



**Marion County
Board of County Commissioners**

Growth Services

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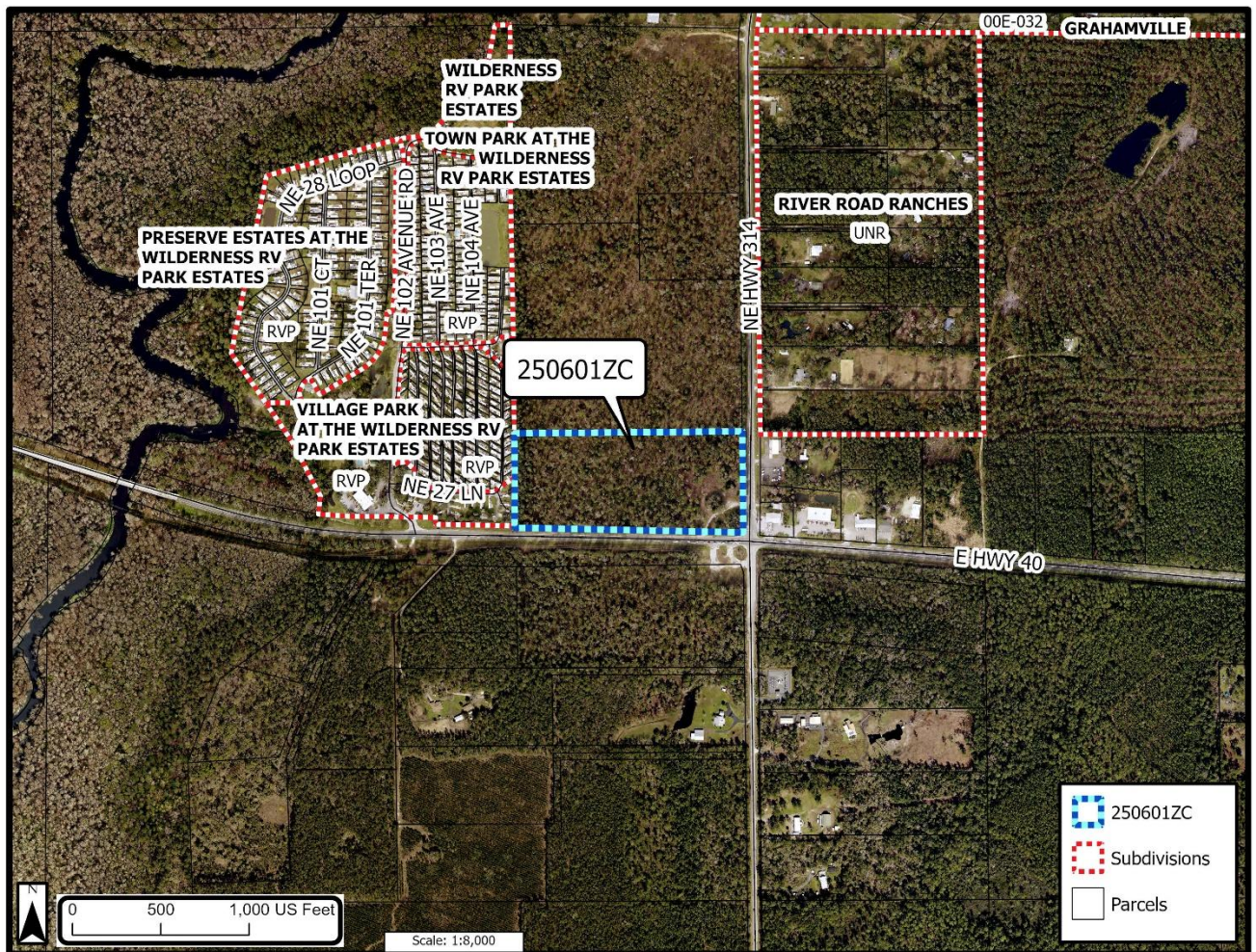
**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 5/28/2025	BCC Date: 6/16/2025
Case Number	250601ZC
CDP-AR	32603
Type of Case	Rezoning from Community Business (B-2), Heavy Business (B-5) and General Agriculture (A-1) to Rural Activity Center (RAC).
Owner	Walter, Patricia D.
Applicant	Walter, Patricia D. & Angel, Michael
Street Address/Site Location	No Address Signed
Parcel Number(s)	31717-000-01
Property Size	±16.36 Acres
Future Land Use	Commercial (COM)
Existing Zoning Classification	Community Business (B-2), Heavy Business (B-5) & General Agriculture (A-1)
Overlays Zones/Special Areas	Primary Springs Protection Zone
Staff Recommendation	Approval
P&Z Recommendation	TBD
Project Planner	Kenneth Odom, Senior Planner/Transportation Planner
Related Cases	None

