



**Marion County
Board of County Commissioners**

Growth Services

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

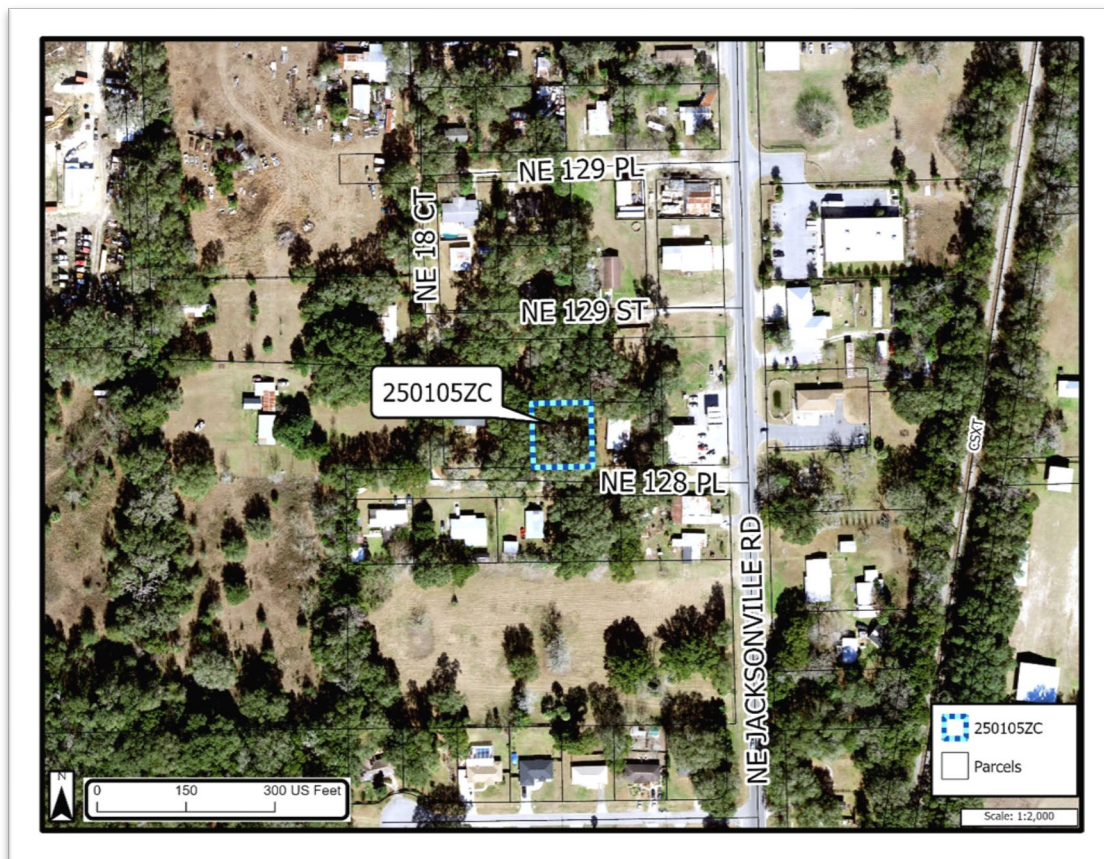
**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 12/30/2024	BCC Date: 1/13/2024
Case Number	250105ZC
CDP-AR	32096
Type of Case	Rezoning from Regional Business (B-4) to Mixed Residential (R-4).
Owner	Greene Ventures, LLC
Applicant	Andrew Greene
Street Address/Site Location	1875 NE 128 th Place, Anthony
Parcel Number(s)	08385-000-00
Property Size	±0.25
Future Land Use	Commercial (COM)
Existing Zoning Classification	Regional Business (B-4)
Overlays Zones/Special Areas	Farmland Preservation Area (FPA), Primary Springs Protection Zone (PSPOZ)
Staff Recommendation	Approval
P&Z Recommendation	Approval (On Consent)
Project Planner	Eryn Mertens, JD, Planner II
Related Cases	None

