



**Marion County  
Board of County Commissioners**

**Growth Services**

2710 E. Silver Springs Blvd.  
Ocala, FL 34470  
Phone: 352-438-2600  
Fax: 352-438-2601

**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>Hearing Dates</b>	<b>P&amp;ZC Date: 12/29/2025</b>	<b>BCC Date: 1/20/2026</b>
<b>Case Number</b>	250903ZC	
<b>CDP-AR</b>	32686	
<b>Type of Case</b>	<b>Rezoning:</b> from Heavy Business (B-5), Regional Business (B-4), & General Agriculture (A-1) to Rural Activity Center (RAC)	
<b>Owner</b>	520 NE 82 <sup>nd</sup> Terrace LLC, c/o Harvey Cohen	
<b>Applicant/Agent(s)</b>	Same as the owner	
<b>Street Address / Site Location</b>	16262, 16264, & 16340 S HWY 475 Summerfield, FL 34491	
<b>Parcel Number</b>	44812-001-00 & 44812-000-00	
<b>Property Size</b>	±7.65	
<b>Future Land Use</b>	Rural Activity Center (RAC)	
<b>Zoning Classification</b>	Heavy Business (B-5), Regional Business (B-4), & General Agriculture (A-1)	
<b>Overlay Zone/Scenic Area</b>	Secondary Springs Protection Overlay Zone (SSPOZ)	
<b>Staff Recommendation</b>	<b>APPROVE</b>	
<b>P&amp;ZC Recommendation</b>	<b>APPROVE (5-0)</b>	
<b>Project Planner</b>	Erik Kramer, Planner	
<b>Historic/Related Case(s)</b>	850822Z: General Agriculture (A-1) to Heavy Business (B-5); 900403Z: General Agriculture (A-1) to Regional Business (B-4); 160507SU – Pre-owned auto sales business in B-4	

## I. ITEM SUMMARY

Harvey Cohen, the registered agent and title manager for the property owner, 520 NE 82<sup>nd</sup> Terrace LLC, submitted an application (Attachment A) to rezone a 0.86-acre parcel and a 6.79-acre parcel (combined 7.65-acre site). The subject site is located approximately 0.2 miles north of the intersection of SE Hwy 42 and S Hwy 475. The request proposes to rezone the subject site from Heavy Business (B-5), Regional Business (B-4), and General Agriculture (A-1) to Rural Activity Center (RAC) in accordance with Land Development Code (LDC) Division 2.7. The site lies within the Secondary Springs Protection Overlay Zone (S-SPOZ) and outside of the Urban Growth Boundary (UGB) and Farmland Preservation Area.

