



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

Public Hearing Dates	P&Z: 12/30/2024	BCC: 1/13/2025 (Continued from 1/13/2025)
Case Number	25-S02	
CDP-AR	32283	
Type of Case: Small-Scale Comprehensive Plan Amendment	<i>Future Land Use Designation Change:</i> FROM: Commercial (COM; 1.0 FAR; up to 8 DU/AC) TO: Employment Center (EC; 2.0 FAR; up to 16 DU/AC)	
Owner	North Pointe Mobile Home Sales, LLC	
Applicant	Mastroserio Engineering, Inc.; Paulo Mastroserio	
Street Addresses	7265 SW Hwy 200, Ocala, FL 34476; Green Turf Acres Unrecorded Subdivision (#20) Lot 32	
Parcel Numbers	3564-032-000	
Property Size	±2.26 acres	
Future Land Use	Commercial (COM)	
Zoning Classification	Community Business (B-2) [<i>Concurrent Rezoning Application for Regional Business (B-4)</i>]	
Overlay Zone/Scenic Area	In Urban Growth Boundary (UGB), In Secondary Springs Protection Overlay Zone (SSPZ), In Marion County Utilities SW Regional Service Area	
Staff Recommendation	DENIAL	
P&ZC Recommendation	DENIAL	
Related Cases	250110ZC: Rezoning to Regional Business (B-4); 97-L13: Large-Scale Land Use Amendment to COM; 890906Z: Rezoning to B-2 (B-4 requested).	
Code Cases	966836: Installation of multiple manufactured homes (MHs) without proper building permits. (<i>Power pulled for MHs.</i>) 965273: MH sales in a B-2 Zone (B-4 required).	

