



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 6/24/24	BCC Date: 07/16/24
Case Number	240709ZC
CDP-AR	31394
Type of Case	Rezoning from Single Family Residential (R-1) to Residential Office (R-O)
Owner	Southern Beauty Real Estate LLC
Applicant	Megan Blanchael, Amelia Egerton
Street Address/Site Location	2631 SE Lake Weir Avenue, Ocala
Parcel Number(s)	29959-000-00
Property Size	±0.62 acres
Future Land Use	Commercial (COM)
Existing Zoning Classification	Single Family Residential (R-1)
Overlays Zones/Special Areas	Inside the Urban Growth Boundary (UGB), Primary Springs Protection Zone
Staff Recommendation	Approval
P&Z Recommendation	Approval
Project Planner	Marcus Lloyd, Planner II
Related Cases	N/A

I. ITEM SUMMARY

Megan Blanchael & Amelia Egerton, owners and agents for Southern Beauty Real Estate LLC, filed a rezoning application to change 0.62 acres of property currently zoned Single Family Residential (R-1) to Residential Office (R-O). The property has a Commercial land use activity, which is compatible with the proposed use of a professional office in the R-O zoning designation. In 1987, a Special Use Permit (SUP) was granted for the property to operate as a professional office in a residential zoning classification. This SUP was conditioned that the special permit would expire when the property was sold. This strip of commercial properties has a mix of Residential Office properties, including some that exist within the City of Ocala. The site is located within the Urban Growth Boundary (UGB) and the Primary Springs Protection Zone (PSPZ).

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. This rezoning request will establish a zoning district consistent with the future land use of the property and Marion County's 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 (23 owners) within 300 feet of the subject property on June 5th, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on June 14th, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on June 10th, 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 Commercial (COM), Medium Residential (MR), and Municipality (M).

Figure 2
FLUMS Designation



Figure 3 displays the proposed zoning for the subject property in relation to the existing zoning of the surrounding properties. North of the subject parcels are properties located in the City of Ocala, which are being used for a similar use as the residential office along SE Lake Weir Ave. There are residential offices (R-O) in the general vicinity of the subject property, as well as single-family residential homes (R-1). To the south is South Ocala Elementary School.

The site is located within the Urban Growth boundary as well as the Primary Springs Protection Zone (SSPZ). Given that the intent of Residential Office is a zoning classification to allow for the proposed use, as it is a low-intensity commercial activity of professional office, makes it more compatible with the single family residential homes found in the general vicinity of this area.

