



**Marion County  
Board of County Commissioners**

Growth Services

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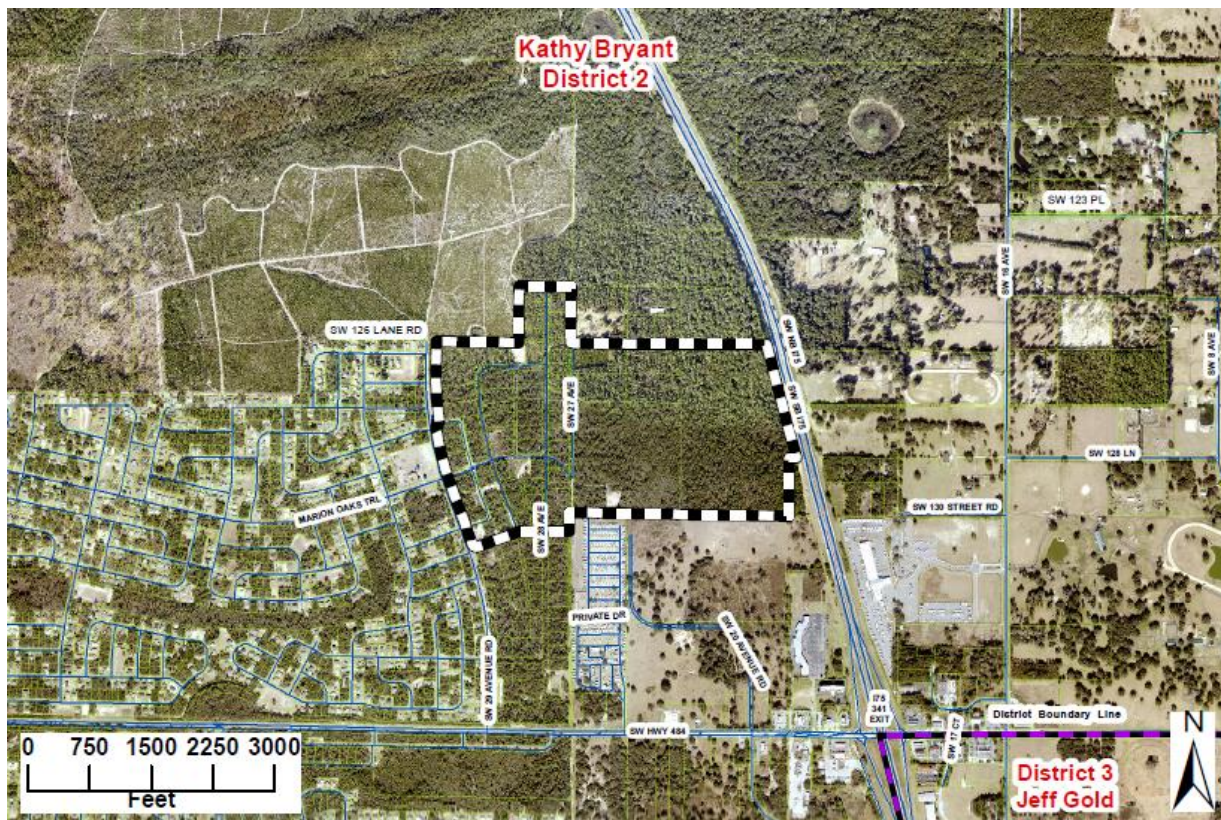
**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;ZC Date: 11/28/2022</b>	<b>BCC Date: 12/20/2022</b>
<b>Case Number(s)</b>	22-S20
<b>CDP-AR</b>	29233
<b>Type of Case</b>	<b>Future Land Use Map Series (FLUMS) amendment</b> from Public (P), Preservation (PR) and Rural Land (RL) to Employment Center (EC)
<b>Owner/Applicant</b>	TDC Deltona Land, LLC. c/o Steve Kros
<b>Agent</b>	W. James Gooding III, Esq.
<b>Street Address</b>	None assigned
<b>Parcel Number</b>	See Attachment A Pages 20-21 for full list
<b>Property Size</b>	40.21 acres
<b>Future Land Use</b>	Public (P), Rural Land (RL), & Preservation (PR)
<b>Zoning Classification</b>	Community Business (B-2), Regional Business (B-4), Light Industrial (M-1), General Agriculture (A-1)
<b>Overlay Zone/Scenic Area</b>	Springs Protection Overlay Zone, Secondary
<b>Staff Recommendation</b>	<b>APPROVAL</b>
<b>P&amp;ZC Recommendation</b>	<b>TBD</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner II
<b>Related Case(s)</b>	On 41200-006-00 (171006Z) A-1 to PUD - withdrawn