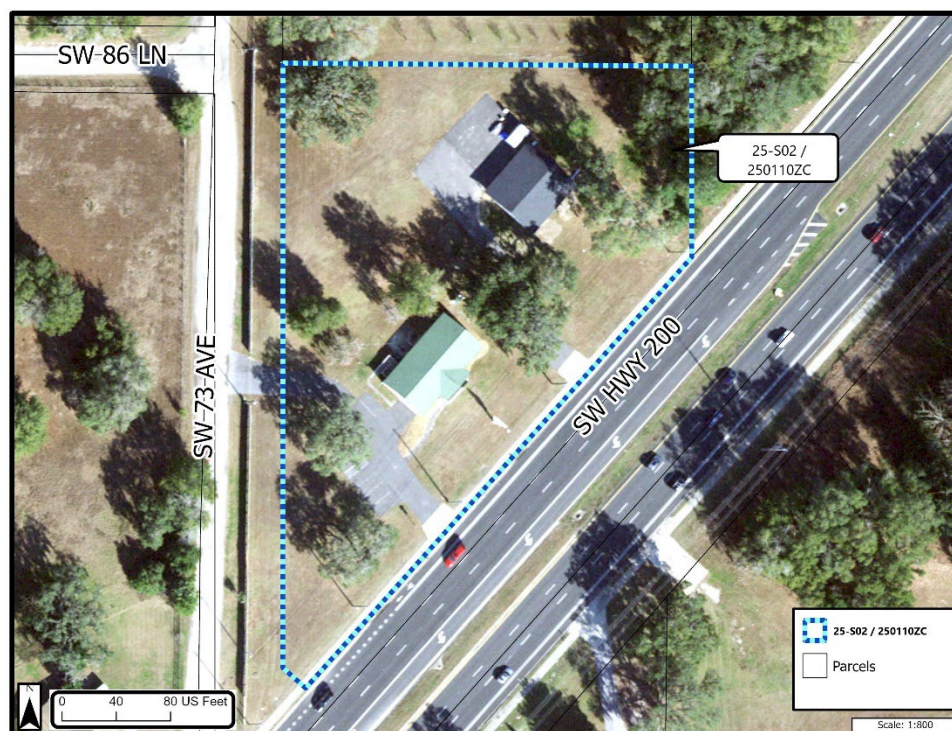
I. ITEM SUMMARY

Paolo Mastroserio with Mastroserio Engineering, Inc., filed a small-scale comprehensive plan amendment application on behalf of North Pointe Mobile Home Sales, LLC., to change a ± 2.26 acre site from Commercial (COM) to Employment Center (EC). The Parcel Identification Number for the property is 3564-032-000; the site is addressed as 7625 SW Hwy 200, Ocala, and the legal description is provided within the application (see Attachment A). The subject property is Lot 32 of the Green Turf Acres Unrecorded (UNR) Subdivision No. 20, and forms the northeast corner of the SW Hwy 200 and SW 73rd Avenue intersection at the south entrance to the Green Turf Acres UNR Subdivision. The site is located within the Urban Growth Boundary (UGB), and in the County-wide Secondary Springs Protection Zone (SS-SPOZ). A concurrent rezoning application to change the site's zoning from Community Business (B-2) to Regional Business (B-4) has also been submitted. *The site is the subject of two Code Enforcement cases related to a manufactured homes sales operation on the site – as the use is not permitted in B-2 zoning and no appropriate building permits were pulled for the placement of the manufactured homes.*

II. STAFF SUMMARY RECOMMENDATION

Staff is recommending the **DENIAL** of the Small-Scale Future Land Use Map Series (FLUMS) amendment because it is not consistent with Land Development Code Section 2.3.3.B, which requires amendments comply and be consistent with the Marion County Comprehensive Plan as well as the provisions of Chapter 163, Florida Statutes, be compatible with the surrounding uses, and not adversely affect the public interest.

Figure 1
General Location Map - Fall 2023 Aerial



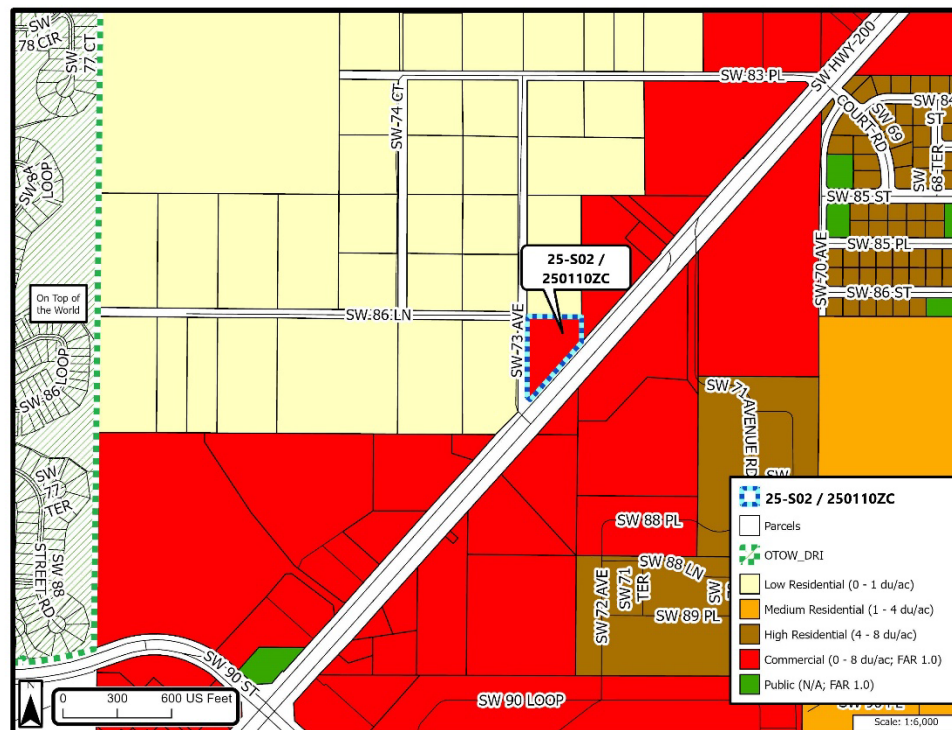
III. NOTICE OF PUBLIC HEARING

Notice of public hearing was mailed to (7) property owners within 300 feet of the subject property on December 13, 2024. A public hearing notice sign was also posted on the property on December 16, 2024. A public hearing notice for the Planning & Zoning Commission hearing was published in the Star Banner on December 16, 2024. 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; staff notes that opposition to the request appeared and spoke at the Planning & Zoning Commission public hearing held on December 30, 2024.

