



**Marion County  
Board of County Commissioners**

**Growth Services**

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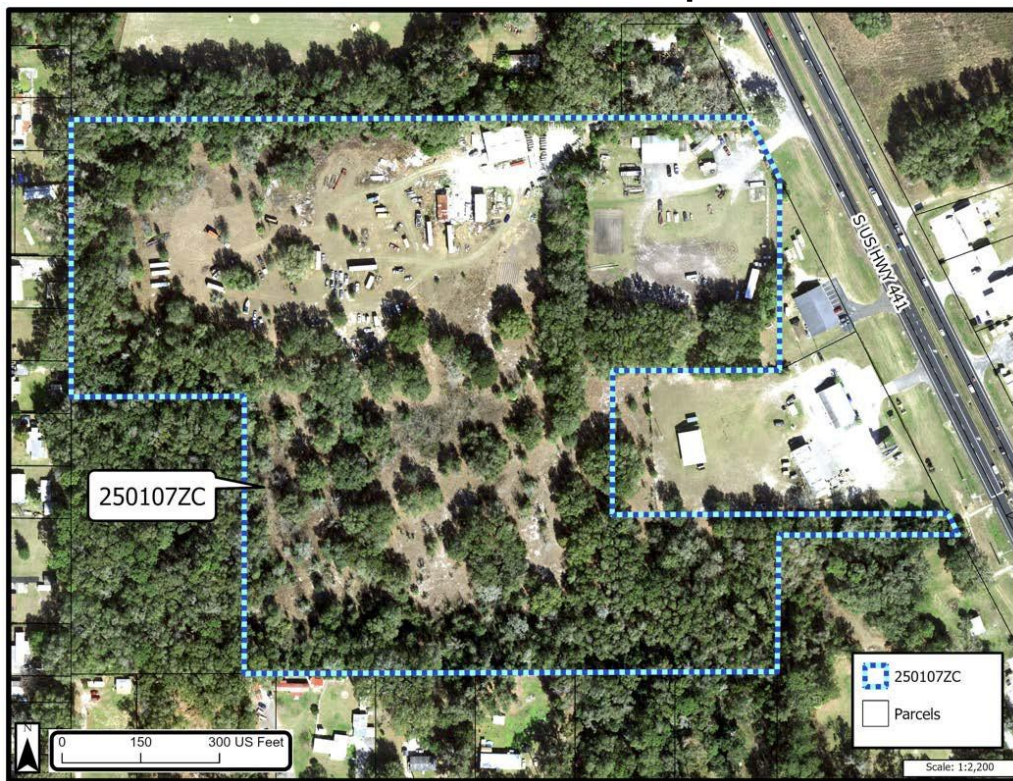
**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date: 02/24/2025</b>	<b>BCC Dates: 03/17/2025</b>
<b>Case Number</b>	250107ZC
<b>CDP-AR</b>	32160
<b>Type of Case</b>	<b>Rezoning</b> a 1.09-acre portion of property from Heavy Business (B-5) to Mixed Residential (R-4) and a 1.09-acre portion of property from Mixed Residential (R-4) to Heavy Business (B-5).
<b>Owner</b>	SUZIQ LLC c/o Roberta Scott
<b>Applicant</b>	Rodney Rogers
<b>Street Address/Site Location</b>	9110 S. US Hwy 441, Ocala, FL 34481
<b>Parcel Number(s)</b>	36887-000-00
<b>Property Size</b>	± 26.30 acres
<b>Future Land Use</b>	Commercial (COM)
<b>Existing Zoning Classification</b>	Mixed Use Residential (R-4), Regional Business (B-4), and Heavy Business (B-5)
<b>Overlays Zones/Special Areas</b>	Urban Growth Boundary (UGB), Primary Springs Protection Overlay Zone (P-SPOZ)
<b>Staff Recommendation</b>	<b>Approval</b>
<b>P&amp;Z Recommendation</b>	<b>Approval</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner II
<b>Related Cases</b>	890415Z: R-4 and B-4 to M-2 and B-5 withdrawn; 891004Z: R-4 and B-4 to B-5 approved.

