



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

**PLANNING & ZONING SECTION
STAFF REPORT**

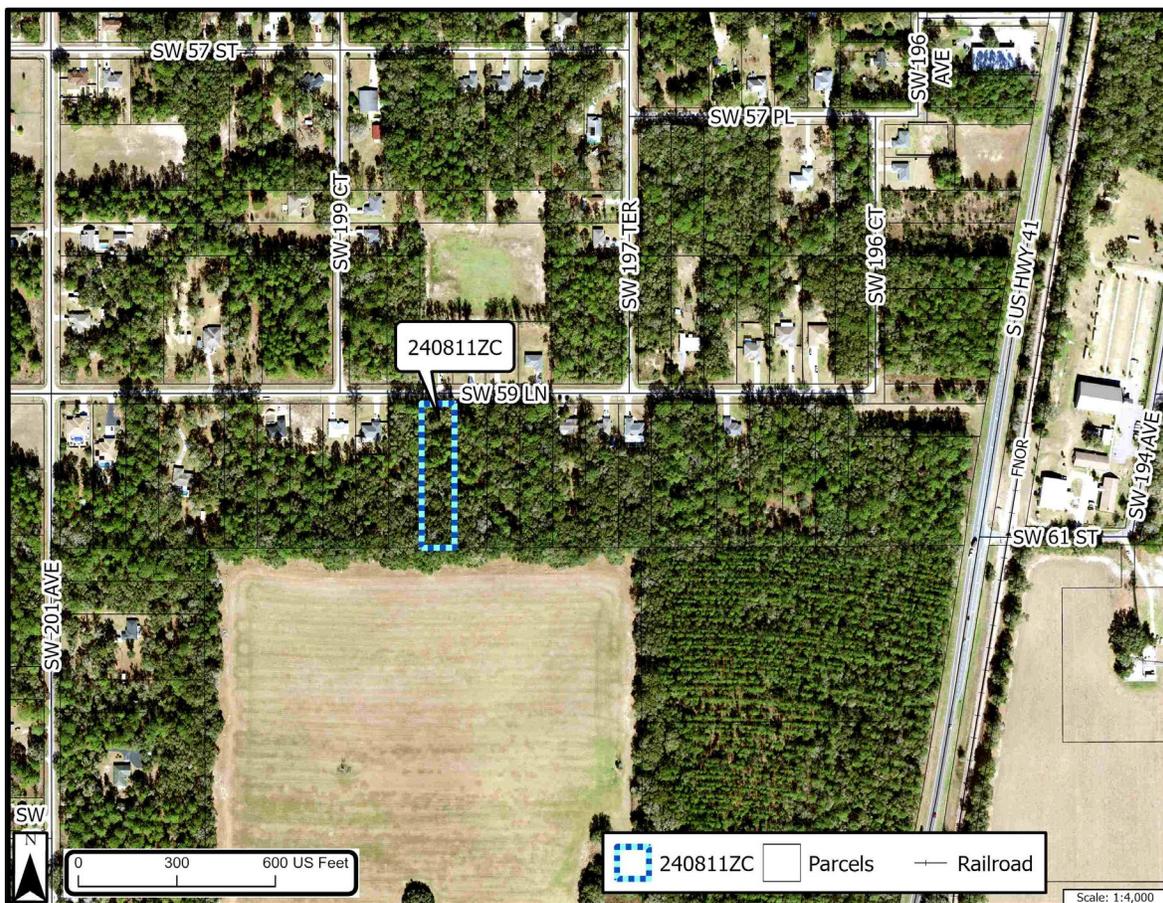
P&Z Date: 07/29/2024	BCC Date: 08/20/2024
Case Number	240811ZC
CDP-AR	31571
Type of Case	Rezoning from Expired Planned Unit Development (PUD) to Single-Family Dwelling (R-1).
Owner	PAC3 Properties LLC c/o Felicia Brooks.
Applicant	PAC3 Properties LLC c/o Felicia Brooks.
Street Address/Site Location	19874 SW 59 th LN Dunnellon, FL 34431
Parcel Number(s)	1751-014-017
Property Size	±1.01 acres
Future Land Use	Rural Land (RL)
Existing Zoning Classification	Expired Planned Unit Development (PUD)
Overlays Zones/Special Areas	Primary Springs Protection Overlay Zone (PSPOZ)
Staff Recommendation	Approval
P&Z Recommendation	Approval
Project Staff	Antony Alva, GIS Technician Analyst
Related Cases	N/A

