



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;ZC Date: 4/29/2024, at 5:30 PM</b>	<b>BCC Date: 5/21/2024, at 2:00 PM</b>
<b>Case Number</b>	24-S02
<b>CDP-AR</b>	31196
<b>Type of Case</b>	Future Land Use Map Series (FLUMS) amendment from Rural Land (RL) to Commercial (COM)
<b>Owner</b>	Fevil Patel
<b>Applicant</b>	Same as owner
<b>Street Address</b>	None Assigned
<b>Parcel Number</b>	48378-000-00
<b>Property Size</b>	± 7.94 acres (1.46 portion of parcel)
<b>Future Land Use</b>	Rural Land (RL) & Commercial
<b>Zoning Classification</b>	General Agriculture (A-1) & Light Industrial (M-1)
<b>Overlay Zone/Scenic Area</b>	Secondary Springs Protection Zone
<b>Staff Recommendation</b>	DENIAL
<b>P&amp;ZC Recommendation</b>	TBD
<b>Project Planner</b>	Marcus Lloyd, Planner II
<b>Related Case(s)</b>	240507ZC

## I. ITEM SUMMARY

Fevil Patel, property owner and applicant, has filed a Small-Scale Future Land Use Map Series (FLUMS) to change 1.46 acres of a parcel (7.94 in total) from Rural Land (RL) to Commercial (Com). The property is located at the intersection of SE HWY 42 and S US HWY 301, with the subject portion of the property lying north of the intersection. The parcel is currently vacant; however, the remaining portion of the property also has a FLU designation of Commercial, with a zoning of (Light Industrial) (M-1) which is filed for a rezoning under 240507ZC that seeks to change the zoning to Regional Business (B-4). Commercial (COM) land use, which allows for 0-8 dwelling units per acre or a FAR of 1.0 and can accommodate single-family, multi-family, and commercial uses contingent on the zoning (see Attachment A); as opposed to Rural Land (RL) which allows for 1 du/10 acres and commercial entitlements are only subject to agriculturally related activities. At this time, the subject property is for sale and any potential development of the property is speculation at this time.

Figure 1, below, is an aerial photograph showing the general location of the subject property. The subject property is located outside the Urban Growth Boundary (UGB), within the Secondary Spring's Protection Overlay Zone.

## II. STAFF SUMMARY RECOMMENDATION

Staff is recommending the **DENIAL** of the Small-Scale Future Land Use Map Series (FLUMS) amendment because it is inconsistent with Land Development Code Section 2.3.3.B, which requires amendments comply and be consistent with the Marion County Comprehensive Plan as well as the provisions of Chapter 163, Florida Statutes.

**Figure 1**  
**General Location Map**



### III. NOTICE OF PUBLIC HEARING

Notice of public hearing was mailed to 13 property owners within 300 feet of the subject property on April 12, 2024. A public hearing notice sign was also posted on the property on April 9<sup>th</sup>, 2024. A public hearing notice for the Planning & Zoning Commission hearing was published in the Star Banner on April 15, 2024. As of the date of the initial distribution of this Staff Report, no correspondence in support of or in opposition to the amendment has been received. Evidence of the public hearing notices are on file with the Growth Services Department and are incorporated herein by reference.

