



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

	P&Z Date: 12/30/2024	BCC Date: 01/13/2025
Case Number	250108ZC	
CDP-AR	31108	
Type of Case	Rezoning from Light Industrial (M-1) Portion of Property to Agriculture (A-1) to building a house.	
Owner	Ricardo Wilson, Leroy Jr Wilson, Lynn Wilson	
Applicant	N/A	
Street Address/Site Location	3050 SE 62 nd St, Ocala, FL 34480	
Parcel Number(s)	35838-000-00	
Property Size	±9 acres	
Future Land Use	Low Residential (LR)	
Existing Zoning Classification	Light Industrial (M-1) and General Agriculture (A-1)	
Overlays Zones/Special Areas	Urban Growth Boundary, Primary Springs Protection Zone	
Staff Recommendation	Approval	
P&Z Recommendation	Approval (On Consent)	
Project Planner	Xinyi Cindy Chen	
Related Cases	N/A	

I. ITEM SUMMARY

The property owners Ricardo Wilson, Leroy Jr Wilson, and Lynn Wilson filed a rezoning application to change from Light Industrial (M-1) and General Agriculture (A-1) to General Agriculture (A-1) on January 26, 2024 for a ± 9-acre parcel (see Attachment A). The Parcel Identification Number for the property is 35838-000-00. The site address is 3050 SE 62nd St, Ocala, FL 34480. The subject property is in Low Residential and has most of its land zoned as A-1 and a portion on the northwest as M-1. The property lies south of SE 62nd St and east of SE 30th Ct. The site is located within the Urban Growth Boundary and the Primary Springs Protection Zone. Figure 1 is a general location aerial displaying existing and surrounding site conditions. The application proposes rezoning the M-1 portion of the property to General Agriculture (A-1) to match A-1 zoning on the rest of the property and for building a house.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The rezoning will establish a zoning district is consistent with Marion County's future land use of the property and Comprehensive Plan.

III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (12 owners) within 300 feet of the subject property on December 13th, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on December 15th, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on December 16th, 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?*

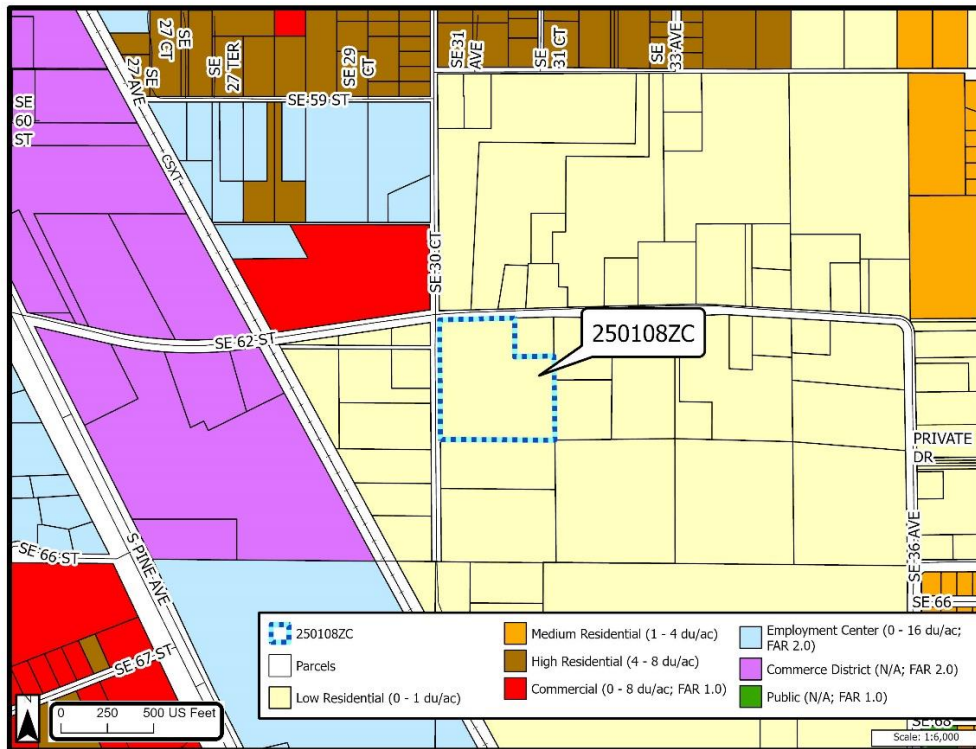
Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Figure 2 shows the subject property as well as all surrounding properties designated as Low Residential.

