



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

Public Hearing Dates	P&Z: 5/27/2026 <i>(Continued from 4/26/2026)</i>	BCC: 6/17/2026
Case Number	26-S03	
EPL-AR	PL SmScale-000165-2025	
Type of Case: Small-Scale Comp. Plan Amendment	<i>Future Land Use Designation Change:</i> FROM: Preservation (PR) TO: Commercial (COM; 0-8 DU/AC or 1.0 FAR)	
Owner	The Deltona Corporation, Denise Smith, Authorized Agent	
Applicant	John Rudnianyn	
Street Addresses/ Site Location	Northeast and northwest corners of the SW Hwy 484 and Marion Oaks Course Intersection; no addresses assigned.	
Parcel Numbers	8007-0000-08 (Tract "H" part) and 8007-0000-10 (Tract "J" part)	
Property Size	Tract "H" - ±0.15 acres of 1.42 acres (east of Marion Oaks Course) Tract "J" - ±0.14 acres of 6.06 acres (west of Marion Oaks Course) Totaling ±0.29 acres	
Future Land Use	Preservation [Marion Oaks Vested Development of Regional Impact (VDRI)]	
Zoning Classification	Single-Family Dwelling (R-1)	
Overlay Zones / Special Areas	Outside the Urban Growth Boundary (UGB), In the Marion Oaks Urban Area, in the County-wide Secondary Springs Protection Overlay Zone (S-SPOZ), In Marion County Utilities SW Regional Service Area; NOT in the Farmland Preservation Area.	
Staff Recommendation	DENIAL (Staff and the applicant are discussing alternatives related to this request and its concurrent applications. As such, the staff recommendation remains DENIAL, but further resolution prior to the final Board of County Commission consideration is anticipated and the P&ZC's input regarding the requests is desired.)	
P&ZC Recommendation	APPROVAL	
Project Planner	Christopher D. Rison, AICP, Senior Planner	
Related Cases	260507ZC , Rezoning from R-1 to B-2 260508BL , Binding Letter of Modification for Binding Letter of Vested Rights for Marion Oaks Vested DRI	
Code Cases	N/A	

I. ITEM SUMMARY

John Rudnianyn, on behalf of the Deltona Corporation, filed a small-scale comprehensive plan amendment application (see Attachment A) to change the future land use designation from Preservation (PR) to Commercial (COM) for two sites consisting of a total of ±0.29 acres within the Marion Oaks Vested Development of Regional Impact (MO VDRI). The two sites adjoin the north side of W. Hwy 484 and consist of ±0.15 acres lying east of Marion Oaks Course and ±0.14 acres lying west of Marion Oaks Course. The Parcel Identification Numbers for the overall properties are 8007-0000-08 (east Tract “H” part) and 8007-0000-10 (west Tract “J” part) and no addresses are assigned to the parcels.

This application is one of a series of concurrent applications. The concurrent applications are dependent upon the granting of this Small-Scale Comprehensive Plan Amendment Application (26-S03). Should this application not be approved, the other applications will not be inconsistent with the Comprehensive Plan and will not be eligible for approval. This application’s consideration by the Planning & Zoning Commission (P&ZC) was continued for April 26, 2026, to May 27, 2026, at the applicant’s request, with staff’s concurrence, to enable staff and the applicant to further discuss and address alternatives related to the request and its concurrent applications. Discussions have been ongoing and moving forward; this request is being presented to obtain the P&ZC’s input and recommendation for this and the other concurrent applications.

