



**Marion County  
Board of County Commissioners**

Growth Services

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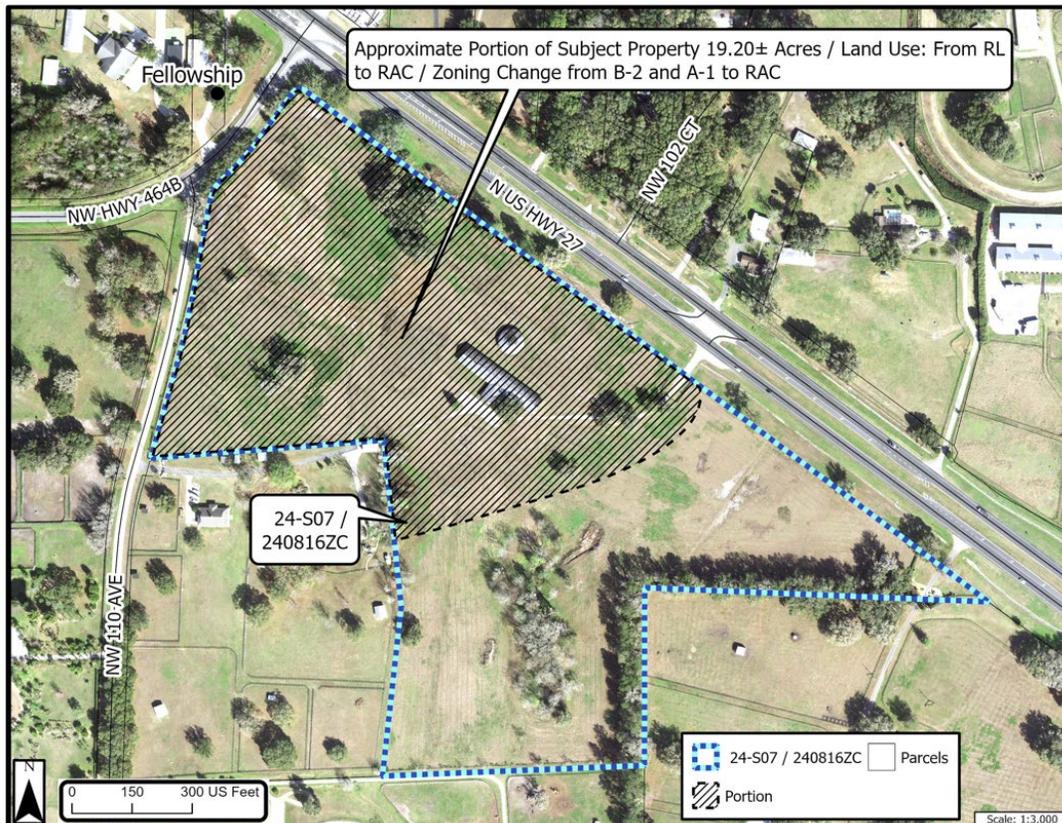
**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date: 07/29/2024</b>	<b>BCC Date: 08/20/2024</b>
<b>Case Number</b>	240816ZC
<b>CDP-AR</b>	31618
<b>Type of Case</b>	<b>Rezoning</b> from General Agriculture (A-1) and Community Business (B-2) to Rural Activity Center (RAC) for intended use of farm supply store and B-2 to A-1 on the remainder.
<b>Owner</b>	Meridian Land Holdings, LLC.
<b>Applicant</b>	Austin T. Dailey, Esq. with Klein & Klein, LLC.
<b>Street Address/Site Location</b>	5465 NW 100 <sup>th</sup> Avenue, Ocala, FL, 34482
<b>Parcel Number(s)</b>	12550-000-00
<b>Property Size</b>	±19.20-acre portion of an overall ±34.31-acre property
<b>Future Land Use</b>	Rural Activity Center (RAC)
<b>Existing Zoning Classification</b>	General Agriculture (A-1) and Community Business (B-2)
<b>Overlays Zones/Special Areas</b>	Farmland Preservation Area (FPA), Secondary Springs Protection Zone (SSPZ)
<b>Staff Recommendation</b>	Approval
<b>P&amp;Z Recommendation</b>	<b>Approval (on consent)</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner II
<b>Related Cases</b>	Concurrent – 24-S07: Small Scale Land Use Amendment to (RAC), 240817ZC: Rezoning to Rural Commercial.