Figure 3 displays the proposed zoning for the subject property in relation to the existing zonings of the surrounding properties. The surrounding parcels are in the area of General Agriculture (A-1) and Rural Activity Center (RAC). The site is located within the Farmland Preservation Area (FPA) as well as the Secondary Springs Protection Zone (SSPZ). The farmland and related use are consistent with the current RL land use designation and compatible to adjacent parcels.

Figure 4 provides an aerial image of the subject property and surrounding area, while Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). These two maps show the proposed zoning change from M-1 to A-1 is consistent with the surrounding land use and compatible to the adjacent zonings.

**Figure 2
FLUMS Designation**



**Figure 3.
Proposed Zoning Classification**

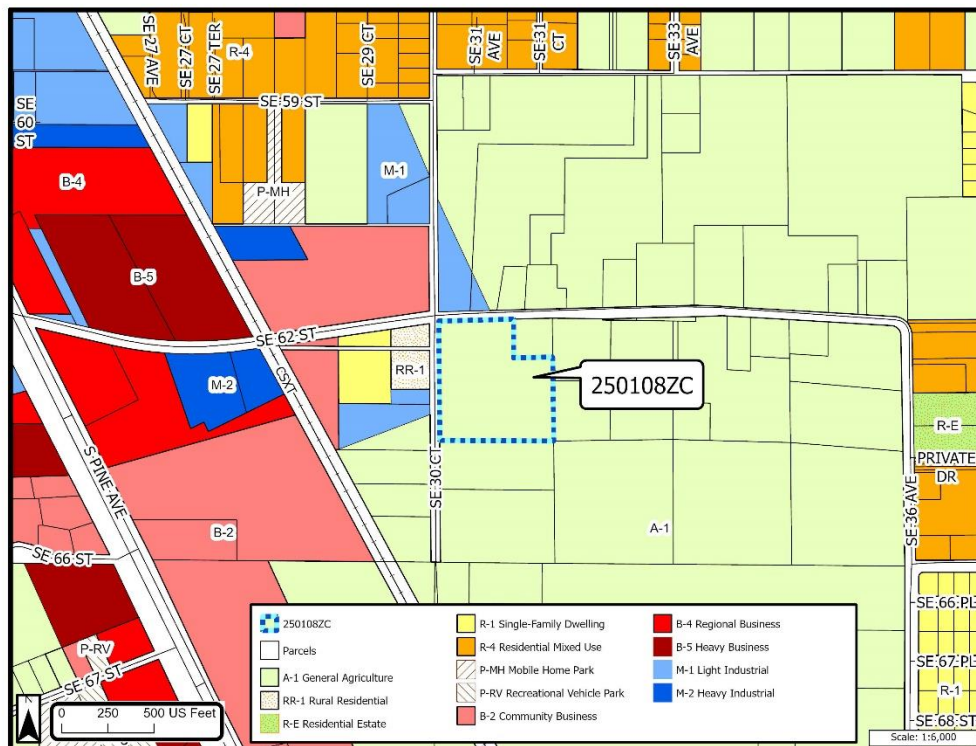


Figure 4 Property Aerial



Figure 5 Existing Use per Property Appraiser Property Code

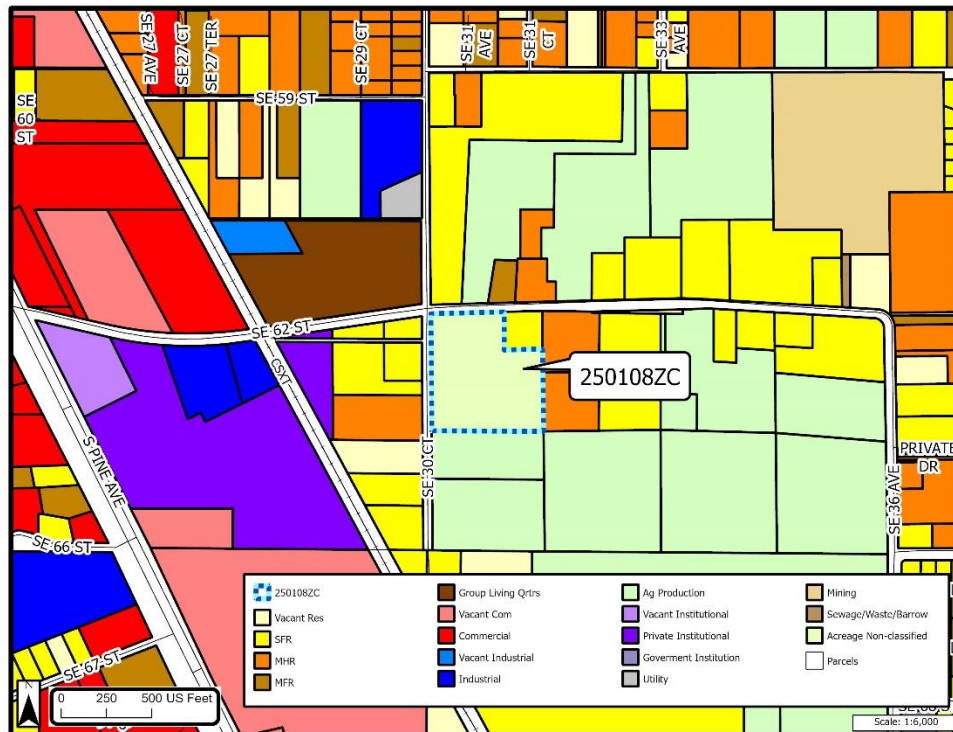


Table A displays the information of Figures 2, 3, 4 and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and finds the site is mainly undeveloped with natural grassland and trees on the property as can be seen in the site photos provided in Attachment B.

TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	ROW, Low Residential (LR)	ROW, Low Residential (LR)	ROW, Single-family Residential (SFR)
South	Low Residential (LR)	General Agriculture (A-1)	Agricultural Product
East	Low Residential (LR)	General Agriculture (A-1)	Single-family Residential (SFR), Medium-family Residential (MFR)
West	ROW	ROW	ROW

The rezoning site is surrounded by low residential lands and ROW. Nearby uses of agricultural product, single-family houses, and multi-family residential are similar in intensity to uses permissible in Low Residential Land Use designation and A-1 zoning.

Based on the above findings, the proposed rezoning application **is compatible with the existing and future surrounding land uses** because the proposed rezoning M-1 to A-1 would allow agricultural and residential uses consistent with the site's land use designation and match the existing use of the parcels.

B. *How does the request affect the public interest?*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The property can be accessed from two roadway: SE 62th St and SE 30th Ct. SE 62th St is paved, and SE 30th Ct is dirt road. The rezoning from M-1 to A-1 for a single-family house would not change the use of existing property. Therefore, the application will not affect the traffic on the existing roadways.
 - b. Public transit. The property is not along or within one-quarter mile of existing transit routes. No transit routes are currently projected to extend to the vicinity of the project. Therefore, the application would not adversely affect the public interest.

- c. Other mobility features. No sidewalks currently exist along SE 62th St and SE 30th Ct. 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 entire property would result in a demand of 360 gallons per day. The rezoning from M-1 to A-1 would not change the residential use on the property. Thus, the rezoning would not affect the demand change of potable water.

