



**Marion County  
Board of County Commissioners**

**Growth Services**

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date: 03/31/2025</b>	<b>BCC Dates: 04/14/2025</b>
<b>Case Number</b>	250404ZC
<b>CDP-AR</b>	32436
<b>Type of Case</b>	<b>Rezoning</b> from Rural Commercial (RC-1) to Regional Business (B-4).
<b>Owner</b>	WD Holt, LLC.
<b>Applicant</b>	Fred N. Roberts, Jr. Esq. with Klein & Klein, LLC.
<b>Street Address/Site Location</b>	1950 SE Hwy. 484, Summerfield, FL 34491
<b>Parcel Number(s)</b>	41504-000-00
<b>Property Size</b>	± 2.05-acre portion of an overall 19-acre parcel.
<b>Future Land Use</b>	Employment Center (EC) and Rural Land (RL)
<b>Existing Zoning Classification</b>	Rural Commercial (RC-1)
<b>Overlays Zones/Special Areas</b>	Secondary Springs Protection Overlay Zone (S-SPOZ)
<b>Staff Recommendation</b>	<b>Approval</b>
<b>P&amp;Z Recommendation</b>	<b>Approval (on consent)</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner
<b>Related Cases</b>	930403Z: General Agriculture (A-1) to Rural Commercial (RC-1) – approved; 960116SU: Potable water and on-site wastewater treatment and effluent land application in RC-1 – approved; Concurrent special use permit for outside storage.

## I. ITEM SUMMARY

Fred N. Roberts, Jr. Esq., on behalf of WD Holt LLC., has filed a rezoning application to change a 2.05-acre portion of land from Rural Commercial (RC-1) to Regional Business (B-4) for an overall ±19-acre parcel (see Attachment A). The Parcel Identification Number for the property is 41504-000-00; the site address is 1950 SE Hwy. 484, Summerfield, FL 34491, and the legal description is provided within the application (see Attachment A). The site is located within the Secondary Springs Protection Overlay Zone (S-SPOZ).

**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 (7 owners) within 300 feet of the subject property on

March 14, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on March 7, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on March 17, 2025. 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, but that the proposed zoning change is not consistent with the current Comprehensive Plan, and that it is not compatible with land uses in the surrounding area. Staff's analysis of 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 properties to the east, as being designated Employment Center by their future land use. To the south, west, and north are areas designated as rural land.