I. ITEM SUMMARY

Patricia Walter and Michael Angel have filed a rezoning application to rezone approximately ± 16.36 -acres from Community Business (B-2), Heavy Business (B-5) and General Agriculture (A-1) to Rural Activity Center (RAC). (see Attachment A). The Parcel Identification Number for the subject parcel is 31717-000-01, there is no assigned address as the subject parcel is unimproved at this time. The legal description is provided within the application (see Attachment A). The site is located within the Primary Springs Protection Zone with some portions in the middle being within identified FEMA flood plain. The application proposes rezoning the entire ± 16.36 -acre parcel be rezoned to Rural Activity Center (RAC) for all uses permitted within the proposed zoning classification.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application.

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 (58 owners) within 300 feet of the subject property on May 9, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on May 14, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on May 12, 2025. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

IV. ANALYSIS

LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the 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 Rural Activity Center (RAC). This designation is intended to be a nodal commerce series of parcels that allows for commercial activity centers within, and serving rural areas. Surrounding properties are designated as Rural Lands (RL) with some historical Commercial (COM) designated parcels also. One of which is the *Wilderness RV Park and Resort* and the other being slated for a similar development owned by *Sporting Clubs of America LLC*. The property is outside of the urban growth boundary (UGB), within the Primary Springs Protection Zone and is bounded by CR 314 to the east as well as SR 40 to the south.

