



**Marion County  
Board of County Commissioners**

**Growth Services**

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date:</b> 03/25/2024	<b>BCC Date:</b> 04/16/2024
<b>Case Number</b>	240408ZC
<b>CDP-AR</b>	31111
<b>Type of Case</b>	<b>Rezoning</b> from Multiple-Family Dwelling (R-3) to General Agriculture (A-1).
<b>Owner</b>	Baldwin Angus Ranch, Inc.
<b>Applicant</b>	Baldwin Angus Ranch, Inc.
<b>Street Address/Site Location</b>	3221 NW 56 <sup>th</sup> Street, Ocala, FL 34475
<b>Parcel Number(s)</b>	13492-003-00
<b>Property Size</b>	±17.59 acres
<b>Future Land Use</b>	Employment Center (EC)
<b>Existing Zoning Classification</b>	Multiple-Family Dwelling (R-3)
<b>Overlays Zones/Special Areas</b>	Inside the Urban Growth Boundary (UGB), Primary Springs Protection Zone (PSPZ)
<b>Staff Recommendation</b>	Denial
<b>P&amp;Z Recommendation</b>	<b>TBD</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner II
<b>Related Cases</b>	N/A

## I. ITEM SUMMARY

Baldwin Angus Ranch, Inc., property owner, filed a rezoning application to change from Multiple-Family Dwelling (R-3) to General Agriculture (A-1) filed on January 31, 2024 for a  $\pm$  17.59-acre parcel (see Attachment A). The Parcel Identification Number for the property is 13492-003-00; the site address is 3221 NW 56<sup>th</sup> Street, Ocala, and the legal description is provided within the application (see Attachment A). The subject property lies east of I-75 and less than a mile north of the proposed Bu-kees and new interchange location within a large node of Commerce District and Employment Center land uses. The site is located within the Urban Growth Boundary (UGB) and the Primary Springs Protection Zone (PSPZ). It is located within the Marion County Utilities area and, depending upon development, may be within connection distance.

The application proposes rezoning the entire  $\pm$ 17.59-acre site to General Agriculture (A-1) for all uses permitted within the proposed zoning classification. The intent provided within the rezoning application is agricultural use and a mobile home for Agricultural worker use.

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



## **II. STAFF SUMMARY RECOMMENDATION**

Staff recommends **DENIAL** of the rezoning application. The rezoning will establish a zoning district not consistent with Marion County's intent for the future land use of the property and Marion County's 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 (13 owners) within 300 feet of the subject property on March 8, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on March 5, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on March 11, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

## **IV. ANALYSIS**

LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and that it is compatible with land uses in the surrounding area. Staff's analysis of compliance with these three criteria are addressed below.

### **A. *How is the request compatible with surrounding uses?***

Compatibility is defined as a condition in which land uses, or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is a general location aerial displaying existing and surrounding site conditions.

Figure 2 shows the subject property as well as all surrounding properties designated as Employment Center (EC) and Commerce District (CD).