I. ITEM SUMMARY

PAC3 Properties LLC c/o Felicia Brooks, the owner/applicant, filed a rezoning application to change from Expired Planned Unit Development (PUD) to Single-Family Dwelling (R-1) on May 5, 2024, for a ±1.01-acre parcel (see Attachment A). The Parcel Identification Number for the property is 1751-014-017; the site address is 19874 SW 59th LN, Dunnellon, FL 34431, and the legal description is provided within the application (see Attachment A). The subject property lies on the west side of S US Hwy 41, about 4± miles from the Dunnellon city limits. The site is located within the Primary Springs Protection Zone (PSPZ).

The application proposes rezoning the entire ±1.01-acre site to Single-Family Dwelling (R-1) for all uses permitted within the proposed zoning classification. The intent provided within the rezoning application is for the use of a single-family dwelling.

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 (14 owners) within 300 feet of the subject property on July 12, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on July 15, 2024, and consistent with LDC Section 2.7.3.E, public notice was published in the Ocala Star-Banner on July 15, 2024. Evidence of the above-described public notices is 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 is 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 is a land use designation map showing the subject property as well as surrounding properties to the north, east, and south being Rural Land with a little some properties designated Public to the northwest and northeast.

Figure 2
Future Land Use Designation

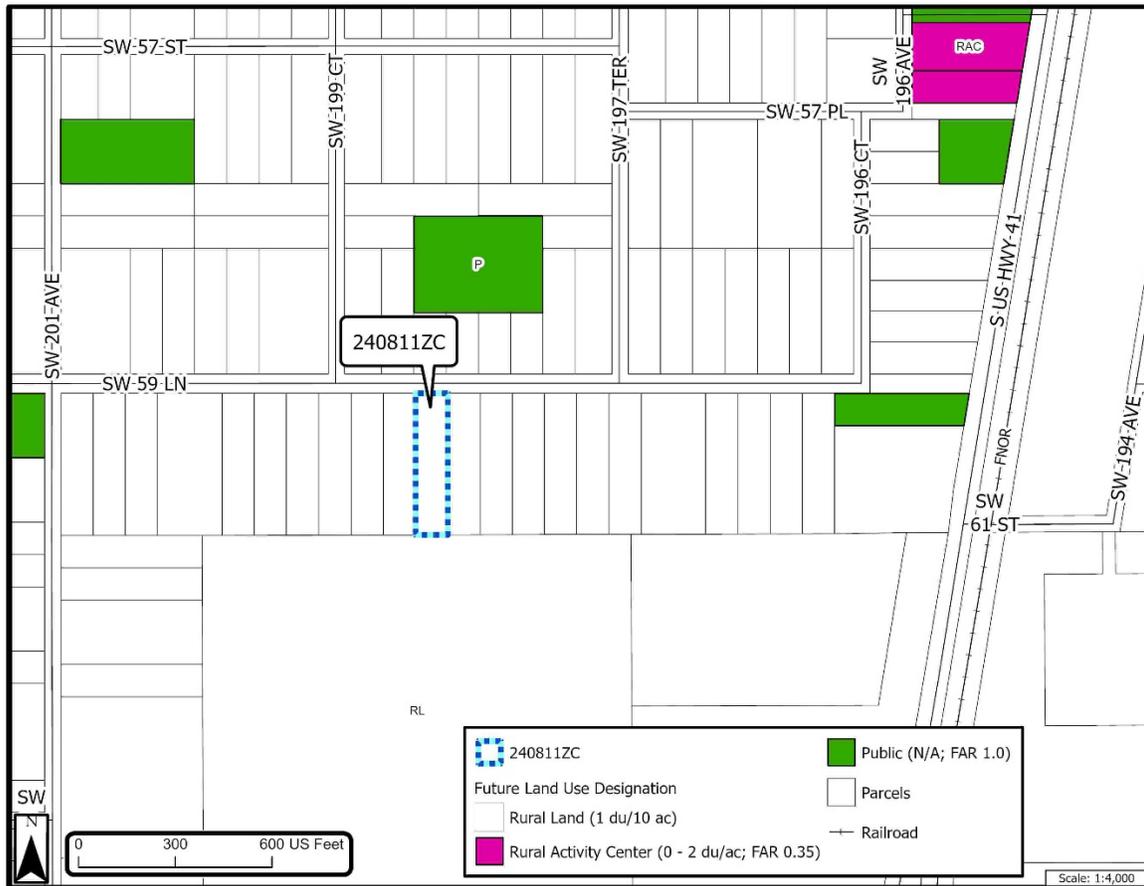


Figure 3 displays the proposed zoning for the subject property in relation to the existing zoning of the surrounding properties. All parcels in this area are zoned Single-Family Dwelling (R-1) or are part of a historic Planned Unit Development (PUD) that is no longer valid. The request for a zoning change to R-1 is consistent with the surrounding area within this pre-existing subdivision. All parcels around the subject parcel to the north are zoned Single-Family Dwelling (R-1), which is the same zoning being requested with the application to conform to the surrounding area as much as possible. To the west, the majority of the parcels are R-1, as well as one Planned Unit Development (PUD), and to the east, there are similar PUD parcels and R-1. The subject site rezoning to R-1 will adhere more to the surrounding areas.

The site is located within the Rainbow Springs Primary Springs Protection Zone (PSPZ). While this area is not within the Urban Growth Boundary (UGB) or the Farmland Preservation Area, this proposed zoning change will not affect any issues with the comprehensive plan..