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

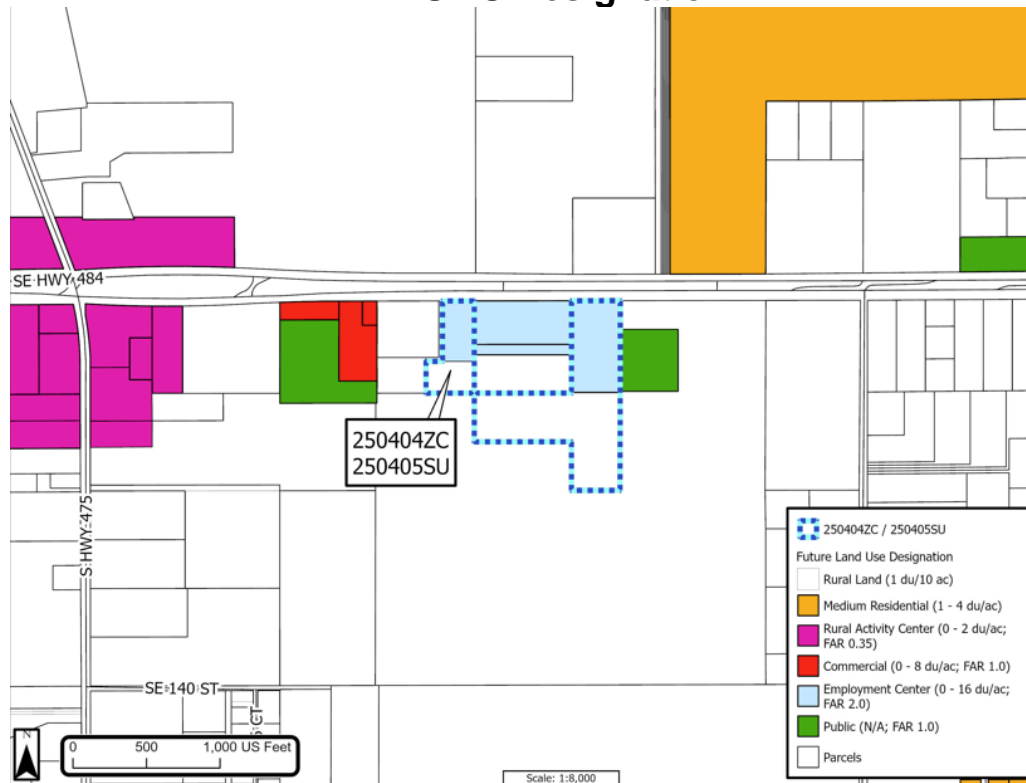
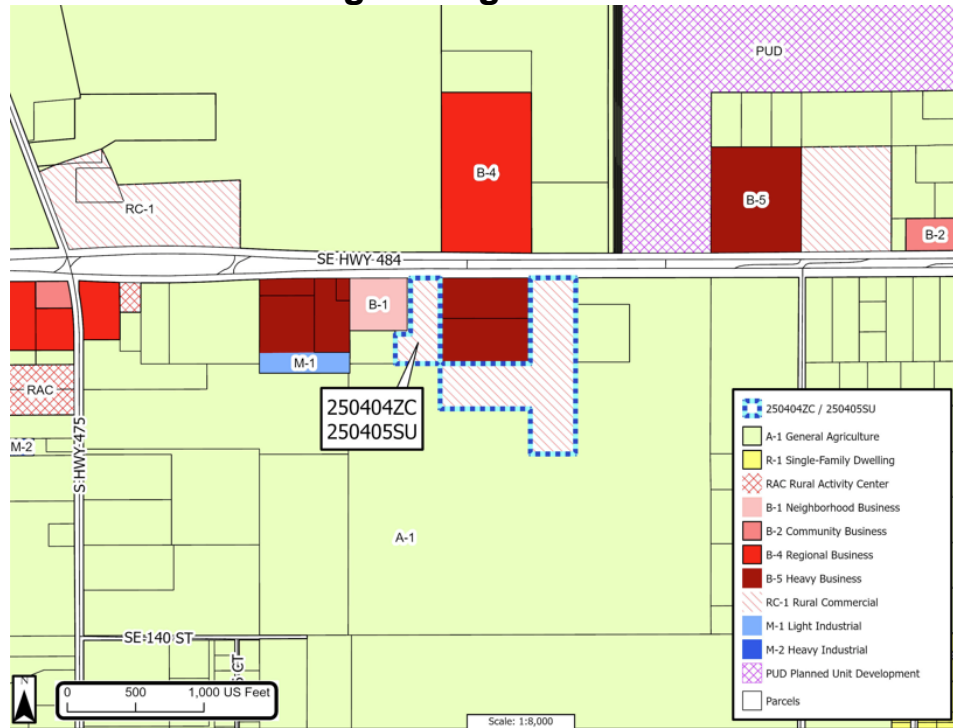


Figure 3 displays the current zoning for the subject property in relation to the existing zoning of the surrounding properties while Figure 4 displays the proposed zoning relative to that of the parcels surrounding it. When the rezoning for this property was granted in 1993, it was for the purpose of milk distribution in support of the Southeast Milk to the east of the subject property. The use of the properties predates the Future Land Use Element and explains how Employment Center was granted to an area that otherwise is Rural in designation. At the time, the RC-1 zoning classification allowed for the uses needed but by today's standards of Code and Comprehensive Plan, Rural Commercial isn't a compatible zoning with EC land use.

The site is located within the Secondary Springs Protection Overlay Zone (S-SPOZ) and while it is in a small area of commercial use, it is not located within the Urban Growth Boundary (UGB).