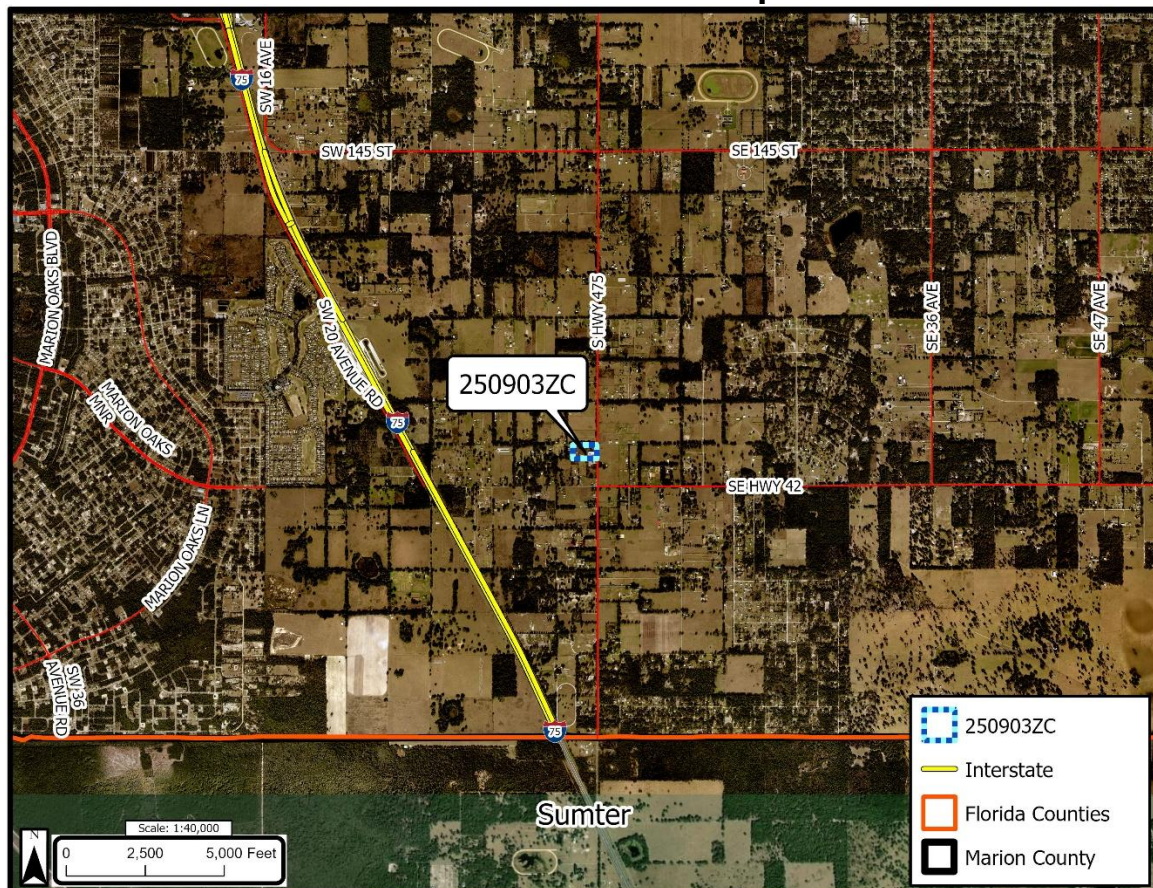
## II. STAFF SUMMARY RECOMMENDATION

Based on the analysis in this report, staff find that the rezoning request is consistent with LDC Section 2.7.3.E.2, which requires the Planning & Zoning Commission (P&Z) to make written findings that the proposed rezoning:

1. Will not adversely affect the public interest;
2. Is consistent with the Marion County Comprehensive Plan; and
3. Is compatible with land uses in the surrounding area.

As such, staff recommend **approving** case no. 250903ZC.

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



### III. NOTICE OF PUBLIC HEARING

Notice of public hearing was provided pursuant to LDC Sec. 3.5.3 as listed in Table 1. As of the date of the initial distribution of this Staff Report, no written letters of opposition or support have been received. Evidence of the public hearing notices is on file with the Growth Services Department and is incorporated herein by reference.

Table 1. Public Notice Summary			
Method	Format	Date	LDC Section(s)
Newspaper Legal Notice	Display Ad	Ad Run: 12/15/2025	2.7.3.E.
Posted Sign	Sign for a Land Use Amendment	2 Signs Posted: 12/11/2025	2.7.3.B. & D.
300-foot Mail Notice	Letter to Surrounding Property Owners	13 Letters Mailed: 12/12/2025	2.7.3.C.

### IV. REZONING ANALYSIS

LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that the rezoning:

1. Will not adversely affect the public interest,
2. Is consistent with the Marion County Comprehensive Plan; and
3. Is compatible with land uses in the surrounding area.

Staff's analysis of compliance with these three criteria is addressed below.

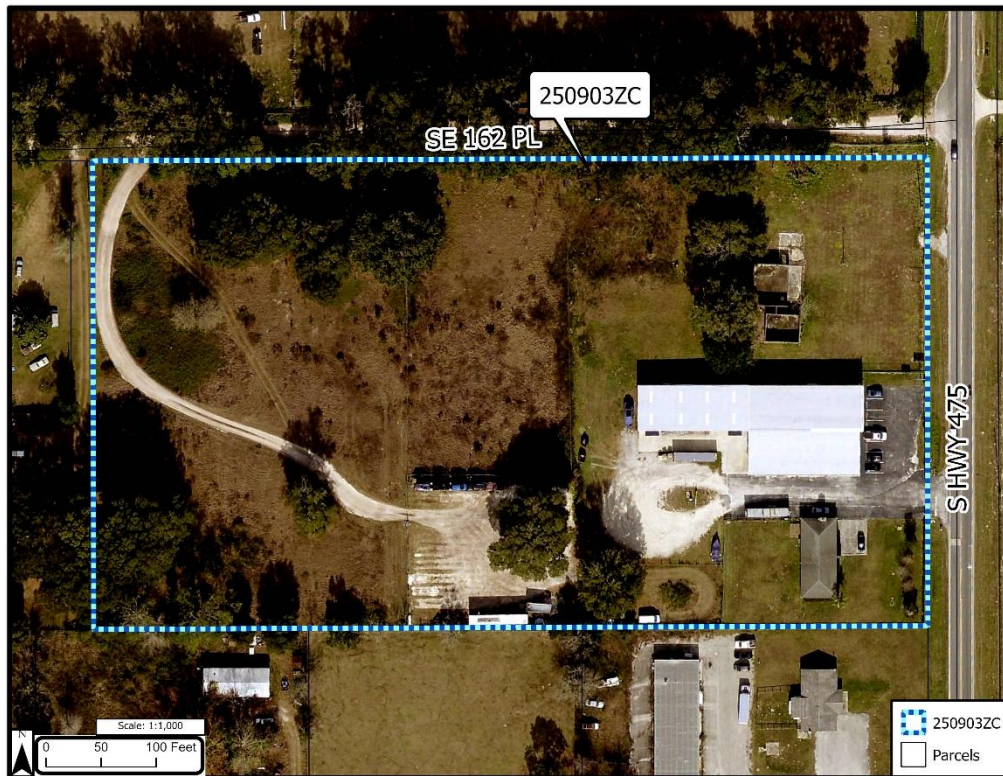
- A. *Compatibility with surrounding uses.* Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time, such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

