



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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**PLANNING & ZONING SECTION
STAFF REPORT**

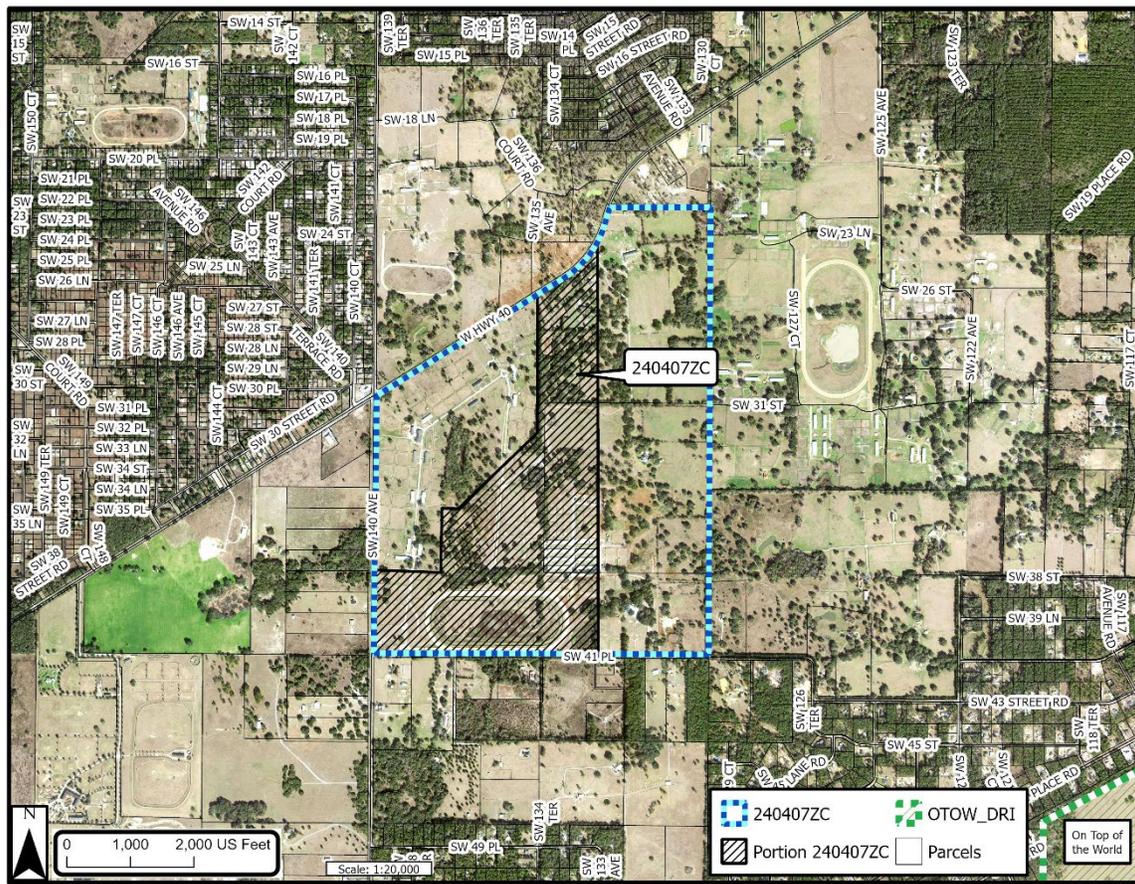
	P&Z Date: 03/25/2024	BCC Date: 04/16/2024
Case Number	240407ZC	
CDP-AR	31108	
Type of Case	Rezoning from Heavy Business (B-5) to General Agriculture (A-1).	
Owner	Domenic & Marianna Martelli	
Applicant	Lucy Martelli-Johnson	
Street Address/Site Location	13123 SW 41st Pl, Ocala, FL 34481	
Parcel Number(s)	21317-000-00 (portion) & 21317-000-01 (portion)	
Property Size	±265.28-acre portion of ±703.98-acre parcels	
Future Land Use	Rural Land (RL)	
Existing Zoning Classification	Heavy Business (B-5)	
Overlays Zones/Special Areas	Farmland Preservation Area (FPA), Secondary Springs Protection Zone	
Staff Recommendation	Approval	
P&Z Recommendation	Approval (On Consent)	
Project Planner	Xinyi Cindy Chen	
Related Cases	N/A	