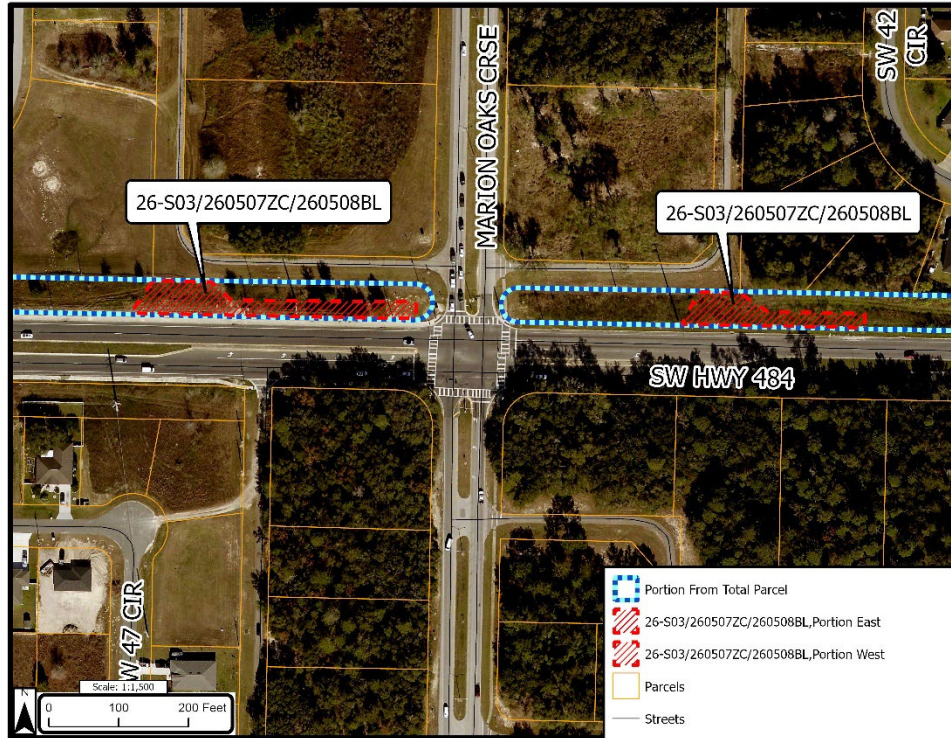
Marion County's 2013/2014 Comprehensive Plan Update integrated the County's approved and established Developments of Regional Impact and their authorized development plans, and land uses within the Future Land Use Map. That update also integrated future land use designations for two of the County's primary Chapter 380.06, F.S. Vested Developments of Regional Impact based on master plan documents available to the County, specifically Silver Springs Shores and Marion Oaks. The Marion Oaks Subdivision's applicable documents, including deed restrictions and the master plan documents, each identified the overall subject properties as “Greenbelt” tracts where development of the properties was significantly limited and those tracts were then *identified as Preservation (PR). This Amendment Application is proposed in order to revise a portion of the overall subject properties to enable driveway connections for commercial purposes directly to SW Hwy 484. Further, this application is part of a set of concurrent applications to also rezone the sites and obtain a Binding Letter of Modification For Vested Rights for a Vested DRI that includes a companion release request for the greenbelt restriction designation. The concurrent applications are contingent on approval of this request; should the request be denied, the concurrent applications would not be eligible for approval.*

II. STAFF SUMMARY RECOMMENDATION

Staff is recommending the **DENIAL** of the Small-Scale Future Land Use Map Series (FLUMS) amendment as the broadened traffic connection to SW Hwy 484 would be inconsistent with the historic vested rights of the subdivision, and enabling such connections could result in significant traffic and operational effects related to a key intersection within the Marion Oaks development and to SW Hwy 484 that is a designated arterial roadway extending east-west across southern Marion County (from US 41 to US 27/441). And Marion Oaks Course that is a designated collector roadway. This application

is accompanied by a concurrent Rezoning and Binding Letter of Modification Applications along with a broader request to “release” the greenbelt restrictions for the two related full tracts and a number of other tracts which is a further concern for staff.

**Figure 1
General Aerial Location Map**



III. NOTICE OF PUBLIC HEARING

Notice of public hearing was provided pursuant to LDC Section 3.5.3.A and B as listed in following Table A. As of the issuance of this report, staff have not received any letters of opposition to the application request.

TABLE A. PUBLIC NOTICE SUMMARY			
METHOD	FORMAT	DATE	LDC Section
Legal Notice	Webpage Ad	Ad Run: 5/11/2026	3.5.3.A & 3.5.3.B(1)(b)
Sign	Small-Scale CPA	Posted: 5/22/2026	3.5.3.B(1)
300-foot Mail Notice	SPO Letter 163 - owners	Mailed: 5/8/2026	3.5.3.B(2)

