



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 4/29/2024	BCC Date: 5/21/2024
Case Number	24-S03
CDP-AR	31235
Type of Case	Future Land Use Map Series (FLUMS) amendment Low Residential (LR) to Commercial (COM)
Owner	Chi Ocala 2 Properties LLC
Applicant	Paolo Mastraserio
Street Address	3557 SW 58 th Street, Ocala, FL 34471
Parcel Number	Portions of 23307-000-00 & 23307-000-01
Property Size	± 6.42 acres of 48.59
Future Land Use	Low Residential (LR)
Zoning Classification	General Agriculture (A-1) Companion Rezoning to Community Business (B-2)
Overlay Zone/Scenic Area	Inside the Urban Growth Boundary (UGB), Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	APPROVAL
P&ZC Recommendation	TBD
Project Planner	Kenneth Odom, Transportation Planner
Related Case(s)	240508ZC

I. ITEM SUMMARY

Paolo Mastraserio, agent for the applicant, Chi Ocala 2 Properties LLC, has filed a Small-Scale Future Land Use Map Series (FLUMS) amendment application to change the land use designation of a ±6.42-acre site located on a larger 48.59 acre set of parcels. The applicant seeks to change the Future Land Use designation from Low Residential (LR) to 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).

The Parcel Identification Number for the properties are 23307-000-00 and 23307-000-01; the site address is 3557 SW 58th Street, Ocala, and the legal description is provided within the application (see Attachment A). The subject property lies approximately 3.1 miles west of I-75. It is located within the Urban Growth Boundary (UGB) and the Secondary Springs Protection Zone (PSPZ). It is located within the Marion County Utilities services area. However, the adjacent proximity to the City of Ocala will likely result in annexation by the City and the use of City of Ocala Utilities.