I. ITEM SUMMARY

Lucy Martelli-Johnson, daughter of property owners Domenic and Mananna Matelli filed a rezoning application to change from Heavy Business (B-5) to General Agriculture (A-1) on January 26, 2024 for a ± 265.28-acre portion of two Rural Land parcels (see Attachment A & B). The Parcel Identification Number for the property is 21317-000-00 & 21317-000-01. The site address is 13123 SW 41st Pl, Ocala, and the legal description is provided within the application (see Attachment B). The subject property sits in Rural Land and has majority of its land zoned as A-1, a portion in the middle as B-5, and a small portion at northwest corner as RAC. The property lies south of W HWY 40, east of SW 140 Ave, and north of SW 41 Pl. The site is located within the Farmland Preservation Area (FPA) and the Silver Springs Secondary Springs Protection Zone).

The application proposes rezoning the B-5 portion of the property to General Agriculture (A-1) to match A-1 zoning on the rest of the property and for the rural land use. The subject property has an approved preliminary site plan (AR#29771). The applicant requests approval for this rezoning to proceed the final plat review currently under review for agricultural platted subdivision (AR#30942).

**Figure 1
General Location Map**



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The rezoning will establish a zoning district is consistent with Marion County's future land use of the property and 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 (33 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 February 23th, 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 Rural Land and Rural Activity Center.