IV. BACKGROUND/PROPERTY HISTORY

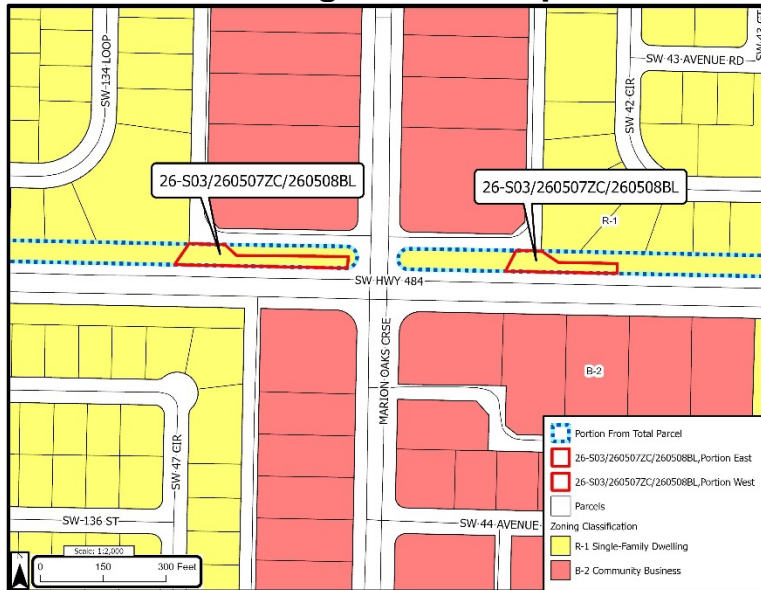
A. *FLUMS history.* Figure 2 displays the current FLUMS designation of the subject property along with that of the surrounding properties. The subject property is designated Preservation reflecting its “greenbelt” designated through the Marino Oaks development’s plats, restrictions, and supporting documents.

Figure 2
Current Future Land Use Map Designation



- B. *ZDM history.* Figure 3 shows the subject property is currently zoned Single-Family Dwelling (R-1) reflecting the original broad zoning of the Marion Oaks development wherein the R-1 zoning also enables community and/or personal use garden and public park, playground or other public recreational use.

Figure 3
Zoning District Map



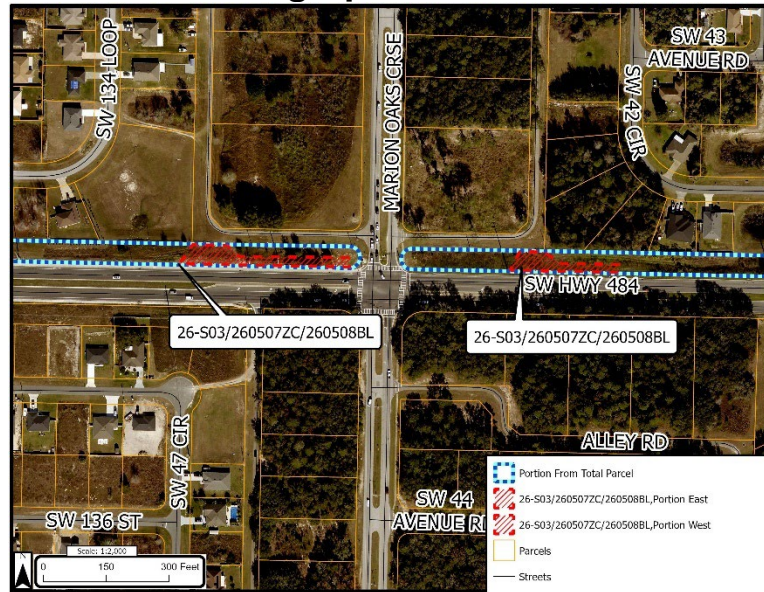
V. CHARACTER OF THE AREA

A. *Existing site characteristics.*

The subject properties are a portion of extended tracts that serve to separate, buffer, and control access related to the SW Hwy 484 corridor in relation to the adjoining Marion Oaks development; the tracts are subject to utility easements wherein historically the utilities have been extensively run and resulted in removal of historic vegetation within the tracts, however, the tracts continue to provide for separation from the roadway and may accommodate future features to continue providing buffer screening and separation effects, along with other passive/recreational features to support the continue development of the Marion Oaks community. The site is in the Marion Oaks Urban Area, in the County-wide Secondary Springs Protection Overlay Zone (S-SPOZ), in Marion County's SW Utility Service Area, and not in the Farmland Preservation Area (FPA). The site does not include any identified flood plain per the Federal Emergency Management Agency's Flood Insurance Rate Maps Series (FEMA FIRM); however, the Marion County Stormwater Division's Watershed Management Program (WMP) identifies a flood prone area in the vicinity; however, the amendment sites are not within that flood prone area.