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

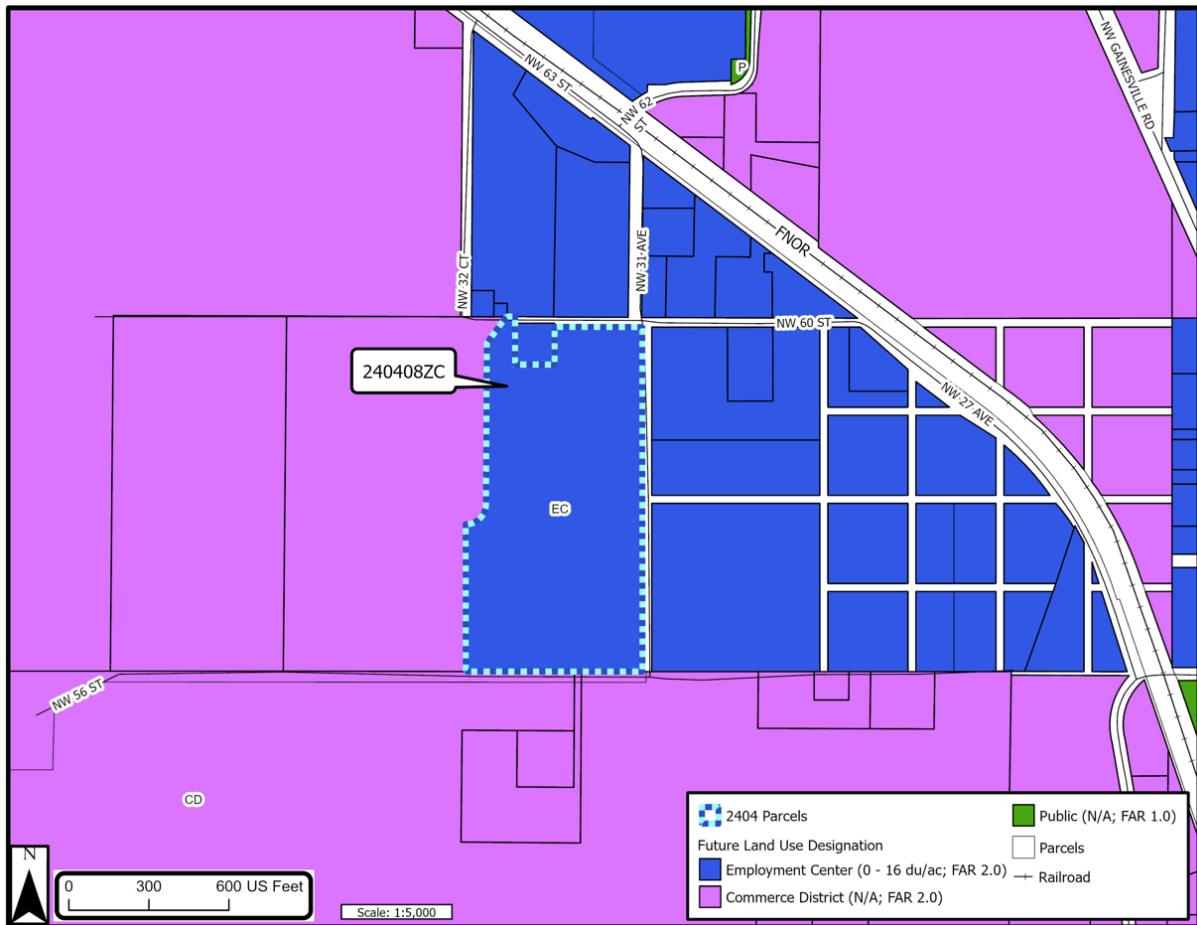


Figure 3 displays the proposed zoning for the subject property in relation to the existing zoning of the surrounding properties. North of the subject site is a mix of Agriculture and Multiple-Family zoning classifications, east is multiple-family, south is residential mixed-use and west is an area of General Agriculture (A-1).

The site is located within the Urban Growth boundary as well as the Secondary Springs Protection Zone (SSPZ). Being outside of what is considered the Primary Springs Protection Zone and within the growth boundary makes this a parcel where more intense development would be desired. Additionally, the similarly intense land uses of the surrounding area mean the potential for compatibility issues is less likely.