### BACKGROUND/PROPERTY HISTORY

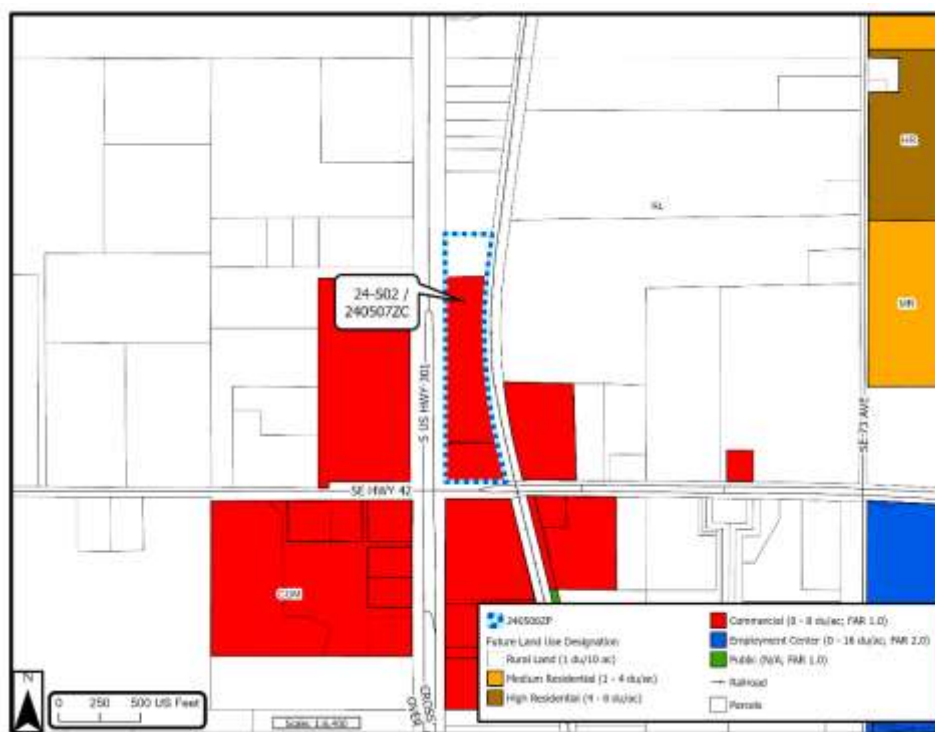
- A. *ZDM history.* Figure 2 shows the subject property is classified General Agriculture (A-1) and Light Industrial (M-1). This is its initial zoning classification.

### Figure 2 Zoning District Map



- B. *FLUMS history.* Figure 3 displays the FLUMS designation of the subject property along with that of the surrounding properties. The subject property currently carries a Rural Land (RL) land use, which, according to the Marion County Comprehensive Plan, Policy 2.1.15, “*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 remainder of the property is designated as Commercial (Com). According to Comprehensive Plan Policy 2.1.22 Commercial (Com) is defined as “*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).*”

**Figure 3**  
**Future Land Use Map Series designation**



## IV. CHARACTER OF THE AREA

### A. Existing site characteristics.

Figure 4, below, is an aerial photograph showing the subject property and surrounding area. The subject property is metes & bounds, and not located within a subdivision. Parcels to the north and east are Rural Land, with the rail line owned by CSX being on the eastern property boundary. To the west are parcels with a Commercial Land Use. The zoning to the north and east is A-1, while the zonings to the west and south are a mixture of Regional Business (B-4) and Heavy Business (B-5).

The parcel has roughly 1,263' of frontage on HWY 301 and a depth of approximately 288' from the property line to the land owned by CSX (railroad). The parcel is currently undeveloped and full of mature trees.

**Figure 4**  
**Aerial Photograph**



*Adjacent and surrounding land uses.* Figure 6 is a map based on the Marion County Property Appraisers data showing the existing, adjacent, and surrounding land uses. The subject property is, again, a mixture of use with A-1 and M-1 zoning. According to the Marion County Property Appraiser, the property is listed as vacant industrial. While this area is designated as a commercial node where development could occur at a high intensity, as evidenced by the Heavy Business (B-5) and Regional Business (B-4), this area is largely undeveloped. Of the developed parcels, only 110,197 square feet (SF) out of 579,062 SF or 19% percent is built out. This includes two parcels that have approved site plans, but are still being built

out at this time. The portion of the subject property included in this application would add 63,597.6 SF to the 2,760,571.4 SF of commercial land that is undeveloped at this intersection. As noted previously, Commercial land use allows for a FAR of 1.0, so in theory this area could have over 2 million square feet of commercial development, although it is more reasonable to assume a FAR of .35 as other improvements must be built such as parking, drainage, buffers, and setbacks from property line must be recognized. With this being said, this intersection also experiences heavy congestion at peak times, and it is not unreasonable to assume that much more burden would be placed at this intersection in the event that this area is fully built out to its maximum potential.