#### Site and Surrounding Characteristics

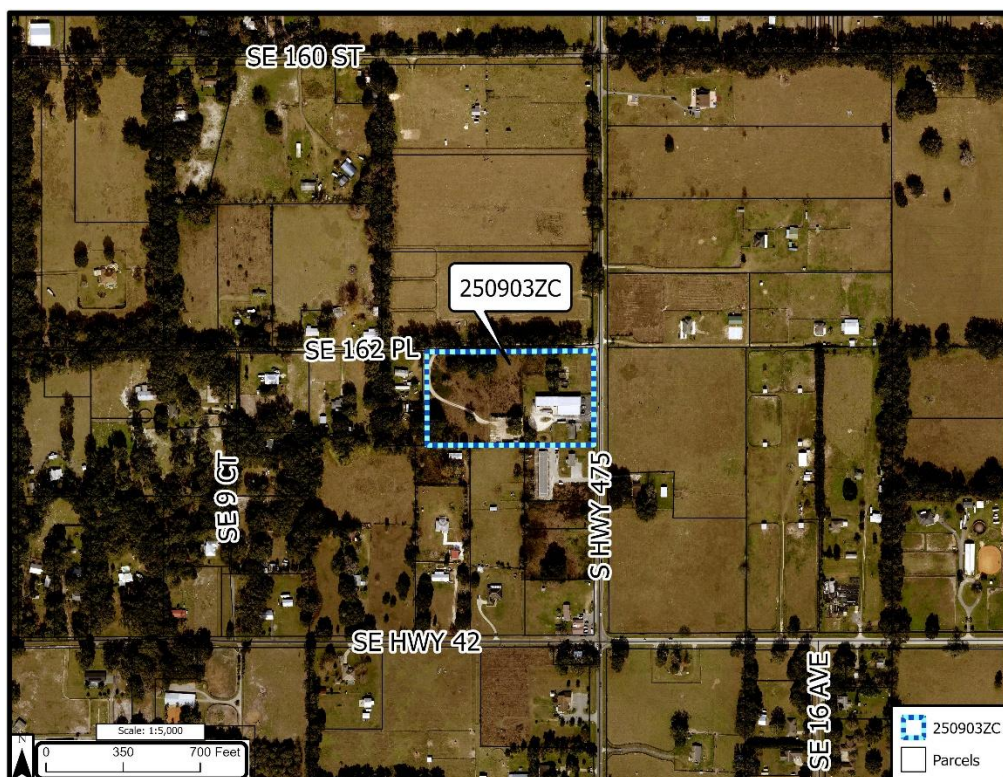
Figures 2 and 3 show aerial photographs of the existing site conditions and the surrounding area. Figure 4 illustrates the site and nearby properties' future land use designations as depicted in Map 1 of the Comprehensive Plan Future Land Use Map Series (FLUMS). Figure 5 shows the currently adopted zoning classifications for the site and surrounding area, while Figure 6 presents the site's proposed RAC zoning classification. Figure 7 shows the existing uses of the subject and surrounding properties, as classified by the Marion County Property Appraiser. Table 2 summarizes the future land use, zoning, and existing uses for the subject site and directly adjacent properties.