Figure 2
FLUMS Designation

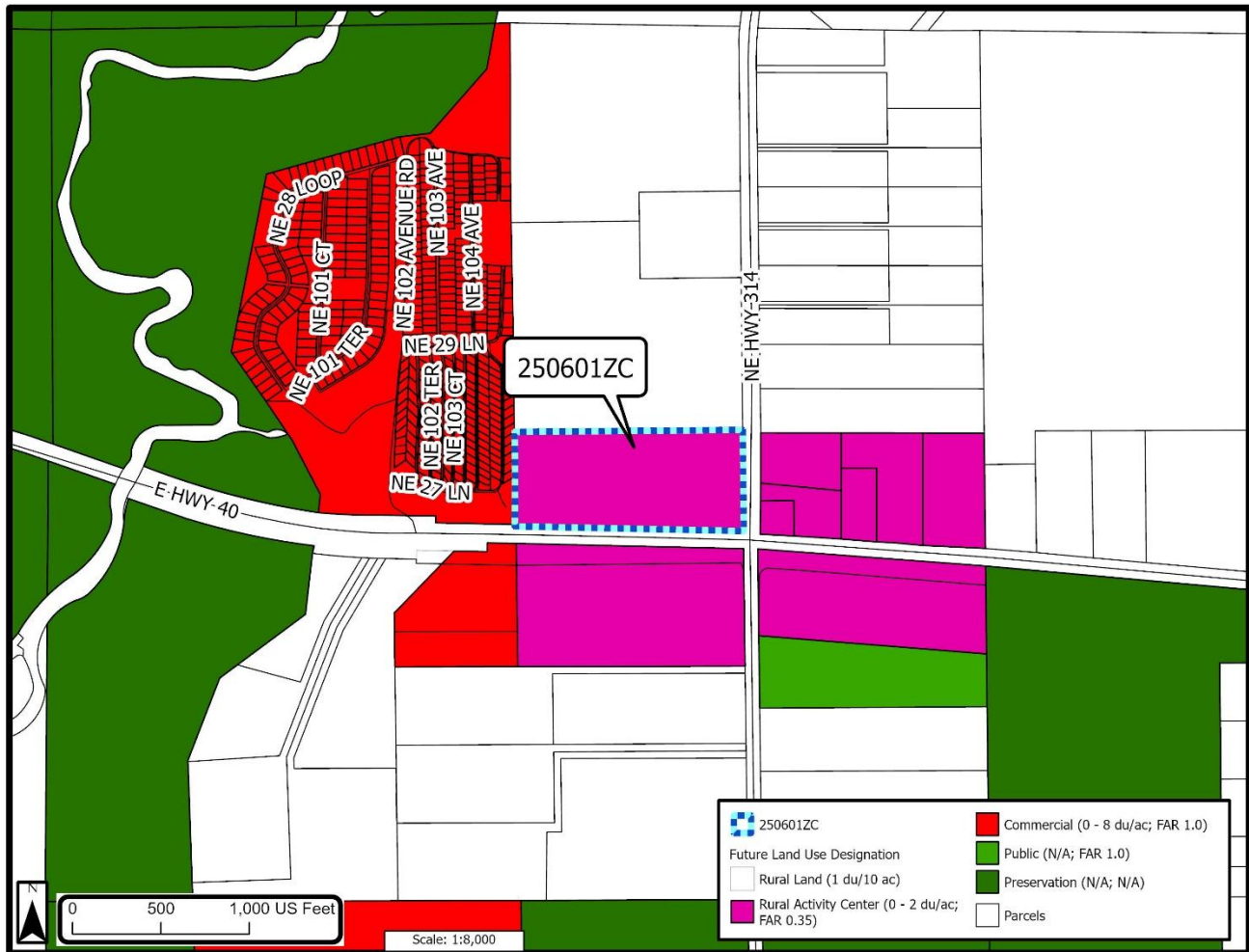


Figure 3 displays the zoning for the subject property in relation to the existing zoning of the surrounding properties and Figure 4 shows the proposed zoning. The subject parcel is surrounded by other commercially zoned parcels of B-2, B-4, B-5, RAC, as well as agriculturally zoned parcels of A-1 and A-3 designations.