## I. ITEM SUMMARY

Austin Dailey with Klein & Klein, on behalf of Meridian Land Holdings, LLC., filed a rezoning application to change a  $\pm 19.20$ -acre portion of an overall  $\pm 34.31$ -acre parcel from Community Business (B-2) and General Agriculture (A-1) to Rural Activity Center (RAC) and B-2 to A-1 on the remainder of the parcel. The Parcel Identification Number for the property is 12550-000-00; the site is addressed as 5465 NW 110<sup>th</sup> Avenue, Ocala, and the legal description is provided within the application (see Attachment A). The subject property at the southern corner of the intersection of N US Hwy 27 and NW Hwy 464B. The site is located within the Farmland Preservation Area (FPA) and the Secondary Springs Protection Zone (SSPZ). The application proposes rezoning the  $\pm 19.20$ -acre portion for all uses permitted with the intention of developing a farm supply store.

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. Staff believes RAC zoning would be appropriate for the area provided there's an existing Rural Activity Center (RAC) at the intersection to accommodate commercial development.

### 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 (16 owners) within 300 feet of the subject property on July 12, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on July 12, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on June 10, 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 properties to the north designated as Rural Activity Center (RAC), a node dedicated to providing goods and services to the citizens residing in this rural area. A small parcel to the northeast is designated as Public land use (State owned), but all other surrounding properties share a Rural land use. The properties in the area are outside the urban growth boundary (UGB) and within the Farmland Preservation Area (FPA) as well as the Secondary Springs Protection Zone (SSPZ).