I. ITEM SUMMARY

Andrew Greene, on behalf of Greene Ventures, LLC, filed a rezoning application to change ± 0.25 acres from Regional Business (B-4) to Mixed Residential (R-4). The Parcel Identification Number for the subject property is 08385-000-00; the site is addressed as 1875 NE 128th Place, Anthony, and the legal description is provided within the application (see Attachment A). The subject property is a part of the historic Broadway Subdivision, which was platted in 1925, and is located within the Farmland Preservation Area, as well as the Primary Springs Protection Overlay Zone (PSPOZ). It is located just off of NE Jacksonville Road in Anthony. The property has a Commercial (COM) future land use designation. According to the Marion County Comprehensive Plan, Commercial land use can accommodate 0-8 dwelling units per acre. This request seeks to rezone to a Mixed Residential zone in order to add a single-family home. Mixed Residential (R-4) zoning classification allows for a maximum density for single-family residential use to be four (4) dwelling units per acre or one (1) per 0.25 acres. This request is then consistent with both of these policies.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. Staff believes Mixed Residential (R-4) zoning would be an appropriate classification for the property because there are a couple other properties with the same classification existing today – one immediately next door to the east, owned by a Jeffrey Greene. As it stands now, there is a Quik King (PID 08372-000-00) occupying all of Block B on the original residential plat map, which is located just off of NE Jacksonville Road. Behind the Quik King, which is currently zoned B-4, moving west, there is the parcel owned by Jeffrey Greene (PID 08386-000-00), which makes up original lots 11, 12, 13, 14, and is currently zoned R-4. Moving west is the subject property, consisting of original lots 7, 8, 9, and 10, and currently zoned B-4. Moving to the west of the subject property is R-1, and then A-1 (see Figure 3 for a visual representation of this sequence of current zoning classifications). Granting this rezoning request would make this block a more cohesive step-down sequence of zoning classifications as it moves away from an arterial road toward Agricultural properties inside the Farmland Preservation Area (See Figure 4).

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 (17 owners) within 300 feet of the subject property on December 13, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on December 6, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on December 16, 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. *Compatibility with Surrounding Area*

"Compatibility" is defined in Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, 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, above, is a general location aerial displaying existing and surrounding site conditions.

Figure 2, below, shows the future land use designation of the subject property, designated as Commercial (COM), along with a large portion of the surrounding

area to the east, running north and south, flanking NE Jacksonville Road. To the west of the subject parcel is a node of Medium Residential, and to the west of that node is Low Residential, and west of that is Rural Land. The parcel to the immediate east is designated as High Residential land use (owned by Jeffrey Greene), but is being used as a mobile home residence, per the Marion County Property Appraiser's property use codes. This property is inside the Farmland Preservation Area and the Primary Springs Protection Overlay Zone.