## I. ITEM SUMMARY

W. James Gooding III, Esq., on behalf of the landowner, TDC Deltona Land, LLC. has filed a Small-Scale Future Land Use Map Series (FLUMS) amendment application to change the designation of a  $\pm 40.21$ -acre site located on the west side of I-75 and  $\pm 0.50$  miles north of SW Hwy 484 from Public (P) and Rural Land (RL - 1 du/10 ac), to Employment Center (EC), which allows a density ranging from 0-16 du/ac (Attachment A). Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated outside the Urban Growth Boundary (UGB) but within the Urban Area of Marion Oaks with the lots previously within the platted area being designated as commerce areas in the master plan for Marion Oaks. The subject site is within the secondary spring's protection overlay zone.

**FIGURE 1  
GENERAL LOCATION MAP**



## II. STAFF SUMMARY RECOMMENDATION

Staff is recommending the **APPROVAL** of the Small-Scale Future Land Use Map Series (FLUMS) amendment because it is consistent with Land Development Code Section 2.3.3.B, which requires amendments comply and be consistent with the Marion County Comprehensive Plan and the provisions of Chapter 163, Florida Statutes.

## III. NOTICE OF PUBLIC HEARING

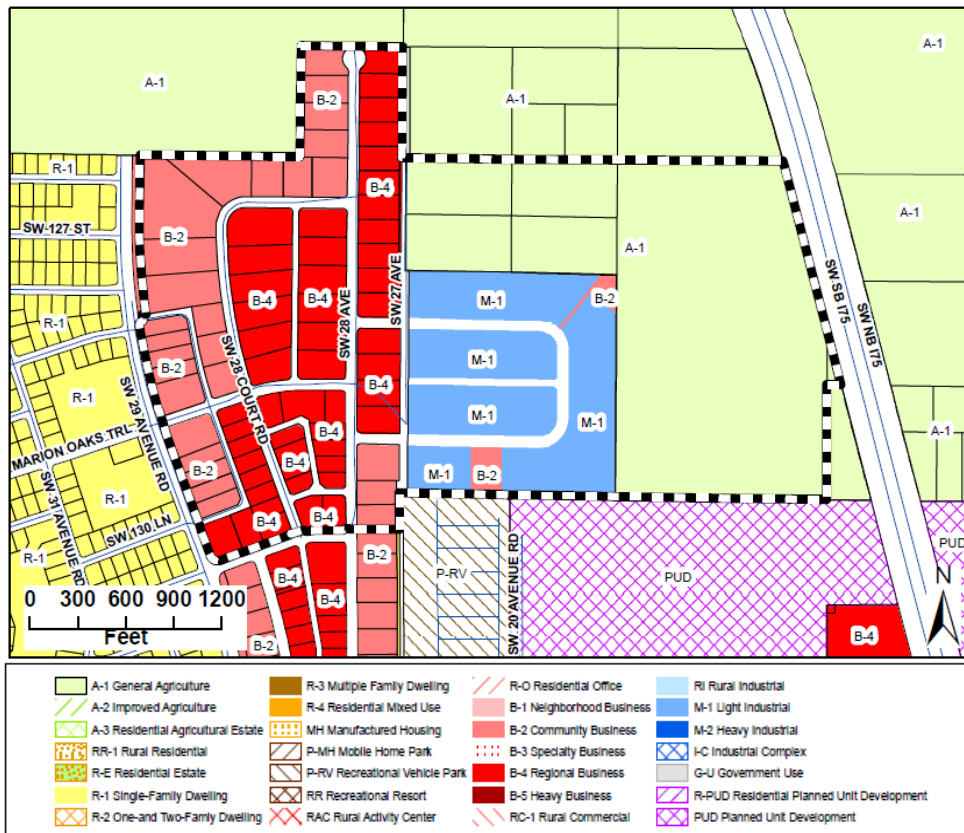
Notice of public hearing was mailed to (42) property owners within 300 feet of the subject property on November 10<sup>th</sup>, 2022. A public hearing notice sign was posted on the property on

November 18th, 2022. A public hearing notice for the Planning & Zoning Commission hearing was published in the Star Banner on November 14<sup>th</sup>, 2022. Evidence of the public hearing notices are on file with the Growth Services Department and are incorporated herein by reference. As of the date of the initial distribution of this Staff Report, no correspondence in support of or in opposition to the amendment has been received.