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

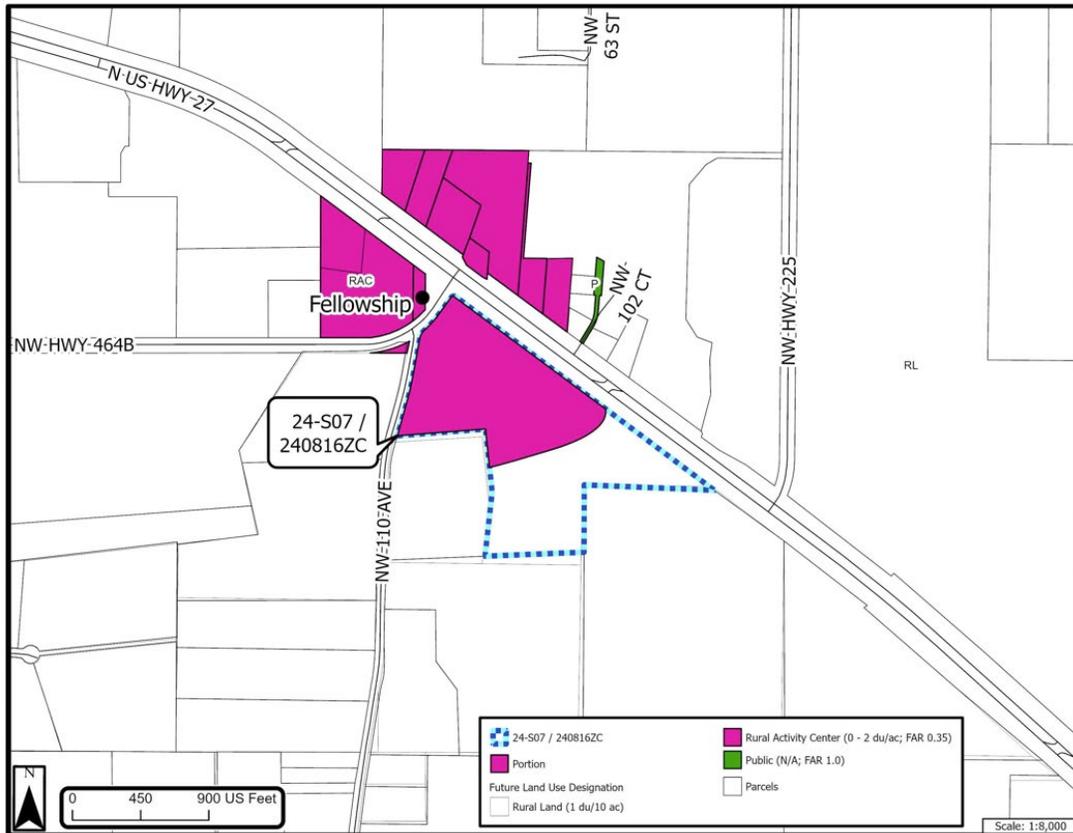


Figure 3 displays the zoning for the subject property in relation to the existing zoning of the surrounding properties and Figure 4 shows the proposed zoning. North, northeast, and a small portion northwest of the subject site is a mix of RAC and Business zoning classifications. All other surrounding areas are designated General Agriculture (A-1).

The site is located outside the Urban Growth boundary but within the Secondary Springs Protection Zone (SSPZ) and Farmland Preservation Area (FPA). The site is also partially within a designated Rural Activity Center, a node intended for limited commercial and mixed uses to serve the surrounding rural community.

**Figure 3  
Zoning Classification**

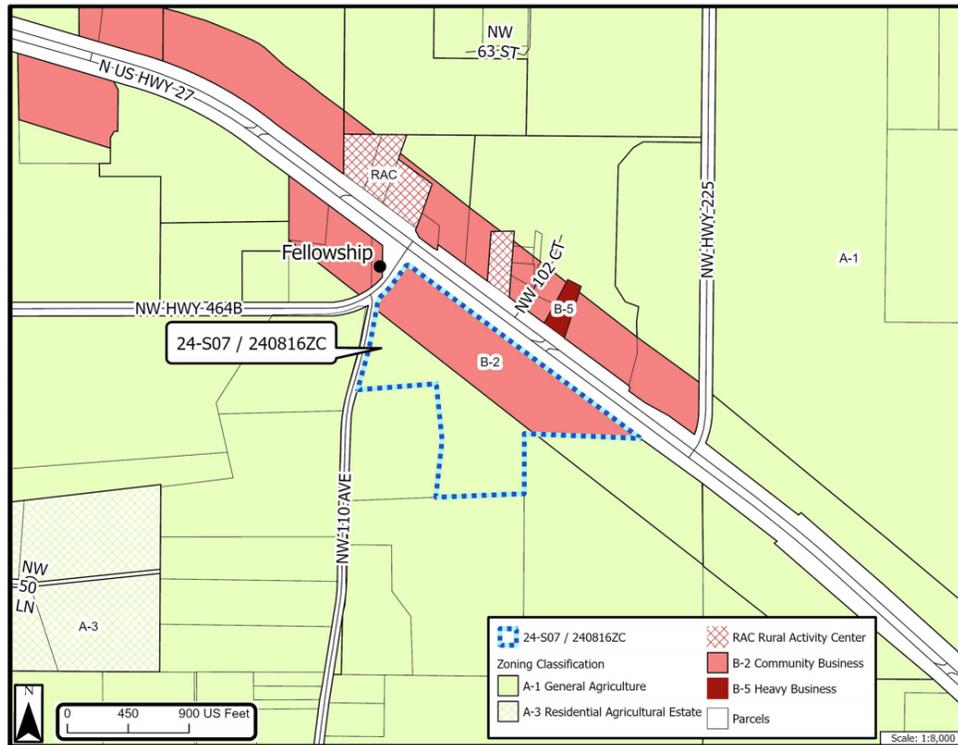
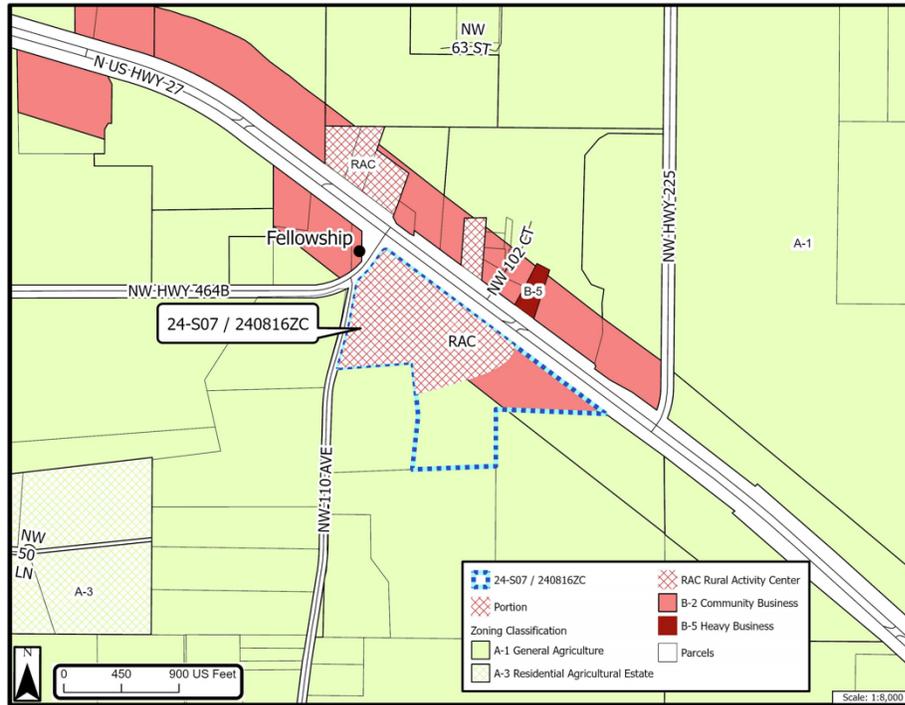


