



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 06/24/2024	BCC Date: 07/16/2024
Case Number	240710ZC
CDP-AR	31465
Type of Case	Rezoning from Regional Business (B-4) to Community Business (B-2).
Owner	YPSG Inc.
Applicant	Dinkins Construction
Street Address/Site Location	13414 E Hwy. 25 Ocklawaha, FL 32179
Parcel Number(s)	4879-003-001
Property Size	±0.33 acres
Future Land Use	Commercial (COM)
Existing Zoning Classification	Regional Business (B-4)
Overlays Zones/Special Areas	Environmentally Sensitive Overlay Zone (ESOZ), Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	Approval
P&Z Recommendation	APPROVAL
Project Planner	Kathleen Brugnoli, Planner II
Related Cases	None

I. ITEM SUMMARY

Dinkins Construction, on behalf of YPSG Inc., filed a rezoning application to change from Regional Business (B-4) to Community Business (B-2) on April 24, 2024 for a ± 0.33-acre parcel (see Attachment A). The Parcel Identification Number for the property is 4879-003-001; the site address is 13414 E Hwy 25 Ocklawaha, and the legal description is provided within the application (see Attachment A). The subject property lies on southern side of E Hwy 25 and north of Lake Weir. The site is located within the Secondary Springs Protection Zone (SSPZ) and is in the Environmentally Sensitive Overlay Zone (ESOZ).

The application proposes rezoning the entire ±0.33-acre site to Community Business (B-2) for all uses permitted within the proposed zoning classification. The intent provided within the rezoning application is for the storage of telecom equipment – a use that is already taking place on the property.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The rezoning will not adversely affect public interest, is consistent with the Comprehensive Plan, and is compatible with surrounding uses.

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 (24 owners) within 300 feet of the subject property on June 5, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on June 12, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on June 10, 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 surrounding properties to the north, east, and south being Commercial and High Residential to the west.