## I. ITEM SUMMARY

Rodney Rogers, on behalf of SUZIQ LLC., has filed a rezoning application to change a 1.09-acre portion from Mixed Residential (R-4) to Heavy Business (B-5) and a separate 1.09-acre portion from Heavy Business (B-5) to Mixed Residential (MR) for a  $\pm$  26.3-acre parcel (see Attachment A). The Parcel Identification Number for the property is 36887-000-00; the site address is 9110 S. US Hwy 441, Ocala, FL 34481, and the legal description is provided within the application (see Attachment A). The site is located within the Urban Growth Boundary (UGB) as well as the Primary Springs Protection Overlay Zone (P-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., the notice of public hearing was mailed to all property owners (18 owners) within 300 feet of the subject property on February 15, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on

the subject property on February 12, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on February 19, 2025. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. One letter of opposition was received for the case.

#### **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 surrounding properties to the north, east, southwest, and southeast as being Commercial (COM). To the immediate west is High Residential (HR) land use. To the south is a portion of Medium Residential (MR). Both western and southern areas are used residentially.

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

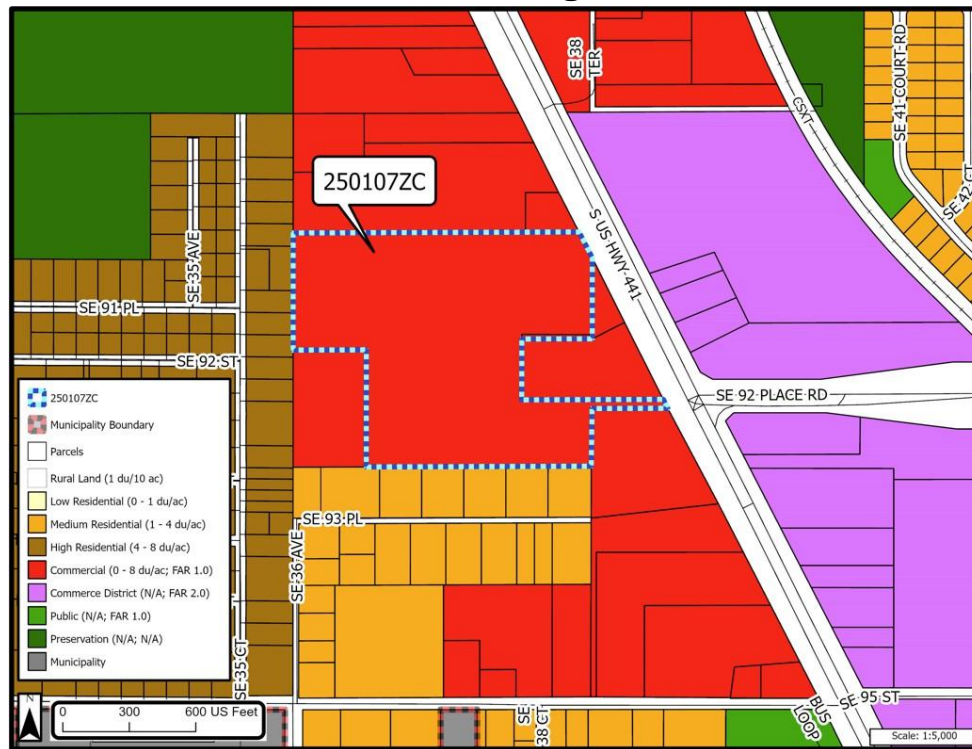
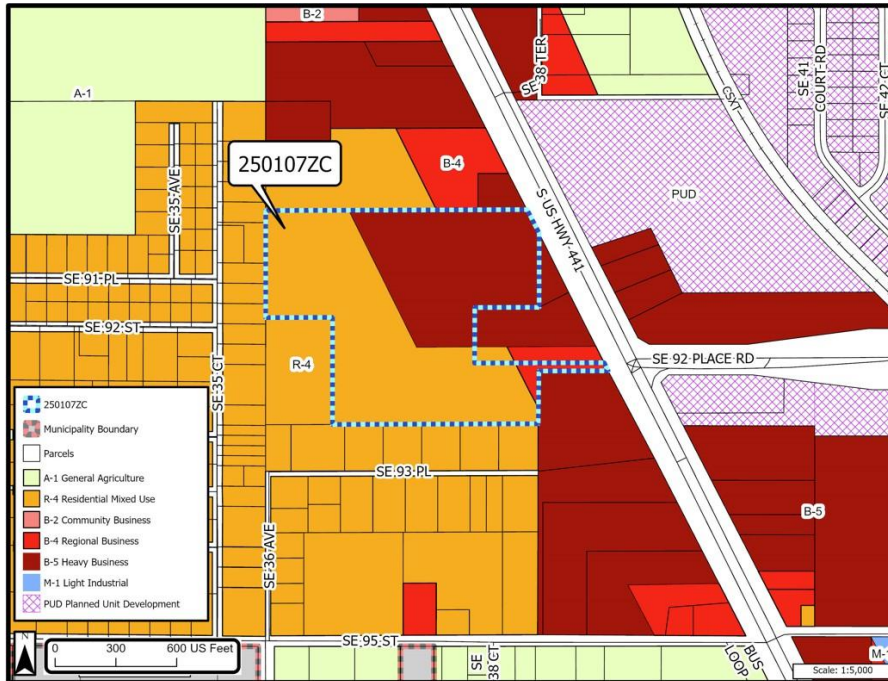