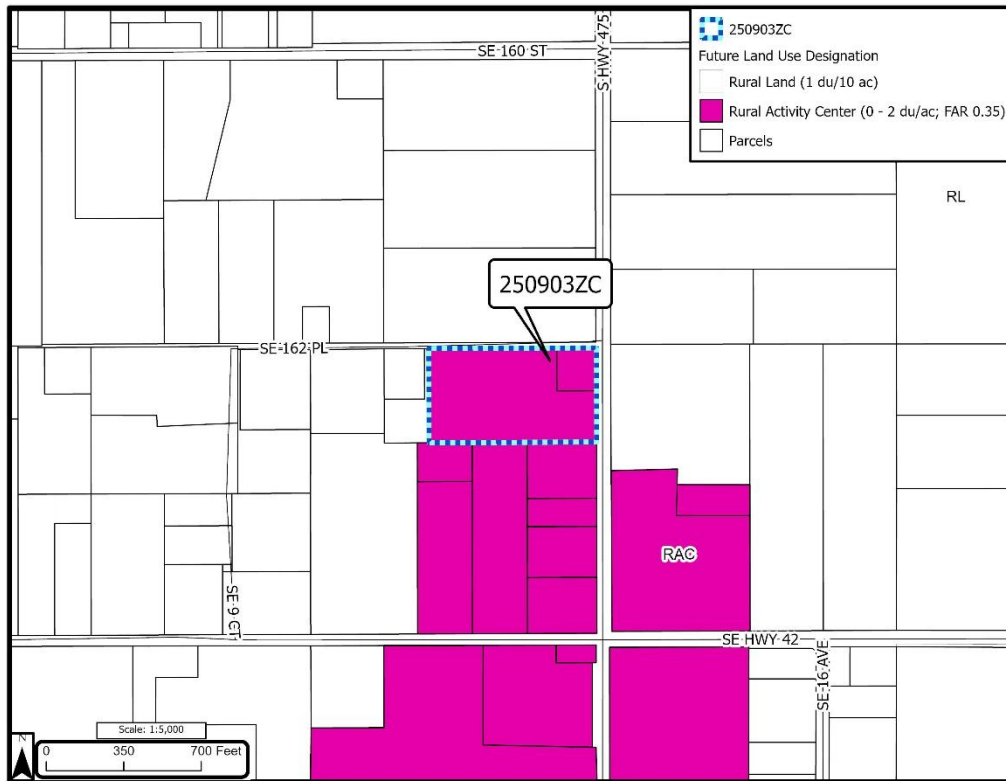
**Figure 2**  
**Existing Site**



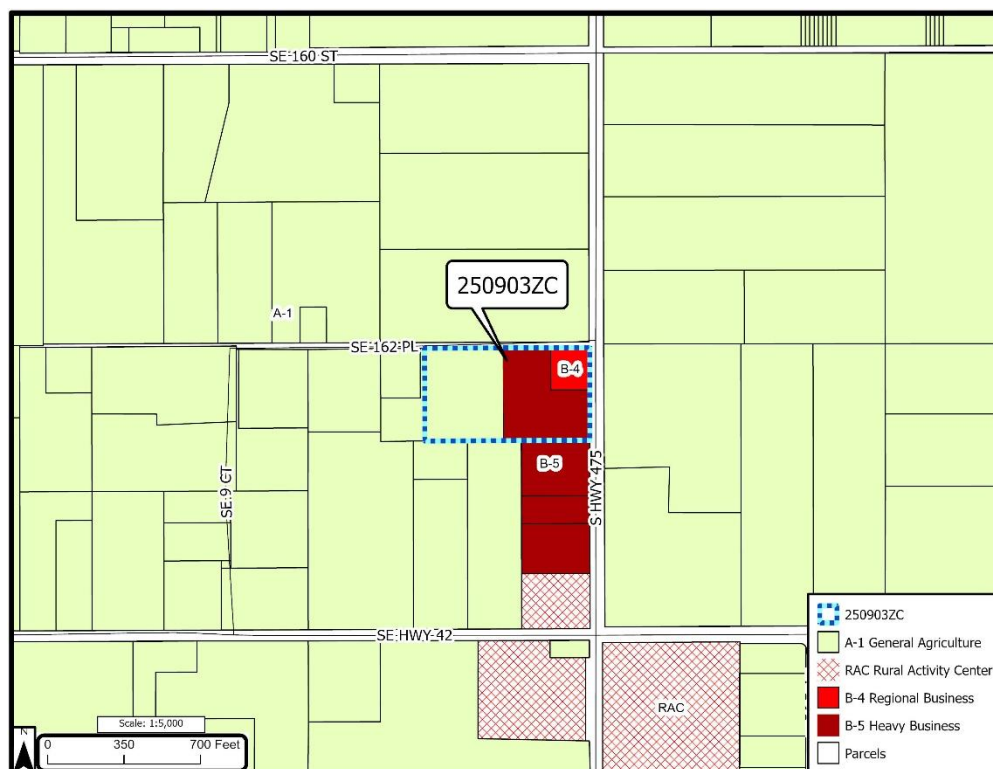
**Figure 3**  
**Existing Site and Surrounding Area**



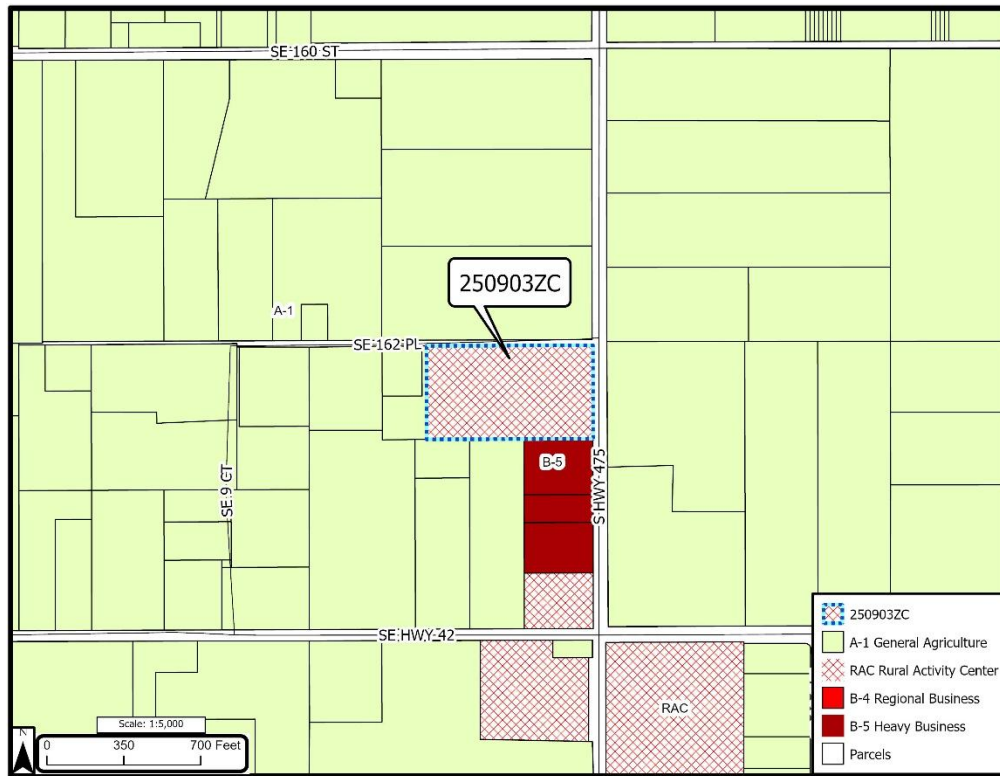
**Figure 4**  
**Existing FLUMS Designation**