Figure 2
FLUMS Designation

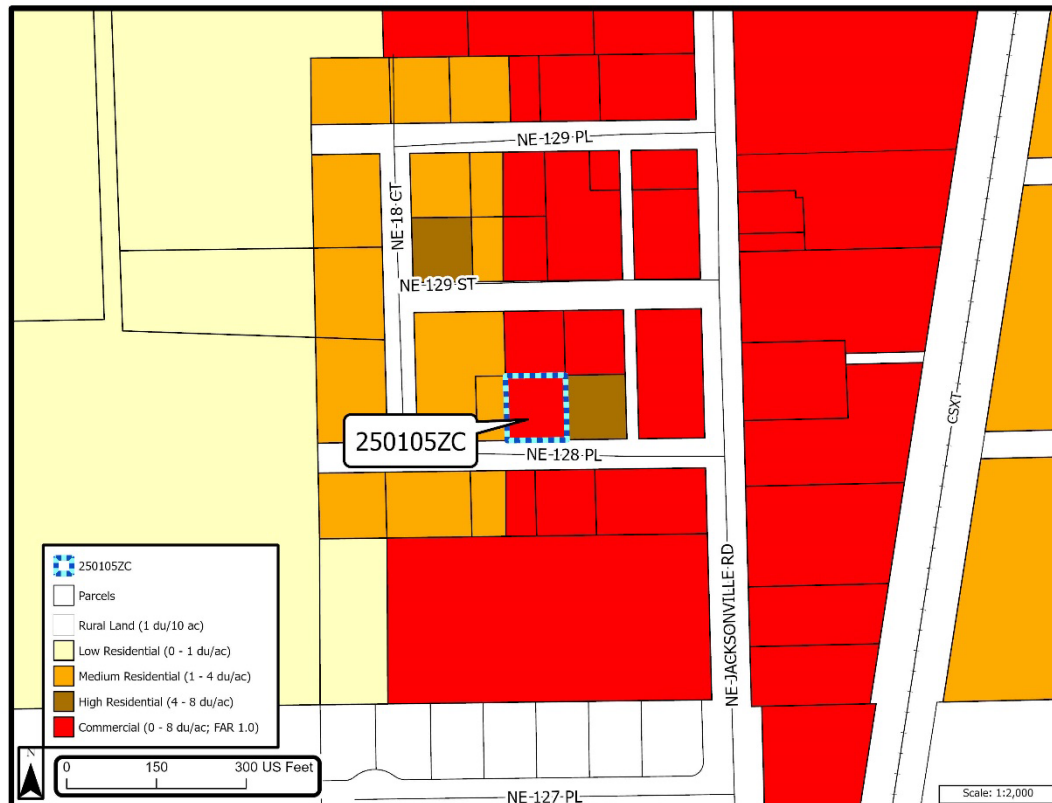


Figure 3, below, displays the zoning for the subject property in relation to the *existing* zoning of the surrounding properties, while Figure 4 shows the *proposed* zoning. The subject site is situated on the cusp of where a node of residential zoning classifications meets commercial zoning classifications and serves as a buffer between commercial and agricultural zoning classifications. Figure 4 demonstrates the substance of this rezoning request if granted.