**Figure 3.
Zoning Classification**

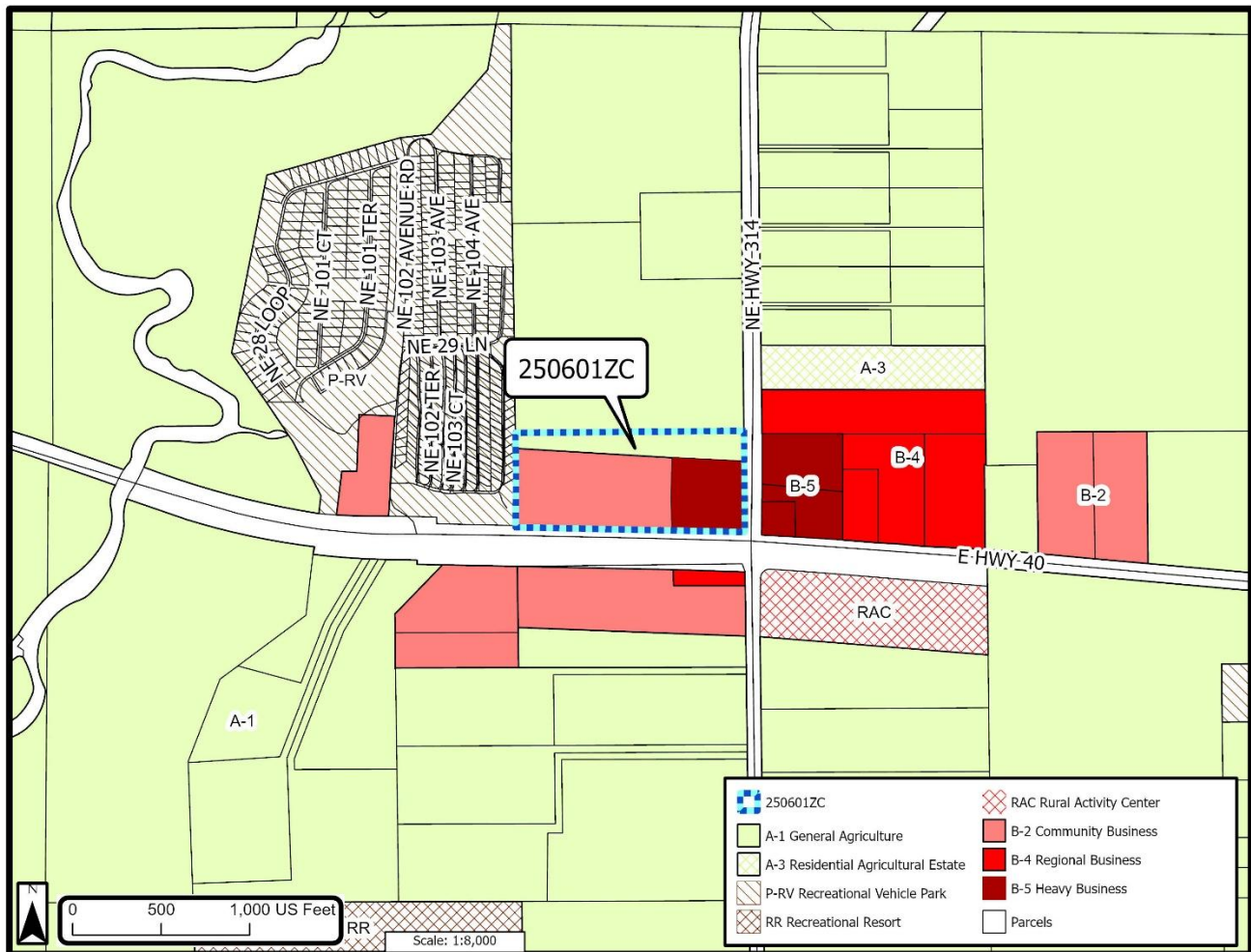


Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

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 find the subject parcel is currently unimproved, but through historical knowledge of the parcel, it is known that the site was once a gas station dating as far back as the 1960s. Current commercial uses within the area are represented by two small commercial plazas, a Dollar General store and a gas station/convenience store which are partially indicated in Figure 5 as the uses established by the Marion County Property Appraiser Office's Property Code (PC). The subject parcel is intended for an infill commercial use, subject to the regulations in the Rural Activity Center (RAC) zoning designation.