B. *Adjacent and surrounding land uses.* Figure 4 is an aerial photograph of the site and surrounding area development, while Figure 5 is a map showing the existing and surrounding land uses based on the Marion County Property Appraisers Office property use code data. North of the site is a commercial area occupying the east and west sides of the Marion Oaks Course, a divided collector roadway that provides access to portions of Marion Oaks lying north of SW Hwy 484, SW 49th Avenue, and the Marion Oaks Elementary School. The proposed amendments align with existing alleyways separating the commercial areas from adjoining residential areas, wherein the amendments will enable vehicle access to the alley routes that may significantly affect the potential traffic patterns related to SW Hwy 484, Marion Oaks Course, and their intersection unless suitable actions are undertaken to appropriately manage the potential impacts. At this time, staff does not agree that methods to manage those impacts are in place or proposed, which is a significant concern regarding this request.

**Figure 4
Aerial Photograph with Subdivisions**



**Figure 5
Existing and Surrounding Land Uses**



Table A, following, lists the FLUMS, Zoning Classification, and existing uses on the subject site and surrounding uses.

TABLE A. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Existing Use Per MCPA Property Code
WEST Subject Property	Preservation	Single-Family Dwelling (R-1)	Greenbelt

TABLE A. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Existing Use Per MCPA Property Code
North	Commercial (COM), Preservation (PR)	Community Business (B-2), Single-Family Dwelling (R-1)	Vacant, Greenbelt
South	Preservation	Single-Family Dwelling (R-1)	Greenbelt
East	Preservation	Single-Family Dwelling (R-1)	Greenbelt
West	Preservation	Single-Family Dwelling (R-1)	Greenbelt
EAST Subject Property	Preservation	Single-Family Dwelling (R-1)	Greenbelt
North	Commercial (COM), Preservation (PR), Medium Residential (MR)	Community Business (B-2), Preservation (PR), [Medium Residential (MR)]	Vacant, Greenbelt
South	Preservation	Single-Family Dwelling (R-1)	Greenbelt
East	Preservation	Single-Family Dwelling (R-1)	Greenbelt
West	Preservation	Single-Family Dwelling (R-1)	Greenbelt

C. *Project request.* Following Figure 6 depicts the FLUMS amendment proposed by this application. The application requests changing the two specific proposed site's future land use designation from Preservation (PR) to Commercial (COM; 0-8 DU/AC or 1.0 FAR).

Figure 6
Proposed FLUMS Designation



Remaining portions of the historic tracts will remain Preservation (PR) designated, particularly to the east and west of the sites, with limited portions north of the sites. For the eastern site, north of the remaining Preservation area, are Medium Residential, R-1 zoned, currently vacant residential lots within Marion Oaks. As noted previously, the proposed amendment will “open” access to the existing alley routes separating the existing Commercial and Medium Residential areas of Marion Oaks, potentially increasing the extent of traffic access along the alley routes, and having significant effects on the traffic patterns and volumes related to the key SW Hwy 484 & Marion Oaks Course intersection. At this time, staff does not agree that methods to manage those impacts are in place or proposed, which is a significant concern regarding this request. In summation, staff conclude that the application is **not compatible** with the site and character of the area as originally enabled and established by the Marion Oaks Subdivision development.

VI. 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. Goal 1: Purpose of the Future Land Use Element – To protect the unique assets, character, and quality of life in the County through the implementation and maintenance of land use policies and a Land Development Code (LDC) that accomplish the following:
1. *Promote the conservation and preservation of natural and cultural resources;*
 2. Support and protect agricultural uses;
 3. *Protect and enhance residential neighborhoods while allowing for mixed use development within the county;*
 4. *Strengthen and diversify the economic base of the County;*
 5. *Promote development patterns that encourage an efficient mix and distribution of uses to meet the needs of the residents throughout the county;*
 6. *Ensure adequate service and facilities to timely serve new and existing development;*
 7. *Protect and enhance the public health, safety, and welfare; and*
 8. Protect private property rights.