IV. BACKGROUND/PROPERTY HISTORY

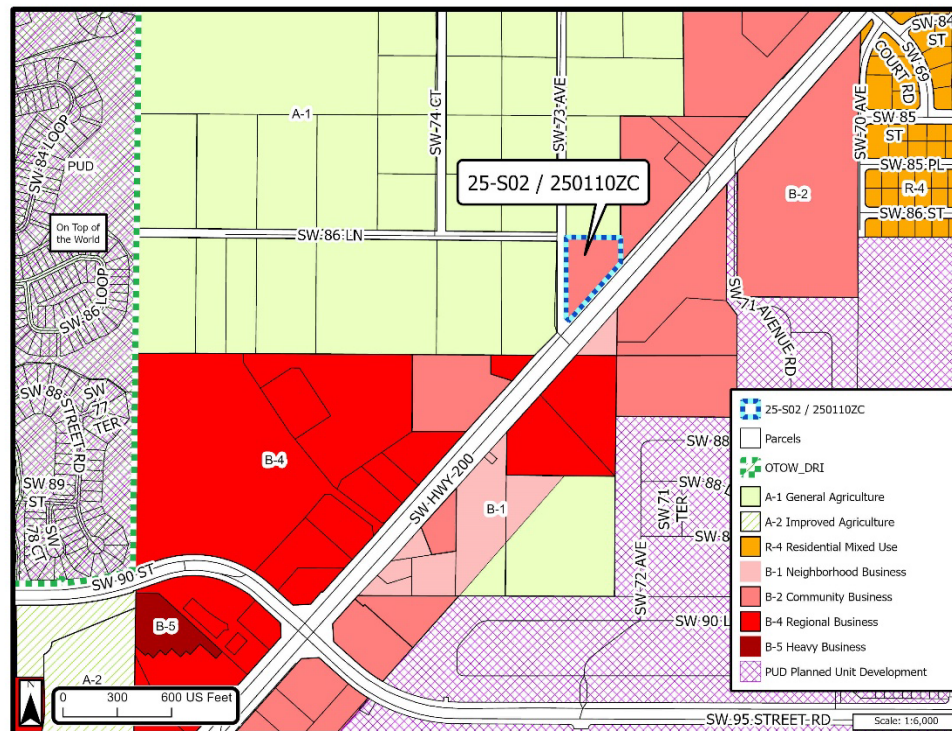
- A. **FLUMS history.** Figure 2 displays the current FLUMS designation of the subject property along with that of the surrounding properties. The subject property currently has a Commercial (COM) land use. With the April 1994 adoption of the Marion County Comprehensive Plan, the property's then established future land use designation was Rural Land. In 1997, approval of Comprehensive Plan Amendment 97-L13 changed the site's future land use designation from Rural Land (RL) to Commercial (COM), enabling commercial use the site's then existing Community Business (B-2) zoning classification.

Figure 2
Future Land Use Map Series Designation



- B. **ZDM history.** Figure 3 shows the subject property is currently zoned Community Business (B-2).