Figure 3 Zoning Classification

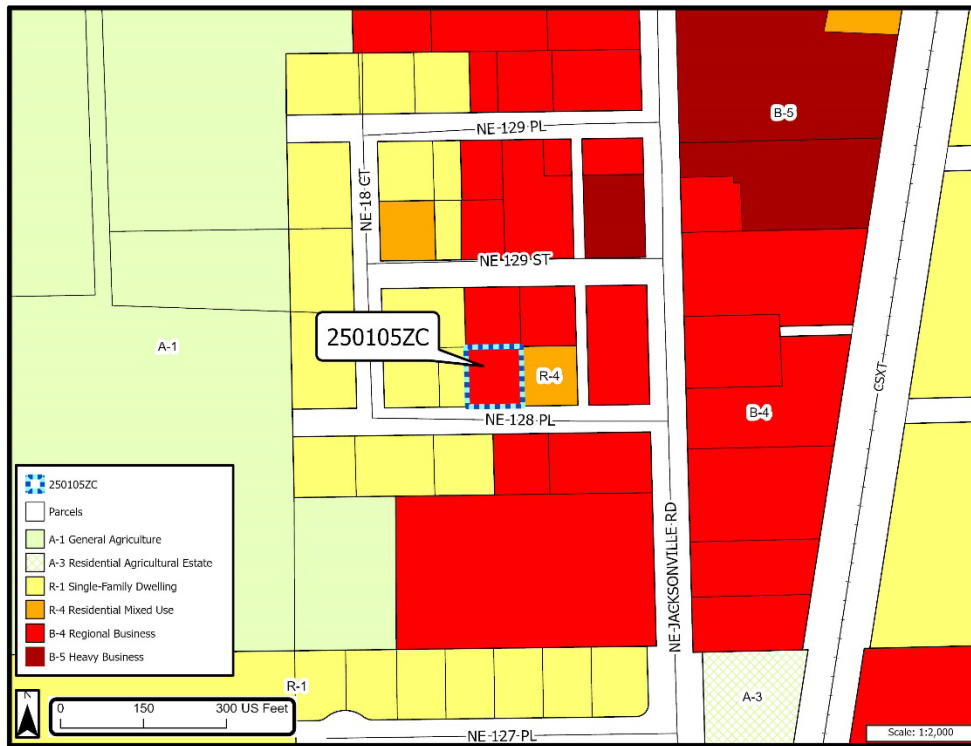


Figure 4. Proposed Zoning Classification

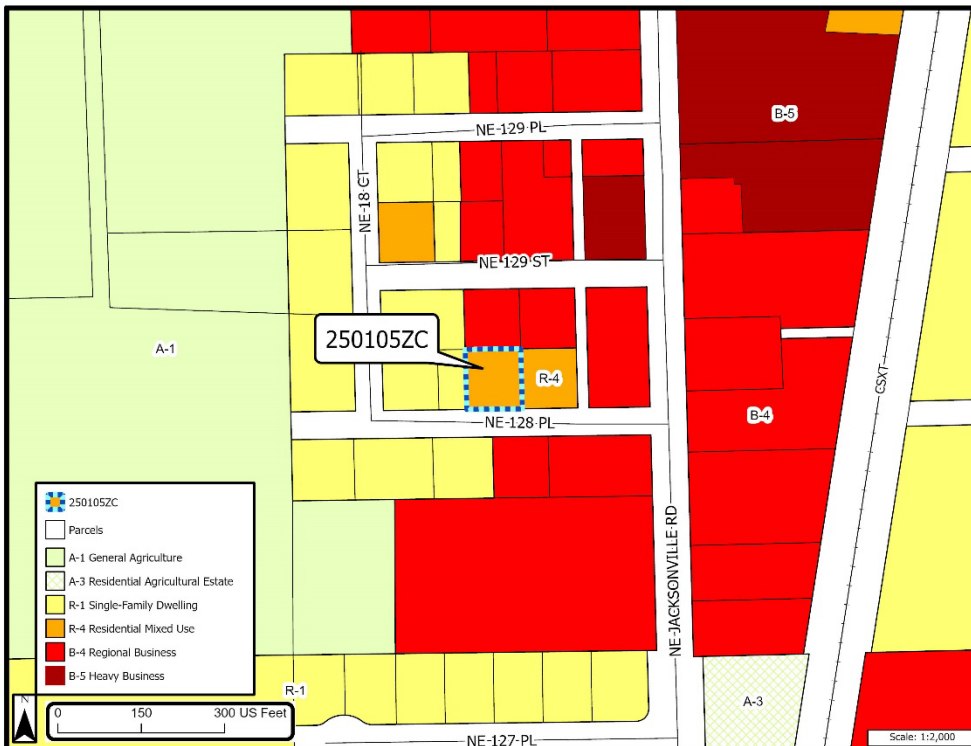


Figure 5, below, displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). Many of the commercial parcels in the area are vacant. The surrounding area is residential. The subject parcel is currently marked vacant residential.