**IV. BACKGROUND/PROPERTY HISTORY**

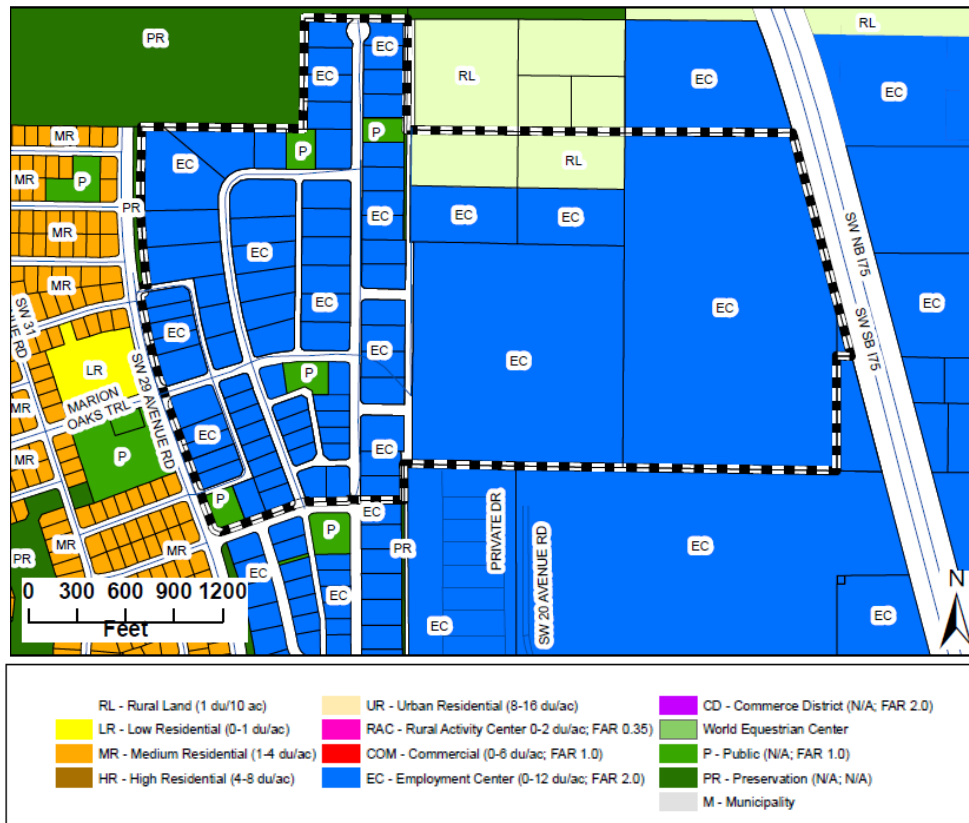
A. *ZDM history.* Figure 2 shows the subject site is classified as multiple zonings: General Agriculture (A-1), Community Business (B-2), Regional Business (B-4), and Light Industrial (M-1). These are the initial zoning classifications for these parcels. Only two of these zoning classifications have minimum size requirements for lots, A-1 requires a minimum lot width of 150’ and lot area of 10 acres while M-1 requires a minimum lot width of 200’ but with no minimum lot area.

**FIGURE 2  
 ZONING DISTRICT MAP**



B. *FLUMS history.* Figure 3 is the FLUMS and it shows the site is designated Rural Land (RL), Public (P), and Employment Center (EC). Based upon the FLUMS designation shown, development would be limited to a maximum of two units, one for each RL parcel with A-1 zoning. This FLUMS designation shown is the initial designation for each respective parcel.