**Figure 5**  
**Developed Parcels**



**Figure 6**  
**Existing and Surrounding Land Uses**

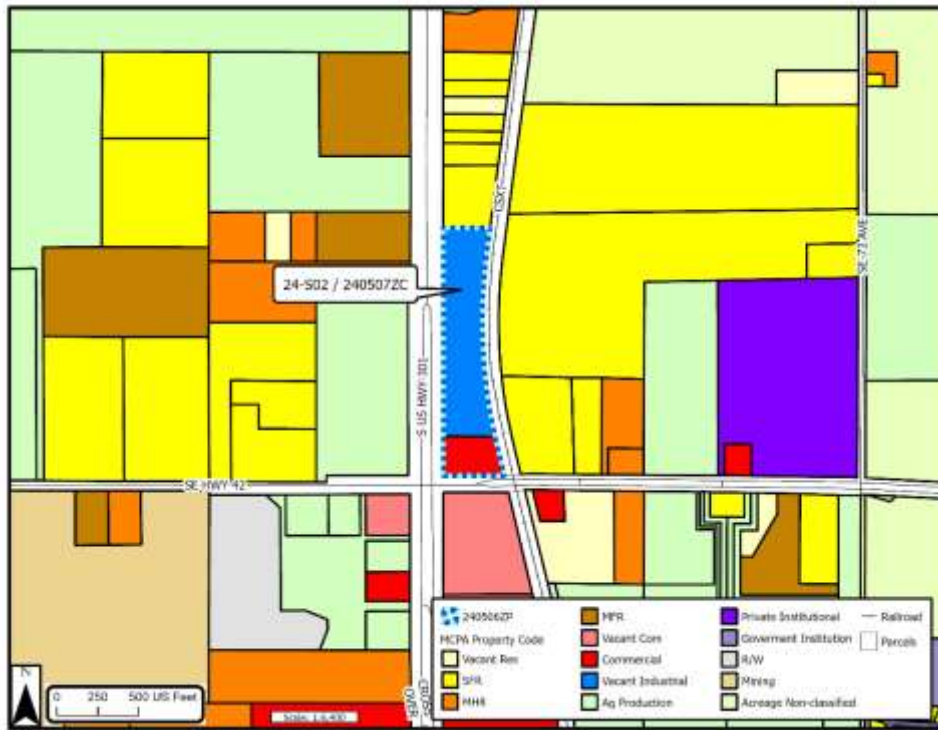


Table 1, below, displays the FLUMS, Zoning Classification, and existing uses on the subject site and surrounding uses.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Marion County Property Appraiser Existing Use
Subject Property	Commercial (COM) and Rural Land (RL)	General Agriculture (A-1) and Light Industrial (M-1)	Vacant Industrial
North	Rural Land (RL)	Community Business (B-2)	Single Family Residential
South	Commercial (COM)	Regional Business (B-4)	Vacant Commercial
East	Rural Land (RL) and Commercial (COM)	General Agriculture (A-1) Heavy Business (B-5)	Single Family Residential
West	Commercial (COM)	Regional Business (B-4)	Agricultural Production

B. *Project request.* Figure 7 depicts the FLUMS amendment proposed by this application. Approving the application would change the 1.46 acres of land the Commercial land use designation (up to 8 du/ac), allowing this portion to develop at a density of up to 11 dwelling units or a FAR of 1.0 (63,598 GSF). In total this would add up to 345,865 of possible GSF or 63 dwelling units.