Analysis: The proposed land use change will convert previously identified open space/greenbelt lands reflected as Preservation for the development of commercial lands. The change will significantly reduce buffer/screening/separation effects offered by the historic tracts in regard to SW Hwy 484, the residential community areas adjoining the related alleys, and the overall Marion Oaks community. Further, the expanded access may create significant impacts to the area's traffic network which includes a critical east-west arterial and

collector roadways that for a key intersection for connecting north-south traffic to SW 49th Avenue. The application is **not consistent** with FLUE Goal 1.

- b. FLUE Policy 1.1.1: Marion County Planning Principles - The County shall rely upon the following principles to guide the overall planning framework and vision for the County:
1. *Preserve, protect and manage the County's valuable natural resources.*
 2. Recognize and protect the rural equestrian and agricultural character as an asset of the County's character and economy while providing clear, fair and consistent standards for the review and evaluation of any appropriate future development proposals.
 3. *Support the livability of the existing cities and towns in the County by planning for the logical extension of development in a manner that enhances the scale, intensity and form of these areas through the introduction of sustainable smart growth principles and joint planning activities.*
 4. Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities and that foster a local economic development environment that is conducive to the creation and growth of new businesses, the expansion of existing businesses, and is welcoming to private entrepreneur activities.

Analysis: The proposed land use change will convert previously identified open space/greenbelt lands reflected as Preservation for the development of commercial lands. The change will significantly reduce buffer/screening/separation effects offered by the historic tracts in regard to SW Hwy 484, the residential community areas adjoining the related alleys, and the overall Marion Oaks community. Further, the expanded access may create significant impacts to the area's traffic network which includes a critical east-west arterial and collector roadways that for a key intersection for connecting north-south traffic to SW 49th Avenue. The application is **not consistent** with FLUE Policy 1.1.1.

- c. FLUE Policy 1.1.6: Buffering of Uses – 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 proposed land use change will convert previously identified open space/greenbelt lands reflected as Preservation for the development of commercial lands. The change will significantly reduce buffer/screening/separation effects offered by the historic tracts in regard to SW Hwy 484, the residential community areas adjoining the related alleys, and the overall Marion Oaks community. Further, the expanded access may create significant impacts to the area's traffic network which includes a critical east-west arterial and collector roadways that for a key intersection for connecting north-

south traffic to SW 49th Avenue. The application is **not consistent** with FLUE Policy 1.1.6.

- d. FLUE Policy 2.1.22: Commercial (COM) - 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 land use change will convert previously identified open space/greenbelt lands reflected as Preservation for the development of commercial lands. The change will significantly reduce buffer/screening/separation effects offered by the historic tracts in regard to SW Hwy 484, the residential community areas adjoining the related alleys, and the overall Marion Oaks community. Further, the expanded access may create significant impacts to the area's traffic network which includes a critical east-west arterial and collector roadways that for a key intersection for connecting north-south traffic to SW 49th Avenue. The application is **not consistent** with FLUE Policy 2.1.22.

- e. FLUE Policy 2.1.26: Preservation (PR) - This land use is intended to recognize publicly or privately owned properties intended for conservation purposes and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency. Development for recreation, scientific research, education and training facilities, public facilities or services, etc. in this designation shall be limited to result in minimal impact to the preservation of the area as allowed under the contractual agreement or management plan, as further defined in the LDC. This land use designation is allowed in the Urban and Rural Area.

Analysis: The proposed land use change will convert previously identified open space/greenbelt lands reflected as Preservation for the development of commercial lands. The change will significantly reduce buffer/screening/separation effects offered by the historic tracts in regard to SW Hwy 484, the residential community areas adjoining the related alleys, and the overall Marion Oaks community. Further, the expanded access may create significant impacts to the area's traffic network which includes a critical east-west arterial and collector roadways that for a key intersection for connecting north-south traffic to SW 49th Avenue. The application is **not consistent** with FLUE Policy 2.1.22.