**Figure 3
Proposed Zoning Classification**

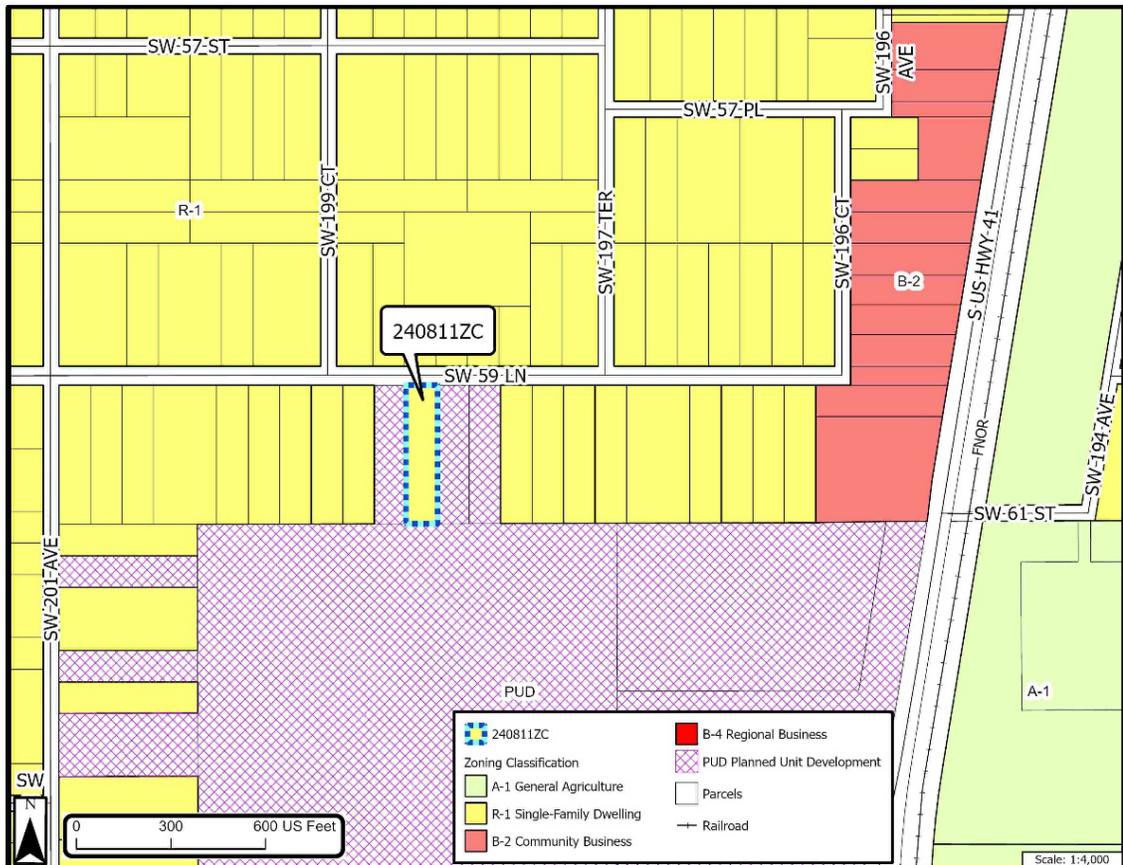


Figure 4 provides an aerial image of the subject property and surrounding area, while Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Table A displays the information of Figures 2, 3, 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 residential node for the area serving residents of northwest of Dunnellon. Nearby parcels are residential uses with most of the zoning being Single-Family Dwelling (R-1). The parcels undeveloped in the area are heavily treed with natural vegetation throughout.

TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Rural Land (RL)	Single-Family Dwelling (R-1)	Single Family Residential
South	Rural Land (RL)	Planned Unit Development (PUD)	Vacant Expired PUD
East	Rural Land (RL)	Planned Unit Development (PUD)	Vacant Expired PUD
West	Rural Land (RL)	Planned Unit Development (PUD)	Vacant Expired PUD

Figure 6
Current Subdivisions Aerial Map



The rezoning site lies within Rainbow Acres Unit 1 Subdivision (Figure 6), platted in 1962. The site has historically been Rural Land west of S US HWY 41. The LDC defines the intent of R-1 zoning to be "...A zoning district to provide areas for medium-density residential development." The subject parcel meets the intent of R-1 in that it is within Rainbow Acres Unit subdivisions that are zoned as Single-Family Dwelling (R-1).

Based on the above findings, the proposed rezoning application is **compatible with the existing and future surrounding land uses** because the proposed rezoning 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. S US HWY 41 is a paved two-lane Florida Department of Transportation (FDOT) roadway that can be taken south towards Dunnellon. A change to R-1 will not adversely affect the public interest.
 - b. Public transit. There are currently no fixed route services available in the area.
 - c. Other mobility features. No sidewalks currently exist within the Rainbow Acres Unit 1 subdivision; it is concurrent with the LDC since it is not commercial.

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