Figure 3 displays the current zoning for the subject property in relation to the existing zoning of the surrounding properties while Figure 4 displays the proposed zoning relative to that of the parcels surrounding it. A commercially zoned corridor running parallel to S US Hwy 441 can be seen on the western side of the road with parcels further west being residentially zoned. The pattern developed here is of higher intensity commercial being close to the highway and residential interior to the higher intensity and roadway. Even future west and slightly north, a portion of General Agriculture (A-1) can be seen.

The site is located within the Urban Growth Boundary as well as within the Primary Springs Protection Overlay Zone (P-SPOZ). The parcel is within a historical subdivision known as “Rickards Survey” which, according to the plat map, was filed and recorded April 10, 1894. Figure 4 better explains the intent of the applicants request. To better utilize the parcel, and to move towards future goals of development, the swapping of commercial and residential zoning is being proposed. By proposing a “like for like” amount, no issues of compliance are being proposed in regards to B-5 and R-4 being paired with a Commercial land use.



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



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

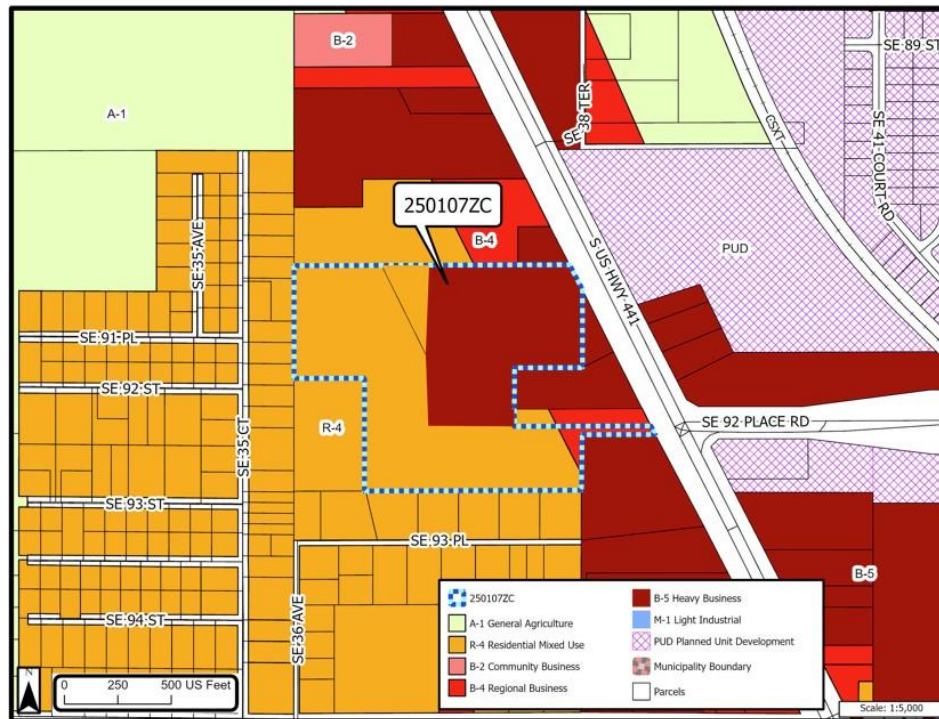


Figure 5 provides an aerial image of the subject property and surrounding area, while Figure 6 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

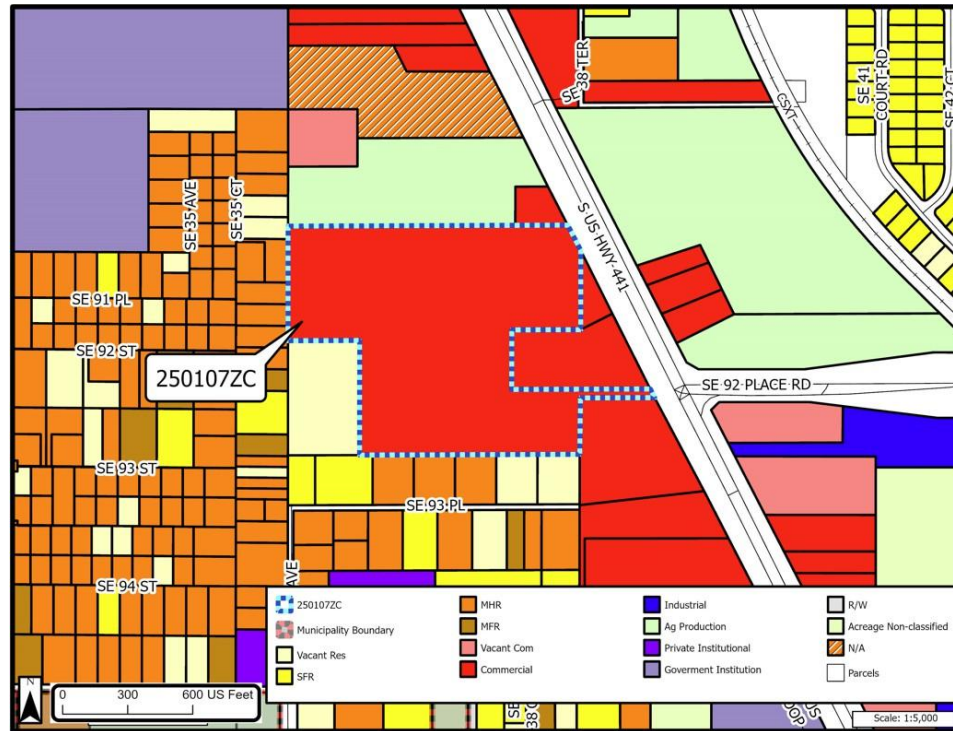
- A. Table A displays the information of Figures 2, 3, and 6 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit on February 12, 2025, and found the property developed with two businesses on site. The property is fenced and gated at the driveway leading in. The businesses are toward the northeast portion of the property, closer to the entrance off of S US Hwy 441. Much of the parcel is vacant, heavily treed, and inaccessible by vehicle. However, site photos showing the existing commercial areas that could be accessed are provided in Attachment B.