- f. FLUE Policy 5.1.2 on Review Criteria – Changes to the Comprehensive Plan and Zoning Provides, "Before 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 decide 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
11. *Concurrency requirements.*

Analysis: The proposed land use change will convert previously identified open space/greenbelt lands reflected as Preservation for the development of commercial lands. The change will significantly reduce buffer/screening/separation effects offered by the historic tracts in regard to SW Hwy 484, the residential community areas adjoining the related alleys, and the overall Marion Oaks community. Further, the expanded access may create significant impacts to the area's traffic network which includes a critical east-west arterial and collector roadways that for a key intersection for connecting north-south traffic to SW 49th Avenue. The application is **not consistent** with FLUE Policy 5.1.2.

- g. FLUE Policy 5.1.3: Planning & Zoning Commission (P&Z) - 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 P&Z on April 27, 2026. This application is **consistent** with FLUE Policy 5.1.3.

- h. FLUE Policy 5.1.4: Notice of Hearing - 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.

- i. FLUE Policy 10.1.2: Vesting of DRI-Scale Developments - Within those areas identified as Vested DRI-Scale Developments in possession of and subject to a valid Binding Letter of Interpretation for Vested Rights (BLIVR), and/or Binding Letter of Modification for Vested Rights (BLIM), issued by the Florida Department of Economic Opportunity pursuant to Chapter 380.06 (20), F.S., prior to the adoption date of this Plan, the continued development of residential and non-residential densities and intensities of use shall be permitted consistent with the project's development plan as acknowledged by the corresponding BLIVR, and/or BLIM, for each development. The BLIM Map H/Development Plan may be adopted as part of the FLUM Series, Map # 15 wherein the BLIM Map H/Development Plan is the effective Future Land Use Map applicable to the BLIM. For BLIMs existing on the effective date of this section, land use allocations may be allocated in accordance with the BLIM provisions without the need to amend the Comprehensive Plan. If the approved BLIM Map H/Development Plan is amended or modified consistent with the provisions of the existing BLIM, the Future Land Use Map shall be amended in a timely manner at no cost to the existing BLIM developer; and the County shall allow for development of the property to proceed as allowed by the amended BLIM and BLIM Map H/Development Plan prior to the land use map being updated by the County.

Analysis: The proposed land use change, with the concurrent Binding Letter of Modification, proposes reducing the Marion Oaks VDRI's open space/greenbelt and increasing the amount of commercial use land, wherein additional direct access to SW Hwy 484 will then be made available. However, Hwy 484 is Marion County's southernmost east-west arterial roadway extending ±28 miles across Marion County from US 41 to US 441 wherein that access that may further affect function of the SW Hwy 484 as well as the Marion Oaks Course roadway and their intersection. While a traffic study focused on the anticipated development of one commercial site related to this request was provided, a broader traffic analysis consideration has not been conducted, and staff has significant concerns regarding the implementation of the access connection related to the subsequent development, wherein no methods or agreements to establish final parameters are proposed. As such, staff find the application is **not consistent** with FLUE Policy 10.1.2.

2. Transportation Element (TE)

- a. TE Policy 2.1.4: Determination of Impact - All proposed development shall be evaluated to determine impacts to adopted LOS standards.

Analysis: The proposed land use change, with the concurrent Binding Letter of Modification, proposes reducing the Marion Oaks VDRI's open space/greenbelt and increasing the amount of commercial use land, wherein additional direct access to SW Hwy 484 will then be made available. However, Hwy 484 is Marion County's southernmost east-west arterial roadway extending ± 28 miles across Marion County from US 41 to US 441 wherein that access that may further affect function of the SW Hwy 484 as well as the Marion Oaks Course roadway and their intersection. While a traffic study focused on the anticipated development of one commercial site related to this request was provided, a broader traffic analysis consideration has not been conducted, and staff has significant concerns regarding the implementation of the access connection related to the subsequent development, wherein no methods or agreements to establish final parameters are proposed. As such, staff find the application is **not consistent** with TE Policy 2.1.4.

- b. TE Objective 3.1: Financial Feasibility of Development - To encourage development within the Urban Growth Boundary (UGB) where infrastructure can be provided in a financially feasible manner.