**Figure 5**  
**Existing Zoning Classification**



**Figure 6**  
**Proposed Zoning Classification**



**Figure 7**  
**Existing and Surrounding Land Uses**

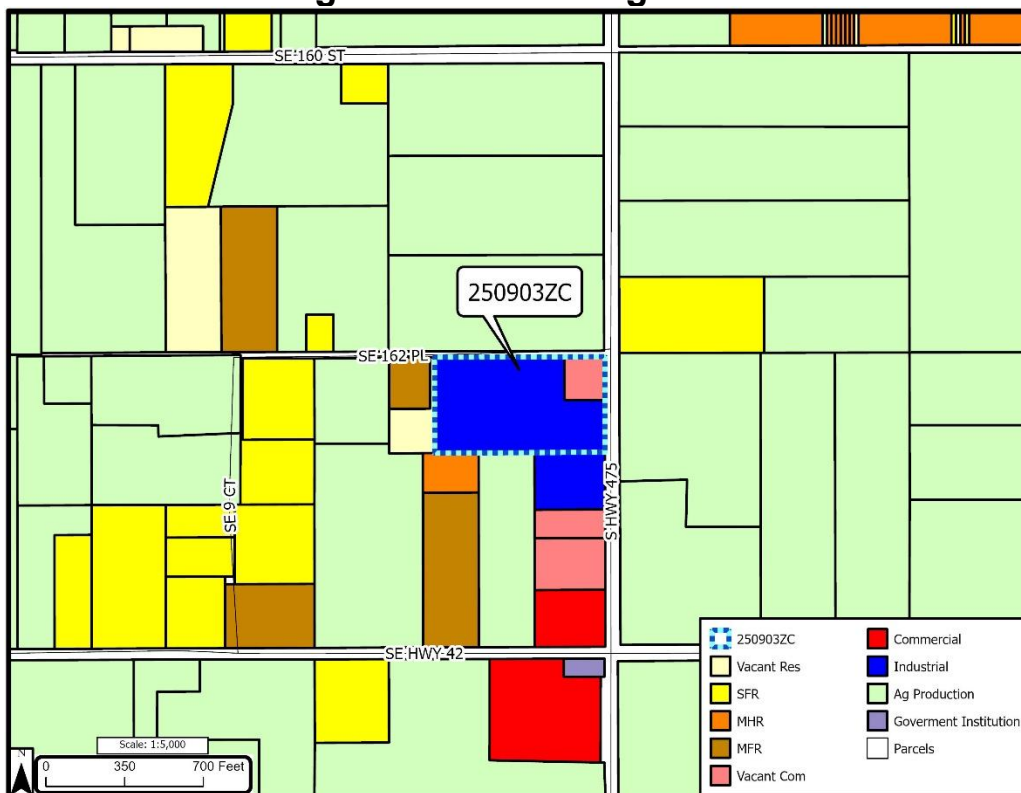




TABLE 2. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Exist: Rural Activity Center (RAC)	Exist: Heavy Business (B-5), Regional Business (B-4), & General Agriculture (A-1) <i>Proposed: Rural Activity Center (RAC)</i>	Industrial & Vacant Commercial
North	Rural Land (RL)	General Agriculture (A-1)	Ag Production & ROW
South	Rural Activity Center (RAC)	Heavy Business (B-5) & General Agriculture (A-1)	Industrial; Ag Production; & Mobile Home Residential
East	Rural Land (RL)	General Agriculture (A-1)	Ag Production & ROW
West	Rural Land (RL)	General Agriculture (A-1)	Multi-Family Residential & Vacant Residential

The existing RAC FLUMS designation allows office, commercial, public, recreational, and residential uses. The proposed RAC zoning classification would allow commercial and office uses to accommodate the shopping and limited service needs of the residents in the rural area. RAC zoning also allows limited residential development for business owners or employees, as outlined in LDC Section 4.2.24.D(3), and can function as a mixed-use node that reduces trips to the urban area and supports a local, rural economy. Such uses are compatible with the surrounding rural character and uses.

Consistent with LDC Section 2.7.3.D, staff conducted a site visit and took site photos (Attachment B) on 12/11/2025. The site has two existing buildings (warehouse/storage) and an office) with accompanying parking and service areas. Most of the land is open field with scattered trees. Currently, there is one paved access point for the property on S Hwy 475 and an unpaved dirt access point on SE 162<sup>nd</sup> Pl.

Based on the findings above, staff conclude that the uses permitted under the proposed rezoning **are compatible** with existing and future surrounding land uses.

B. Impact on the public interest.

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

*Roadways.* The subject property is a 7.65-acre portion of a 62.5-acre node designated for RAC future land use (Figure 4). The RAC node is served by S Hwy 475 and SE Hwy 42.

S Hwy 475 is a County-maintained 2-lane rural collector road. SE Hwy 42 east is also a County-maintained 2-lane rural road with split classifications.

The segment east of S Hwy 475 is a collector, and the western segment is a minor local road.

The subject property (including parcel 44812-001-00 and parcel 44812-000-00) also has frontage along Hwy 475 and access rights to a 15' private road easement for SE 162<sup>nd</sup> PI (Attachments D and E).

Staff notes that the portions zoned for B-4 and B-5 are functionally limited to the same uses allowed in RAC, per LDC Section 4.2.24.D.(1). The proposed rezoning would only increase the intensity for a 3.5-acre portion of the overall subject site, which is currently zoned A-1. The intent of RAC future land use and its corresponding RAC zoning, is to provide nodes of commercial, office, residential, recreational, and public uses within close proximity to arterial, collector, and/or major local roads in the rural area, in order to adequately fulfill the daily retail and limited service needs of the rural area and reduce trips to the urban areas of the County.