**FIGURE 3  
FUTURE LAND USE MAP SERIES DESIGNATION**



## V. CHARACTER OF THE AREA

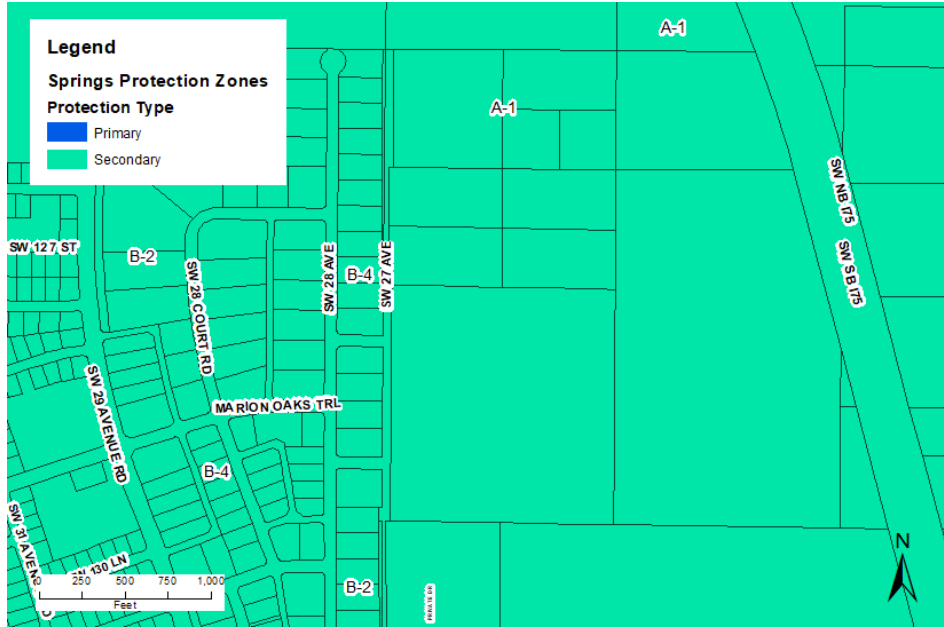
- A. *Existing site characteristics.* Figure 4 is an aerial photograph showing existing and abutting land uses. To the south of the subject site is and RV park, Ocala Sun RV Resort, and Marco Polo Industries PUD. To the west are portions of Marion Oaks Unit 7, Agriculture/Residential uses to the north, and to the east are parcels included in the PUD related to these same parcels seeking amendment. Further east is I75. According to the Soil Survey of Marion County, Florida, the site includes a variety of soils including Candler, Astatula, and Arredondo soils. All of the soil types are well to excessively drained and reasonably accommodate development. Based upon available contour data on the Marion County Interactive map, the site is relatively flat with a slight change in grade towards the northeast corner of the property. The survey provided (Attachment B) indicates the subject property will have two main access points, one connecting with the intersection of Marion Oaks Trail and SW 29<sup>th</sup> Ave. Rd., and a continuation of 20<sup>th</sup> Ave. entering the south of the property. Figure 5 shows the subject property is within the Secondary Springs Protection Overlay Zone. While the parcel is not within the urban growth boundary, it is within the designated urban area of Marion Oaks Master Plan (Figure 8).

**FIGURE 4**  
**EXISTING AND SURROUNDING SITE CHARACTERISTICS**



B. *Abutting and surrounding land uses.* Figure 6 is a map based on the Marion County Property Appraisers data showing the existing, abutting and surrounding land uses. Table 1 displays the FLUMS, Zoning Classification, and existing uses on the subject site and surround uses. To the east are parcels registered as non-classified or ag production, to the south is commercial, west is residential, and north is a mix of state forest land as well as some home sites and non-classified acreage. A site visit was conducted on November 18<sup>th</sup>, 2022 where staff observed the subject site to be heavily wooded and vacant. (ATTACHMENT C)