Figure 2
FLUMS Designation

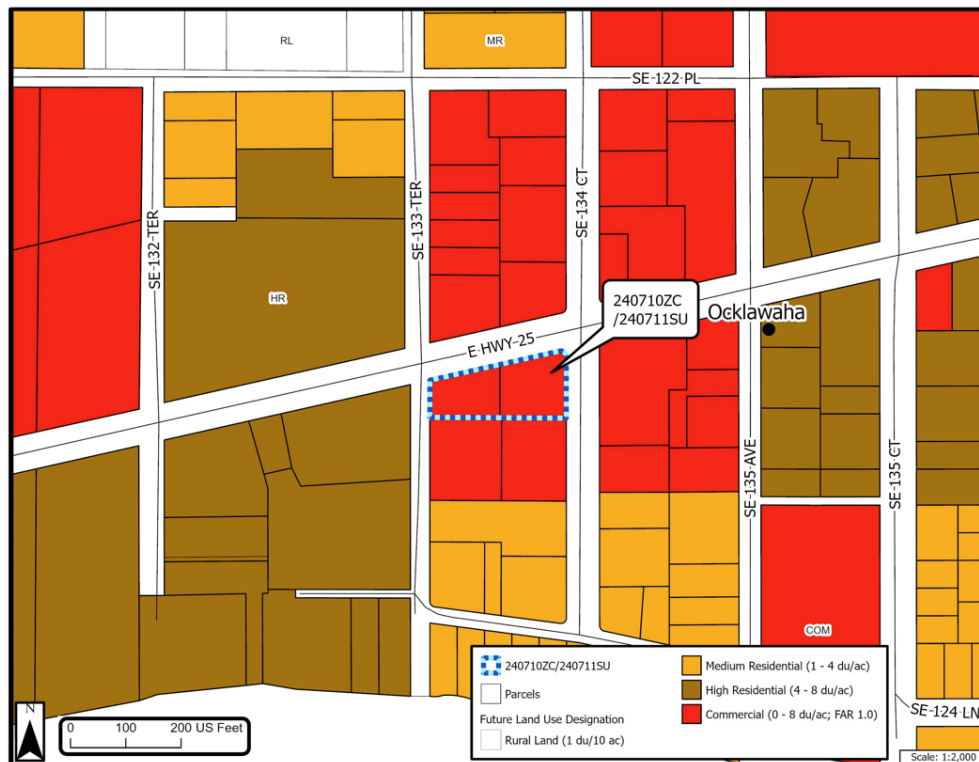


Figure 3 displays the proposed zoning for the subject property in relation to the existing zoning of the surrounding properties. All parcels contiguous to the subject parcel are zoned Community Business (B-2) which is the same zoning being requested with the application in an effort to conform to the surrounding area as much as possible. To the west, there are more B-2s, as well as multi-family residential (R-3), and to the east, there is Regional Business (B-4). The subject site rezoning to B-2 will create a buffering of intensities from the residential zoning to the higher intensity commercial zoning. Additionally, the rezoning to B-2 matches the Commercial land use designation better than the current Regional Business (B-4) zoning which is more in line with a higher intensity land use such as Employment Center (EC).

The site is located within the Environmentally Sensitive Overlay Zone (ESOZ) for Lake Weir as well as the Secondary Springs Protection Zone (SSPZ). While this area is not within the Urban Growth Boundary (UGB), it is the node within Ocklawaha which includes retail and services to the community such as a gas station, hardware store, grocery market, post office, etc. The similarly intense uses of the surrounding area mean the potential for compatibility issues is less likely.