**Figure 3
Zoning District Map**



V. CHARACTER OF THE AREA

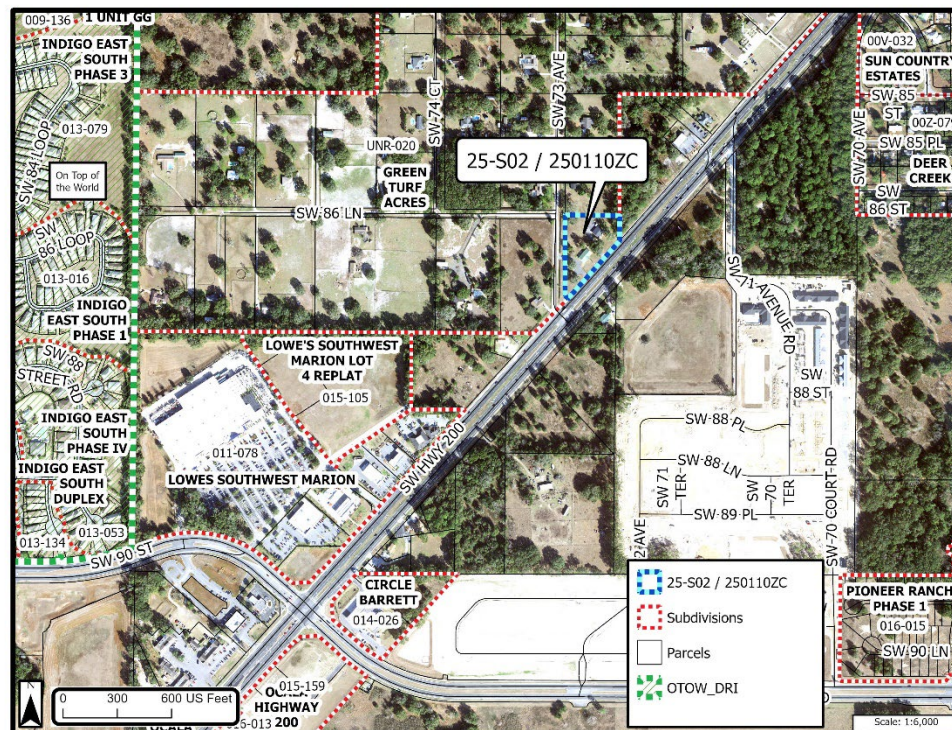
A. Existing site characteristics.

Figure 4, following, is an aerial photograph showing the subject property and surrounding area. The subject property is Lot 32 of the Green Turf Acres Unrecorded Subdivision Plat No. 20 as filed with Marion County on July 9, 1970 (see Attachment B). The site includes frontage on SW Hwy 200 and frontage on SW 73rd Avenue, an internal roadway established by the Green Turf Acres Unrecorded Subdivision. Staff notes SW 73rd Avenue functions as private right-of-way that is not maintained by Marion County and appears to be a slag-type roadway along the site's frontage.

The site includes a commercial office building (1972; 1,636 SF) that was previously a single-family home. The site also includes a horse barn (1972) that pre-existed the conversion of the site to commercial use. The site is not located within any FEMA-designated flood zone or identified flood-prone area. *Staff notes the site is the subject of two Code Enforcement Cases related to the establishment of a manufactured homes sales lot on the site, in conflict with the site's land use designation & zoning, and improper permitting for the placement of the manufactured homes for sale. At this time, power to the manufactured homes placed on the site has been pulled, and the cases are pending the outcome of this comprehensive plan amendment application and the concurrent rezoning application, along with being subject to any subsequent necessary site plan approval should the requests be granted.*

Staff notes that the original Green Turf Acres Unrecorded Subdivision consisted of 37 lots on 155 acres resulting in an average lot size of 4.2 acres. Staff notes lot 37 was the largest lot at ± 10 acres that has been historically occupied by various church uses; excluding lot 37, the resulting average lot size is 4.0 acres. Staff notes that some lots were “split” in the past under family division options; however, recent amendments to the family division provisions will no longer enable family divisions within Green Turf Acres, and a recent request to rezone a lot to Residential Estate (R-E) to enable further division was denied by the Board. The current average lot size within Green Turf Acres is ± 3.3 acres, excluding the original lot 37 based on the subdivision’s remaining 145 acres. FLUE Policy 2.1.13, notes that “Marion County shall recognize “rural neighborhoods” that occur within or outside of the UGB deserve special protection from the intrusion of urban uses, densities and intensities where new development occurs within the immediate vicinity. For the purpose of this policy, a rural neighborhood is an existing recorded or unrecorded subdivision where the overall density does not exceed *one unit per three acres* and the subdivision has a predominant Future Land Use Designation of Rural Land or Low Residential.” *Given FLUE Policy 2.1.13, staff proposes the Green Turf Acres Unrecorded Subdivision qualifies for recognition as a “rural neighborhood.”*