**FIGURE 5  
SPRINGS PROTECTION OVERLAY ZONE**



**FIGURE 6  
EXISTING AND SURROUNDING LAND USES**

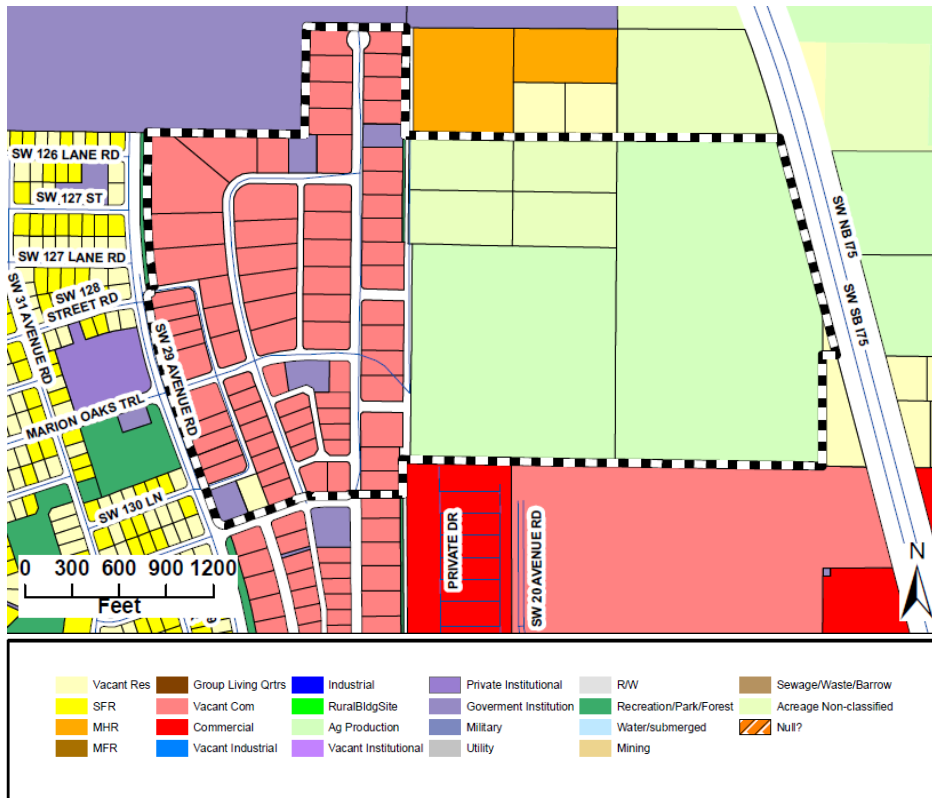
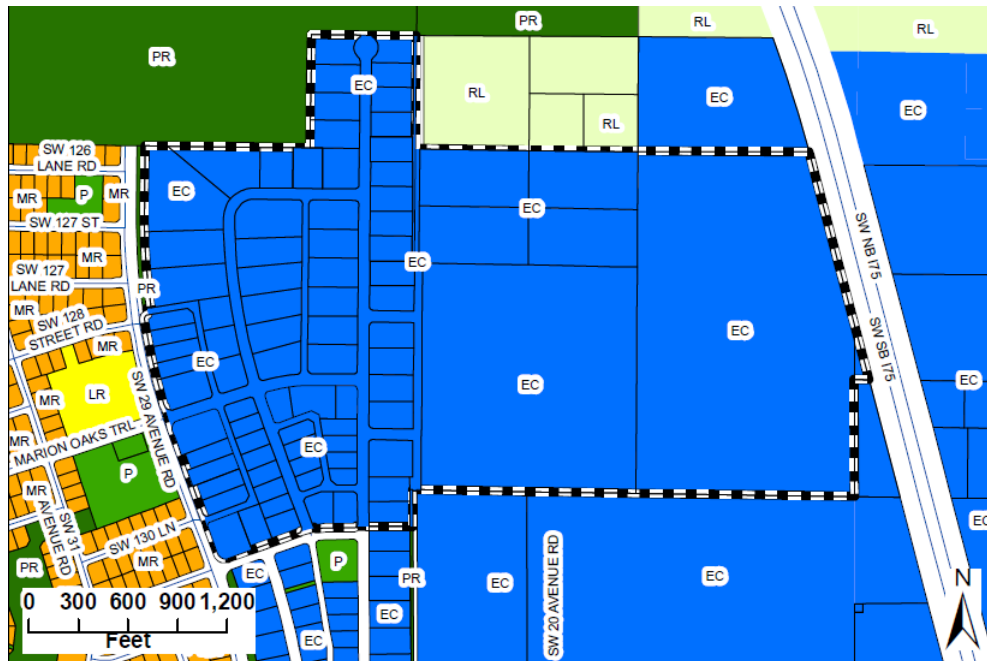


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Marion County Property Appraiser Existing Use
North	Rural and Preservation	General Agriculture (A-1)	State Property (87) Vacant Residential (00) Improved Mobile Home (02)
South	Employment Center (EC)	RV Park (P-RV) Planned Unit Development (PUD)	Camps/Campgrounds (36) Vacant Commercial (10)
East	Employment Center (EC)	Regional Business (B-4)	Vacant Commercial (10) Community Shopping Center (16)
West	Medium Residential (MR)	Single-Family Dwelling (R-1)	Improved Residential (01)