Figure 2
FLUMS Designation

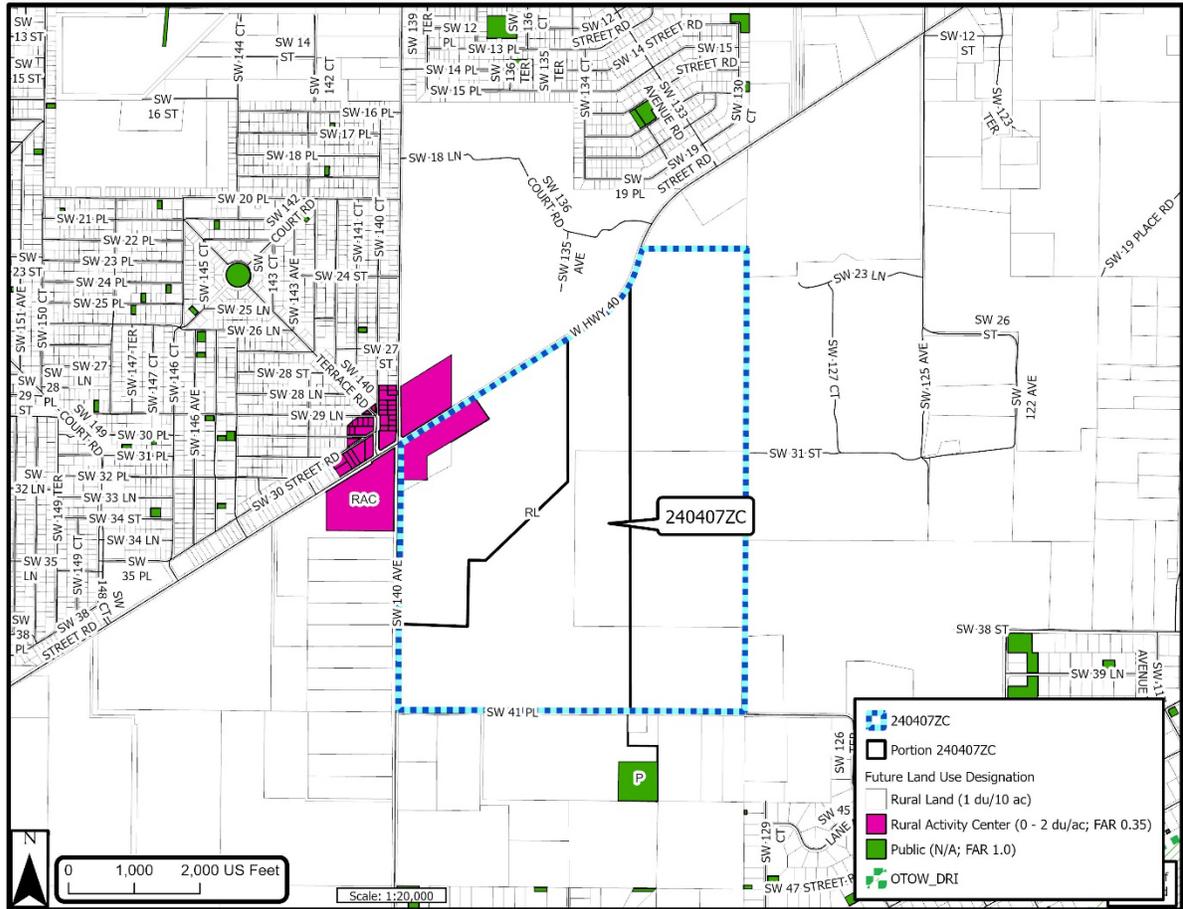


Figure 3 displays the proposed zoning for the subject property in relation to the existing zonings of the surrounding properties. The surrounding parcels are in the area of General Agriculture (A-1) and Rural Activity Center (RAC). The site is located within the Farmland Preservation Area (FPA) as well as the Secondary Springs Protection Zone (SSPZ). The farmland and related use are consistent with the current RL land use designation and compatible to adjacent parcels.

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). These two maps show the proposed zoning change from B-5 to A-1 is consistent with the surrounding land use and compatible to the adjacent zonings.