**Figure 3.**  
**Proposed Zoning Classification**

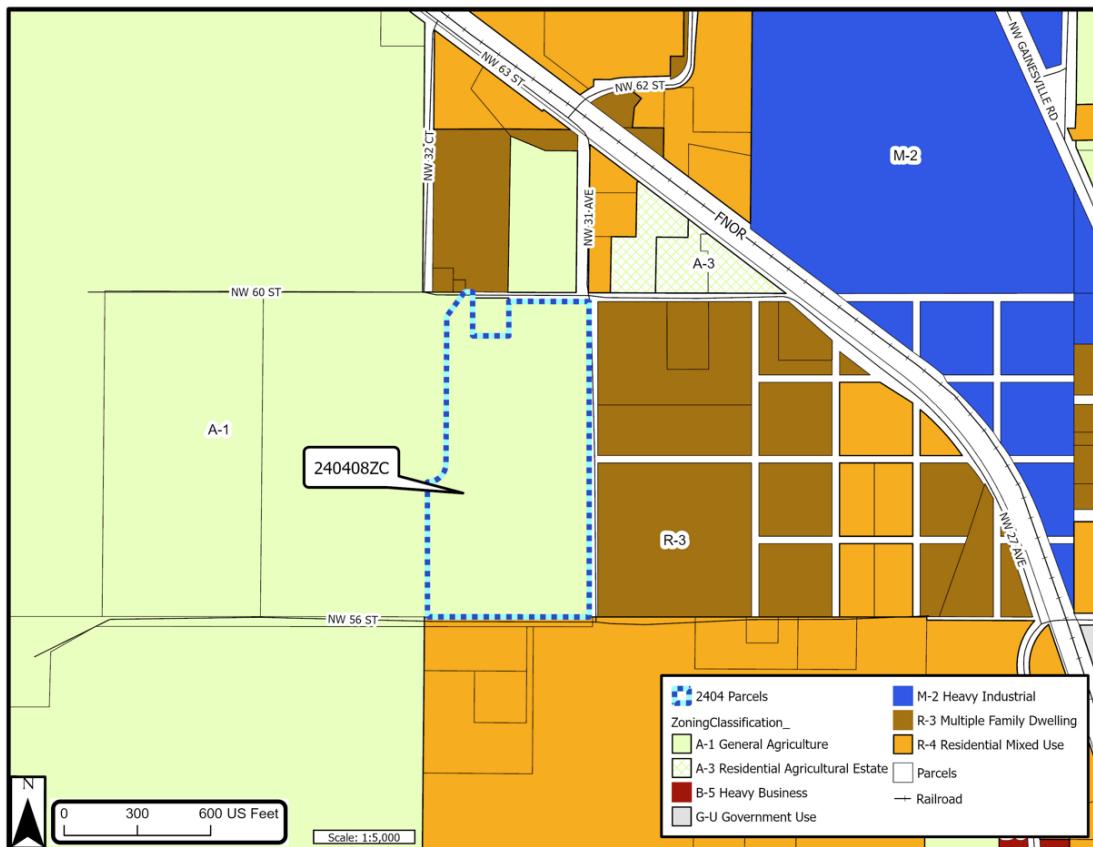


Figure 4 provides an aerial image of the subject property and surrounding area, while Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

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 subject property as largely undeveloped and open. The cluster of buildings located on the property are near the west and southwest of the property. The parcel is fenced around the perimeter and fronts on three roads with the southernmost "road" being a flag to the parcel located southwest of the subject site. Parcels to east were smaller in size and developed with mostly single-family residences (Attachment B).