**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	Commercial (COM)	Mixed Residential (R-4) Regional Business (B-4)	Cropland
South	Medium Residential (MR) Commercial (COM)	Mixed Residential (R-4) Heavy Business (B-5)	Improved Residential Improved Commercial
East	Commercial (COM) Commerce District (CD)	Planned Unit Development (PUD) Heavy Business (B-5)	Cropland Commercial Store
West	Commercial (COM) High Residential (HR)	Multiple-Family Dwelling (R-3)	Improved and Vacant Residential

Based on the above findings, the proposed rezoning application is **compatible** with the existing and future surrounding land uses because the exchange in zoning classifications means the B-5 portion of the property will be shaped in a way to move it further from the residential to the west and adding this portion to the south, also squaring off the commercial to the south with the property boundary line immediately before extends out to S US Hwy 441.

*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 S US Hwy 441 just north of the intersection with SE 92<sup>nd</sup> Place Rd.
  - 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 S US Hwy 441. 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 like-for-like and does not net any more or either zoning classification. 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 not result in any potential increase in demand.

The change in zoning will not create any additional demand. 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 swap in location for each zoning classification and no increase in acreage for R-4 or B-5, **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 floodplain areas. 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 (3) miles southeast 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 of **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The nearest Sherriff substation is the South Multi-District Office located approximately 1.25 miles northwest of the subject property at 3080 SE 80<sup>th</sup> St., 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 would not adversely affect the public interest.**
9. Public schools. The proposed rezoning will not increase potential student generation. However, Local school zones include Belleview-Santos Elementary (95%), Belleview Middle (108%), Belleview High (114%), with corresponding capacity figures from 80<sup>th</sup> day figures 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 1.1.6: The County shall require new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties, as further defined in the LDC.

**Analysis:** The rezoning proposed looks to square off the more intense B-5 and move it closer towards the roadway and the areas nearby of the same or similar commercial zoning. In doing so, the R-4 will act as a natural buffer between the residential uses to the west and south and the commercial to the east. Additionally, a simpler boundary line for B-5 was requested so that the area can be fenced by the applicant, adding another layer of buffering between commercial and residential uses. The proposed rezoning would be **consistent** with FLUE Policy 1.1.6.

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 area 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 land use designation of Commercial fits both pre-existing B-5 and R-4 zoning classifications existing on the property. The swap between zoning classifications will not change the acreage of either zoning and will not introduce a new zoning incompatible with the land use. The businesses on-site fall within the permitted uses established with B-5, and any future development of the residential area will be held to the density permitted in Commercial land use. Therefore, the proposed rezoning is **consistent** with FLUE Policy 2.1.19.

3. FLUE Policy 3.1.2: The County shall implement long-term planning principles to guide the creation of land use policy and development regulations within the County, which shall be implemented through the policies contained in the County Comprehensive Plan and as further defined in the LDC. These principles shall include:
  1. Preserve open space, natural beauty, and critical environmental areas.
  2. Allow for a mix of land uses to create compact residential, commercial, and employment hubs.
  3. Strengthen and direct development toward existing communities and development.
  4. Encourage compact and mixed-use building design.
  5. Foster distinctive, attractive communities with a strong sense of place.

6. Create walkable and linked neighborhoods.
7. Create a range of housing opportunities and choices.
8. Provide a variety of transportation choices.
9. Encourage community and stakeholder collaboration.
10. Make development decisions predictable, fair, and cost effective
11. Encourage interconnected development, multi-modal transportation opportunities, links to the surrounding neighborhoods, and alternative transportation routes.
12. Establish priority areas for public facility and service infrastructure.

**Analysis:** This zoning change is unique in that the change is like-for-like and will not be introducing a new zoning classification to the property. However, the change will direct B-5 to an area closer to the existing B-4 zoning and Heavy Business (B-5) zoning in the area and will be a development decision working towards more predictable development while encouraging compact design and protecting existing residential uses in the nearby area by minimizing the encroachment of B-5. The proposed rezoning would be **consistent** with FLUE Policy 3.1.2.

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 February 24, 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 1.1.6, 2.1.22, 3.1.2, 5.1.3, and 5.1.4.
- C. Is compatible with the surrounding uses because the proposed rezoning would not change the acreage of either zoning but instead would move the business zoning classification closer to the existing business zoning classifications surrounding it while enhancing the residential buffering of the existing homes to the west.

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

Approval.

## **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.