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

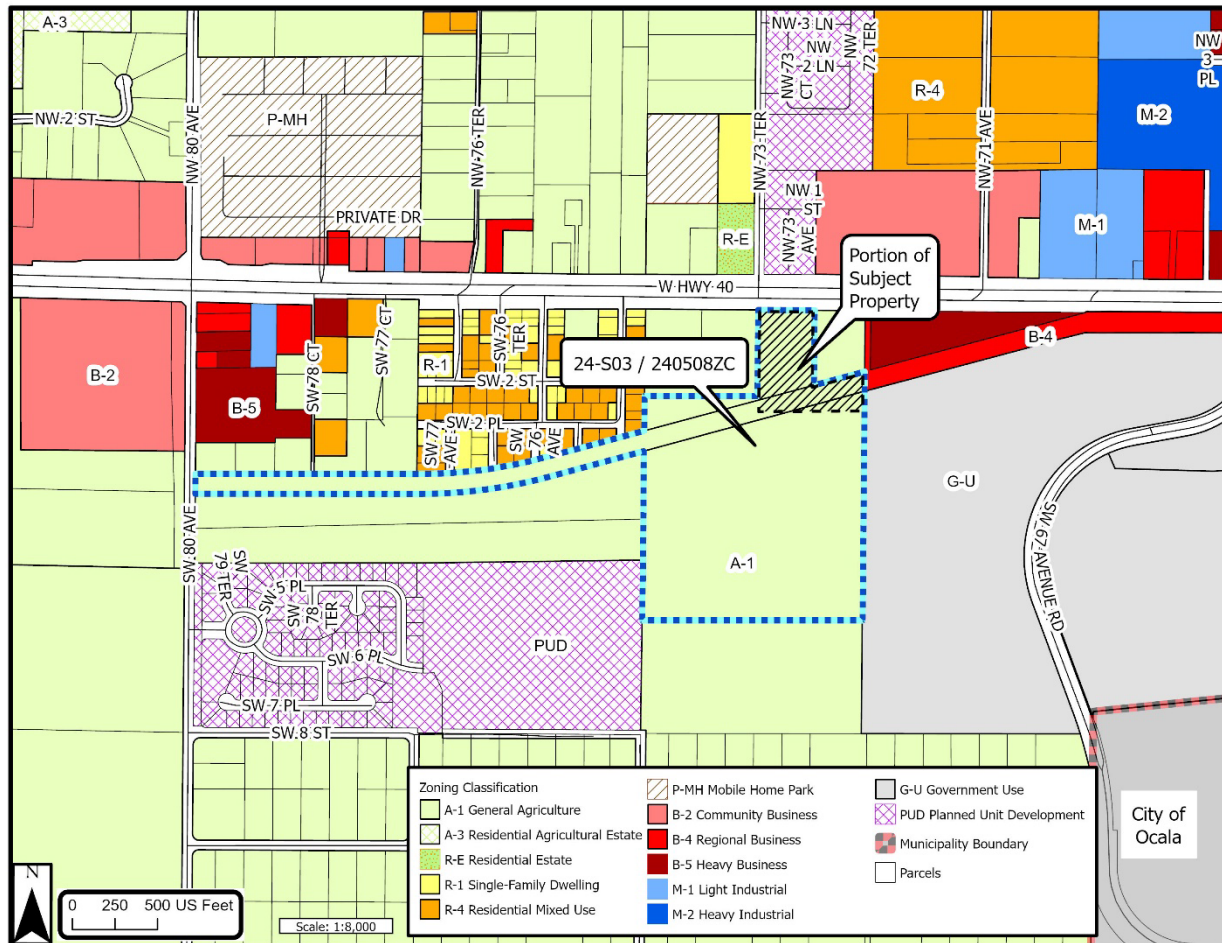
II. STAFF SUMMARY RECOMMENDATION

Staff is recommending the **APPROVAL** 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.