2. Utilities. The subject parcel is not currently connected to county or city utilities. As of today, connection to such utilities is not required, but this may change in the future. The parcels lie within the service area of Duke Energy Electric Power Company.

The change in zoning is from Expired Planned Unit Development (PUD) to Single-Family Dwelling (R-1). Based on the above findings, the rezoning's **potable water impacts would not adversely affect the public interest**.

The change in zoning is from Expired PUD to R-1, which will not create any additional demand for water or other utilities. Based on the above findings, the impact of rezoning on the sanitary sewer **would not adversely affect the public interest**.

3. 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. Based on the above, the rezoning **solid waste impacts would not adversely affect the public interest**.
4. 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. Based on the above, the

rezoning **stormwater/drainage impacts would not adversely affect the public interest.**

5. Fire rescue/emergency services. The site is officially located in the service district for Marion County's Rainbow Lakes Estates Fire Station #14, located at 2805 SW IVY PL, roughly 3.4 miles northwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but 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.**
6. Law enforcement. The nearest Sheriff substation is located approximately 2.7 miles South of the subject property at 19995 SW 86th St. 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.**
7. Public schools. The proposed rezoning is for a, single family residential lot, which is what the original PUD would have allowed. This proposed rezoning does not increase the amount of potential students generated from this site. Schools zones are the following: Romeo Elementary, Dunnellon Middle, Dunnellon High; Therefore, the application's **public-school impacts would not adversely affect the public interest.**

In summation, when weighing the totality of the circumstances, public interest **would not be adversely affected** by the proposed zoning change.