**Figure 3.
Proposed Zoning Classification**

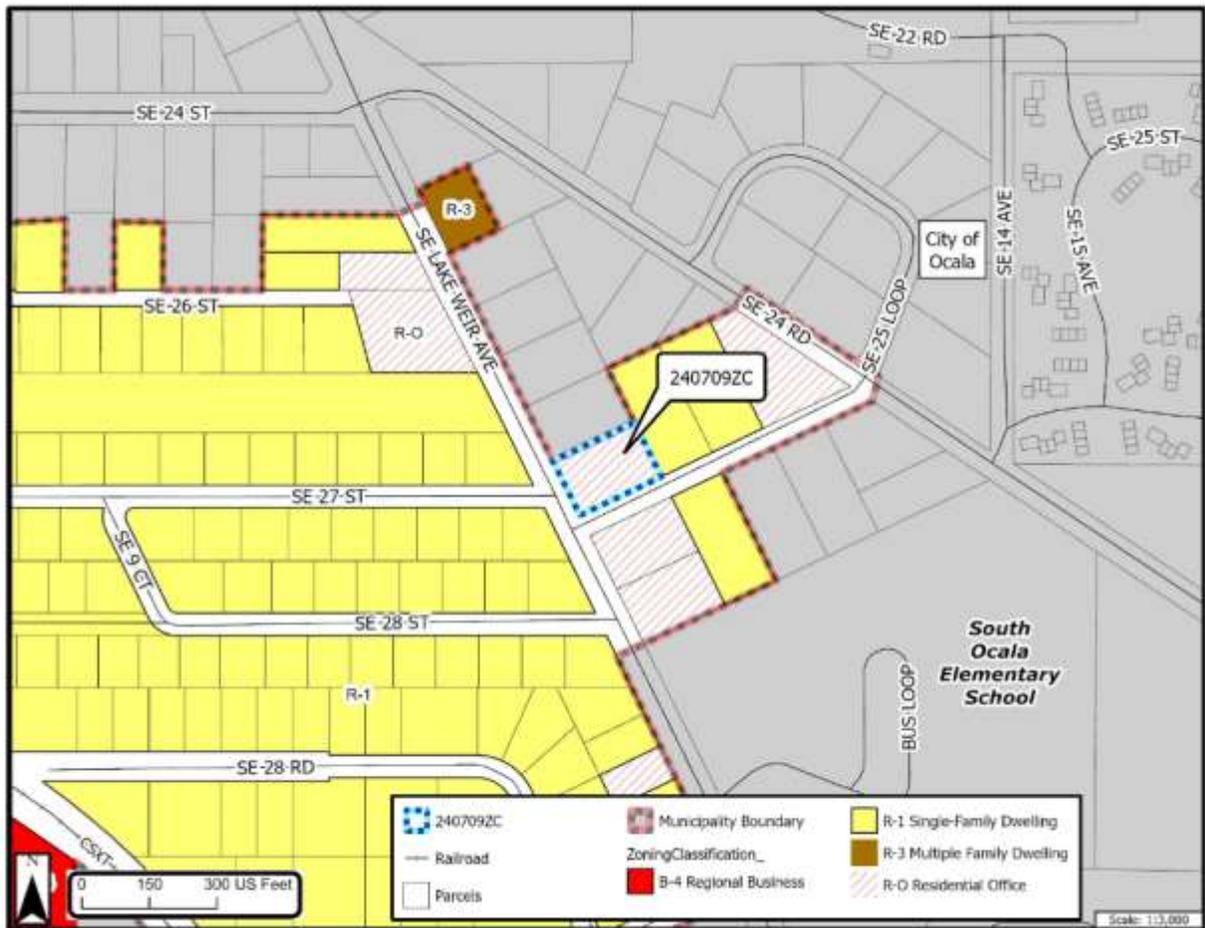


Figure 4 provides an aerial image of the subject property and surrounding area, while Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Table A displays the information of Figures 2, 3, 4, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and finds the subject property as being consistent with the definition of professional office. The parcel has previously been used for a professional office, with the applicant looking to add an additional room for the expansion of the new business occupying this location. If this proposed rezoning is approved, staff finds this small addition to the structure to be reasonable, assuming all setbacks are considered. The majority of the parcels in the general vicinity are of a similar size and have a similar exterior look to the subject property.