Figure 3
Proposed Zoning Classification

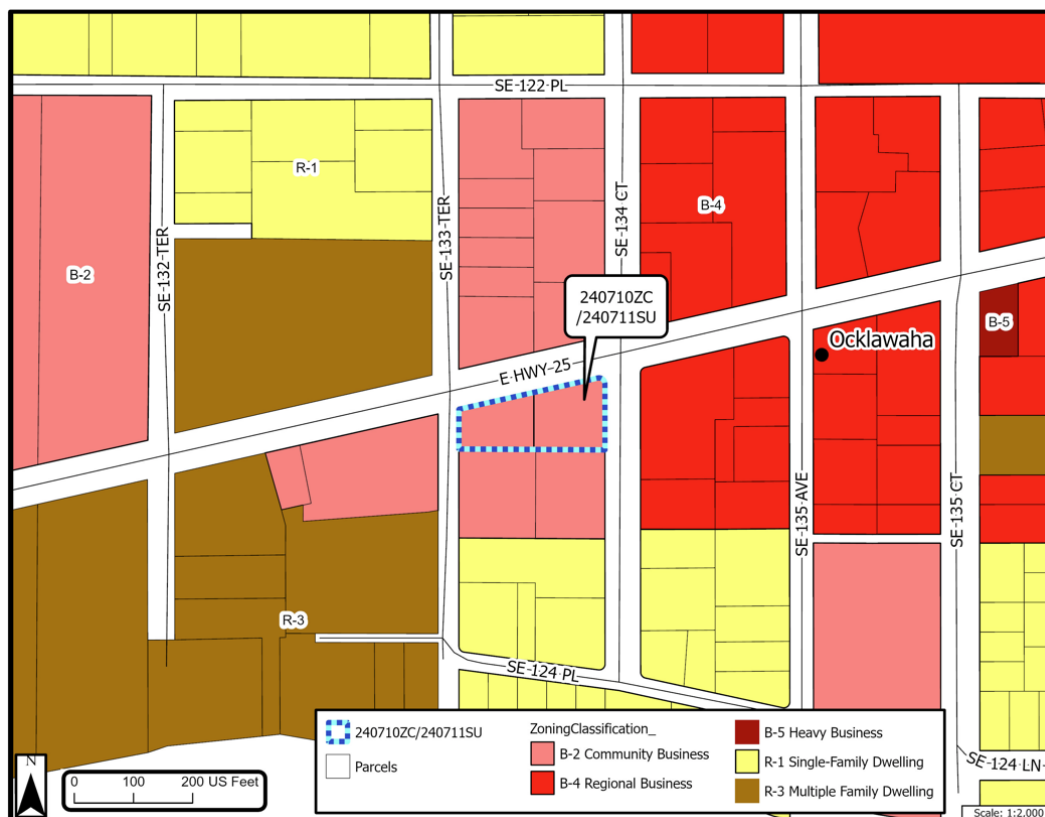


Figure 4 provides an aerial image of the subject property and surrounding area, while Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

- A. 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 found the subject property and surrounding area to be a commercial node for the area serving residents of Ocklawaha. Nearby uses include a CenturyLink office, hardware store, Chamber of Commerce, a church, post office, and a few retail stores offering gas, groceries, etc. The subject property has an existing Commercial structure on-site built in 1972 and has already been operating as a space for Telecom equipment storage. The site is approximately 500' north of Lake Weir and is located within the platted & recorded subdivision of "Alada" (Attachment B).

Figure 4
Property Aerial



Figure 5
Existing Use per Property Appraiser Property Code

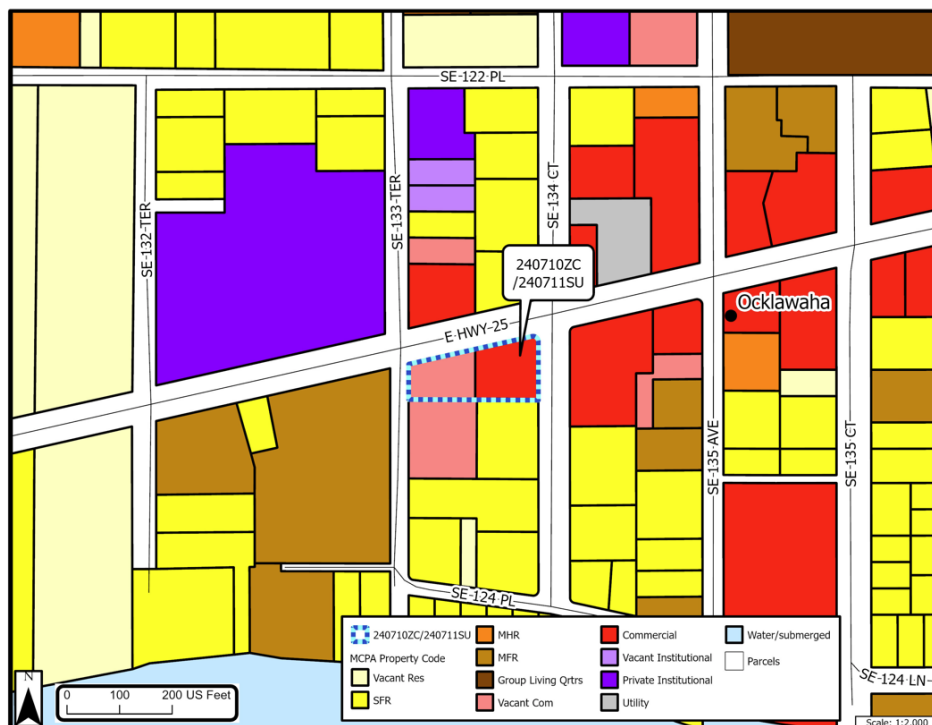


TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	ROW Commercial (COM)	Community Business (B-2)	Improved Residential
South	Commercial (COM)	Community Business (B-2)	Improved Residential
East	High Residential (HR)	Regional Business (B-4)	Office, Service Building
West	High Residential (HR)	Community Business (B-2)	Vacant Commercial

The site has historically been Commercial in land use with Commercial and High Residential surrounding along E. Hwy 25.