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

1. FLUE Policy 2.1.6: 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 an existing node of Residential uses. Rezoning of this parcel from Expiered PUD to R-1 would make this parcel conform with the contiguous Residential parcels around it. Changing the zoning would not affect Rural and agricultural areas. The proposed rezoning would be **consistent** with FLUE Policy 2.1.6.

2. FLUE Policy 2.1.13: 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 subject site is located within an existing node of Residential uses. Rezoning of this parcel from Experiend PUD to R-1 would make this parcel conform with the contiguous Residential parcels around it. Changing the zoning would not affect since the subject parcel is within a existing rural subdivision "Rainbow Acres Unit 1". The proposed rezoning would be **consistent** with FLUE Policy 2.1.13.

3. FLUE Policy 2.1.16: 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. The following special provisions shall apply for new development not meeting the base density, as further defined in the LDC.

Analysis: The subject site is located within an existing node of Residential uses. Rezoning of this parcel from Experiend PUD to R-1 would make this parcel conform with the contiguous Residential parcels around it. Changing the zoning would not affect the base density since the subject property will be within allow permitted in Single-Family Dwelling (R-1) on a ± 1.01 acres. The proposed rezoning would be **consistent** with FLUE Policy 2.1.16.

4. FLUE Policy 3.1.4: The lands outside of the UGB shall generally be referred to as the Rural Area and development in this area shall be guided by the following principles and as further defined in the LDC:
 1. Protect the existing rural and equestrian character of the area and acknowledge that a certain portion of the County's population will desire to live in a rural setting.
 2. Promote and foster the continued operation of agricultural activities, farms, and other related uses that generate employment opportunities in the Rural Area.
 3. Establish a framework for appropriate future opportunities and development options including standards that address the timing of future development.
 4. Create a focused strategy for the regulation of mining and resource extraction activity.
 5. Allow for new Rural Land and Rural Activity Center Future Land Use designations with a Comprehensive Plan Amendment (CPA), as further allowed in this Plan and as further defined in the LDC.

Analysis: The subject site is located within an existing node of Residential uses. Rezoning of this parcel from Experiend PUD to R-1 would make this parcel conform with the protection of the existing rural character of the area

and acknowledge that a certain portion of the County's population desire to live in the Rural Area. Changing the zoning would not affect the base density since the subject property will be within allow permitted in Single-Family Dwelling (R-1) on a ± 1.01 acres. The proposed rezoning would be **consistent** with FLUE Policy 3.1.4.

5. FLUE Policy 4.1.2: 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: The subject site is compatible with the Rezoning application to Single-Family Dwelling (R-1) as the current Land Use is Rural Land (RL) and is compatible. Rezoning of this parcel from Experiend PUD to R-1 would make this parcel conform with the contiguous Residential parcels around it. Changing the zoning would not affect the base density sine the subject property will be within allow permitted in Single-Family Dwelling (R-1) on a ± 1.01 acres. The proposed rezoning would be **consistent** with FLUE Policy 4.1.2.

6. 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 requested zoning change will be heard at the July 29, 2024 Planning & Zoning public hearing and is **consistent** with FLUE Policy 5.1.3.

7. 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, adopt the findings and conclusions contained herein, and make a recommendation to **APPROVE** 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 to support a recommendation for the approval of the Ordinance, and make a recommendation to adopt a proposed Ordinance to **DENY** 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 the rezoning looks maintain the density of potential development;
- B. **Is consistent** with the Comprehensive Plan provisions because it is in conformance with:
 - 1. FLUE Policies (2.1.6, 2.1.13, 2.1.16, 3.1.4, 4.1.2, 5.1.3, 5.1.4)
 - 2. Future Land Use: Rural Land (RL)
 - 3. Zoning Classification: Single-Family Dwelling (R-1)
 - 4. Is compatible with the surrounding land uses.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application filed 05/22/2024
- B. Site and Area Photographs
- C. DRC Comments