**Figure 7  
Proposed FLUMS Designation**



## V. ANALYSIS

LDC Section 2.3.3.B requires a Comprehensive Plan Amendment Application to be reviewed for compliance and consistency with the Marion County Comprehensive Plan and Chapter 163, Florida Statutes. Staff's analysis of compliance and consistency with these two decision criteria are addressed below.

### A. *Consistency with the Marion County Comprehensive Plan*

1. Future Land Use Element (FLUE).
  - a. FLUE Policy 1.1.5 on Higher Density/Intensity Uses provides, "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 requesting a higher density and intensity land use is neither in the Urban Growth Boundary, nor a Planned Service Area. The request does not meet the requirements set in place by this policy and is **not consistent** with FLUE Policy 1.1.5.

- b. FLUE Policy 1.1.7 on Discouraging Strip Commercial and Isolated Development provides, "The County shall discourage scattered and highway strip commercial development by requiring the development of such uses at existing commercial intersections, other commercial nodes, and mixed-use centers with links to the surrounding area."

**Analysis:** The land use change proposed is located at a commercial intersection. Thus, this application is **consistent** with FLUE Policy 1.1.7.

- c. FLUE Policy 2.1.1 on Supply and Allocation of Land provides, "The County shall designate future land uses on the Future Land Use Map to accommodate needs identified within the Comprehensive Plan supporting document (i.e., Data, Inventory & Analysis) and allow for a sufficient allocation of land and land uses to allow for development based on market potential."

**Analysis:** The proposed land use amendment is asking to convert a 1.46 portion of Rural Land on a 7.94-acre parcel to Commercial. While located at a commercial intersection S US HWY 301 and SE HWY 42, large amounts of this intersection have not yet been developed. To the north and northeast of the subject property, there is a large amount of low-density rural land that is being used for commercial use. While the expansion of commercial land at this intersection may be consistent once the area develops in the future, it is conjecture on the timeline of which this area could develop. To the east is a parcel that was changed to a commercial land use in 2016, and has still not developed; although it does have a major site

plan in review for a RV storage facility. To the South, there is a small restaurant and a recently built dollar general, as well as the commercial activity taking place to the direct south that is owned by the applicant. The rest of this commercial intersection has yet to develop.

The applicant has not submitted a market study showing why this area needs more commercial use. Simply owning property is not proving a need to convert that property to commercial use, given the fact the property is already entitled to commercial uses. Especially outside of the Urban Growth Boundary and in the rural areas of Marion County. This application is **not consistent** with FLUE Policy 2.1.1.

- d. FLUE Policy 2.1.7 on Conversion of Rural Lands Provides, “Applications for conversion of agricultural properties designated as Rural Land on the Future Land Use Map to a mixed use, industrial, commercial or residential future land use category shall demonstrate the following:

The amendment will not result in urban sprawl as defined in Chapter 163, Part II, Florida Statutes;

1. Availability of public infrastructure, including public water and sewer and transportation facilities to serve a more dense or intense use is available at the time of application; or will be available at concurrently with development.
2. The relationship of the proposed amendment site to the UGB boundary and other more densely or intensely designated or developed lands.

The Board of County Commissioners may require that such conversion is conducted through the Transfer of Development Rights program.”

**Analysis:** Development Review Committee (DRC) comments (Attachment C) provided by Marion County Utilities (MCU) explain that while the property is in MCU service area, there is water and sewer mains within immediate availability. However, MCU has provided the following comment for this proposed land use change: *“Any development on this parcel (not in conjunction, or if not combined with 48378-001-00) will trigger a connection, by developer-funded extension of the water & sewer mains. Sewer must reach at least the property corner; water must be extended to the full property frontage for an expected total distance of ~1500 feet. Developer strongly cautioned to evaluate all offsite & onsite costs (connection to a sewer main requires an onsite pump station/grinder pump to meet the needs of the development), plus the cost of bringing the sewer main across S US Hwy 301.”* This area has no sidewalks, and there is no transit in this area. The UGB is approximately 3.01 miles North of this property and is not a designated PSA. While this application does meet some of the abovementioned requirements, the property is still located outside of

the UGB and not located within a PSA, and consistency with Ch. 163, F.S. is only based on the assumption that the applicant is able to construct the required infrastructure. The application is **not consistent** with FLUE Policy 2.1.7.