**Figure 3**  
**Existing Zoning Classification**



**Figure 4**  
**Proposed Zoning Classification**

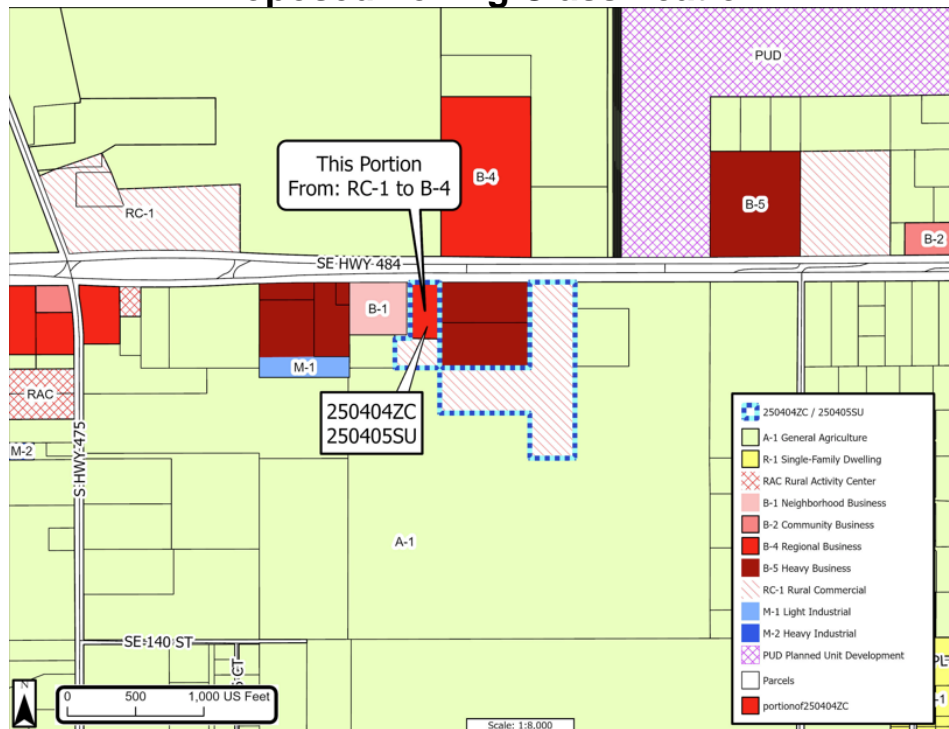




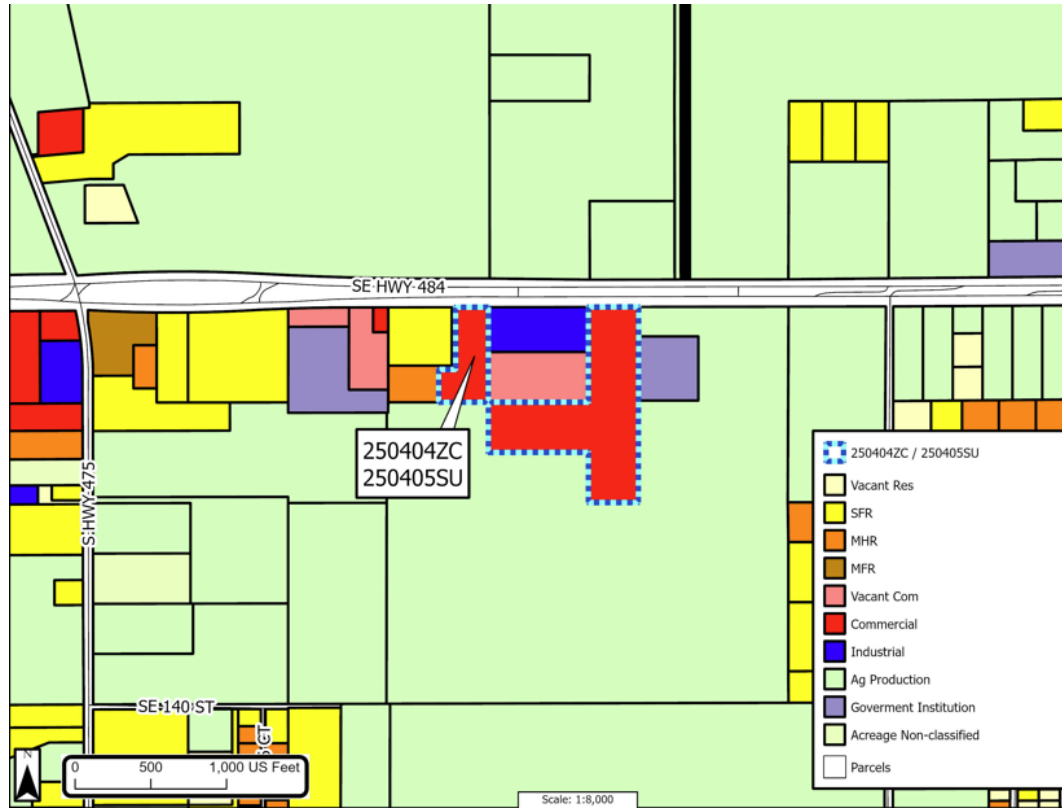
Figure 5 provides an aerial image of the subject property and surrounding area, while Figure 6 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

- A. Table A displays the information of Figures 2, 3, and 6 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit on March 7, 2025 and found the property developed with an existing business on-site. The structure is currently being used in conjunction with the Southeast Milk Inc. operation to the east. Behind the parking area to the rear of the building, there's a large open area being used primarily for retention with heavily treed boundaries along southern and southeastern property lines.