Figure 5.
Existing Use per Property Appraiser Property Code

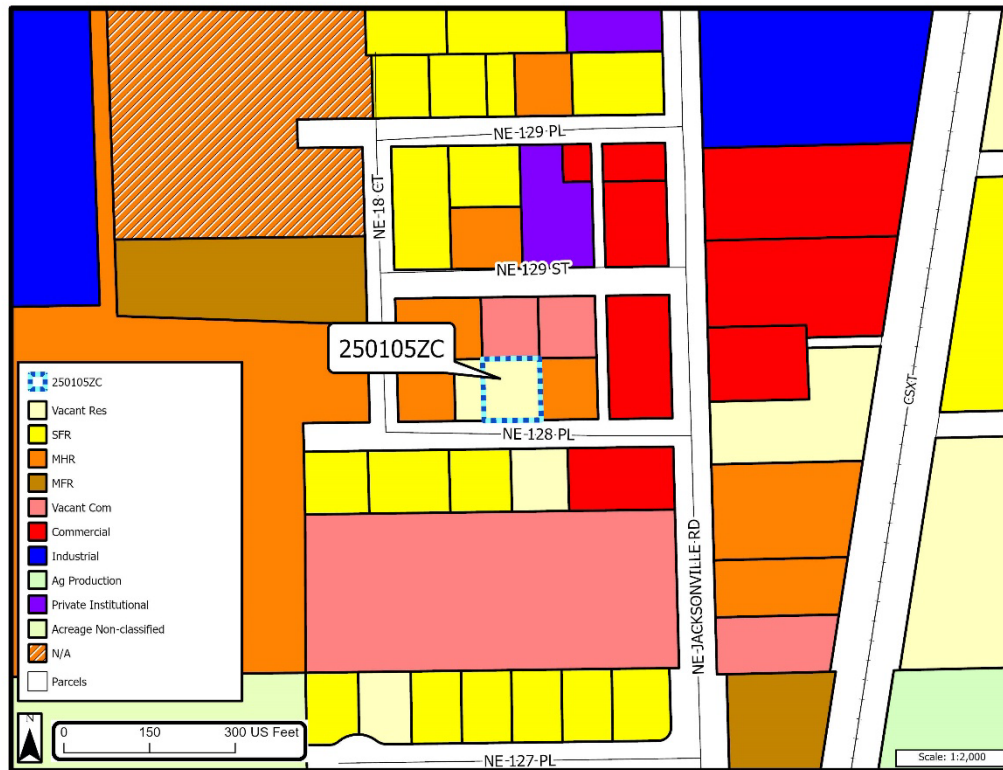


Figure 6.
Regional, Farmland Preservation Area

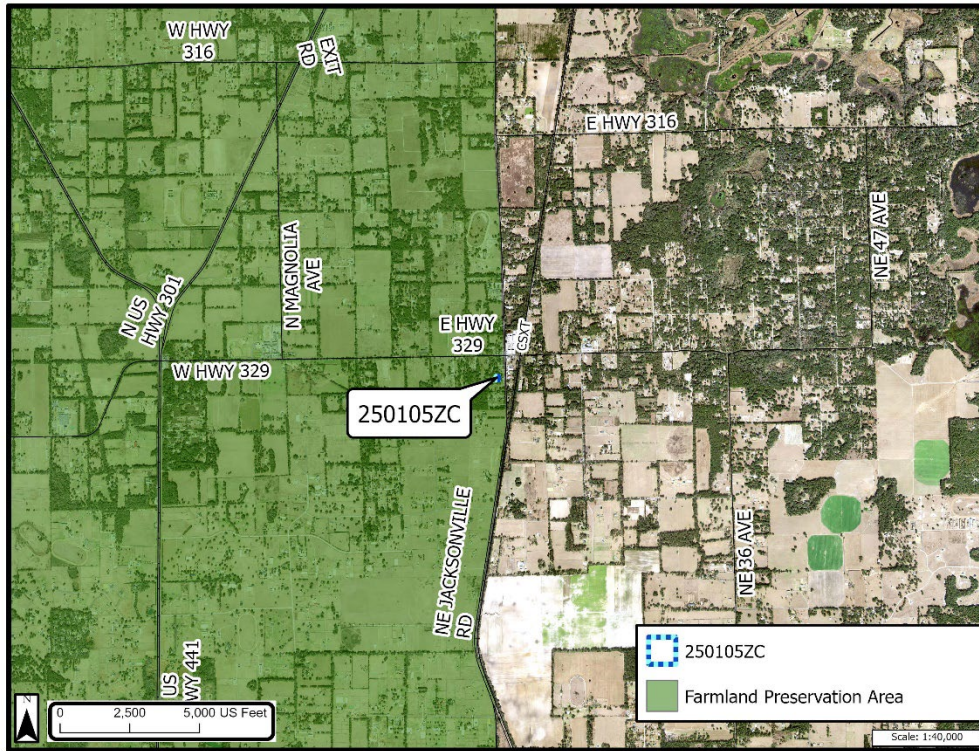


Figure 7.
Regional, Primary Springs Protection Overlay Zone

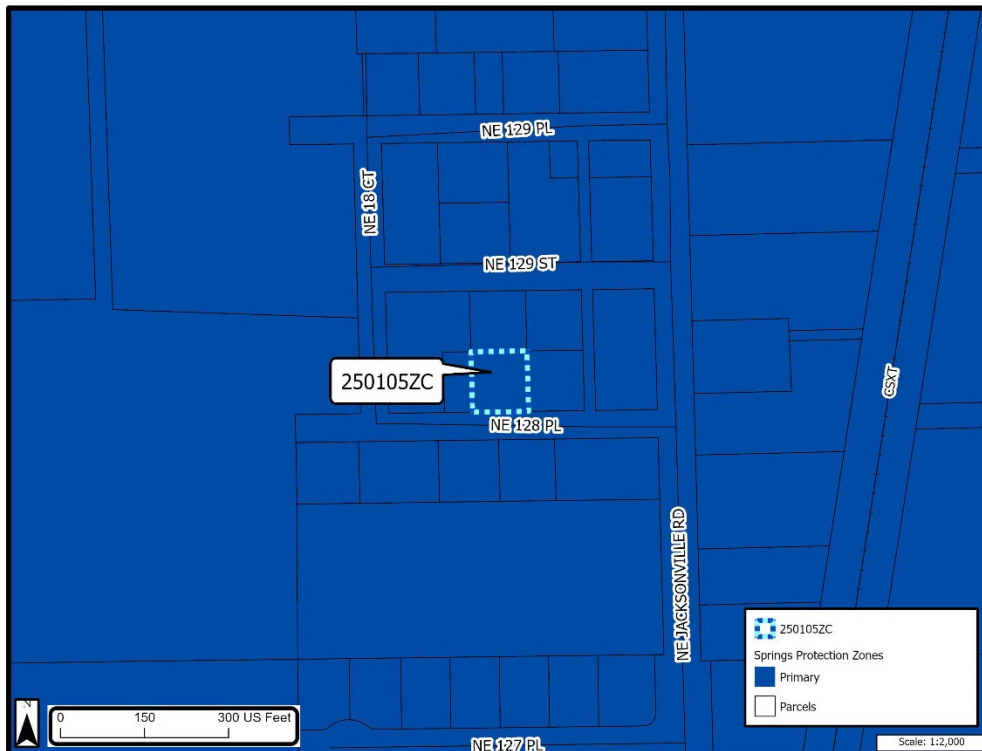


Table A, below, assembles the information in Figures 2, 3, 4, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and found that the subject property is overgrown with old-growth trees providing a lush canopy over a single-family home that is situated along the N US Hwy 441 right-of-way. The properties sitting nearest the subject property are largely residential and agricultural, with parcels to the east being commercial all along the northbound and southbound of N US Hwy 441.

Based on the above findings, the proposed rezoning application is **compatible** with the existing and future surrounding land uses.

Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Commercial (COM)	Regional Business (B-4)	Vacant Residential
North	Commercial (COM)	Regional Business (B-4)	Vacant Commercial
South	ROW, Commercial (COM)	ROW, Single-Family Dwelling (R-1), Regional Business (B-4)	ROW, Vacant Residential, Single-Family Residential
East	High Residential (HR)	Residential Mixed-use (R-4)	Mobile Home Residential
West	Medium Residential (MR)	Single-Family Dwelling (R-1)	Vacant Residential

B. Effect on Public Interest

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. NE 128th Place along the south. Intersection with NE Jacksonville Road to the east (subject property does not have frontage). NE 128th Place is a private local subdivision road that the County does not maintain.
 - b. Public transit. There are no fixed route services in the area.

- c. Other mobility features. No sidewalks currently exist along any of the roadways listed as contiguous to this parcel. Sidewalks may be required upon development, or the developer may elect to provide a fee-in-lieu for construction, as permitted by the LDC.

Based on the above findings, the transportation impacts of the rezoning request, if approved, **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. Based on the residential calculation, the proposed rezoning would result in a potential demand of 360 gallons per day.

The property is outside the Urban Growth Boundary and the Marion County Utilities' Service Area and connection distance will be determined at the time of site plan review. Based on the above findings, the potable water impacts of the rezoning request, if approved, **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. Based on the residential calculation, the proposed rezoning would result in a potential demand of 264 gallons per day.

The property is outside the Urban Growth Boundary and the Marion County Utilities service area and connection distance will be determined during site plan review. Based on the above findings, the sanitary sewer impacts of the rezoning request, if approved, **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. Based on the residential calculation, the proposed rezoning would result in a potential demand of 14.88 pounds per day.