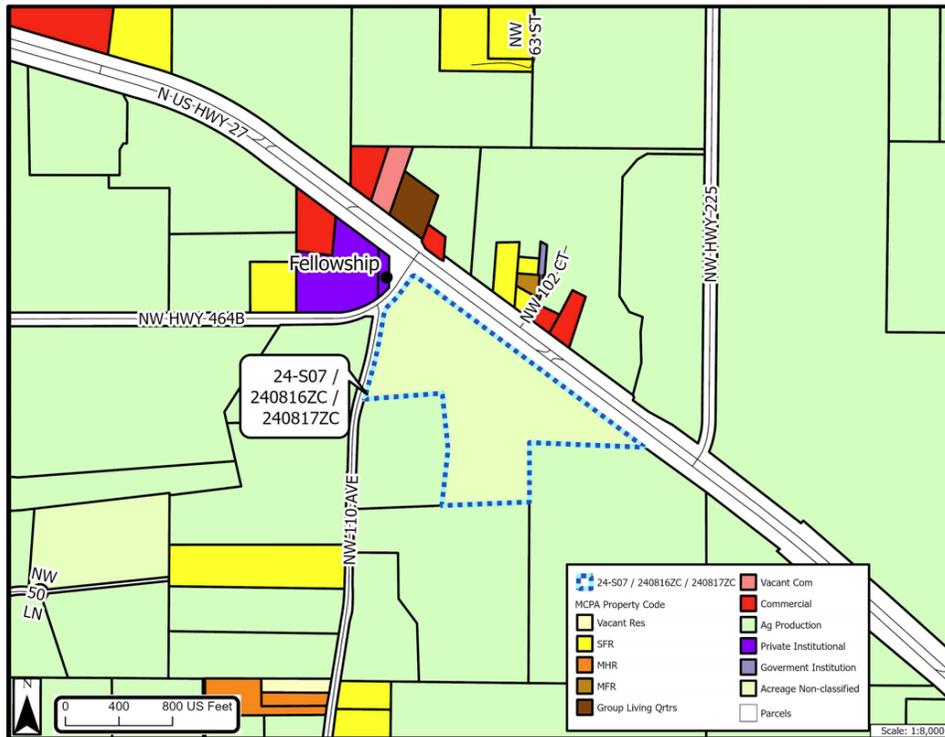
Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). Many of the Agricultural parcels in the area are being utilized for grazing land with the commercial development in the area being a mix of services, retail, and offices.

Table A displays the information of Figures 2, 3, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and found that the subject property is predominantly open pasture with a few spots where old growth trees are densely packed within a small area and along the northeastern right-of-way. All properties sitting south of the subject property are Agricultural in use with parcels to the west being the same. Parcels to the north and northeast, a mix of Private Institutional (Fellowship Baptist Church), Animal Rescue, and Commercial; and parcels to the east being a mix of residential, agriculture, and uses of service to agriculture uses; FL. Vet Association being among the parcels to the east.