Table 4 provides Level of Service (LOS) and volume to maximum service volume (V/MSV) ratio figures for relevant segments of S Hwy 475 and SW Hwy 42. LOS is a measurement standard of traffic congestion/flow, and V/MSV is a ratio of traffic volume in relation to a road's maximum service capacity. Descriptions of LOS standards relevant to the proposed rezoning are provided below:

LOS B:

- Stable flow, but with slightly higher volumes than LOS A.
- Speed remains relatively free-flow, but some light restrictions begin.
- Still a high level of comfort, with minor interference from other vehicles.

LOS C:

- Stable flow, but noticeable interactions among vehicles.
- Speed and maneuverability are somewhat restricted.
- Considered acceptable for many suburban conditions.

LOS D:

- High-density flow but still stable.
- Speeds decline, and drivers experience reduced maneuverability.
- Temporary stops or delays become more common.

*Public transit.* Currently, there are no fixed route services available in this area.

*Other mobility features.* Currently, there are no sidewalks or bicycle lanes in this area.



TABLE 3. Roadway/Intersection LOS and Service Capacity					
Roadway Segment	LOS			V/MSV	
	Adopted (2025)	Exist (2023)	Expected (2028)	Exist (2023)	Expected (2028)
<b>CR 42</b> From: CR 475 To: US 301	D	B	B	0.28 (Sufficient Capacity)	0.29 (Sufficient Capacity)
<b>CR 475</b> From: South County Line To: CR 475A	C	C	C	0.66 (Sufficient Capacity)	0.79 (Sufficient Capacity, but approaching LOS D)

Based on the above findings, staff find that the **transportation impacts generated by this zoning change will not adversely affect public interest**. However, Growth Service and Office of County Engineer staff should assess roadway capacity in this area as the RAC develops further, especially once the Marion Oaks Manor Extension provides a 2-lane flyover across I-75, which will connect Marion Oaks Manor with SE Hwy 42. The flyover extension is planned for construction in the financial year 2026-2027.

2. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of 110 gallons per person per day for residential demand and approximately 2,000 gallons per acre per day for commercial and industrial demand. Marion County Utilities states that the subject property is not currently within connection distance of central sewer facilities (Attachment C). Connection requirements will be re-evaluated at the time of Development Review.

Staff find that **sanitary sewer impacts generated from this zoning change would not adversely affect the public interest**, as long as the development provides an on-site septic system consistent with Department of Health and Marion County Utilities' specifications or development connects to central sewer, if available, at the time of development review.

3. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a LOS of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Marion County Utilities states that the subject property is not currently within connection distance of central water facilities (Attachment C). Connection requirements will be re-evaluated at the time of Development Review.

Staff find that **potable water impacts generated from this zoning change would not adversely affect the public interest** as long as the development provides an on-site septic system consistent with Department of Environmental Protection, St. John's River Water Management District,

and Marion County Utilities' specifications or development connects to central water, if available, at the time of development review.

4. Solid waste impacts. Solid Waste Element Policy 1.1.1 adopts a LOS standard of 6.2 pounds of solid waste generation per person per day. There are no standards for non-residential development. The County has identified and arranged 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, staff find that **solid waste impacts generated from this zoning change would not adversely affect the public interest.**

5. Recreation and open space impacts. The proposed RAC zoning only allows dwelling units related to the owner/employee of a permitted business. As such, the impact on recreation and open space is likely to be negligible. Development will be required to provide buffers and yards (via setbacks).

Based on the above, staff find that **demand for recreation and open space generated by this zoning change would not adversely affect the public interest.**

6. Stormwater impacts. At the time of development review, the developer/owner must show that the proposed stormwater facilities can manage all stormwater runoff generated after development. The developer/owner will be responsible for funding stormwater facilities with enough capacity to handle this post-development runoff.

Based on the above, staff find that **stormwater impacts generated by this zoning change would not adversely affect the public interest.**

7. Fire rescue/emergency services. The Comprehensive Plan does not establish a LOS 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.

Villages Fire Station #10, located at 8220 SE 165th Mulberry Lane, The Villages, FL 32162, is roughly 6.5 road miles east of the subject property. According to Google Streetview directions, the travel time from Fire Station #10 to the subject property is roughly 9-to-16 minutes, depending on time of day (peak hours vs non-peak hours). While outside of the 5-mile radius, the travel time is comparable to that of fire stations in more urban areas.

Once the Marion Oaks Manor Extension project provides a flyover connection, Marion Oaks Fire Station #24 will provide connectivity for a second fire station within approximately 6 road miles, although travel time cannot be assumed at this time.

On May 23, 2025, Marion County adopted countywide fire impact fees to fund various fire-related needs. The impact fees are paid at the time of

development permitting. The fee rates and payment requirements took effect on October 1, 2025; therefore, any future development on this property will be required to pay the applicable fees. These revenues provide Marion County Fire Rescue with funding to address any LOS deficiencies throughout the County.

Based on the above, staff find that the **fire rescue/emergency impacts generated by this zoning change will not adversely affect the public interest.**

8. Law enforcement. The Comprehensive Plan does not establish a LOS standard for law enforcement, but staff has established a 5-mile radius from the subject property as evidence of the availability of such services.