BACKGROUND/PROPERTY HISTORY

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

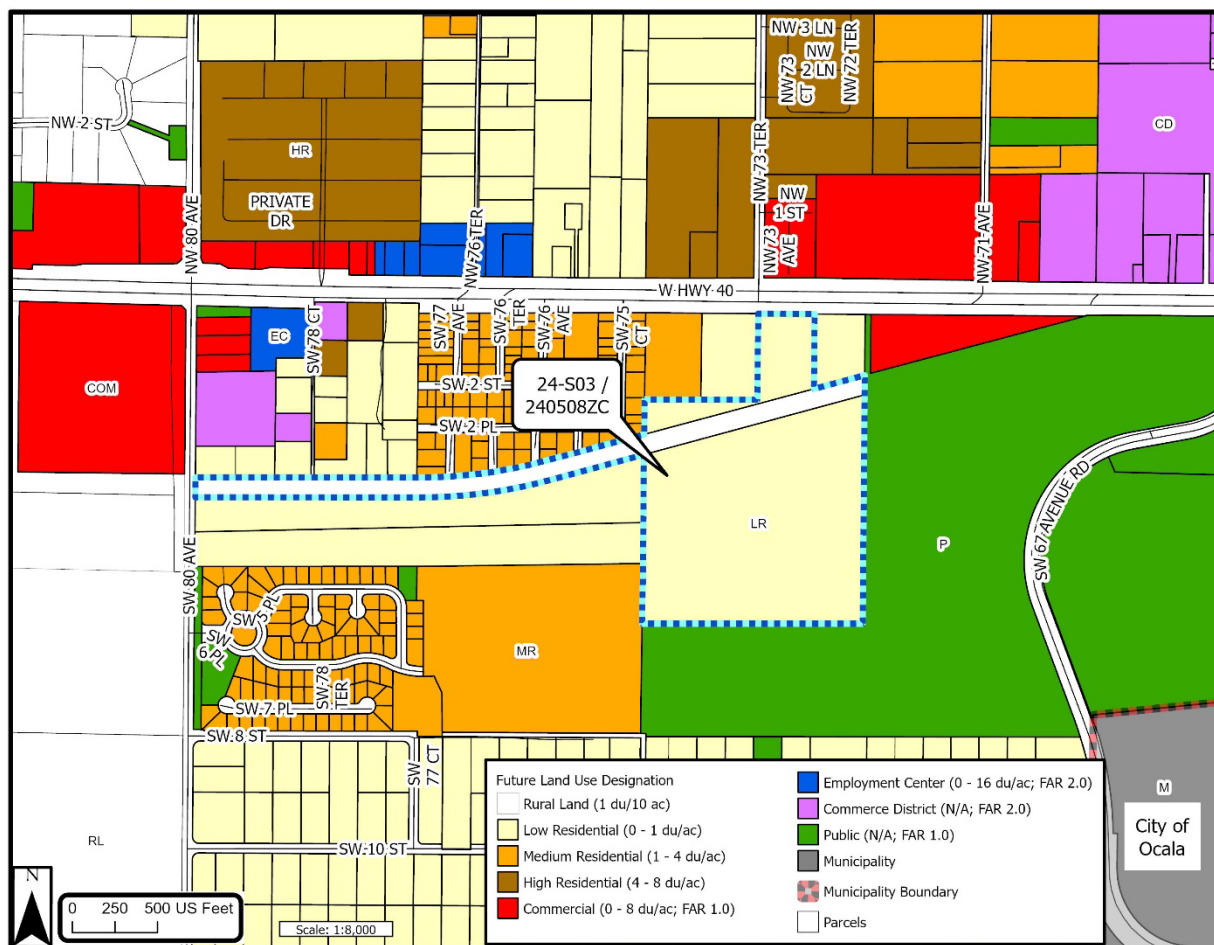
**Figure 2
Zoning District Map**



- 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 Low Residential (LR) land use, which, according to the Marion County Comprehensive Plan, Policy 2.1.17 “This land use designation is intended to recognize areas suited for primarily single-family residential units for existing and new development within the UGB, a PSA or Urban Area. Parcels outside of, but contiguous to the UGB and outside of the FPA are eligible for conversion to Low Residential designation through density bonus programs consistent with FLU Policy 2.1.3. The density range shall be up to one (1) dwelling unit per one (1) gross acre, as further defined in the LDC. This land use designation is considered

the Urban Area. Where Low Residential abuts the Farmland Preservation Area or other Rural Area, hamlet, clustered or other development methods to preserve large tracts of open space is encouraged