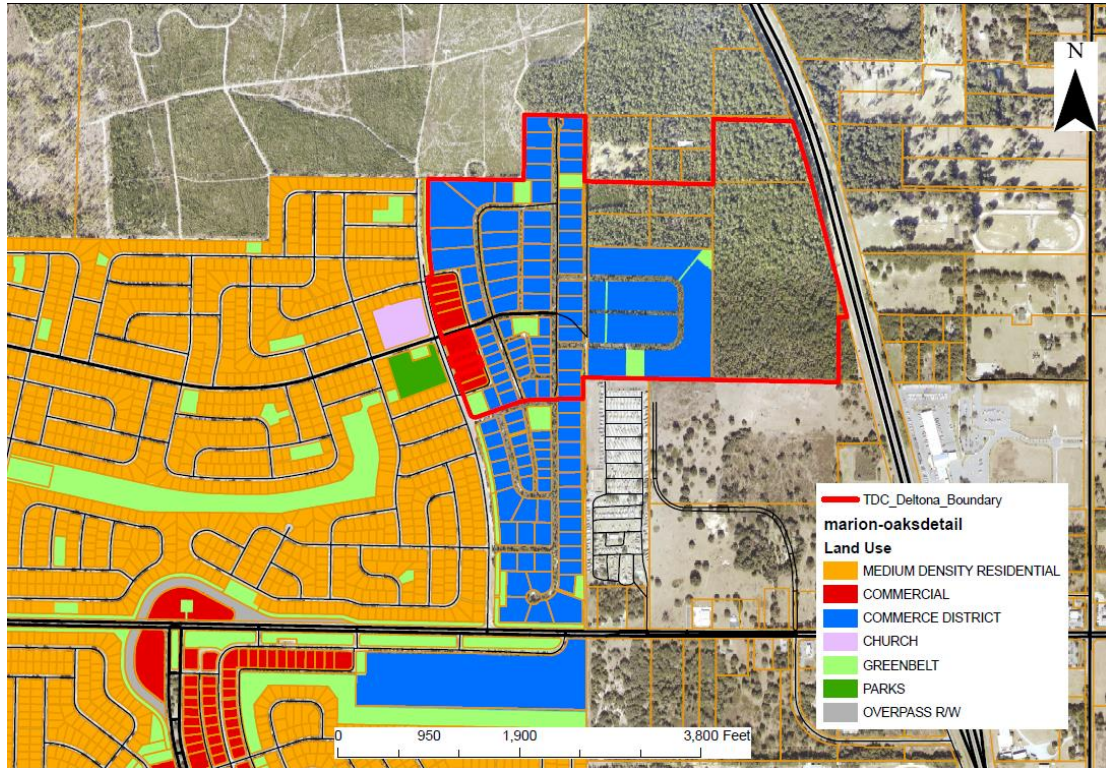
C. *Project request.* Figure 7 displays that the proposed FLUMS amendment application would change the various land use designations to the Employment Center (EC) designation for 40.21 acres. Rezoning to EC would allow the owner to construct industrial warehouses which is their proposed use of the site and concurrent rezoning to PUD with Master Plan.

**FIGURE 7  
PROPOSED FLUMS DESIGNATION**



RL - Rural Land (1 du/10 ac)	UR - Urban Residential (8-16 du/ac)	CD - Commerce District (N/A; FAR 2.0)
LR - Low Residential (0-1 du/ac)	RAC - Rural Activity Center 0-2 du/ac; FAR 0.35)	World Equestrian Center
MR - Medium Residential (1-4 du/ac)	COM - Commercial (0-6 du/ac; FAR 1.0)	P - Public (N/A; FAR 1.0)
HR - High Residential (4-8 du/ac)	EC - Employment Center (0-12 du/ac; FAR 2.0)	PR - Preservation (NA; N/A)
		M - Municipality

**FIGURE 8  
MARION OAKS MASTER PLAN**



**VI. ANALYSIS**

LDC Section 2.3.3.B provides a Comprehensive Plan amendment shall be reviewed for compliance and consistency with the Marion County Comprehensive Plan and Chapter 163, Florida Statutes. Staff’s analysis of compliance and consistency with these two decision criteria are addressed below.

**A. Consistency with Marion County Comprehensive Plan**

**1. Future Land Use Element (FLUE).**

a. Policy 1.1.3 on Accommodating Growth provides “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:** The subject property is within the urban area of Marion Oaks, an area in which the expansion and economic opportunities are anticipated as noted in their Master Plan. The intent of the area is growth and further development. Changing the land use to EC will bring the parcels in to conformity with the surrounding area. The application is **consistent with Policy 1.1.3.**

- b. FLUE Policy 1.1.7 on discouraging strip commercial and isolated development states, “The County shall discourage scattered and highway strip commercial development by requiring the development of such uses at existing commercial intersections, other commercial nodes, and mixed-use centers with links to the surrounding area.”

**Analysis:** The subject site is looking to change parcels previously designated “public” and two contiguous parcels designated “rural land” in a node of Employment Center land use. Because the request is proposing to make changes within an existing node of the same use, the application is **consistent with Policy 1.1.5.**

- c. 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 FLUM amendment is scheduled for the November 28th, 2022 Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

- d. 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:** Staff finds public notice has been provided as required by the LDC and Florida Statutes and, therefore, concludes the application is being processed **consistent** with FLUE Policy 5.1.4.