**Figure 4**  
**Property Aerial**



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

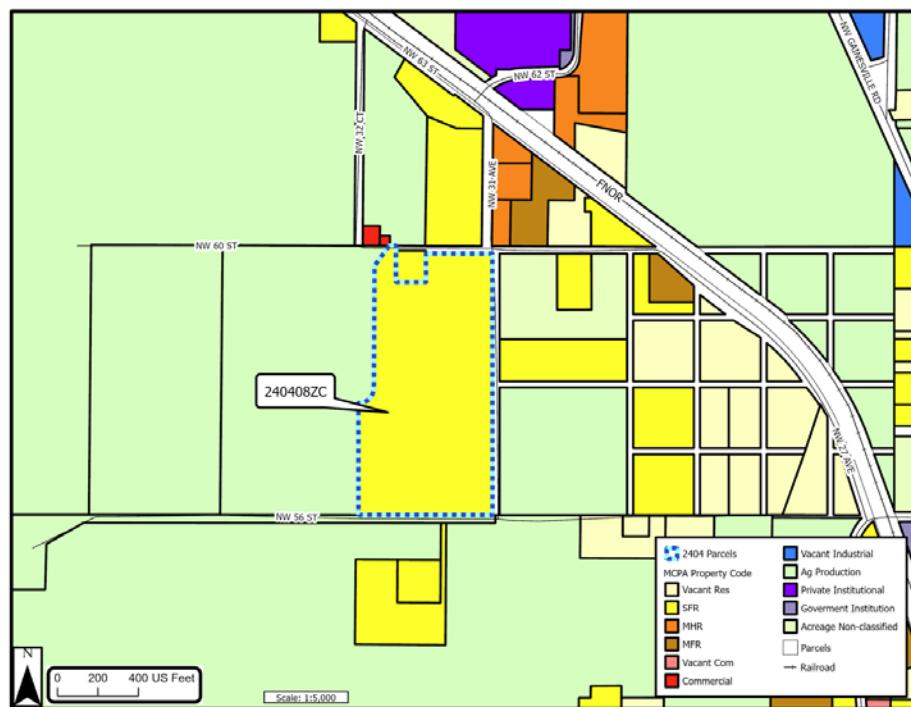


TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Employment Center (EC)	Multiple Family Dwelling (R-3) General Agriculture (A-1)	Grazing Land Improved Residential
South	Commerce District (CD)	Mixed Residential (R-4)	Grazing Land
East	Employment Center (EC)	Multiple Family Dwelling (R-3)	Improved Residential Ornamentals, agricultural uses not otherwise classified
West	Commerce District (CD)	General Agriculture (A-1)	Improved Residential Grazing Land

The rezoning site lies north of the Ocala/Marion Commerce Park, which includes FedEx, AutoZone, Chewy, and Amazon just to name a few of the current distribution centers. Additionally, this same general area is slated to be the location for the new I-75 diverging diamond interchange being constructed by Florida Department of Transportation (FDOT) which recently received \$4 million for the project from the Governor of Florida through the Florida Job Growth Grant Fund. Along with the interchange, Bu-kees gas station and travel center will be located approximately 0.75 miles southwest of the subject site.

The Marion County Administrative Strategic Plan 2022-2026 lists this NW 49<sup>th</sup> Street interchange between I-75 and the World Equestrian Center (WEC) as one of three major economic opportunity focuses within the next five years. Expansion of development in the area will bring more jobs, which, in turn, means more housing, which is essential for the county's successful growth. With the current zoning and land use of the subject site, multi-family use could take place and address this need. Similar zoning and examples of high-density land uses contiguous to the subject site further indicate the intent for this area is higher density residential uses to help serve the community who, for instance, may work at one of the nearby businesses, commerce park, or perhaps commute by way of I-75.

Based on the above findings, the proposed rezoning application is **not compatible** with the existing and future surrounding land uses because the proposed rezoning would allow a reduction in density and intensity (alternatively referred to as

downzoning) within the urban growth boundary that is in opposition to both the future land use and the long-term intent for the area.

*How does the request affect the public interest?*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. NW 60<sup>th</sup> Street fronts the property and leads out to NW 27<sup>th</sup> Avenue, both of which are paved county-maintained local roads. A change to A-1 will limit development to one dwelling unit per ten acres, decreasing the potential development on the property, and will not adversely affect the public interest.
  - b. Public transit. The property is over a mile northwest of existing transit routes at Northwest Gainesville Road and Northwest 46<sup>th</sup> Lane (Silver Route).
  - c. Other mobility features. No sidewalks currently exist along NW 60<sup>th</sup> Street or this section of NW 27<sup>th</sup> Avenue. Upon development, sidewalks may be required or the developer may elect to provide for a fee-in-lieu of construction, as permitted by the LDC. Therefore, the application would not adversely affect the public interest.

Based on the above findings, the rezoning roadway **impacts would not adversely affect the public interest.**

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on the residential calculation, the proposed rezoning would result in a potential demand of 360 gallons per day.

The property is within the UGB but and within Marion County Utilities' Service Area but outside current connection distance. Based on the above findings, the rezoning's **potable water impacts would not adversely affect the public interest.**

3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of 110 gallons per person per day for residential demand and approximately 2,000 gallons per acre per day for commercial and industrial demand. Based on the residential calculation, the proposed rezoning would result in a potential demand of 264 gallons per day.