Figure 3
Future Land Use Map Series designation

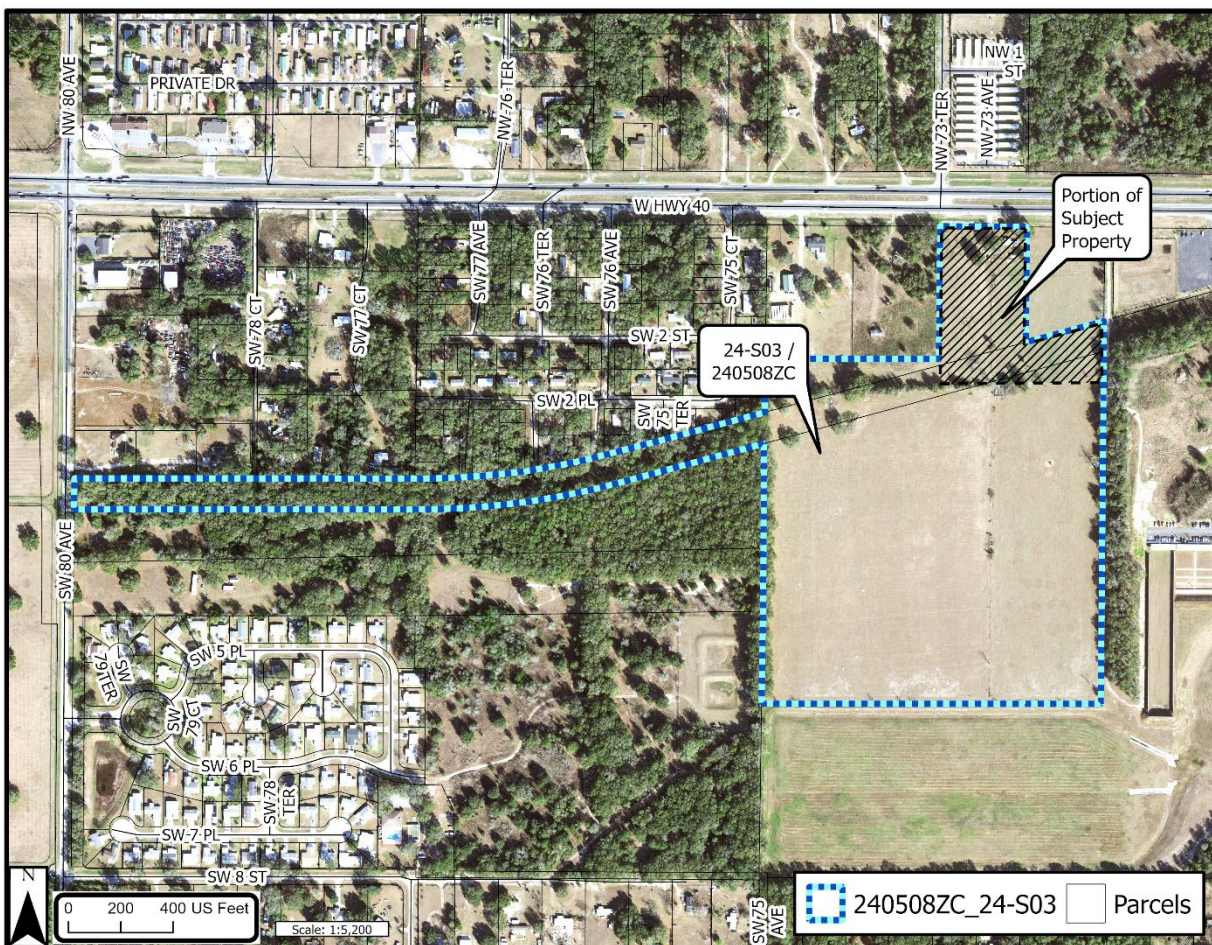


IV. CHARACTER OF THE AREA

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 (across SR 40) are Commercial and High Residential, west is Low and Medium Residential and to the east and south is Public Land Use. The zonings to the north consist of A-1, Residential-Estate and PUD. To the west and south is Government Use while the zonings to the west are a mixture of A-1, R-1 and PUD.

Figure 4
Aerial Photograph



B. Adjacent and surrounding land uses.

Figure 5 is a map based on the Marion County Property Appraisers data showing the existing, adjacent, and surrounding land uses. The subject property is, again, Low Residential (LR) land use with A-1 zoning. According to the Marion County Property Appraiser, the property is listed as Grazing – Class 4. To the west are two parcels identified as Grazing – Class 4, one parcel as PUD-Residential and multiple residentially utilized parcels identified as Vacant Residential (00) and Improved Mobile Home (02). To the east and south is County Property (86).