**Figure 4.  
Proposed Zoning Classification**



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



<b>TABLE 1. ADJACENT PROPERTY CHARACTERISTICS</b>			
<b>Direction</b>	<b>FLUM Designation</b>	<b>Zoning Classification</b>	<b>MCPA Existing Use</b>
<b>Subject Property</b>	Rural Land (RL) Rural Activity Center (RAC)	General Agriculture (A-1) Community Business (B-2)	Acreage Non-classified
<b>North</b>	Rural Activity Center (RAC)	Rural Activity Center (RAC) Community Business (B-2)	Charitable Services Commercial Store Grazing Land
<b>South</b>	Rural Land (RL)	General Agriculture (A-1)	Grazing Land
<b>East</b>	Rural Activity Center (RAC) Rural Land (RL)	Rural Activity Center (RAC) Community Business (B-2) Heavy Business (B-5)	Improved Residential Professional Services Grazing Land
<b>West</b>	Rural Activity Center (RAC) Rural Land (RL)	General Agriculture (A-1)	Grazing Land

The rezoning site lies at the intersection of N. US Hwy 27, NW Hwy 464B, and NW 110<sup>th</sup> Ave. Roughly six miles east from the site is I75 and the subject site sits a little over seven miles from the Levy County line. The historical future land use map, prior to 2014, also listed the north/northwest portion of the property with future land use; an intent for such development to grow in the area has been in place over ten years. Additionally, LDC Sec 4.2.24(C) states, "Vacant property shall retain its respective zoning classification until such time as the property is to be developed. The property shall then be rezoned to RAC." The portion of property looking to develop is requesting RAC zoning to allow for development but also to be compatible with the existing land use.

Based on the above findings, the proposed rezoning application is **compatible** with the existing and future surrounding land uses. Not only are there similar land uses in the area, but they are similar uses as shown by the property codes for the surrounding parcels.

*How does the request affect the public interest?*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. NW Hwy 464B to the north, NW 110<sup>th</sup> Avenue to the west and N. US Hwy 27 to the east.

- b. Public transit. There are no fixed route services in the area.
- c. Other mobility features. No sidewalks currently exist along any of the roadways listed as contiguous to this parcel. Upon development, sidewalks may be required, or the developer may elect to provide a fee-in-lieu for 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 residential calculation, the proposed rezoning would result in a potential demand of 360 gallons per day.

The property is within Marion County Utilities' Service Area but 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 264 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. Based on the permitted density of two dwellings per acre on 19.2 acres, there would be a potential for 93 people to live on-site if that was the desire of the property owner. However, their intent is to provide a farm supply store in the area which doesn't have a LOS standard. 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. Meadowood Farms Fire Station #12, located at 120 NW 110<sup>th</sup> Avenue, is roughly four 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 and the application is **consistent** with this section.
8. Law enforcement. The nearest Sherriff substation is located approximately 8.4 miles northeast of the subject property at 8311 N. Hwy 441. 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 adversely affect the public interest.**
9. Public schools. The following figures are provided for the 60<sup>th</sup> day of enrollment for the 2023-2024 school year: Fessenden Elementary (102.57%), Howard Middle (65.21%), West Port High School (116.83%). While there are areas of overcrowding, overall, there is capacity within Marion County Schools. Based on the above findings, the proposed development would not adversely affect public interest. Therefore, it is concluded that the application is **consistent** with this section.

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 1.1.3: Accommodating Growth - The County shall designate on the Future Land Use Map sufficient area in each land use designation to distribute development to appropriate locations throughout the county. Changes to the Future Land Use Map shall be considered in order to accommodate the existing and projected population and its need for services, employment opportunities, and recreation and open space while

providing for the continuation of agriculture activities and protection of the environment and natural resources.

**Analysis:** This change looks to expand the RAC land use on a property that already has a small portion within this designation. When the RAC node was established in the area, some parcels were already being used residentially or otherwise already, meaning the RAC designation could not fully develop on the acreage granted the designation. This parcel looks to increase the size of the RAC in order to create a space to provide goods and services for the local area without forcing those who are not using their RAC designation to relocate or change their use. This application is **consistent** with FLUE Policy 1.1.3.