Analysis: The proposed land use change, with the concurrent Binding Letter of Modification, proposes reducing the Marion Oaks VDRI's open space/greenbelt and increasing the amount of commercial use land, wherein additional direct access to SW Hwy 484 will then be made available. However, Hwy 484 is Marion County's southernmost east-west arterial roadway extending ± 28 miles across Marion County from US 41 to US 441 wherein that access that may further affect function of the SW Hwy 484 as well as the Marion Oaks Course roadway and their intersection. While a traffic study focused on the anticipated development of one commercial site related to this request was provided (Attachment G), a broader traffic analysis consideration has not been conducted, and staff has significant concerns regarding the implementation of the access connection related to the subsequent development, wherein no methods or agreements to establish final parameters are proposed. As such, staff finds the application is **not consistent** with TE Objective 3.1.

3. Sanitary Sewer Element (SSE)

- a. SSE Policy 1.1.1: "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 change will change the site's land use designation to enable commercial use of the site. Staff notes the primary purpose of the amendment relates to access; and potential sanitary sewer demands may be limited dependent on the outcome of subsequent zoning and development plans, wherein any potential demands would be limited to 580 GPD. The area surrounding the site is currently receiving central utility services from Marion County's Oak Run SW Regional Utility Facilities. The application is **consistent** with SSE Policy 1.1.1.

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: The proposed land use change will change the site's land use designation to enable commercial use of the site. Staff notes the primary purpose of the amendment relates to access; and potential potable water demands may be limited depending on the outcome of subsequent zoning and development plans, wherein any potential demands would be limited to 798 GPD. The area surrounding the site is currently receiving central utility services from Marion County's Oak Run SW Regional Utility Facilities. The application is **consistent** with PWE Policy 1.1.1.

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 proposed land use change will change the site's land use designation to enable commercial use of the site. Staff notes the primary purpose of the amendment relates to access; and potential solid waste demands may be limited dependent on the outcome of subsequent zoning and development plans. Non-residential activity currently provides for private collection services which would be addressed with site development. 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."
 - b. SE Policy 1.1.5 provides, "Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development."

Analysis: The proposed land use change will change the site's land use designation to enable commercial use of the site. Staff notes the primary purpose of the amendment relates to access; and potential solid waste demands may be limited dependent on the outcome of subsequent zoning and development plans. Site improvements would be subject to Marion County LDC provisions regarding development and design, including impervious surface and stormwater design standards. Based on the above, the application is **consistent** with SE Policy 1.1.4 and 1.1.5.

7. Public School.
 - a. The proposed land use change will change the site's land use designation to enable commercial use of the site. Staff notes the primary purpose of the amendment relates to access; and potential solid waste demands may be limited dependent on the outcome of subsequent zoning and development plans. A student population is not anticipated from the subject property. For reference, the site is located in the Marion Oaks Elementary, Horizon Academy at Marion Oaks Middle School, and West Port High School districts at this time along with the new High School CCC at Marion Oaks for the 2026/2027 school year. Therefore, it is concluded that the application is **consistent** with this section.
8. Fire Rescue/Emergency
 - a. Marion Oaks Fire Station #24 at 102 Marion Oaks Lane, Ocala, is located ± 1.24 miles south of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Marion County has established a 5-mile drive distance from the subject property as evidence of the availability of such services.

Analysis: The Fire Services Department provides services to the surrounding Marion Oaks area. Any use of the site or related properties will be subject to Marion County LDC provisions regarding development and design, including related fire codes, along with any applicable potential assessments and/or impact fees for the development proposed. *However, as staff further note elsewhere in this report, there are concerns related to the potential community and*

*traffic impacts related to the proposal without further analysis and/or agreements related to the operation and design of the related sites which may result in activities that place greater demand for emergency services. As such, staff find the application is **not consistent** with this section.*

9. Law Enforcement/Sheriff.

- a. The Sheriff's Marion Oaks District Office, located at 280 Marion Oaks Lane, Ocala, is located ± 1.4 miles east of the subject property. The Comprehensive Plan does not establish a level of service standard for law enforcement/sheriff services. Marion County has established a 5-mile drive distance from the subject property as evidence of the availability of such services.