Figure 4
Aerial Photograph



- B. *Adjacent and surrounding land uses.* Figure 5 is a map based on the Marion County Property Appraisers Property Use Code data showing the existing, adjacent, and surrounding land uses. Properties to the north, northwest, and west are all other Green Turf Acres Subdivision lots featuring a Low Residential future

The subject property is currently part of the Green Turf Acres Unrecorded Subdivision. However, the proposed land use change would double the potential development intensity for the site and enable potentially more intense uses under a possible increased zoning category, such as the Regional Business (B-4) zoning requested by the concurrent rezoning application submitted for this subject property. The resulting increase in development potential could increase infrastructure demands in what is a functionally private subdivision with limited roadway conditions, wherein Marion County and the State of Florida Department of Transportation limit access to state roadways in favor of local roads particularly in relation to active intersections such as the SW 73rd Avenue and SW Hwy 200 intersection.

25-S02 / 250110ZC

SW 74 CT

SW 86 LN

SW 73 AVE

SW 70 AVE

SW 85 ST

SW 85 PL

SW 86 ST

SW 72 AVE

SW 71 TER

SW 88 PL

SW 88

SW 72 AVE

SW 90 L

SW 90 ST

SW HWY 200

SW 95 STREET RD

SW 64 LOOP

SW 86

SW 77 TER

SW 88

SW 88 CT

SW 78

SW 88 ST

SW 88

SW 72 AVE

SW 71 TER

SW 88

SW 90 L

SW 90 ST

SW HWY 200

SW 95 STREET RD

0 300 600 US Feet

Scale: 1:6,000

Legend:

- 25-S02 / 250110ZC
- Parcels
- FutureLandUseDesignation_Copy
- Commercial (0 - 8 du/ac; FAR 1.0)
- Circle Square Woods VODRI
- Employment Center (0 - 16 du/ac; FAR 2.0)
- High Residential (4 - 8 du/ac)
- Low Residential (0 - 1 du/ac)
- Medium Residential (1 - 4 du/ac)
- On Top of the World DRI
- Public (N/A; FAR 1.0)

For reference, Green Turf Acres Lot 32 was a larger parcel, wherein FDOT acquired land from the site along Hwy 200 to accommodate the widening of Hwy 200. The site originally had $\pm 465'$ of frontage along Hwy 200, but that amount decreased to $\pm 475'$ today, while the site originally had $\pm 533'$ of frontage along SW 73rd Avenue, but that amount decreased to $\pm 447'$ of frontage.

VI. ANALYSIS

LDC Section 2.3.3.B requires a Comprehensive Plan Amendment Application to 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 the Marion County Comprehensive Plan*

1. Future Land Use Element (FLUE).

a. FLUE Policy 1.1.1: Marion County Planning Principles - The County shall rely upon the following principles to guide the overall planning framework and vision for the County:

1. Preserve, protect and manage the County's valuable natural resources.
2. *Recognize and protect the rural equestrian and agricultural character as an asset of the County's character and economy while providing clear, fair and consistent standards for the review and evaluation of any appropriate future development proposals.*
3. *Support the livability of the existing cities and towns in the County by planning for the logical extension of development in a manner that enhances the scale, intensity and form of these areas through the introduction of sustainable smart growth principles and joint planning activities.*
4. Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities and that foster a local economic development environment that is conducive to the creation and growth of new businesses, the expansion of existing businesses, and is welcoming to private entrepreneur activities.