## 2. Transportation Element (TE)

- a. 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:** Kimley-Horn provided a traffic analysis report that was included with the comp plan amendment application (Attachment D). The maximum intensity of total buildout of the overall PUD at 3,503,095 sq. ft. would be high-cube warehouse which has to potential to generate 4,904 daily trips with 280 peak am and 350 peak pm trips. The proposed intensity of this portion of 40.21 acres with a total buildout of 634,756 sq. ft. for high-cube warehouse was found to be 889 daily trips with 51 peak am and 63 peak

pm trips. Based on the Ocala Marion TPO CMP database, 2021 AADT counts were shown as 6800 trips with 2026 AADT counts of 7200 trips for Marion Oaks Trail. The road is operating at a LOS C with 2026 projections maintaining the same LOS. If this 40.21-acre site were developed out to its maximum potential, it would exceed the projected traffic counts by approximately 400 trips. However, mitigation of traffic related issues will be required in the event that the overall development impacts LOS. Traffic counts are currently unavailable for SW 20<sup>th</sup> Ave. Rd. as it is a private road, but this will serve as the second of two access points for the property. It is concluded the application is **consistent** with TE Policy 2.1.4.

- b. TE Objective 2.2. on Access Management provides “To maintain the intended functionality of Marion County’s roadway network, access management standards shall be established which provides access controls and manage the number and location of public roadways, private roadways, driveways, median openings, and traffic signals.”

**Analysis:** The DRC Comments indicate this specific change of 40.21 acres to EC would generate less than 100 peak hour trips and therefore would not create a significant impact. **consistent with TE Objective 2.2.**

3. Sanitary Sewer Element (SSE)

- a. SSE Policy 1.1.1 provides “The 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 is adopted as the basis for future facility design, determination of facility capacity, and documentation of demand created by new development. This LOS shall be applicable to central sewer facilities and to package treatment plants but shall not apply to individual OSTDS. DRIs and FQDs that demonstrate the suitability of differing LOS standards may be allowed to adhere to the differing standard if approved by the County.”

**Analysis:** Utilities confirmed that the site will be on Marion County central sewer services (Attachment E). 40.21 acres of industrial demand could generate up to 80,420 gallons per day. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.1.1.

- b. SSE Policy 1.1.3 provides “The County shall encourage the construction of sanitary sewer facilities by public or private sources, or jointly, in accordance with the Marion County Water and Wastewater Utility Master Plan, and the LDC.”

**Analysis:** Public sewer services provided by Marion County Utilities will be utilized. Based on the above findings, it is concluded the application is **consistent** with SSE Policy 1.1.3.

4. Potable Water Element (PWE)

- a. PWE Policy 1.1.1 provides in part “The LOS standard of 150 gallons per person per day (average daily consumption) is adopted as the basis for future facility design, determination of available facility capacity, and determination of demand created by new development with regard to

domestic flow requirements, and the non-residential LOS standard shall be 2,750 gallons per acre per day.”

**Analysis:** Staff finds water to the property is immediately available from Marion County Utilities and will be utilized. The 40.21 acres included in this comp plan amendment has the potential to generate 110,577 gallons per day. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.1.1.

- b. PWE Policy 1.6.4 provides “Adequate potable water supplies and facilities which meet the adopted LOS standards shall be available concurrent with the impacts or development.”

**Analysis:** Potable water is immediately available to the site. Based on the above findings, it is concluded the application is **consistent** with PWE Policy 1.6.4.

5. Solid Waste Element (SWE)

- a. 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. This LOS standard shall be used as the basis to determine the capital facilities or contractual agreements needed to properly dispose of solid waste currently generated in the County and to determine the demand for solid waste management facilities which shall be necessitated by future development.”

**Analysis:** The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County. The owner is placed on notice that should disposal facilities become unavailable, permits shall not be issued for the dwelling units. Based on the above findings, it is concluded the application is **consistent** with SWE Policy 1.1.1.

6. Stormwater Element (SE).

- a. SE Policy 1.1.4 provides “The demand for stormwater facility capacity by new development and redevelopment shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the applicable design storm LOS standard adopted in Policy 1.1.1 and facility design procedures consistent with accepted engineering practice.”

**Analysis:** This is just a change in land use and does not propose structures. However, at the time of development, Stormwater will be a review. The DRC comments note conformance with LDC Section 6.13 will be required. Based on the above, it is concluded the application is **consistent** with SE Policy 1.1.4.