Figure 3. Proposed Zoning Classification

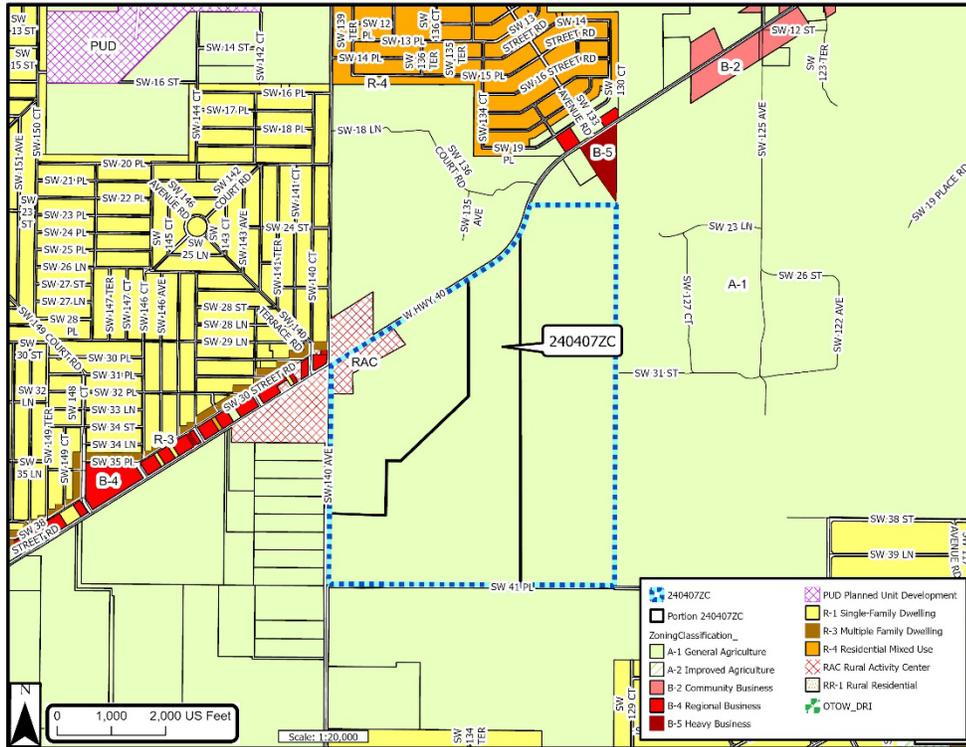


Figure 4 Property Aerial

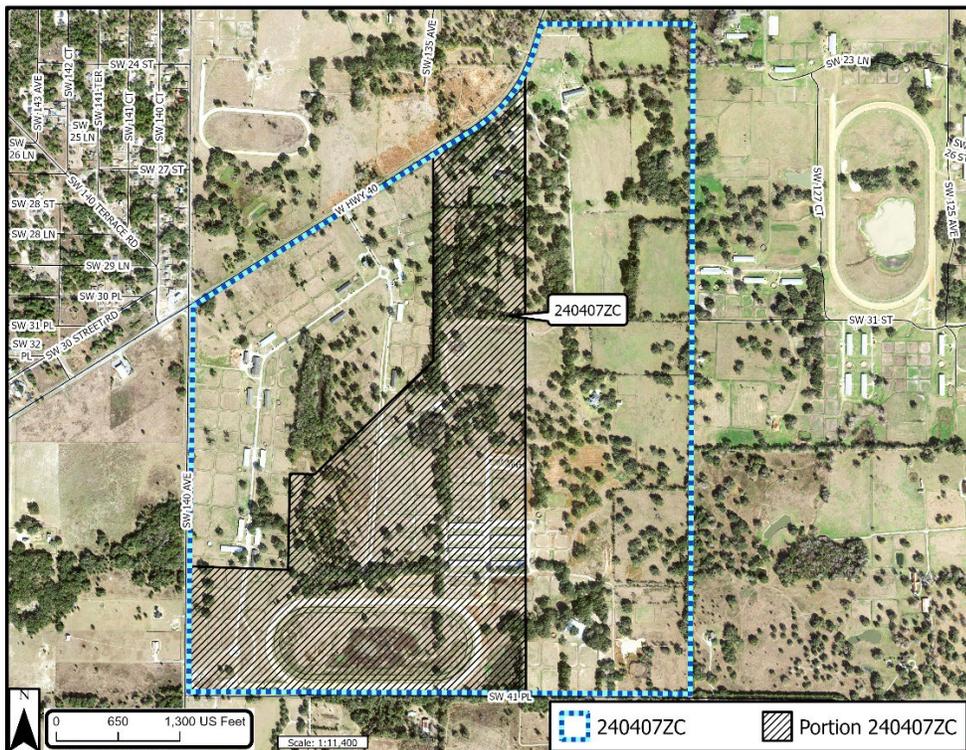


Figure 5
Existing Use per Property Appraiser Property Code

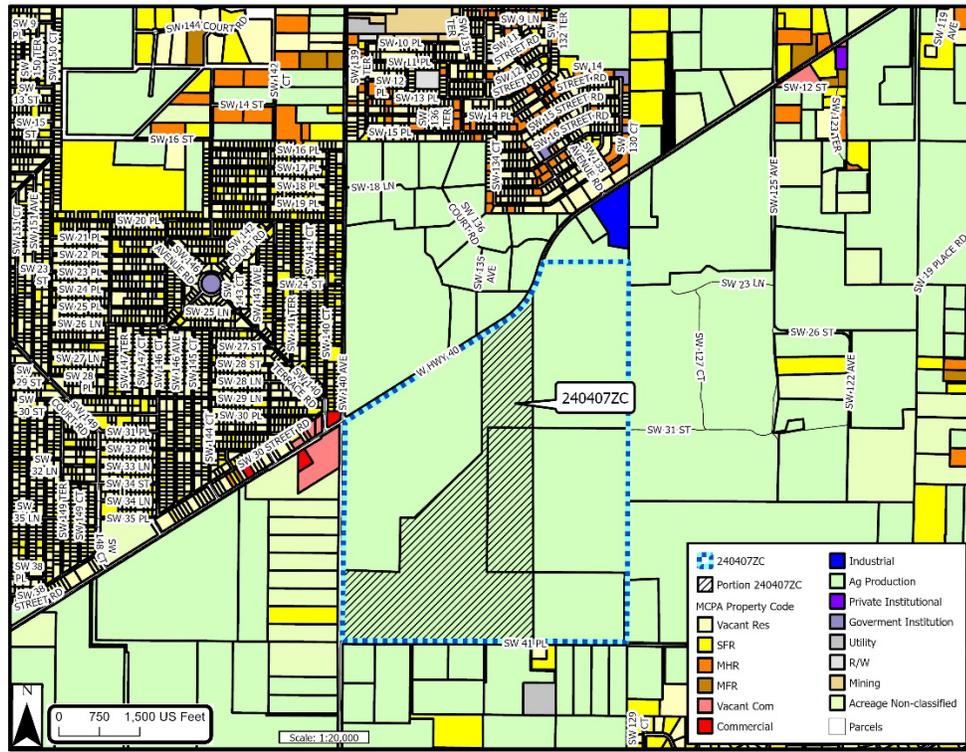


Table A displays the information of Figures 2, 3, 4 and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and finds the site is mainly grassland on a rural land and has several structures for agricultural use on the property as can be seen in the site photos provided in Attachment B.

TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Rural Land (RL)	General Agriculture (A-1) Rural Activity Center (RAC) Heavy Business (B-5)	Agricultural Product Industrial
South	Rural Land (RL)	General Agriculture (A-1)	Agricultural Product Vacant Residential Single-Family Residential
East	Rural Land (RL)	General Agriculture (A-1)	Agricultural Product
West	Rural Land (RL)	General Agriculture (A-1) Rural Activity Center (RAC)	Vacant Commercial Vacant Residential Single-Family Residential

The rezoning site is surrounded by agricultural lands and rural activity centers. The site is located in the Farmland Preservation Areas. Nearby uses of agriculture, single-family houses, convenience store, and vacant rural lands are all similar in intensity to uses permissible in A-1 zoning.

