



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 08/26/2024	BCC Date: 09/17/2024
Case Number	24-S08
CDP-AR	31714
Type of Case	Future Land Use Map Series (FLUMS) amendment Medium Residential (MR) to High Residential (HR)
Owner	John Noble Rutledge III
Applicant	John Noble Rutledge III
Street Address	311 NW 60 th Avenue, Ocala, FL, 34482
Parcel Number	2303-015-065 and 2303-015-005
Property Size	± 0.64 acres total
Future Land Use	Medium Residential (MR)
Zoning Classification	One-and Two-Family Dwelling (R-2)
Overlay Zone/Scenic Area	Urban Growth Boundary (UGB) Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	APPROVAL
P&ZC Recommendation	TBD
Project Planner	Kathleen Brugnoli, Planner II
Related Case(s)	N/A

I. ITEM SUMMARY

John Rutledge, owner and applicant, has filed a Small-Scale Future Land Use Map Series (FLUMS) amendment application to change the land use designation of a ±0.64-acre site located on NW 60th Ave. within Ocala Ridge Unit 3 subdivision (Attachment A). The applicant seeks to change the Future Land Use designation from Medium Residential (MR), which allows for a maximum residential development of 1-4 dwelling units per acre, to a High Residential (HR) land use, which allows for 4-8 dwelling units per acre with the intent to place duplexes on the two subject sites (see Attachment A).

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

II. STAFF SUMMARY RECOMMENDATION

Staff is recommending the **APPROVAL** of the Small-Scale Future Land Use Map Series (FLUMS) amendment because it is consistent 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. And the request is compatible with the surrounding area.

Figure 1
General Location Map



III. NOTICE OF PUBLIC HEARING

Notice of public hearing was mailed to (8) property owners within 300 feet of the subject property on August 9, 2024. A public hearing notice sign was also posted on the property on August 13, 2024. A public hearing notice for the Planning & Zoning Commission hearing was published in the Star Banner on August 12, 2024. As of the date of the initial distribution of this Staff Report, no correspondence in support of or in opposition to the amendment has been received. Evidence of the public hearing notices are on file with the Growth Services Department and are incorporated herein by reference.

BACKGROUND/PROPERTY HISTORY

- A. *ZDM history.* Figure 2 shows the subject property is classified One-and-Two-Family Dwelling (R-2). 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 Medium Residential (MR) land use, which, according to the Marion County Comprehensive Plan, Policy 2.1.18 is intended, "...To recognize areas suited for *primarily* single-family residential units for existing and new development within the UGB, PSA, or Urban Area...."

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 located within Ocala Ridge Unit 3, with the western lot fronting on NW 60th Ave. and the eastern lot fronting NW 59th Court (an internal subdivision road). Other units within Ocala Ridge include HR designated land uses, the same as what is currently being requested. Additionally, duplexes, triplexes, and other various types of multi-family are observed throughout the Ocala Ridge subdivisions.

Staff conducted a site visit on August 13, 2024 and found both parcels to be vacant and cleared. Surrounding the property are single-family homes with a number of vacant residential parcels to the south. Driving through the neighborhood, a mix of single-family and multi-family are established with new duplexes under construction on NW 6th Place at the time that the site was photographed and public hearing signs were posted.

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 currently listed as vacant residential with other surrounding parcels being residential in nature, either vacant or developed. To the northeast, a line of multi-family can be seen also within the subdivision. These

parcels each have a duplex developed on them, the same as the applicant intends with this land use amendment request.