**Figure 5**  
**Property Aerial**



**Figure 6**  
**Existing Use per Property Appraiser Property Code**



**TABLE A. Adjacent Property Characteristics**

Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Rural Land (RL)	General Agriculture (A-1)	Ornamentals Agriculture
South	Rural Land (RL)	General Agriculture (A-1)	Grazing Land
East	Rural Land (RC) Employment Center (EC)	Heavy Business (B-5)	Warehouse/ Distribution Vacant Commercial
West	Rural Land (RL)	General Agriculture (A-1) Neighborhood Business (B-1)	Improved Residential Improved Mobile Home

Based on the above findings, the proposed rezoning application is **compatible** with the existing and future surrounding land uses because the change looks to bring the parcel in to compliance with the Future Land Use granted to the site. The proposed rezoning will also create compatibility and closer alignment with the Commercial uses and zoning classifications to the east.

*How does the request affect the public interest?*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. The property fronts on SE Hwy 484, an arterial road maintained by Marion County.
  - 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 SE Hwy 484. 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 no additional potential demand.

The change in zoning would not create additional demand as the rezoning is from a zoning for commercial use to a different zoning that is also for commercial use. DRC Comments (Attachment C) from Utilities also indicate, "Water and wastewater service to this property is not available at this time. Referred out to Department of Health for future well and septic installation." **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 not result in any potential increase in demand.

The change in zoning will not create any additional demand for the same reasons as those listed above for potable water. The zoning change is for commercial use as is the current use and wastewater connection isn't



available in the area at this time. Therefore, **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 current and intended uses being commercial in nature, **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 have a flood prone area located near the southern end of the property. This area is being used as a retention area for the existing business on-site and, due to its contours, will likely continue to be used in the same manner in the future as is also indicated in the concept plan provided with the concurrent special use permit application. 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 Belleview Fire Station #18, located at 11941 SE 55<sup>th</sup> Ave. Rd., approximately three (4.5) miles northeast 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 the Marion Oaks District Office located approximately 5.5 miles southwest of the subject property at 294 Marion Oaks Lane, Ocala. 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 may adversely affect the public interest.**
9. Public schools. The proposed rezoning will not increase potential student generation. However, local school zones include Marion Oaks Elementary (108%), Belleview Middle (108%), and Belleview High (114%) with

corresponding capacity figures from 60<sup>th</sup> day of the '24- '25 school year. While there are areas of localized overcrowding within the county, overall, Marion County Public Schools (MCPS) currently has sufficient district-wide capacity; further, MCPS is examining school capacities and is currently undertaking the construction of new public schools. 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 1.1.3 on Accommodating Growth provides, "The County shall designate on the Future Land Use Map sufficient area in each land use designation to distribute development to appropriate locations throughout the county. Changes to the Future Land Use Map shall be considered in order to accommodate the existing and projected population and its need for services, employment opportunities, and recreation and open space while providing for the continuation of agriculture activities and protection of the environment and natural resources."

**Analysis:** The zoning change requested with this application looks to take advantage of the land use designation existing for this property. Based on the history of this area and the parcels contiguous, Employment Center was granted due to the nature of the business, Southeast Milk Inc. At the time that our current comprehensive plan and Land Uses were established, this land use made sense given the existing use and the proximity to an arterial road, SW Hwy 484, and the close proximity to either I-75 to the west or S US Hwy 301 and S US Hwy 441 to the east. Therefore, the proposed rezoning is **consistent** with FLUE Policy 1.1.3.

2. FLUE Policy 2.1.23 on Employment Center provides, "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 current zoning of RC-1 is intended to provide for agricultural related commercial uses appropriate on Rural lands while the proposed B-4 zoning is intended to create a zoning district to provide for development of regional shopping, to establish and maintain intensive commercial activities, and specialized service establishments that require centralized

locations within a large service area. The zoning change to B-4 is more aligned with the types of uses intended by EC land use and will be compatible with the more intense and regional area of service as is intended by its zoning classification itself. The proposed rezoning would be **consistent** with FLUE Policy 2.1.23.

3. FLUE Policy 4.1.2 on Conflicts between Comprehensive Plan, Zoning, and LDC provides, "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:** In this situation, the zoning is not compatible with the future land use granted to the parcel or the intended use of the parcel. The proposed rezoning would bring the parcel in to compliance with the governing document, the Comprehensive Plan, and allow for the desired business to take place within the existing structure. 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 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 the March 31, 2025, 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 totality of 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 denial 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;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
  - 1. FLUE Policies: 1.1.3, 2.1.23, 4.1.2, 5.1.3, 5.1.4
- C. Is compatible with the surrounding uses because the proposed rezoning would bring both land use and zoning in to compliance and will be similar in zoning/permitted uses of the parcels to the east that also have EC land use designation.

## **VII. PLANNING & ZONING COMMISSION RECOMMENDATION**

Approval (on consent).

## **VIII. BOARD OF COUNTY COMMISSIONERS ACTION**

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Rezoning application.
- B. Site and Area Photographs.
- C. DRC Comments.
- D. Surrounding Property Owners Notification.
- E. Previous Approvals