The South Marion District/Villages Sheriff's Office, located at 8230 SE 165th Mulberry Ln, The Villages, FL 32162, is roughly 6.5 road miles east of the subject property. According to Google Streetview directions, the travel time from the Sheriff's Office to the subject property is roughly 9-to-16 minutes, depending on time of day (peak hours vs non-peak hours). While outside of the 5-mile radius, the travel time is comparable to offices in more urban areas.

Once the Marion Oaks Manor Extension project provides a flyover connection, a second Sheriff's office, the Marion Oaks District Office, would be able to be able provide service within approximately 5 road miles, although travel time cannot be assumed at this time.

Based on the above, staff find that the **law enforcement impacts generated by this zoning change may or may not adversely affect the public interest**, depending on the completion date of the Marion Oaks Manor Extension project and the development of the subject property.

9. Public schools. The proposed RAC zoning only allows dwelling units related to the owner/employee of a permitted business. As such, the impact on public schools is likely to be negligible.

Based on the above, staff finds that the **public school impacts generated by this zoning change would not adversely affect the public interest.**

**To conclude, staff determines that the rezoning will not adversely impact the public interest.**

C. *Consistency with Marion County Comprehensive Plan.*

Future Land Use Element (FLUE).

1. 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 accomplishes 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 services and facilities to timely serve new and existing development; and
  7. Protect and enhance the public health, safety, and welfare.
  8. Protect private property rights.

**Analysis:** Staff determines that the underlined sub-policies above are relevant to this application and presents the following findings.

2, 4, 5, & 6. The proposed RAC zoning would allow office, commercial, and residential uses that are intended to support the surrounding rural community's agricultural, retail, and limited-service needs. The subject property is located within a quarter mile of SE Hwy 42 and S Hwy 475, which encourages a development pattern that facilitates economic growth and concentrates more intense land uses along roads that can accommodate more intense transportation impacts.

8. See analysis of the Property Rights Element later in this staff report.

2. Policy 1.1.7: Discourage Strip Commercial and Isolated Development. "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 subject property is located within a quarter mile of an established commercial intersection and within an area designated for RAC future land use.

As such, staff find this application is **consistent** with FLUE Policy 1.1.7.

3. Policy 2.1.21: Rural Activity Center (RAC). "This land use designation allows for mixed-use nodes of residential (single-family and multi-family)



and commercial uses, including agricultural-related commercial uses to meet the daily needs of residents in the Rural Area to reduce trips to the Urban Areas of the county for daily needs and services. This designation shall be located at intersections of arterial, collector, and/or major roads and extend no greater than one-quarter (1/4 mile) or 1,320 linear feet from the center of the RAC for a maximum of 96 acres. For the Summerfield RAC which includes an off-set major road intersection pair (S. Hwy 301/SE 145th Street & S. Hwy 301/SE 147th Street) and lies west of the CSX Railroad Line, the one-quarter (1/4 mile) or 1,320 linear feet from the center may be measured from either major road intersection and extend east along SW 147th Street to the CSX Railroad Line. The maximum acreage of the Summerfield RAC is not to exceed 125 acres. New RACs shall have at least three existing businesses and be at least five (5) miles from other RACs, as measured from the center of the RAC, unless it can be demonstrated that eighty-five (85) percent of the RAC is developed. In order to minimize development impacts to the surrounding Rural Area, properties in the RAC shall be designed to provide shared access, obtain access from the lesser road class, minimize impacts to the operations of the intersection, and address compatibility concerns for the surrounding properties. The density range shall be up to two (2) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 0.35, as further defined by the LDC. This land use designation is a Rural land use designation.”

**Analysis:** The proposed RAC zoning is consistent with the subject property’s RAC future land use designation. Attachment F provides the intent of RAC zoning as well as a list of permitted uses, special uses, development standards, special requirements, and buffer requirements.

As such, staff find the application is **consistent** with FLUE Policy 2.1.21.

4. *Policy 4.1.1: Consistency between Comprehensive Plan, Zoning, and LDC.* “The County shall amend and maintain an official land use and zoning map, appropriate land use designations and zoning classifications, and supporting LDC that shall be consistent with each other.”

**Analysis:** RAC zoning is the only zoning classification that is consistent with RAC’s future land use. Although applicants may propose Planned Unit Development zoning consistent with the intent of RAC’s future land use.

As such, staff find the application is **consistent** with FLUE Policy 4.1.1.

5. *Policy 5.1.2: Review Criteria – Changes to the Comprehensive Plan and Zoning.* “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 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
11. Concurrency requirements.”

**Analysis:** Staff determines that the underlined sub-policies above are relevant to this application and presents the following findings.

1. A market demand analysis was not provided with this application; however, staff note that the subject property is a part of a node designated for Rural Activity Center future land use. The proposed rezoning would allow the subject property to be developed according to commercial, office, and limited residential needs for the surrounding rural community.

2. Staff analysis in Section IV.B. of this report assesses the future development's potential impact on the availability and adequacy of public services and facilities under the proposed RAC zoning.

3. The RAC future land use designation and corresponding RAC zoning are intended to provide lower density and intensity mixed-use nodes throughout the County's Rural Area.

5. The RAC future land use designation and corresponding RAC zoning are intended to support agricultural activities in the area, and development is limited to a scale that is appropriate with the area's rural character.