- e. FLUE Policy 2.1.22 on Commercial (COM) provides, “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:** This application requests a land use intended for urban areas in which this parcel is not located. The subject property is located outside of the UGB and almost perfectly placed midway between the UGB area south of the City of Belleview and the Marion County border to the south. This site is **not consistent** with FLUE Policy 2.1.22 or the intent of Commercial land use.

- f. FLUE Policy 3.1.4 on Rural Areas outside the UGB provides, “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 application provided looks to change this rural area located outside the UGB to Commercial for development. The current zoning and land use of the property are appropriate given the surrounding area and the nearby commercial nature of properties.

However, based on criteria 3 above, the timing of any development in this area is an unknown at this time. Presently, this area already experiences traffic congestion that make the timing of this change suboptimal, especially so considering that the rest of the property can already be developed at a FAR of 1.0, except for the 1.46 acre portion part of this application. The request being made with this application meets none of the five criteria above and is **not consistent** with FLUE Policy 3.1.4.

- g. FLUE Policy 5.1.2 on Review Criteria – Changes to the Comprehensive Plan and Zoning Provides, “ [b]efore approval of a Comprehensive Plan Amendment (CPA), Zoning Change (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is suitable. The County shall review, and make a determination that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:
1. Market demand and necessity for the change;
  2. Availability and potential need for improvements to public or private facilities and services;
  3. Allocation and distribution of land uses and the creation of mixed-use areas;
  4. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
  5. Agricultural activities and rural character of the area;
  6. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
  7. Consistency with the UGB;
  8. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
  9. Compatibility with current uses and land uses in the surrounding area;
  10. Water Supply and Alternative Water Supply needs; and 12. Concurrency requirements.

**Analysis:** The application does not have a market study to support the need for additional commercial in this area. The area is surrounded by some rural lands consisting of agricultural and very large lot residential uses, while the intersection is primarily made up of larger commercial parcels that are underdeveloped. Development of this parcel and the surrounding commercial properties will require significant infrastructure improvements including but not limited to water, sewer, and roadway improvements. The need for more commercial use is not apparent at this time. There are currently no public transportation services within the area. The property is located outside the UGB, and while it does have compatibility with the surrounding commercial areas, the timing of future infrastructure improvements and lack of a market analysis that would necessitate the change of a portion of this parcel; Staff finds that this application is **not consistent** with FLUE Policy 5.1.2.

- h. FLUE Policy 5.1.3 on the Planning & Zoning Commission (P&Z) 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:** This application is scheduled to appear in front of the Planning & Zoning Commission on April 29, 2024. This application is **consistent** with FLUE Policy 5.1.3.

- i. FLUE Policy 5.1.4 on Notice of Hearing provides, “[t]he 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.

2. Transportation Element (TE)

- a. TE Policy 2.1.4 on Determination of Impact provides in part, “[a]ll proposed development shall be evaluated to determine impacts to adopted LOS standards.”

**Analysis:** DRC comments provided by the Traffic division (ENGTRF) within the Office of the County Engineer (OCE) state the following, “*Recommend Denial - No traffic information has been provided. Changing the zoning to Commercial will significantly increase the traffic generating potential from this approximately 8-acre site. Under the proposed zoning, a shopping center could be developed on this site. A shopping center on this site could generate approximately 8173 daily trips and 781 peak hour trips assuming a likely FAR of .25; however, greater development intensities are allowed under this zoning. The intersection of US 301 at CR 42 is already experiences some congestion. There are already multiple large commercial parcels in this area that have gone undeveloped. It does not appear as though there is significant demand in this area for additional commercial land increasing the potential for significant amounts of traffic.*” Based on the above findings, the application is **not consistent** with TE Policy 2.1.4.