The LDC defines the intent of B-4 zoning to be, "...A zoning district to provide for the development of regional shopping centers; to establish and maintain intensive commercial activities and specialized service establishments that require centralized locations within a large service area...." While the intent of B-2 is defined as, "Shopping and limited service needs of several neighborhoods, a community, or a substantial land area. Retail stores include general merchandise, fashion, durable goods, and personal services..." The subject parcel meets the intent of B-2 in that it is within a smaller commercial area on a two-lane county-maintained roadway that serves multiple neighborhoods from the surrounding area and acts also as the community hub, including their chamber of commerce to the west as well as a church and other community outreach services. These businesses and services do not create a regional draw and cannot support the type of demand created for centers that serve a regional population. This area is to serve the needs of nearby neighbors in an effort to avoid them having to go to the The Villages, Summerfield, or Belleview for their everyday needs.

Based on the above findings, the proposed rezoning application is **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) that is appropriate and matches the current and future intent for uses in the area.

How does the request affect the public interest?

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. E Hwy 25 is a paved two-lane county-maintained roadway which can be taken southeast towards Lady Lake and the Villages or west toward Belleview/Ocala. A change to B-2 will limit development to uses in Neighborhood Business (B-1) and B-2, decreasing the potential development on the property by limiting the number of possible uses, and will not adversely affect the public interest. DRC comments (Attachment C) from Traffic states, "There are no traffic concerns with this request. Access management and pedestrian facilities will be addressed with the site plan."
 - b. Public transit. There are currently no fixed route services available in the area.
 - c. Other mobility features. No sidewalks currently exist on this portion of E Hwy 25. 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 907.5 gallons per day.

The change in zoning is from non-residential to non-residential which would create no additional demand. 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 660 gallons per day.

The change in zoning is from commercial to commercial which will not create any additional demand. 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 existing and proposed commercial zoning, **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 Weirsdale Fire Station #27, located at 16355 S. Hwy 25, roughly 5 miles southeast 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 time 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 0.50 miles east of the subject property at 13985 CR 25 Ocklawaha. 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 for a commercial use. 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 1.1.6: The County shall require new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties, as further defined in the LDC.

Analysis: The subject site is located within an existing node of commercial uses. Rezoning of this parcel from B-4 to B-2 would make this parcel conform with the contiguous Commercial parcels around it. Changing the zoning would create a buffer between the residential area to the west and the higher intensity of Regional Business B-4 to the east. The proposed rezoning would be **consistent** with FLUE Policy 1.1.6.

2. FLUE Policy 2.1.14(2): Commercial Use: Any establishment providing goods and services, including but not limited to, retail stores, restaurants/bars, personal services, business services, healthcare facilities and services, professional offices, medical offices, transient travel and lodging facilities, and similar types of uses as further defined by the LDC.

Analysis: The proposed rezoning will establish a zoning consistent with the site's Commercial future land use designation as the proposed zoning is intended to provide goods and services such as retail, restaurants, business services, professional offices, etc. to the nearby community which is the same as the intent for commercial use and shown above. Therefore, the proposed rezoning is **consistent** with FLUE Policy 2.1.14(2).

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 a 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 B-2 would resolve the conflict between Commercial land use and a zoning (B-4) intended for a higher density land use such as Employment Center (EC) or Commerce District (CD). The proposed rezoning would 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 June 24, 2024, 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.

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

V. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support a recommendation for the approval of the Ordinance, and make a recommendation to adopt a proposed Ordinance to **DENY** the rezoning 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 **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VI. STAFF RECOMMENDATION

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

- A. Will not adversely affect the public interest because the rezoning looks to decrease the density of potential development;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
 1. FLUE Policies 1.1.6, 2.1.14(2), 4.1.2, 5.1.3, and 5.1.4

- C. Is compatible with the surrounding uses because the proposed rezoning would downzone a parcel located in an area designated with similar intensity and development close to existing commercial uses.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approve.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application.
- B. Site and Area Photographs.
- C. DRC Comments