The property is within the UGB but not within Marion County Utilities' current extension area. Based on the above findings, the rezoning's **sanitary sewer impacts would not adversely affect the public interest.**

4. **Solid waste impacts.** Solid Waste Element Policy 1.1.1 adopts a LOS standard of 6.2 pounds of solid waste generation per person per day for residential demand. A commercial/industrial level of service standard is not currently in place for Marion County as such operations are required to provide for individual commercial collection wherein disposal within Marion County is alternatively addressed. Based on the above, the rezoning **solid waste impacts would not adversely affect the public interest.**
5. **Recreation.** Recreation Element Policy 1.1.1. adopts a level of service standard of two (2) acres per 1,000 persons. A commercial/industrial level of service standard is not currently in place for Marion County. Based on the permitted density of one home on the property, based on the proposed zoning, the rezoning **recreation impacts would not adversely affect the public interest.**
6. **Stormwater/drainage.** Stormwater Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development site. The site does not include any flood plain areas but does contain some flood prone areas. Development of the site will be required to comply with a 100-year frequency 24-hour duration design storm as the site development proceeds through Marion County's site development review processes. Based on the above, the rezoning **stormwater/drainage impacts would not adversely affect the public interest.**
7. **Fire rescue/emergency services.** The site is officially located in the service district for Marion County's North Marion Fire Station #11, located at 12250 NE Gainesville Road, roughly 5.5 miles northwest 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 3.17 miles northeast of the subject property at 8311 N. Hwy 441. The Comprehensive Plan does not establish a level of service standard for law enforcement services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, the application's **law enforcement impacts would not adversely affect the public interest.**
9. **Public schools.** The proposed rezoning is within the district for the following schools with 2023-2024 enrollment: Fessenden Elementary (100.23), Howard Middle (67.2%), and Vanguard High (89.02%). While there are localized areas of crowding within schools, the county has overall capacity available. 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?*

1. FLUE Policy 1.1.5: The County shall require higher densities and intensities of development to be located within the Urban Growth Boundaries and Planned Service Areas, where public or private facilities and services are required to be available.

**Analysis:** The subject site is located within an existing node of higher intensity and density within the urban growth boundary. Based on the forecasted future growth in the area and a current zoning and land use compatible for multi-family residential, changing the zoning would go against the county's desire to encourage development within the urban growth boundary. The proposed rezoning would **not be consistent** with FLUE Policy 1.1.5.

2. 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:** The proposed rezoning will establish a zoning inconsistent with the site's EC future land use designation as the proposed zoning is rural in nature and not compatible with EC land use. Therefore, the proposed rezoning is **not consistent** with FLUE Policy 2.1.23.

3. FLUE Policy 4.1.2: Conflicts between Comprehensive Plan, Zoning, and LDC – The Comprehensive Plan shall be the governing document. In the event of conflict between the Comprehensive Plan, Zoning, and LDC, the more stringent regulation shall apply, unless the County has developed a process to allow a variance or waiver of the regulation where a conflict in regulations occurs in accordance to the Comprehensive Plan, Zoning, or LDC.

**Analysis:** Rezoning the parcel to A-1 would create a conflict between the zoning and the Comprehensive Plan. This policy states that the governing document is the Comprehensive Plan and therefore, the land use. The proposed rezoning would **not be consistent** with FLUE Policy 4.1.2.

4. 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 September 25, 2023, Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

5. 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.

6. Objective 10.2: Infill and Redevelopment – Encourage infill and redevelopment to maintain and enhance neighborhood viability, revitalize urban corridors, and discourage urban sprawl.

**Analysis:** The current zoning and land use encourage infill in an area within the urban growth boundary where commercial development is taking place, requiring workforce housing for employees and residents of Marion County. Approving a rezoning to A-1 discourages infilling in what planning principles designate an appropriate area for higher intensity growth and would not use the parcel to its fullest potential, making the request **inconsistent** with Objective 10.2.

Based on the above findings, the proposed rezoning **is not consistent with the Comprehensive Plan.**

## **V. ALTERNATIVE ACTIONS**

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to **DENY** the rezoning amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, 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 **DENY** the proposed rezoning because the application:

- A. Will not adversely affect the public interest because the rezoning looks to decrease the density of potential development;
- B. Is not consistent with the Comprehensive Plan provisions because it is not in conformance with:
  1. FLUE Policies 1.1.5, 2.1.23, 4.1.2
  2. Objective 10.2
- C. Is not compatible with the surrounding uses because the proposed rezoning would downzone a parcel located in an area designated for higher density and intensity development close to expanding commercial uses and long-term plans for increased mixed use and residential 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 01/31/2024
- B. Site and Area Photographs