Based on the above findings, the proposed rezoning application **is compatible with the existing and future surrounding land uses** because the proposed rezoning B-5 to A-1 would allow agricultural uses consistent with the site's land use designation and match the existing use of the parcels.

B. *How does the request affect the public interest?*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. There are five access points to the property: three from W HWY 40 on the north side, one from the SW 140th Ave on the west side, and one from SW 41st PI on the south side. The main entrance at W HWY 40. All three roadways are paved. The rezoning from B-5 to A-1 would not change the use of existing property. Therefore, the application will not affect the traffic on the existing roadways.
 - b. Public transit. The property is not along or within one quarter mile of existing transit routes. No transit routes are currently projected to extend to the vicinity of the project. Therefore, the application would not adversely affect the public interest.
 - c. Other mobility features. No sidewalks currently exist along SW 41st PI, SW 140th Ave, or portion of W HWY 40. 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 non-residential calculation, the entire property would result in a demand of 1,935,945 gallons per day. However, the rezoning from B-5 to A-1 would not change the non-residential use or existing use on the property. Thus, the rezoning would not affect the demand change of potable water.

The property is within the Farmland Preservation Areas and not in the Marion County Utility Service Areas. 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 non-residential calculation, the entire property would result in 1,407,960 gallons per day. However, the rezoning from B-5 to A-1 would not change the non-residential use or existing use on the property. Thus, the rezoning would not affect the demand change of sanitary sewer.

The property is within the Farmland Preservation Areas and not in the Marion County Utility Service Areas. 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/agricultural level of service standard is not currently in place for Marion County as such operations are required to provide for individual 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/agricultural level of service standard is not currently in place for Marion County and the site's CD future land use designation does not enable residential uses. Based on the above, 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. Portion of the subject property is located in the 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 Fire Rescue Station #12, located at 120 NW 110th Ave, Ocala, FL, roughly 3.6 miles northeast 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 7.7 miles southwest of the subject property at 19995 SW 86th Street, Dunnellon, FL. 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 adversely affect the public interest.**
9. Public schools. The proposed rezoning to A-1 for non-residential development is not expected to generate student populations. 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.**

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

1. FLUE Policy 2.1.6: Protection of Rural Areas: Rural and agricultural areas shall be protected from premature urbanization and a vibrant rural economy shall be encouraged outside the UGB and Planned Service Areas. Urban and suburban uses incompatible with agricultural uses shall be directed toward areas appropriate for urban development such as within the UGB and PSAs.

Analysis: The subject site is located within Farmland Preservation Areas on a Rural Land designated land use and outside the UGB boundary. In addition, the parcel already has the compatible land use that will allow for A-1 zoning and is surrounded by parcels with the same land use. Therefore, the future site development will be capable of infilling an existing commercial & industrial area and avoid scattered or strip commercial, consistent with FLUE Policy 1.1.7.

2. FLUE Policy 2.1.16: Rural Land (RL) - This land use designation is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses. The base density shall be (1) dwelling unit per ten (10) gross acres, and the designation is a Rural Area land use.

Analysis: The proposed rezoning from Heavy Business B-2 to Agriculture A-1 on a Rural Land (RL). The current agricultural uses on the property meets the RL's definition and requirement. Therefore, the proposed rezoning is consistent with FLUE Policy 2.1.18.

3. 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 March 25th, 2024, Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

4. 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.

5. 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 will not change the land use or actual use on the subject property. The proposed rezoning from B-5 Heavy Business to A-1 Agricultural Land will not generate additional trips. However, the development of the site will be subject to traffic engineering review, impact analysis, and will be required to address access management and capacity improvements. 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 because non-conformance with the law enforcement level of service standard are outweighed by conformance with the eight other public facility and services level of service standards;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
 - 1. FLUE Policies 2.1.6, 2.1.16, 5.1.3., 5.1.4
 - 2. TE Policy 2.1.4
- C. Is compatible with the surrounding uses because the proposed rezoning would match the existing agricultural use on the property and surrounding uses such as agriculture, rural activity center, and residential.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval (On Consent).

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application filed 01/26/2024
- B. Revised Rezoning Plan
- C. Site and Area Photographs
- D. DRC Comments