The property is outside the Urban Growth Boundary, and would generate significantly less as a residential use than it would under its existing commercial zoning classification. Based on the above, the solid waste impacts of the rezoning request, if approved, **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. Based on the density requirement imposed by the subject property's land use (0-8 du/ac), and the permitted density of the proposed zoning classification (4 du/ac) of one (1) dwelling on this quarter-acre parcel, and based on the average household size (per Census 2020), there would be a potential for 2.4 people to live on-

site. Based on the proposed zoning, the recreation impacts of the rezoning request, if approved, **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 prone areas, or flood zones. 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 stormwater/drainage impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
7. Fire rescue/emergency services. Sparr Fire Station #19, located at 13323 NE Jacksonville Rd. Citra, FL 32113, is roughly one-half mile north of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. However, 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 fire rescue/emergency impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
8. Law enforcement. The nearest Sherriff substation is located approximately 6.4 miles southwest of the subject property at 8311 N. Hwy 441, Ocala. The Comprehensive Plan does not establish a level of service standard for law enforcement services. Based on the above, the law enforcement impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
9. Public schools. The following schools would be impacted by this rezoning request, if approved: Sparr Elementary (101.39% capacity), North Marion Middle (74.15%), North Marion High (68.49%). While there are areas of overcrowding, overall, there is capacity within Marion County Schools. Based on the above findings, the proposed development would not adversely affect public interest. Therefore, the public schools impact of the rezoning request, if approved, **would not adversely affect the public interest.**

When weighing the totality of the circumstances, **the public interest will not be adversely affected** if this rezoning request is approved.

C. *Consistency with the Comprehensive Plan*

1. **FLUE Policy 1.1.5: Higher Density/Intensity Uses** - 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 outside the Urban Growth Boundary (UGB) and public and/or private facilities and services are unavailable. Based on the subject property's location being within a platted rural residential subdivision and having a current commercial zoning with a commercial future land use, and remains undeveloped, the proposed rezoning for residential use would allow the property to develop according to the wishes of the landowner, while also allowing the future land use to remain commercial.

Further, Commercial Land Use affords residential allowances, so rezoning this parcel from commercial to residential does not give the property a zoning classification which is inconsistent with its land use designation. It does, however, place a limit on the intensity of the development which can occur on-site.

If approved, this change would support the county's desire to encourage development with higher densities and intensities to occur within the urban growth boundary, and leave the Rural Land and lower density development at this time for parcels outside the UGB, like this one. Therefore, the proposed rezoning would be **consistent** with FLUE Policy 1.1.5.

2. **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: This application looks to encourage a vibrant rural economy while protecting the area from premature urbanization by limiting the density that can develop at this site. While the surrounding area boasts a healthy area of Commercial future land use designations, only a small portion of these commercially-designated parcels have developed commercially, demonstrating that the area is urbanizing much slower. If approved, this rezoning would protect the area from premature commercial development that might be more appropriate for a Rural Activity Center or within the UGB or PSA. So, approving this rezoning request is **consistent** with FLUE Policy 2.1.6.

3. **FLUE Policy 2.1.21: Commercial (COM)** – This land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

Analysis: While the proposed use is not mixed use today, by leaving the future land use designation Commercial, both residential and commercial uses can occur on-site, leaving open the possibility of this development in the future. Restating above, Commercial land use allows up to eight (8) dwelling units per acre, while the R-4 zoning classification allows a maximum density of 4 single-family dwelling units per acre, or, one (1) per quarter-acre, which makes the proposed zoning classification consistent with the existing land use designation. Therefore, this request is **consistent** with FLUE Policy 2.1.21.

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 advisory board's purpose 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 consideration on December 30, 2024, by the Planning and Zoning Commission, and therefore, the application is **consistent** with 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 **consistent** with FLUE Policy 5.1.4.

Based on the above findings, granting the proposed rezoning request 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, 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 Commission 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 approving the application:

- A. Will not adversely affect the public interest.
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
 - 1. FLUE Policies 1.1.5, 2.1.6, 2.1.24, 5.1.3, and 5.1.4,and
- C. Is compatible with the surrounding uses because the proposed change would allow improvement and growth on an undeveloped parcel while preserving the potential for future mixed use, and in effect, creating a buffer by limiting density on property situated between commercial and agricultural uses.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval (On Consent).

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for January 13, 2025, at 9:00 AM.

IX. LIST OF ATTACHMENTS

- A. Application
- B. DRC Comments Letter
- C. Site Photos
- D. Plat Map