2. FLUE Policy 2.1.6: Protection of Rural Areas - Rural and agricultural areas shall be protected from premature urbanization and a vibrant rural economy shall be encouraged outside the UGB and Planned Service Areas. Urban and suburban uses incompatible with agricultural uses shall be directed toward areas appropriate for urban development such as within the UGB and PSAs.

**Analysis:** This application looks to encourage a vibrant rural economy while protecting the area from premature urbanization by limiting development to that permitted with RAC. Additionally, this limitation protects from incompatible commercial development more appropriate for a Commercial area within the UGB or PSA. The application is **consistent** with FLUE Policy 2.1.6.

3. FLUE 3.1.4 on Rural Area outside the UGB provides, "The lands outside of the UGB shall generally be referred to as the Rural Area and development in this area shall be guided by the following principles and as further defined in the LDC:
  1. Protect the existing rural and equestrian character of the area and acknowledge that a certain portion of the County's population will desire to live in a rural setting.
  2. Promote and foster the continued operation of agricultural activities, farms, and other related uses that generate employment opportunities in the Rural Area.
  3. Establish a framework for appropriate future opportunities and development options including standards that address the timing of future development.
  4. Create a focused strategy for the regulation of mining and resource extraction activity.
  5. Allow for new Rural Land and Rural Activity Center Future Land Use designations with a Comprehensive Plan Amendment (CPA), as further allowed in this Plan and as further defined in the LDC.

**Analysis:** The application provided looks to amend a portion of the property's land use (and subsequently, zoning) to RAC. This policy provides the ability to do this provided the need is there and the principles provided are met. The proposed development looks to provide agriculture related goods and services to the rural surrounding area which will reduce drive time for residents in need of the supplies being sold, create new jobs to be filled, support the operation of farms and the rural nature of the area, and support the existing RAC. The request being made with this application meets the criteria above and is **consistent** with FLUE Policy 3.1.4.

4. FLUE Policy 3.3.1: Elements of Rural Character in the Farmland Preservation Area - The County shall preserve and protect rural and equestrian/agricultural character within the Rural Lands, specifically the Farmland Preservation Area, by requiring that all appropriate future development activities within this Area preserve, support, and enhance the fundamental elements of rural character set forth below, and further requiring that all Zoning Changes and Special Use Permits within the Farmland Preservation Area be consistent with and preserve, protect, support, and enhance the rural, equestrian, and farmland character of the Farmland Preservation Area.

**Analysis:** The subject parcel is located within the Farmland Preservation Area, an area intended to preserve and protect the agricultural character of the area by requiring development preserve, support and enhance the rural character. The RAC statement of need provided by the applicant (Attachment D) states, "There are no other farm/equestrian stores within the Fellowship RAC, nor are there any within three miles. The nearest stores with some overlapping offerings are: Ocala Breeders' Feed & Supply (3.4 miles away in HWY 225A RAC), Berrettini Feed Specialists, Larsen Farms, and United Hay Sales and Equine Supplies (~4.5 miles in Blichton RAC), Rural King (~8.1 miles away), Seminole Feed – 40 West Location (7.5 miles). It is worth noting that those distances are from the subject property to the other businesses, and do not account for additional travel required to get from surrounding landowners to those locations, which in many cases is significantly farther, or requires driving to the Fellowship RAC to then use Hwy 27 to access those stores." The rezoning looks to encourage rural/agricultural development within the FPA by providing farm and equestrian services **consistent** with the intent of land within the FPA and FLUE Policy 3.3.1.

5. 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: The Comprehensive Plan's RAC Land Use** is the more stringent regulation as RAC land use must have a RAC zoning classification to allow for development of the site. Therefore, the application is **consistent** with FLUE Policy 4.1.2.

6. 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 July 29<sup>th</sup>, 2024 Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

7. 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 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 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 the public interest.
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
  - 1. FLUE Policies 1.1.3, 2.1.6, 3.1.4, 3.3.1, 4.1.2, 5.1.3, and 5.1.4.
- C. Is compatible with the surrounding uses because the proposed would allow growth of an existing RAC node provided to serve residents of the rural surrounding area.

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

Approval (on consent).

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

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Rezoning application filed.
- B. Site and Area Photographs.
- C. DRC Comments.
- D. RAC Statement of Need.
- E. Surrounding Property Owner Notification.