Figure 5 Existing and Surrounding Land Uses

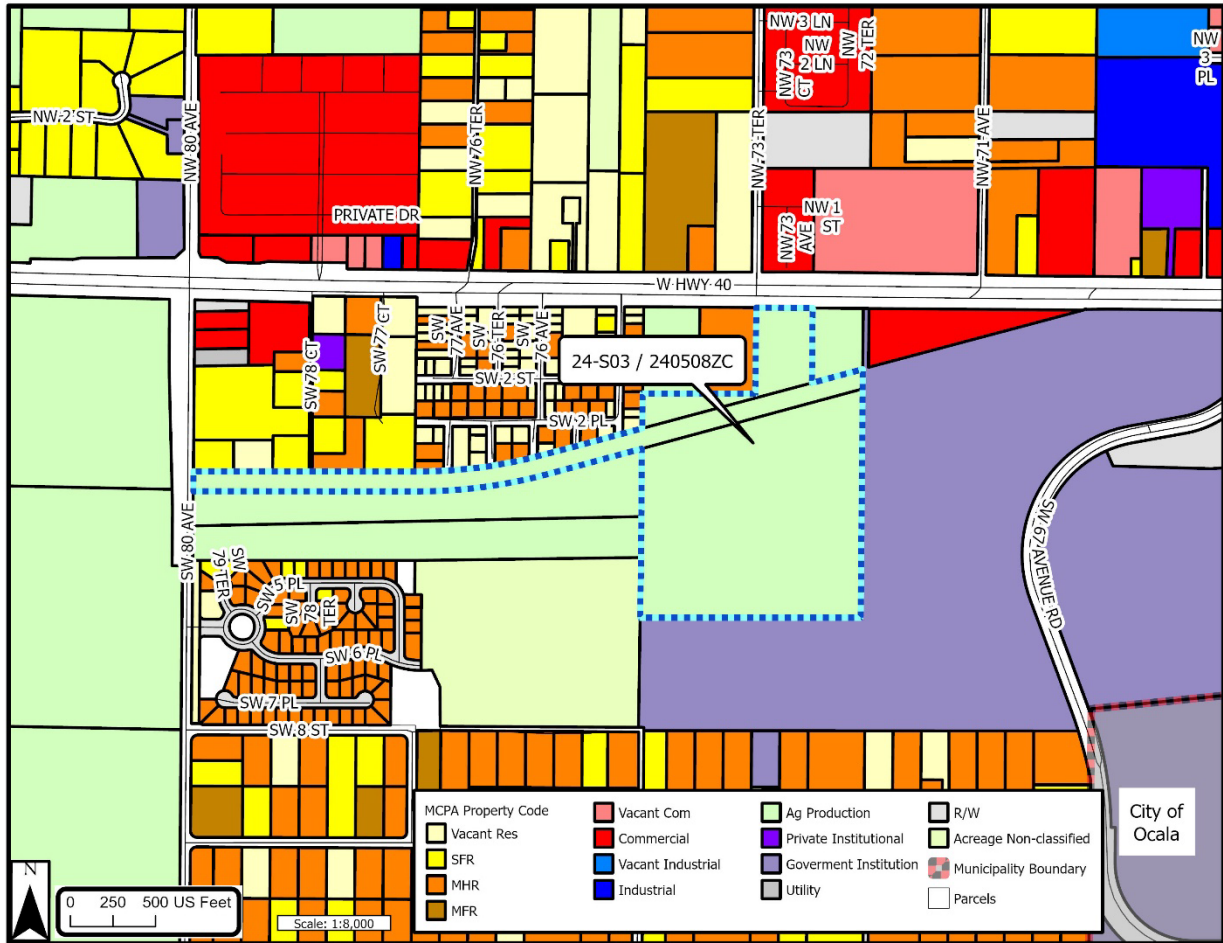


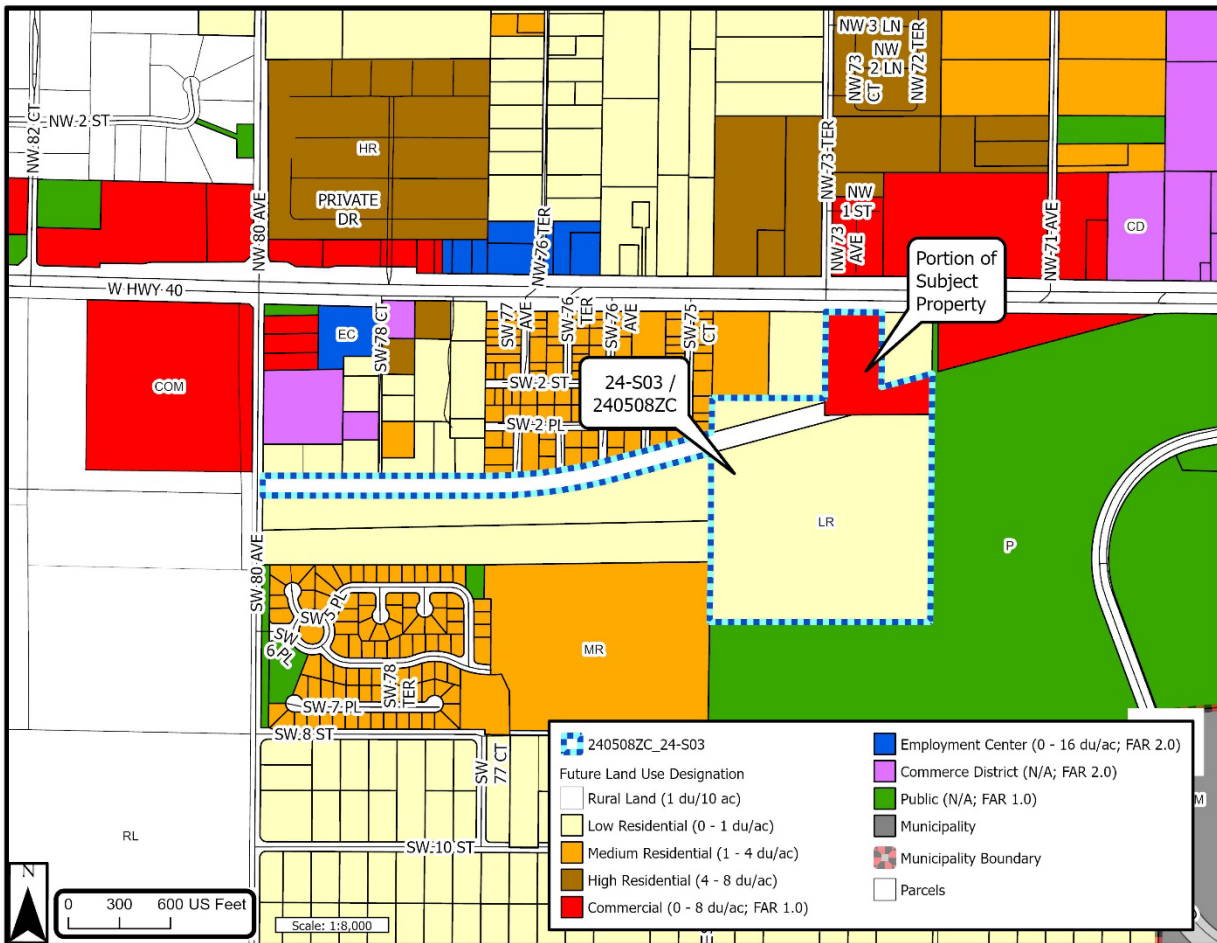
Table 1, below, displays the FLUMS, Zoning Classification, and existing uses on the subject site and surrounding uses.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Marion County Property Appraiser Existing Use
Subject Property	Low Residential (LR)	General Agriculture (A-1)	Manufactured Home (20)
North	Commercial (COM) Low Residential (LR) Medium Residential (MR)	Residential Estate (R-E) General Agriculture (A-1) Planned Unit Development (PUD)	Church (71) Single Family Residential (01) Multi-Family Residential (03)
South	Public (P)	General Agriculture (A-1)	Government
East	Public (P)	Regional Business (B-4) Heavy Business (B-5) Government Use (G-U)	Government
West	Low Residential (LR) Medium Residential (MR)	General Agriculture (A-1) Mixed Residential (MR) Planned Unit Development (PUD)	Single Family Residential (01) Vacant Residential (00)

C. Project request.

Figure 6 depicts the FLUMS amendment proposed by this application. Approving the application would change the Low Residential land use designation to the Commercial land use designation (up to 8 du/ac), allowing the 6.42-acre portion to develop at a density of up to 51 dwelling units, or a FAR of 1.0 (279,655 GSF).

**Figure 6
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 intensity land use is within the Urban Growth Boundary. It is located on a corridor that

has been identified for medium-high intensity development by the City of Ocala. The request does meet the requirements set in place by this policy and **is 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 not located at a commercial intersection, but is located on a planned commerce corridor, and is in a planned mixed-use area. Approving this change in land use would not constitute isolated strip commercial development. 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 proposing to convert 6.42 acres of Low Residential (LR) land use area to Commercial use on a medium-density planned commerce corridor area of west SR 40. Additionally, there are single-family and multi-family residential planned projects along the SW 60th Avenue corridor, north of and adjacent to the SR 40 corridor. This application **is 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.

Analysis: Development Review Committee (DRC) comments (Attachment C) provided by Marion County Utilities (MCU) explain that while the property is in MCU service area, it is outside of connection distance. MCU will allow for the subject parcel to connect to City of Ocala Utilities services for water and sewer. This area has no sidewalks at this time. SunTran route expansion has been studied through the current Transit Development Plan and is planned to be offer service in this area as development continues. The application **is 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 is requesting a land use intended for urban areas in which this parcel is located. The current Low Residential land use does not allow for high densities or intense uses which is generally the goal of guiding development within the UGB This site **is consistent** with FLUE Policy 2.1.22 or the intent of Commercial land use.