Analysis: The Marion County Sheriff's Office (MCSO) provides services to the surrounding Marion Oaks area. Any use of the site or related properties will be subject to Marion County LDC provisions regarding development and design, including related fire codes, along with any applicable potential assessments and/or impact fees for the development proposed. *However, as staff further note elsewhere in this report, there are concerns related to the potential community and traffic impacts related to the proposal without further analysis and/or agreements related to the operation and design of the related sites which may result in activities that place greater demand for emergency services. As such, staff find the application is **not consistent** with this section.*

In summation, staff concludes that the application is **not consistent** with the Comprehensive Plan, as the proposed changes will reduce the Preservation (historic open space/greenbelt) lands of the Marion Oaks VDRI while increasing the commercial development accessibility that may have significant extended effects on the more immediately adjoining residential communities to the north, along with the transportation network without establishing parameters for the change on the Marion Oaks VDRI vested rights and the potential impacts on public facilities.

B. *Consistency with Chapter 163, Florida Statutes (F.S.).*

1. Section 163.3177(6)(a)8, F.S. "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. Services are present in the area, and final connection determinations would be made at the time of development review. The site will function as a transitional area between uses where

urban services are available or underway. Based on this information, the application **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 reports and it was found that the application **does not comply with and conform to** F.S. Section 163.3177(6)(a)8b.

The analysis of the minimum amount of land needed to achieve the goals and requirements of this section was functionally addressed in the analysis of FLUE Policies. Therefore, the application **does not comply with and conform to** F.S. Section 163.3177(6)(a)8c.

2. Section 163.3177(6)(a)9 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 notes the site the application will reduce the Preservation (historic open space/greenbelt) lands of the Marion Oaks VDRI while increasing the commercial development accessibility that may have significant extended effects on the more immediately adjoining residential communities to the north, along with the transportation network without establishing parameters for the change on the Marion Oaks VDRI vested rights and the potential impacts on public facilities. Staff find the application 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:
- (I) 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 notes the site the application will reduce the Preservation (historic open space/greenbelt) lands of the Marion Oaks VDRI while increasing the commercial development accessibility that may have significant extended effects on the more immediately adjoining residential communities to the north, along with the transportation network without establishing parameters for the change on the Marion Oaks VDRI vested rights and the potential impacts on public facilities. Based on this finding, the proposed amendment is **not consistent** with F.S. Section 163.3.177(6)(a)9b.

In summation, staff concludes that the application is **not consistent** with F.S. Section 163.3177(6)(a), as the proposed changes will reduce the Preservation (historic open space/greenbelt) lands of the Marion Oaks VDRI while increasing the commercial development accessibility that may have significant extended effects on the more immediately adjoining residential communities to the north, along with the transportation network without establishing parameters for the change on the Marion Oaks VDRI vested rights and the potential impacts on public facilities.

VII. 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 with findings to the Board of County Commissioners to **DENY** the proposed 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 act to **TABLE OR CONTINUE** 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.
- C. 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 with findings to the Board of County Commissioners to **APPROVE** the proposed small-scale FLUMS amendment.

VIII. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission (P&Z) 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 for **DENIAL** of the proposed small-scale FLUMS amendment number 26-S03 based on the following:

- A. The application is **not consistent** with the following Comprehensive Plan provisions:
 - 1. FLUE Goal 1, Policies 1.1.1, 1.1.6, 2.1.22, 2.1.26, 5.1.2, and 10.1.2,
 - 2. TE Policy 2.1.4, and Objective 3.1

- B. The application **does not comply with and conform** to Florida Statutes, Sections Section 163.3177(6)(a)8 and 163.3177(6)(a)9, subsections a and b, as provided in prior report sections VI.A and VI.B

Staff and the applicant are discussing alternatives related to this request and its concurrent applications. As such, the staff recommendation remains DENIAL, but further resolution prior to the final Board of County Commission consideration is anticipated and the P&ZC's input regarding the requests is desired.

IX. PLANNING & ZONING COMMISSION RECOMMENDATION

APPROVAL 4-0

X. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

XI. LIST OF ATTACHMENTS

- A. Application.
- B. West Survey Diagram – Tract “H” Part.
- C. East Survey Diagram – Tract “J” Part.
- D. DRC Staff Review Comments (AR 000165-2025).
- E. Marion Oaks Unit Seven, Plat Book O, Pages 140-153.
- F. Marion Oaks Unit Seven Greenbelt Deed Restrictions.
- G. Traffic Study – Sunstop Convenience Store.
- H. Site/Sign Photos.
- I. Plat and Site Concept Geometry.