Analysis: The subject site is requesting a land use that will increase the potential density/intensity of the site that is surrounded by existing areas consistent with the site's current land use, functionally creating a limited "spot" of potential higher intensity development surrounded by lower intensity development, and also further affecting an established rural neighborhood by potentially allowing more intense commercial activities within the subdivision. The application is **not consistent** with FLUE Policy 1.1.1.

b. FLUE Policy 2.1.13: Protection of Rural Neighborhoods - Marion County shall recognize "rural neighborhoods" that occur within or outside of the UGB deserve special protection from the intrusion of

urban uses, densities and intensities where new development occurs within the immediate vicinity. For the purpose of this policy, a rural neighborhood is an existing recorded or unrecorded subdivision where the overall density does not exceed *one unit per three acres* and the subdivision has a predominant Future Land Use Designation of Rural Land or Low Residential.

Analysis: The proposed amendment would functionally double the potential development intensity of the subject property that adjoins and is formally a part of an existing rural neighborhood. This application is **not consistent** with FLUE Policy 2.1.13.

- c. FLUE Policy 2.1.23: Employment Center (EC) - This land use is intended to provide a mix of business, enterprise, research and development, light to moderate intensity commercial, and light industrial, activities. This designation also allows residential uses, campgrounds and recreational vehicle parks (RVP). - This land use designation will allow for and encourage mixed use buildings. The density range for residential units shall be up to sixteen (16) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 2.0, as further defined by the LDC. This land use designation an Urban land use designation.

Analysis: A land use designation change to the Employment Center (EC) designation would significantly increase in the potential development density and intensity for the site and enable potentially intense uses under a corresponding zoning category, such as the Regional Business (B-4) zoning as requested by the concurrent rezoning application submitted for this subject property. The resulting increase in development potential would create a significant encroachment into the subdivision, and increase infrastructure demands in a functionally private subdivision with limited roadway conditions; further, Marion County and the State of Florida Department of Transportation limit access to state roadways in favor of local roads particularly in relation to active intersections such as the SW 73rd Avenue and SW Hwy 200 intersection which would further impact the character of the subdivision. This application is **not consistent** with FLUE Policy 2.1.23, particularly in relation to FLUE Policy 2.1.13.

- d. FLUE Policy 5.1.2 on Review Criteria – Changes to the Comprehensive Plan and Zoning Provides, “Before approval of a Comprehensive Plan Amendment (CPA), Zoning Change (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is suitable. The County shall review, and decide that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:

1. Market demand and necessity for the change;
2. Availability and potential need for improvements to public or private facilities and services;
3. Allocation and distribution of land uses and the creation of mixed use areas;
4. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
5. *Agricultural activities and rural character of the area;*
6. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
7. Consistency with the UGB;
8. *Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;*
9. *Compatibility with current uses and land uses in the surrounding area;*
10. Water Supply and Alternative Water Supply needs; and
11. Concurrency requirements.

Analysis: A market demand and necessity for change analysis was not provided for the request as the site currently features a Commercial (COM) future land use designation and the site is within the UGB. However, the requested Employment Center (EC) future land use designation would double the potential development intensity of the site in relation to the surrounding Commercial (COM) designated properties, effectively creating an isolate “spot” of potential higher intensity use. Additionally, the increase development potential would create further compatibility concerns with the Green Turf Acres Unrecorded Subdivision “rural neighborhood” including potential infrastructure concerns given the current condition of SW 73rd Avenue and the site’s location on the SW 73rd Avenue & SW Hwy 200 intersection. The application is **not consistent** with FLUE Policy 5.1.2.

- e. FLUE Policy 5.1.3 on the Planning & Zoning Commission (P&Z) 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: This application is scheduled to appear in front of the Planning & Zoning Commission on December 30, 2024. This application is **consistent** with FLUE Policy 5.1.3.

- f. FLUE Policy 5.1.4 on Notice of Hearing provides, “[t]he 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.

2. Transportation Element (TE)

- a. TE Policy 2.1.4 on Determination of Impact provides in part, “[a]ll proposed development shall be evaluated to determine impacts to adopted LOS standards.”