- b. SE Policy 1.1.5 provides “Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.”

**Analysis:** The owner is advised that they will be responsible for funding the stormwater facilities with sufficient capacity to accommodate any post-

development runoff. Based on the above findings, it is concluded the application is **consistent** with SE Policy 1.1.5.

In summation, staff concludes that the application is **consistent** with the Comprehensive Plan.

B. *Consistency with Chapter 163, Florida Statutes.*

1. Section 163.3177(8) provides "Future land use map amendments shall be based upon the following analyses:
  - a. An analysis of the availability of facilities and services.
  - b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
  - c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

**Analysis:** Section VI.A.2. of this staff report found that transportation facilities would not be adversely impacted by this land use change, utilities are available for connection in the area, the land and topography is conducive to development, and minimum lot requirements are being met. Based upon this information, it is concluded the application complies and is **conformance** with F.S. Section 163.3177(8) a.

The analysis of the suitability of the plan amendment for its proposed use was addressed in the existing site characteristics section of this staff report and, therefore, it is concluded the application **does comply and is in conformance** with F.S. Section 163.3177(8)b.

The analysis of the minimum amount of land needed to achieve the goals and requirements of this section was address in the analysis of FLUE Policy 1.1.3 and, therefore, it is concluded the application **does comply and is in conformance** with F.S. Section 163.3177(8)c.

2. Section 163.3177(9) provides "The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
  - a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
    - (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
    - (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
    - (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

- (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
- (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
- (VI) Fails to maximize use of existing public facilities and services.
- (VII) Fails to maximize use of future public facilities and services.
- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.

**Analysis:** Staff finds the proposed amendment is located within an urban area as defined in Marion Oaks master plan and it within Utilities connection and near I75 in a commercial node. Based on the above findings, it is concluded the proposed amendment is **consistent** with F.S. Section 163.3177(9)a.

- b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
  - (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - (IV) Promotes conservation of water and energy.
  - (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
  - (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
  - (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

**Analysis:** The application demonstrates at least four of the items I-VIII, specifically items I, II, III, and VIII. Based on the above finding, it is concluded the proposed amendment is **consistent** with F.S. Section 163.3.177(9) b.

## VII. 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 the Board of County Commissioners to **DENY** the small scale FLUMS amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE** the small-scale FLUMS 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 the Board of County Commissioners 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.

## VIII. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission (PZC) 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 the Board of County Commissioners to **APPROVE** the proposed small-scale FLUMS amendment number 22-S17 because the application inconsistencies do not outweigh the consistency with other policies

- A. The Marion County Comprehensive Plan, and specifically with:
1. FLUE Policies 1.1.3, 1.1.7, 5.1.3, and 5.1.4
  2. TE Objectives 2.2
  3. TE Policy 2.1.4
  4. SSE Policies 1.1.1 and 1.1.3
  5. PWE Policies 1.1.1 and 1.6.4
  6. SWE Policy 1.1.1
  7. SE Policies 1.1.4 and 1.1.5
- B. The Florida Statutes, and specifically with
1. F.S. Section 163.3177(8) and 163.3188(9)

Should the Planning & Zoning Commission recommend the Board deny this FLUMS amendment, please be advised the property owner still can achieve higher densities through

other means. First, Florida Statutes Section 403.892(1)(b) provides a 25% density increase to a developer or homebuilder if at least 75% of the proposed or existing development will have a graywater system installed and a 35% bonus if 100% of a proposed or existing development will have a graywater system installed. The 25% density bonus would allow 83 additional dwelling units while the 35% density bonus would allow 116 additional dwelling units. Second, Land Development Code Section 2.6.1 et. seq. established both the transfer of development right (TDR) program and a transfer of vested right (TVR) program. The TDR program would help preserve the Farm Preservation Area by transferring credit from the TVR program would help eliminate those lots of record and within antiquated subdivisions where it is no cost-feasible to extend such infrastructure to serve those areas. These two density bonus programs, however, require Board approval.

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

At the November 28, 2022 Planning and Zoning Commission (P&ZC) public hearing, the P&ZC by consent recommended the FLUMS amendment be approved based on the findings and conclusions in Part VIII of this Staff Report.

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

To be determined.

## **XI. LIST OF ATTACHMENTS**

- Attachment A - Comprehensive Plan Application.
- Attachment B – Survey.
- Attachment C – Site Photos.
- Attachment D – Traffic Analysis Report.
- Attachment E – DRC Comments.