Figure 4.
Proposed Zoning Classification

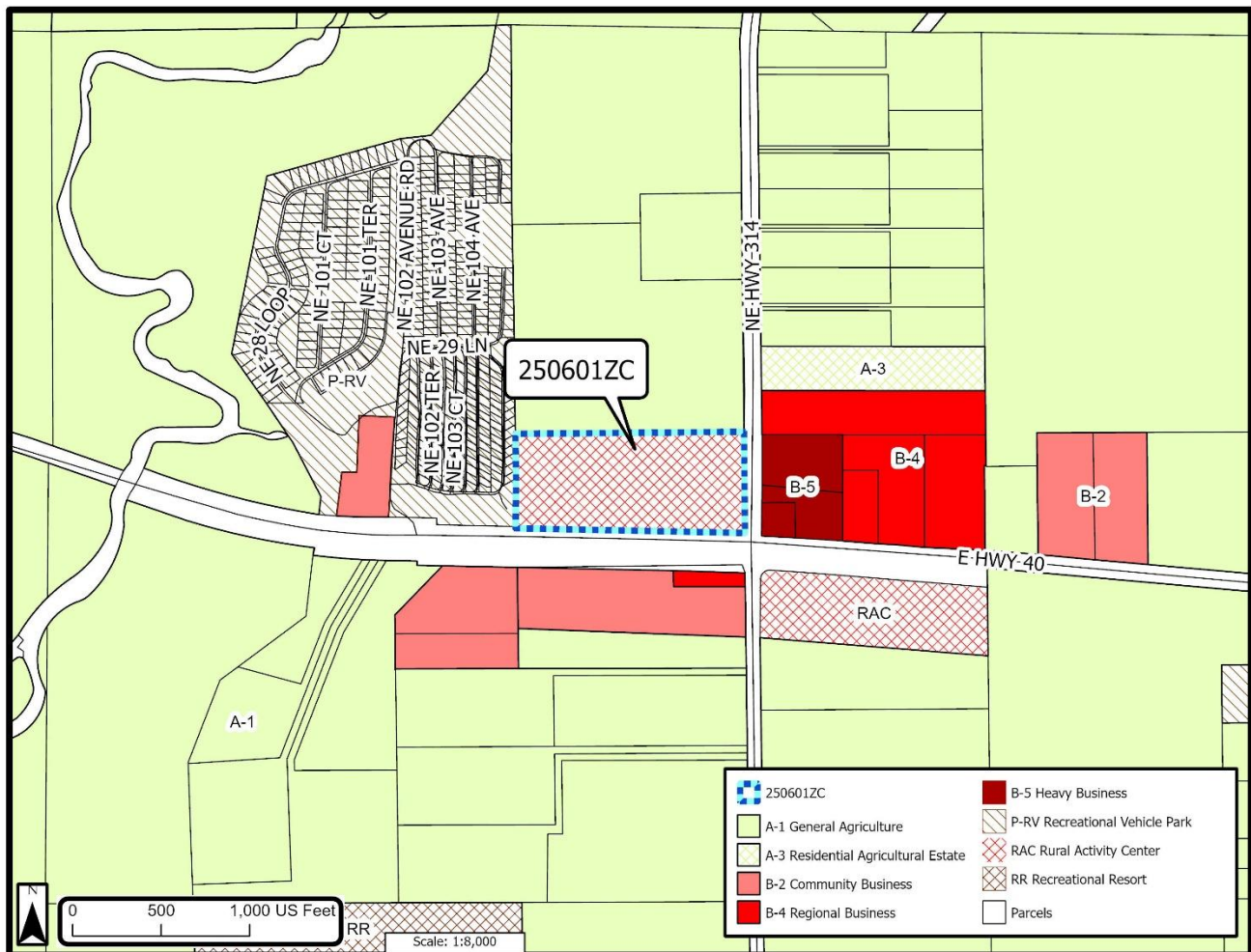


Figure 5.
Existing Use per Property Appraiser Property Code

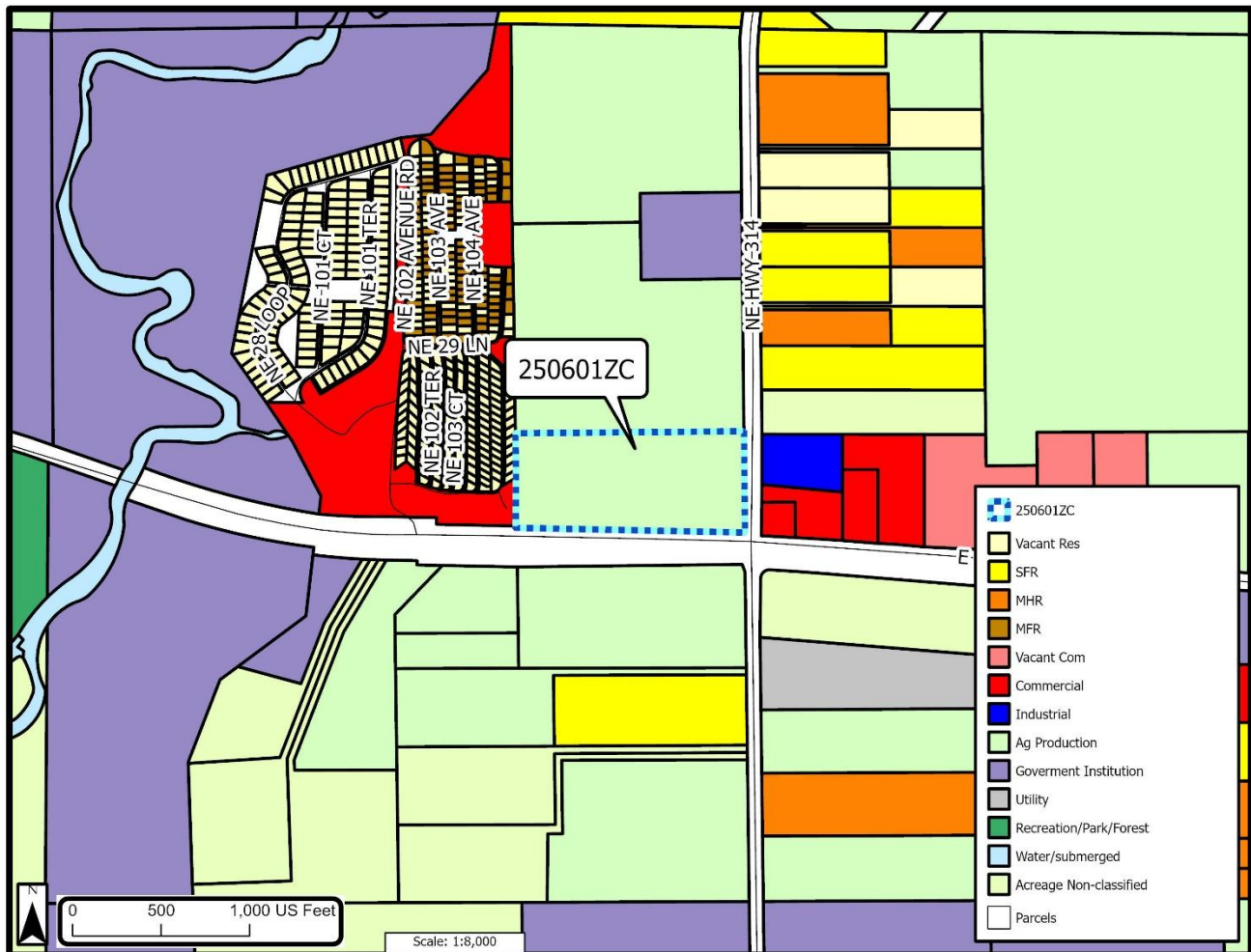


TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Rural Land (RL)	General Agriculture (A-1)	Timber (55)
South	Rural Activity Center (RAC)	Rural Activity Center (RAC)	Timber (55)
East	Rural Activity Center (RAC)	Heavy Business (B-5)	One-Story Store (11)
West	Commercial (COM)	Rural Activity Center (P-RV))	Campground (36)

Figure 5 provided by the Marion Property Appraiser's Office

Based on the above findings, the proposed rezoning application **is compatible** with the existing and future surrounding land uses. This area has been designated for heavy and intensive commercial/industrial activities.

How does the request affect the public interest?

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The subject parcel is located in the northwest quadrant of the intersection of CR 314 and SR 40. It is the intent of the applicant to establish access to both corridors, but final access will be determined during the site plan process.
 - b. Public transit. There are no fixed route services in the area.
 - c. Other mobility features. Sidewalks do not currently exist on either CR 314 or SR 40. While it is anticipated that the applicant will request a waiver to sidewalks at this location, due to the adjacent proximity it would be in the best interest of the general public to coordinate with the FDOT in order to facilitate public access to the campgrounds adjacent to the west. (A multi-use trail, on the north-side of SR 40, is planned to be incorporated into the widening of the corridor. Timing is the question.)

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 commercial calculation, the proposed rezoning would result in a usage of approximately 44,990 gallons per day.

The property is outside of the UGB and outside of any municipal service area. Development of the subject parcel will rely on water services being provided by a private well. 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 commercial calculation, the proposed rezoning would result in the potential production of 32,720 gallons per day.