Analysis: DRC comments (Attachment E) provided by Traffic note traffic generated by the site may not be of varying character from that eligible for the site at this time. However, the doubled floor area ratio for potential non-residential uses is a concern, that may functionally generate up to twice as much traffic, wherein staff notes that development at a general commercial retail facility could generate 991 daily trips and 61 PM peak hour trips at a FAR of 0.25, significantly lower than the Employment Center (EC) land use designation's potential FAR of 2.0.. Given the site's location on the intersection of SW 73rd Avenue & SW Hwy 200, and the current state of SW 73rd Avenue that is a privately maintained substandard roadway, staff has significant concerns in regards to the ability to provide adequate access to the site should the site develop at a higher intensity development level that would be enabled. Based on the above findings, the application is **not consistent** with TE Policy 2.1.4.

- b. TE Objective 3.1 on Financial Feasibility of Development is, “[t]o encourage development within the Urban Growth Boundary where infrastructure can be provided in a financially feasible manner.”

Analysis: The subject property includes frontage on SW 73rd Avenue, a privately maintained roadway that is functionally a substandard roadway. Increased development on the subject property under a further increase development potential would further impact the need for use of SW 73rd Avenue for access to the site which is a significant concern. Based on the above, the application is **not consistent** with TE Objective 3.1.

3. Sanitary Sewer Element (SSE)

- a. SSE Policy 1.1.1 provides in relevant part, “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.”

Analysis: The site is located within the UGB in Marion County's SW Utility Services Area. The potential non-residential demand for sanitary sewer services from the site would not be expected to

increase based on the non-residential LOS standard; however, should residential development of the site occur, the expected sanitary demand would double from 4,752 gallons per day to 9,504 gallons per day. Utilities are generally available in the area; however, only a force main is present in Hwy 200 (north side) at this site which is currently serviced by well and septic. Based on these findings, the application is generally **consistent** with SSE Policy 1.1.1.

4. Potable Water Element (PWE)

- a. PWE Policy 1.1.1 provides in part, “[t]he 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: The site is located within the UGB in Marion County’s SW Utility Services Area. The potential non-residential demand for potable water services from the site would not be expected to increase; however, should residential development of the site occur, the expected demand would double from 6,480 gallons per day to 12,960 gallons per day. Utilities are generally available in the area; however, a water main is present in Hwy 200 (south side) at this site which is currently serviced by well and septic. Based on these findings, the application is generally **consistent** with PWE Policy 1.1.1.

5. Solid Waste Element (SWE)

- a. SWE Policy 1.1.1 provides, “[t]he 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. Based on the above findings, the application is **consistent** with SWE Policy 1.1.1.

6. Stormwater Element (SE).

- a. SE Policy 1.1.4 provides, “[t]he 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: At the time of development order approval, the owner will need to demonstrate that post-development stormwater runoff can be accommodated by the stormwater facilities proposed during development review. Based on the above, 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 they will be responsible for funding the stormwater facilities with sufficient capacity to accommodate the post-development runoff. Based on the above findings, the application is **consistent** with SE Policy 1.1.5.

7. Public School.

- a. The following figures are provided for the current school year: Hammett Bowen, Jr. Elementary (111.01%), Liberty Middle School (92.64%), and West Port High School (116.83%). Residential development of the site at 16 DU/AC as a multiple-family development would generate up to 36 dwelling units generating an estimated 3-elementary, 1-middle, and 2-high school students for a total of 6 students. 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.

8. Fire Rescue/Emergency.

- a. The Friendship Fire Station #21, located at 7884 SW 90th Street, is ±0.85 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 distance from the subject property as evidence of the availability of such services. Based on the above findings, the application is **consistent** with this section.

9. Law Enforcement/Sheriff.

- a. The Sheriff's Southwest District Office/SR 200, located at 9084 SW Hwy 200, is ±2.75 miles southwest of the subject property. The Comprehensive Plan does not establish a level of service standard for law enforcement/sheriff services. Based on the above findings, the application is **consistent** with this section.

In summation, staff concludes that the application, while meeting some of the above criteria, is **not consistent** with the Comprehensive Plan, particularly when related to compatibility with surrounding uses, intrusion of intense uses into the overall Green Turf Acres rural neighborhood, and traffic infrastructure impacts.