- b. TE Objective 3.1 on Financial Feasibility of Development is, “[t]o encourage development within the Urban Growth Boundary where infrastructure can be provided in a financially feasible manner.”

**Analysis:** The subject property is not located inside the UGB and, if approved, would not encourage development where infrastructure

can be provided in a financially feasible manner. Based on the above, the application is **not consistent** with TE Objective 3.1.

3. Sanitary Sewer Element (SSE)

- a. SSE Policy 1.1.1 provides in relevant part, “The 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 is adopted as the basis for future facility design, determination of facility capacity, and documentation of demand created by new development. This LOS shall be applicable to central sewer facilities and to package treatment plants but shall not apply to individual OSTDS.”

**Analysis:** The proposed land use amendment, if approved and developed to the maximum intensity, would increase the demand for sanitary sewer from 12,960 gallons per day by 2,960 gallons per day, for a total of 15,960 gallons per day. While centralized utilities are immediately available, intense development would require line extensions and those extensions would be extended through the rural area and would bear significant costs on the developer of any commercial building on this parcel.

4. Potable Water Element (PWE)

- a. PWE Policy 1.1.1 provides in part, “[t]he LOS standard of 150 gallons per person per day (average daily consumption) is adopted as the basis for future facility design, determination of available facility capacity, and determination of demand created by new development with regard to domestic flow requirements, and the non-residential LOS standard shall be 2,750 gallons per acre per day.”

**Analysis:** Staff finds that based on the proposed non-residential change in land use, this application has the potential to increase demand from 17,820 to 21, 835 gallons per day (an increase of 4,015). While centralized utilities are immediately available, intense development would require line extensions and those extensions would be extended through the rural area and would bear significant costs on the developer if fully built out in the future.

5. Solid Waste Element (SWE)

- a. SWE Policy 1.1.1 provides, “[t]he LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day. This LOS standard shall be used as the basis to determine the capital facilities or contractual agreements needed to properly dispose of solid waste currently generated in the County and to determine the demand for solid waste management facilities which shall be necessitated by future development.”

**Analysis:** The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County. Based on the above findings, the application is **consistent** with SWE Policy 1.1.1.

6. Stormwater Element (SE).
  - a. SE Policy 1.1.4 provides, “[t]he demand for stormwater facility capacity by new development and redevelopment shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the applicable design storm LOS standard adopted in Policy 1.1.1 and facility design procedures consistent with accepted engineering practice.”

**Analysis:** At the time of development order approval, the owner will need to demonstrate that post-development stormwater runoff can be accommodated by the stormwater facilities proposed during development review. Based on the above, the application is **consistent** with SE Policy 1.1.4.
  - b. SE Policy 1.1.5 provides, “[s]tormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.”

**Analysis:** The owner is advised they will be responsible for funding the stormwater facilities with sufficient capacity to accommodate the post-development runoff. Based on the above findings, the application is **consistent** with SE Policy 1.1.5.
7. Public School.
  - a. The following figures are provided for the 60<sup>th</sup> day of enrollment for the 2023-2024 school year: Harbour View Elementary (105.2%), Lake Weir Middle (86.97%), and Belleview High School (109%). While there are areas of overcrowding, overall, the county’s school availability has capacity. Based on the above findings, the proposed development would not adversely affect public interest. Therefore, it is concluded that the application is **consistent** with this section.
8. Fire Rescue/emergency.
  - a. Marion County Fire Station #10 , located at 8220 SE 165th Mulberry Ln, is roughly 2.7 miles east of the proposed development. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency 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 findings the application is **consistent** with this section.

In summation, staff concludes that the application, while meeting some of the above criteria, is **not consistent** with the Comprehensive Plan.

B. *Consistency with Chapter 163, Florida Statutes.*

1. Section 163.3177(6)(a)8 provides, “future land use map amendments shall be based upon the following analyses:
  - a. An analysis of the availability of facilities and services.

