to the parcel than the existing agricultural zoning classification. As such, the proposed rezoning would be **consistent** with FLUE Policy 4.1.1. However, pursuant to Section 4.2.3 of the Marion County Land Development Code, General Agriculture (A-1) properties may continue to be used for agriculture in the

Urban Area until rezoned into another zoning classification. Medium Residential (MR) is considered an Urban land use designation.

4. **FLUE Policy 5.1.2** on Review Criteria for Changes to 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 make a determination 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: The applicant proposes twenty-eight (28) additional dwelling units—normally up to fifty-three (53) units—in an area with existing (single-family) residential development; although the applicant has proposed a development agreement to cap residential development on the subject property to thirty (30) dwelling units. The zoning change would allow increased density inside the Urban Growth Boundary (UGB). Furthermore, central potable water is immediately available and wastewater service will be required during development review.

That said, assuming no waiver approval, approving this rezoning request would allow a density that the subject property cannot currently accommodate, as it does not meet all minimum County standards (for access). As of the date of this application, the applicant did not provide a formal analysis of market demand nor explicitly indicate necessity of change. The applicant indicates that residential development in the County has predominantly consisted of single-family homes that “offer space,

privacy, and a rural setting within a reasonable distance to employment centers, schools, and services.” Staff notes the current A-1 zoning classification of the subject property would still allow one (1) single-family home and one (1) accessory guest home.

Subsection ‘a’ of F.S. Section 163.3177(6)(a) provides the following as an indicator of Urban Sprawl: “Results in poor accessibility among linked or related land uses.” As of the date of this staff report, the applicant has not identified a full second access point compliant with County standards. As such, the rezoning request is premature at this time. Assuming DRC waiver approval, the subject parcel will only have County-compliant access from SE 106th Place, a local subdivision road maintained by Marion County. Without a full second access point, the proposed addition would functionally create a cul-de-sac for the adjacent Green Meadows subdivision terminating at the west end of the subject property. Assuming waiver approval, the request is inconsistent with Comprehensive Plan intentions on the Urban Growth Boundary (UGB) and F.S. 163.3177 on Urban Sprawl. Therefore, this rezoning request would not meet Criteria 1, 6, and 7 of FLUE Policy 5.1.2, and is thus **not consistent** with FLUE Policy 5.1.2.

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 consideration on August 25, 2025 by the Planning and Zoning Commission. Therefore, the application is **consistent** with 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 7.4.7** on Centralized Utilities within the SPOZ provides, “Central wastewater facilities shall be the preferred method of wastewater treatment for all development in an SPOZ in accordance to Policy 7.2.8 of this element and central water facilities shall be the preferred method of providing water supply.”

Analysis: The subject property is within the Silver Springs Primary Springs Protection Zone (PSPZ), specifically based on a groundwater recharge

travel time of zero (0) to ten (10) years. The applicant has indicated that central potable water is immediately available and central wastewater service will be required during development review; private wells and septic systems are therefore not intended. As such, the proposed rezoning would be **consistent** with FLUE Policy 7.4.7.

8. **TE Policy 2.2.3** on Single Access provides, “Marion County shall discourage single access residential development along arterial and collector roadways, requiring connection to existing and future development where opportunities for connectivity exist.”

Analysis: The proposed development will access SE 106th Place, an existing local subdivision road maintained by Marion County. There are multiple stub-outs in the Green Meadows subdivision. That said, given the number of existing dwelling units in the Green Meadows subdivision (>50), a second access point compliant with County standards will be required. If the rezoning request is approved, both access points would normally need to be established and improved during development review.

However, as of the date of this staff report, the applicant has not identified a full second access point compliant with County standards. As such, the rezoning request is premature at this time. Assuming DRC waiver approval, the subject parcel will only have County-compliant access from SE 106th Place, a local subdivision road maintained by Marion County. Without a full second access point, the proposed addition would functionally create a cul-de-sac for the adjacent Green Meadows subdivision terminating at the west end of the subject property. The request is therefore inconsistent with Comprehensive Plan intentions on Single Access, and is **not consistent** with TE Policy 2.2.3.

Based on the above findings, granting the proposed rezoning request 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 **APPROVE** 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 Planning & Zoning (P&Z) Commission 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 approving the application:

- A. Will adversely affect the public interest;

and
- B. Is not consistent with the Comprehensive Plan provisions because it is not in conformance with (1) FLUE Policies 3.1.2 and 5.1.2; and (2) TE Policy 2.2.3;

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

DENIAL.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for September 15, 2025 at 1:30 PM.

IX. LIST OF ATTACHMENTS

- A. Application*
- B. DRC Comments Letter*
- C. Site Photos
- D. 1999 Stipulated Settlement Agreement and Remedial Amendment (FLUMS Amendment No. 98-L10)

*The subject property was originally owned by Michael and Kerry Lopez; however, it was sold to Black Marlin Capital, L.L.C. around the time that the rezoning application was received by Staff.