The property is within the Urban Growth Boundary. 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 entire property would result in 264 gallons per day. The rezoning from M-1 to A-1 would not change the non-residential use on the property. Thus, the rezoning would not affect the demand change of sanitary sewer.

The property is within the Farmland Preservation Areas and not in the Marion County Utility Service Areas. 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. For a new single-family residential house, it will generate 14.88 pounds of solid waste per day. A commercial/agricultural level of service standard is not currently in place for Marion County as such operations are required to provide for individual 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. The property is located on Low Residential Land Use, which will generate 1 household with about 2.5 persons. Based on the above, 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 subject parcel is not located within Flood Zone or Flood Prone Areas. Based on the above, the rezoning **stormwater/drainage impacts would not adversely affect the public interest.**
7. Fire rescue/emergency services. The site is officially located in the service district for Marion County's Fire Rescue Station #16, located at 7151 S. Magnolia Ave, Ocala, FL, roughly 3.6 miles southwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The nearest Sherriff substation is located approximately 2 miles south of the subject property at 3260 SE 80th St, Ocala, FL. The Comprehensive Plan does not establish a level of service standard for law enforcement services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, the application's **law enforcement impacts would not adversely affect the public interest.**
9. Public schools. The proposed rezoning to A-1 for a single-family house and agricultural uses will not have significant impact on the public school. Therefore, the application's **public-school impacts would not adversely affect the public interest.**

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

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

1. FLUE Policy 2.1.17: Low Residential (LR) - This land use designation is intended to recognize areas suited for primarily single-family residential units for existing and new development within the UGB, a PSA or Urban Area. Parcels outside of, but contiguous to the UGB and outside of the FPA are eligible for conversion to Low Residential designation through density bonus programs consistent with FLU Policy 2.1.3. The density range shall be up to one (1) dwelling unit per one (1) gross acre, as further defined in the LDC. This land use designation is considered the Urban Area. Where Low Residential abuts the Farmland Preservation Area or other Rural Area, hamlet, clustered or other development methods to preserve large tracts of open space is encouraged.

Analysis: The proposed rezoning from Light Industrial M-1 to Agriculture A-1 on a Low Residential (LR). The proposed single-family house on the property meets the LR's definition and preserve the large tracts of open

space. Therefore, the proposed rezoning is consistent with FLUE Policy 2.1.17.

2. 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 December 30th, 2024, Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

3. 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.

4. Transportation Element (TE) Policy 2.1.4 on determination of impact provides in part, “All proposed development shall be evaluated to determine impacts to adopted LOS standards.”

Analysis: The rezoning will not change the land use or actual use on the subject property. The proposed rezoning from M-1 Light Industrial to A-1 General Agriculture will not generate additional trips. However, the development of the site will be subject to traffic engineering review, impact analysis, and will be required to address access management and capacity improvements. Staff concludes the proposed rezoning will be consistent with TE Policy 2.1.4.

Based on the above findings, the proposed rezoning **is consistent with the Comprehensive Plan.**

V. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support a recommendation for the approval of the Ordinance, and make a recommendation to adopt a proposed Ordinance to **APPROVE** the rezoning amendment.

- B. 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.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VI. STAFF RECOMMENDATION

Staff recommends the Board enter into the record the Staff Report, and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to **APPROVE** the proposed rezoning because the application:

- A. Will not adversely affect the public interest because non-conformance with the law enforcement level of service standard are outweighed by conformance with the eight other public facility and services level of service standards;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
 - 1. FLUE Policies 2.1.17, 5.1.3., 5.1.4
 - 2. TE Policy 2.1.4
- C. Is compatible with the surrounding uses because the proposed rezoning would match the existing agricultural use on the property and surrounding uses such as agriculture, rural activity center, and residential.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval (On Consent).

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application package
- B. Site Photos
- C. DRC Comments