- f. FLUE Policy 3.1.1, regarding the Establishment of UGB, before listing the establishment and maintenance standards for the UGB, the Comprehensive Plan states, “The County FLUM Series, Map #1, Marion County 2045 Future Land Use Map, *designates an UGB that reinforces the preferred land use patterns of Marion County through policies that are designed to effectively discourage the proliferation of urban sprawl* (emphasis added).”

Analysis: The proposed amendment adheres to the intent of the Urban Growth Boundary by focusing development within the UGB and on commercial corridors planned to accommodate these types of uses. The subject parcel is adjacent to the Ocala International Airport industrial complex and in the vicinity of high intensity commercial uses on the SR 40 corridor. The site **is consistent** with FLUE Policy 3.1.1.

- g. 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.

- h. 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: A traffic study has not been submitted to date. However, sufficient capacity does exist on the SR corridor whereas there are 22,800 trips recorded per day which constitutes approximately fifty-eight percent of the adopted LOC capacity of the corridor. Access management considerations will be necessary as full access is not available at this site currently. This means that right-in/right-out movements will only be available in the eastbound direction while no access will be available from the westbound movements. Based on the above findings, the application **is 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 located within the UGB and, if approved, will allow for development where sufficient infrastructure can be provided in a financially feasible manner. Based on the above, the application **is 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 could produce 12,840 gallons of Sanitary Sewer. Centralized utilities are available so this location will be required to connect.

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 to 17,655 gallons per day. Centralized utilities are available so this location will be required to connect.

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 approval of development order, the owner will need to demonstrate that the stormwater facilities proposed during development review can accommodate post-development stormwater runoff. 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 proposed land use change is from a residential use to a commercial use. Commercial uses do not generate additional student enrollment. 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. Meadowood Fire Station #12, located at 120 NW 110th Avenue, is approximately 3.7 miles west of the proposed subject parcel. Golden Ocala Fire Station #20, located at 3600 NW 70th Avenue, is approximately 3.8 miles north of the subject parcel. 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 **is consistent** with the Comprehensive Plan.

B. Consistency with Chapter 163, Florida Statutes.

1. **Section 163.3177(6)(a)8** provides, “[f]uture 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: Capacity is available on the SR 40 corridor as vehicle trips per day are recorded at 22,800 AADT which is only fifty-eight percent of the design LOS. the property is located within the UGB where municipal water and sewer services are available and transit services are planned. The location does have nearby Fire and Law Enforcement services 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 will eventually provide availability to all needed facilities and services and **does comply with and conform to** F.S. Section 163.3177(6)(a)8a.

The analysis of the minimum amount of land needed to achieve the goals and requirements of this section was addressed in the analysis of FLUE Policies 2.1.1 and 2.1.22, providing that this area is planned for commercial use and there are already commercial uses developing in the vicinity. Therefore, the application **does comply with and conforms to** F.S. Section 163.3177(6)(a)8c.

- 2. **Section 163.3177(6)(a)9, F.S.** provides, “[t]he 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 within the UGB, promotes infill development in an area that is a planned medium-high density commerce corridor and will be within municipal connection distance. Staff finds that the proposed application is not encouraging urban sprawl. Therefore, the proposed amendment is **consistent** with F.S. Section 163.3177(6)(a)9a.

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 **DENY** 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 **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 Board of County Commissioners (BCC) 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 **APPROVE** the proposed small-scale FLUMS amendment number 24-S01 because the application **is consistent with**:

- A. The Marion County Comprehensive Plan, specifically with:
 - 1. FLUE Policies 1.1.5, 1.1.7, 2.1.1, 2.1.7, 2.1.22, 3.1.1, 3.1.4, 5.1.2
 - 2. TE Objective 3.1;
 - 3. TE Policy 2.1.4;
- B. The Florida Statutes, specifically with:
 - 1. F.S. Section 163.3177(6)(a)8, subsection a; and
 - 2. F.S. Section 163.3.177(6)(a)9, subsections a.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

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

IX. BOARD OF COUNTY COMMISSIONERS ACTION

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

X. LIST OF ATTACHMENTS

- A. Application
- B. Development Review Committee Comment
- C. Site Photos
- D. City of Ocala 2035 Vision Plan Map