The property is outside of the UGB and outside of any municipal service area. Development of the subject parcel will rely on sanitary services being provided by a private septic system. 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 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 include a significant FEMA identified flood plain area, approximately five and one-half acres, but this will be addressed and mitigated during the site plan process. Additionally, any new development resulting in additional impervious features on 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. The site is officially located in the service district for Marion County's Forest District Fire Station #4, located at 16004 East SR 40, approximately 6.07 miles southeast 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. While the station is not within the five-mile radius, the primary access corridor would be SR 40. This is a rural area with few traffic signals between the fire station and the subject parcel so travel times would not be significantly impacted. Based on the statements above, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The Marion County Sheriff's Department Forest Substation is located approximately 6.07 miles southeast of the subject property at 16000 East SR 40. 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 is industrial in nature and will not generate new students. 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.**

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

FLUE Policy 1.1.6: Buffering of Uses, requires new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties as defined in the LDC.

Analysis: The subject parcels are currently undeveloped but will be subject to all buffering requirements per the Marion County Land Development Code. All buffer requirements will be reviewed and approved through the site development process and subject to approval by the Development Review Committee.

Policy 2.1.21: Rural Activity Center (RAC) This land use designation allows for mixed use nodes of residential (single-family and multi-family) and commercial uses, including agricultural-related commercial uses to meet

the daily needs of residents in the Rural Area to reduce trips to the Urban Areas of the county for daily needs and services. This designation shall be located at intersections of arterial, collector, and/or major roads and extend no greater than one-quarter (1/4 mile) or 1,320 linear feet from the center of the RAC for a maximum of 96 acres. For the Summerfield RAC which includes an off-set major road intersection pair (S. Hwy 301/SE 145th Street & S. Hwy 301/SE 147th Street) and lies west of the CSX Railroad Line, the one-quarter (1/4 mile) or 1,320 linear feet from the center may be measured from either major road intersection and extend east along SW 147th Street to the CSX Railroad Line. The maximum acreage of the Summerfield RAC is not to exceed 125 acres. New RACs shall have at least three existing businesses and be at least five (5) miles from other RACs, as measured from the center of the RAC, unless it can be demonstrated that eighty-five (85) percent of the RAC is developed. In order to minimize development impacts to the surrounding Rural Area, properties in the RAC shall be designed to provide shared access, obtain access from the lesser road class, and minimize impacts to the operations of the intersection, and compatibility concerns for the surrounding properties. The density range shall be up to two (2) dwelling units per one (1) gross acre and maximum Floor Area Ratio of 0.35, as further defined by the LDC. This land use designation a Rural land use designation.

Analysis: The proposed rezoning will align the current zoning designations into a single Rural Activity Center (RAC) designation to be compatible with the existing Rural Activity Center (RAC) future land use designation. The proposed rezoning is consistent with FLUE Policy 2.1.18.

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 May 28, 2025 Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

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.

FLUE Policy 7.4.3 (P/SSPZ) Permitted Uses provides that the County shall implement and maintain an LDC to identify permitted and special uses to ensure that the function of a protected natural feature will not be materially impaired, diminished, or harmed by development activities and that the quality of the surface waters or groundwater will not be adversely impacted by the development activities.

Analysis: The site is within the Countywide Primary Springs Protection Zones wherein specific design standards, focused on stormwater management, may be required. Approval of the requested RAC zoning for the subject property will control the range of uses for the site, while remaining eligible uses will require implementation of SPZ design standards, particularly depending on soil and subsurface characteristics and/or FDEP requirements. Compliance with the LDC's site and development standards to stormwater impacts for the site under the RAC zoning would be consistent with FLUE Policy 7.4.3.

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 site is currently unimproved and will be required to submit a traffic methodology to determine the appropriate level of analysis that will be necessary for the development of the subject parcels. 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, 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, 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.

- 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 as the impacts to public utilities and infrastructure would be minimal.
- B. Is consistent with the Comprehensive Plan provisions because it in compliance will all considered elements of the comprehensive plan and land development codes.
- C. Is compatible with the surrounding uses because the proposed zoning would allow rezoning of a parcel to a more intense use that is still consistent with adjacent uses.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined.

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