8. Staff determines this application contributes to FLUE Goal 1, and as such, is consistent with planning principles of the Comprehensive Plan. The proposed RAC zoning is consistent with the subject property's RAC future land use designation. Development will be required to comply with the LDC.

9. The subject property is situated on the northern perimeter of the 62.5-acre area designated for future RAC uses. Land to the west and north is designated RL and zoned A-1; as is land to the east across S Hwy 475 right-of-way. Land use compatibility buffers, as required by LDC Section 6.8.6.K,

will be assessed at the time of development review based on proposed uses and existing adjacent uses.

11. Staff presents a concurrency analysis in section V.B. of this report.

As such, staff find this application is **consistent** with FLUE Policy 5.1.2.

6. *Policy 5.1.3 on 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 Commission on December 29, 2025.

As such, staff find this application is **consistent** with FLUE Policy 5.1.3.

7. *FLUE Policy 5.1.4 on 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.

#### Transportation Element (TE)

8. *Policy 1.1.1: Marion County Transportation Planning Principles.* “Marion County shall rely upon the following principles to guide the overall transportation planning framework and vision for the county:

1. Consider all transportation options and impacts to ensure short-term decisions support strategic, long-term goals of the comprehensive plan.
2. Ensure that transportation decisions, strategies, and investments are coordinated with land use goals and recognize the unique character of Marion County.
3. Support a balanced and efficient transportation network for all modes.
4. Recognize freight and goods movement needs and challenges in Marion County and how they interact with the Florida Freight Network, by examining all modes of freight transportation.
5. Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities.
6. Support opportunities for bicycle and pedestrian linkages where practicable between the on-road and off-road networks on local, state, and federal lands and trail networks to encourage alternative travel modes, recreational use, and ecotourism.

**Analysis:** Staff determines that the underlined/italicized sub-policies above are relevant to this application and presents the following findings.

1. Impacts to the surrounding S Hwy 475 and SE Hwy 42 road facilities are assessed in Section IV.B. of this report.

2. Development within the RAC future land use designation is required to provide shared (cross) access and obtain access from lesser road classes. The subject property includes two parcels, which have access easement rights to SE 162<sup>nd</sup> Pl. Providing access via this lesser road would reduce impacts on the nearby collector road segments and intersection. Furthermore, establishing the Marion Oaks Manor extension across I-75 will facilitate transportation accessibility for customers to support commercial business at this RAC node.

As such, staff find the application is **consistent** with TE Policy 1.1.1.

9. *TE Policy 2.1.4: Determination of Impact.* "All proposed development shall be evaluated to determine impacts to adopted LOS standards. Land Development Regulations (LDRs) shall be established, which determine the level and extent of the analysis required based on the extent of the project and its projected trip generation. The information shall, at a minimum, provide for a review of site access, circulation, access management, safety, and, when of sufficient size, roadway links analysis and intersection analysis will be provided, including Average Annual Daily Trips (AADT) and/or peak hour (AM, PM, Sat/Sun)."

**Analysis:** Staff provides sufficient analysis in section IV.B. of this report. As such, staff find the application is **consistent** with TE Policy 2.1.4.

#### Property Rights Element (PRE)

10. *PRE Policy 1.1.1.* "The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights."

**Analysis:** Staff notes that the subject property consists of two parcels: 44812-000-00 and 44812-001-00. These two parcels are listed in an access easement and maintenance agreement (Attachments D and E). As such, both parcels have a right to ingress/egress via SE 162 Pl.

As such, staff find the application is **consistent** with PRE Policy 1.1.1.

11. *PRE Policy 1.1.2.* "The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances."

**Analysis:** The property owner has property rights protections. The subject property is entitled to receive a zoning classification that is consistent with the adopted future land use. At the time of this application, RAC zoning is the only zoning classification that is consistent with RAC's future land use. Although an applicant may propose Planned Unit Development zoning consistent with the



intent of RAC's future land use. Therefore, the property owner has a right to develop and use the subject property once the subject property receives zoning entitlements consistent with its future land use designation.

As such, staff find the application is **consistent** with PRE Policy 1.1.2

## V. STAFF RECOMMENDATION

Staff recommends that the 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 recommend that the Commission **approve** the proposed rezoning based on the following findings:

- A. **Staff find that overall, the proposed rezoning will not adversely** affect the public interest;
- B. **Is consistent** with the following Comprehensive Plan provisions
  - 1. Future Land Use Element Goal 1;
  - 2. Future Land Use Element Policies 1.1.7, 2.1.21, 4.1.1., 5.1.2., 5.1.3, and 5.1.4;
  - 3. Transportation Element Policies 1.1.1. and 2.1.4; and
  - 4. Property Right Element Polices 1.1.1 and 1.1.2.
- C. **Is compatible** with the surrounding uses.

## 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 **DENY** the rezoning amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE with amended conditions** the rezoning amendment.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to 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. PLANNING & ZONING COMMISSION RECOMMENDATION**

Approve (5-0)

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

To be determined on January 20, 2026.

## **IX. LIST OF ATTACHMENTS**

- A. Application Package
- B. DRC Staff Comments
- C. Site Photos
- D. SE 162 PI Easement-Maintenance Agreement Original
- E. SE 162 PI Easement-Maintenance Agreement Amended
- F. Land Development Code Section 4.2.24