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

1. Section 163.3177(6)(a)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 A of this staff report included a detailed analysis of the availability of facilities and services. Services are present in the area, and final connection determinations would be made at the time of development review. Based on this information, the application **does not comply with and conform to** F.S. Section 163.3177(6)(a)8a.

The analysis of the suitability of the plan amendment for its proposed use was addressed in the “Character of the area” section of this staff reports and it was found that the application **does not comply with and conform to** F.S. Section 163.3177(6)(a)8b.

The analysis of the minimum amount of land needed to achieve the goals and requirements of this section was functionally addressed in the analysis of FLUE Policies. Therefore, the application **complies with and conforms to** F.S. Section 163.3177(6)(a)8c.

2. Section 163.3177(6)(a)9 provides, “[t]he future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
 - a. Subsection ‘a’ provides, “[t]he 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 notes the site is within the County UGB; however, the site's unique location within the Green Turf Acres Unrecorded Subdivision that qualifies as a "rural neighborhood" and the site's singular "spot" location surrounded by similarly designated Commercial (COM) properties, and its location at an intersection that features a local private substandard roadway conflicts with provisions outlined within F.S. Section 163.3177(6)(a)9a. Staff finds the application is **not consistent** with F.S. Section 163.3177(6)(a)9a.

- b. Subsection 'b' provides, "[t]he 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: Staff notes the site is within the County UGB; however, the site’s unique location within the Green Turf Acres Unrecorded Subdivision that qualifies as a “rural neighborhood” and the site’s singular “spot” location surrounded by similarly designated Commercial (COM) properties, and its location at an intersection that features a local private substandard roadway conflicts with provisions outlined within F.S. Section 163.3.177(6)(a)9b. Based on this finding, the proposed amendment is **not consistent** with F.S. Section 163.3.177(6)(a)9b.

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 proposed small-scale FLUMS 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 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 for **DENIAL** of the proposed small-scale FLUMS amendment number 25-S02 based on the following:

- A. While the application **is consistent** with the following Comprehensive Plan provisions:
 - 1. FLUE Policies 5.1.3, and 5.1.4,
 - 2. SSE Policy 1.1.1,
 - 3. PWE Policy 1.1.1,
 - 4. SW Policy 1.1.1,
 - 5. SE Policies 1.1.4 and 1.1.5;

The application is **not consistent** with the following provisions Comprehensive Plan provisions:

1. FLUE Policies 1.1.1, 2.1.13, 2.1.23, and 5.1.2,
2. TE Objectives 2.1.4, and 3.1

The significant increase in the potential development intensity on a property within the existing Green Turf Acres Unrecorded Subdivision that represents a rural neighborhood, the site's location as a limited "spot" of increased intensity surrounded by lower intensity land use intensities, and the unique location of the site at the intersection of SW Hwy 200 and SW 73rd Avenue, a functionally substandard roadway, are significant concerns. Staff as such recommends the amendment application is functionally **not consistent** with the Marion County Comprehensive Plan.

- B. The application **does not comply with and conform to** Florida Statutes, Sections Section 163.3177(6)(a)8 and 163.3177(6)(a)9, subsections a and b, as provided in prior report sections VI.A and VI.B

IX. PLANNING & ZONING COMMISSION RECOMMENDATION

The Planning & Zoning Commission voted to agree with staff's findings and recommendation and voted unanimously to recommend **DENIAL** of FLUM Amendment Application 25-S02.

X. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

XI. LIST OF ATTACHMENTS

- A. Application.
- B. Green Turf Acres Unrecorded Subdivision No. 20 Plat, 7/9/1970
- C. DRC Staff Review Comments.
- D. Code Case Reports with Photos.
- E. Site/Sign Photos.
- F. Reference FLUM Definitions and Zoning Class Intent.
- G. Definitions related to Model Centers, Manufactured Buildings, and Manufactured Homes.
- H. Community Business (B-2) versus Regional Business (B-4) Table.
- I. BCC Minutes Excerpt December 18, 1997 regarding CPA 97-L13.