Figure 4
Property Aerial

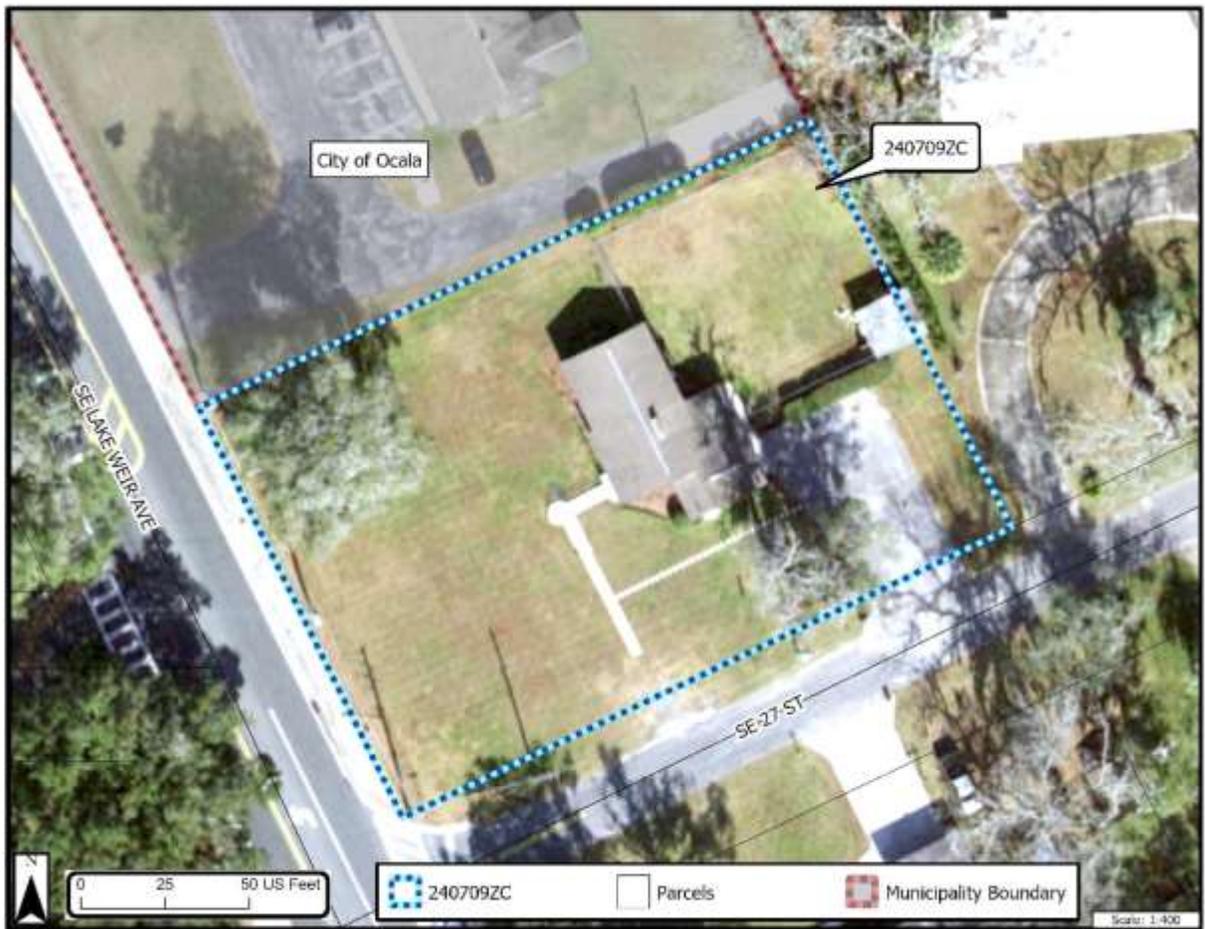


Figure 5
Existing Use per Property Appraiser Property Code



TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Commercial (COM) Low Intensity (LI)	Residential Office (R-0)	Commercial
South	Public (P)	Single Family Residential (R-1) Residential Office (R-O)	Single Family Residential Commercial
East	Low Intensity (LI)	Single Family Residential (R-1) PUD R-O	Single Family Residential (01)
West	Medium Residential (MR)	Single Family Residential (R-1)	Single Family (01)

The rezoning site lies immediately west of the City of Ocala in a predominately low-density residential and residential office. Given that this proposed use would be similar to the adjacent properties in both use and exterior aesthetics, and would not produce a significant amount of traffic, Staff finds that the proposed rezoning application **is compatible** with the existing and future surrounding land uses because the proposed rezoning would allow for a zoning that is compatible with the commercial land use definition.

How does the request affect the public interest?

1. Transportation impacts. These include roadways, public transit, and other mobility features.

The transportation impacts on this site, given the nature of the commercial business, would produce minimal traffic impacts.

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 commercial calculation, the proposed rezoning would result in a potential demand of 1,705 gallons per day.

The property is within the UGB but within City of Ocala Utilities' Service Area. 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 1,240 gallons per day.

The property is within the UGB but would likely be within connection distance to the City of Ocala's utility infrastructure. 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 proposed commercial use of the property, **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 Ocala Fire Station #7 located at 885 SE 31st, roughly 0.8 miles southwest 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 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 City of Ocala Police Department, located at 402 S Pine Ave, is located roughly 2.3 miles north of the subject property. 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 commercial purposes and will not generate new students. 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 1.1.5: 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 within a moderately developed area of higher intensity and residential development within the urban growth boundary. Based on the forecasted future growth in the area, The proposed rezoning **is consistent** with FLUE Policy 1.1.5.

2. FLUE Policy 2.1.22: 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: The proposed rezoning is consistent with commercial use, as residential office is intended to blend into the residential neighborhood while allowing for low intensity activities. Therefore, the proposed rezoning **is consistent** with FLUE Policy 2.1.22.

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 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 to R-O, along with the current commercial land use, would allow for compatibility on the subject parcel. This policy states that the governing document is the Comprehensive Plan and therefore, the land use. 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 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, 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;
- B. Is **consistent** with the Comprehensive Plan provisions because it is not in conformance with:
1. FLUE Policies 1.1.5, 2.1.22, 4.1.2, 5.1.3, and 5.1.4.
- C. Is **compatible** with the surrounding uses.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Application
- B. Site and Area Photographs
- C. DRC Comments