- b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
- c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.”

**Analysis:** Section A of this staff report included a detailed analysis of the availability of facilities and services, and drew the following conclusions: Traffic has the potential to negatively impact the area and the proposed land use change was recommended denial by Traffic due to the significant amount of congestion already occurring at this intersection despite the lack of commercial land at this intersection being developed. It is reasonable to forecast that if this intersection becomes fully developed that traffic will become a major concern unless significant infrastructure improvements are made. The property is located outside the UGB with central utility services available for connection, the location does have access to the public schools listed, as well as Fire Rescue in case of emergency; and any stormwater concerns will be addressed and mitigated at the time of development. Based on this information, the application does not provide availability to all needed facilities and services and **does not comply with and conform to F.S. Section 163.3177(6)(a)8a.**

The analysis of the suitability of the plan amendment for its proposed use was addressed in the “Character of the Area” section of this staff report and it was found that the application **does not comply with and conform to F.S. Section 163.3177(6)(a)8b.**

The development of this subject property would be speculative, and thus there is no data for the minimum amount of land needed for future projects at this location. The analysis of FLUE Policies 2.1.1 and 2.1.22, displays that there is ample commercial land in the vicinity and the subject property has not met the minimum standard for proof of demand. Therefore, the application **does not comply with and conforms to F.S. Section 163.3177(6)(a)8c.**

2. **Section 163.3177(6)(a)9** provides, “the future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
  - a. Subsection ‘a’ provides, “[t]he primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
    - (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
    - (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

- (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
- (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
- (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
- (VI) Fails to maximize use of existing public facilities and services.
- (VII) Fails to maximize use of future public facilities and services.
- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.”

**Analysis:** Staff finds the proposed amendment is located outside the UGB, Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while failing to use undeveloped lands very nearby that are available and suitable for development, and also fails to provide a clear separation between rural and urban areas. Staff finds that the proposed application fails to discourage the proliferation of sprawl by failing all of the factors listed above. Staff finds the application encourages urban sprawl, and based on this finding, the proposed amendment is **not consistent** with F.S. Section 163.3177(6)(a)9a.

- b. Subsection ‘b’ provides, “[t]he future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
  - (l) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
- (IV) Promotes conservation of water and energy.
- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.”

**Analysis:** Staff finds the proposed amendment, fails to create a balance of land uses based on demands of the residential population, as evidenced by the lack of development of this intersection to meet the needs of users along these roads. Rather than mediate sprawl, approving this application would create sprawl, and encourage it to continue expanding with a lack of commercial need at this intersection at this time. Staff finds that the proposed application fails to achieve a minimum of four of the above items, thus the proposed application encourages sprawl, and is therefore **not consistent** with F.S. Section 163.3.177(6)(a)9b.

## VI. 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 the Board of County Commissioners to **APPROVE** the small-scale FLUMS 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 the Board of County Commissioners 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.

## VII. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission (PZC) 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 the Board

of County Commissioners to **DENY** the proposed small-scale FLUMS amendment number 24-S01 because the application **is not consistent with:**

- A. The Marion County Comprehensive Plan, specifically with:
  - 1. FLUE Policies 1.1.5, 2.1.1, 2.1.7, 2.1.22, 3.1.4, 5.1.2
  - 2. TE Objective 3.1;
  - 3. TE Policy 2.1.4;

And does **not comply with and conform to:**

- B. The Florida Statutes, specifically with:
  - 1. F.S. Section 163.3177(6)(a)8, subsection a, b, and c; and
  - 2. F.S. Section 163.3.177(6)(a)9, subsections a and b.

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

To be determined. Scheduled for April 29th, 2024, at 5:30 PM.

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

To be determined. Scheduled for May 21st, 2024, at 2:00 PM.

## **X. LIST OF ATTACHMENTS**

- A. Application.
- B. Development Review Committee Comments.
- C. Site Photos.