**Figure 5
Existing and Surrounding Land Uses**

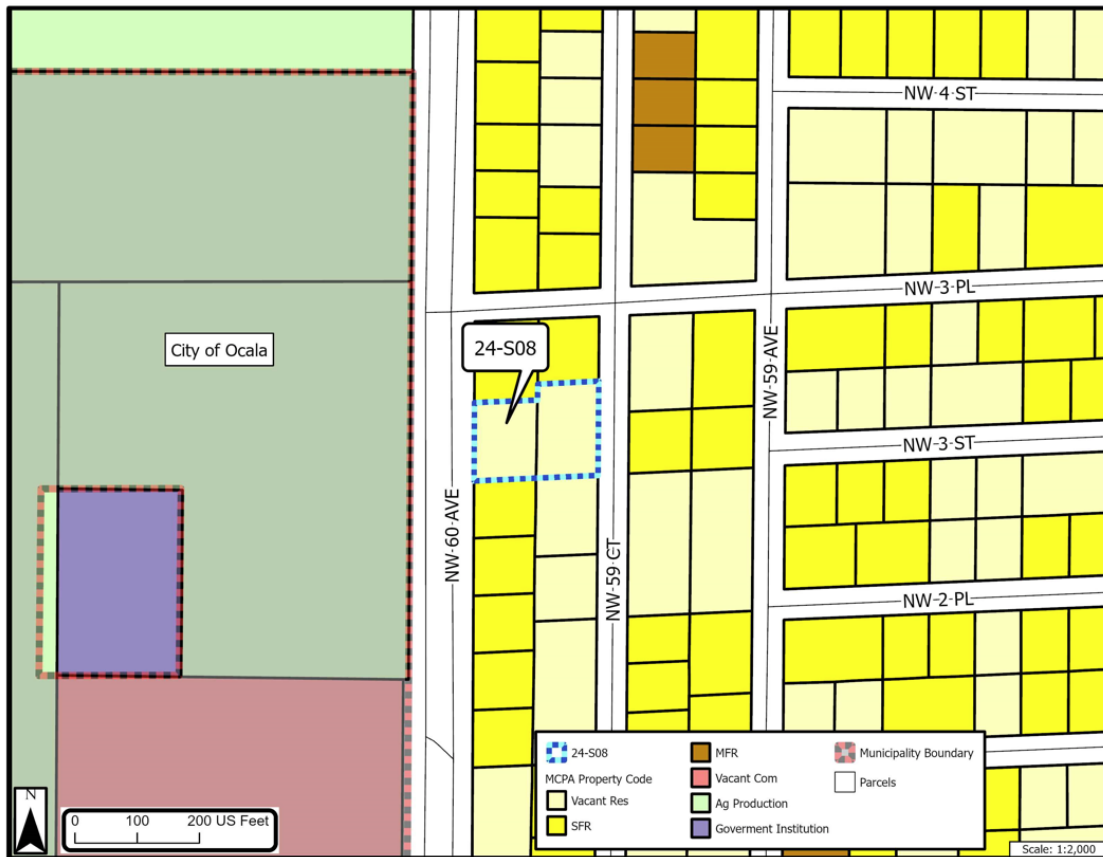


Table 1, below, displays the FLUMS, Zoning Classification, and existing uses on the subject site and surrounding uses.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Marion County Property Appraiser Existing Use
Subject Property	Medium Residential (MR)	One-and Two-Family Dwelling (R-2)	Vacant Residential
North	Medium Residential (MR)	One-and Two-Family Dwelling (R-2)	Improved Residential
South	Medium Residential (MR)	One-and Two-Family Dwelling (R-2)	Improved and Vacant Residential
East	Medium Residential (MR)	One-and Two-Family Dwelling (R-2)	Improved and Vacant Residential
West	City of Ocala	City of Ocala	City of Ocala

- C. *Project request.* Figure 6 depicts the FLUMS amendment proposed by this application. Approving the application would change the MR land use designation (1-4 du/ac) to the HR land use designation (4- 8 du/ac), allowing the two parcels included in this application to develop duplexes, which is the intent of the owner.

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 1.1.3 on Accommodating Growth provides, "The County shall designate on the Future Land Use Map sufficient area in each land use designation to distribute development to appropriate locations throughout the county. Changes to the Future Land Use Map shall be considered in order to accommodate the existing and projected population and its need for services, employment

opportunities, and recreation and open space while providing for the continuation of agriculture activities and protection of the environment and natural resources.”

Analysis: The subject site requesting a change to the future land use is within the UGB, bears a zoning classification that allows for one-and two-family housing, and is located within a neighborhood that includes existing duplexes on lots of the same size, zoning, and land use. Ocala Ridge Unit 3 (previously known as Biltmore Park) was platted and recorded in 1960, meaning duplexes that would not be allowed by today’s development standards on the lots they’re currently on, were built predating zoning and land use altogether. This change in land use would allow the subject parcels to develop in a manner similar to those existing multi-family parcels in the subdivision. The change in land use would also allow the subject parcels to develop to the full potential of their given zoning classification. The request meets the requirements set in place by this policy and is **consistent** with FLUE Policy 1.1.3.

- b. FLUE Policy 2.1.19 on High Residential provides, “This land use designation is intended to recognize areas suited for a mixture of single-family and multi-family residential units in existing and new development that is located within the UGB or Urban Area. The density range shall be four (4) dwelling units to eight (8) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area land use.”

Analysis: The subject parcels are located in a subdivision of both single-family and multi-family development. Likewise, this area is within the UGB. A change in land use to HR is supported by its location in the UGB, its zoning classification allowing multi-family, and the surrounding area that includes a mix of residential units, both single- and multi-family. This application is **consistent** with FLUE Policy 2.1.19.

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

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

Analysis: The proposed change looks to direct development in to an existing community while encouraging a mix of housing opportunities with this request intending to establish duplexes in a neighborhood that already has a mix of single-family and multi-family housing options. The lots are located north of W Hwy 40, south of N US Hwy 27, and less than two miles west of I75, making this area one offering links throughout the county. This close proximity to so many routes makes this an interconnected area where development is encouraged. This application is **consistent** with FLUE Policy 3.1.2.

- d. 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 make a determination that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:
1. Market demand and necessity for the change;
 2. Availability and potential need for improvements to public or private facilities and services;
 3. Allocation and distribution of land uses and the creation of mixed-use areas;
 4. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
 5. Agricultural activities and rural character of the area;
 6. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
 7. Consistency with the UGB;
 8. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
 9. Compatibility with current uses and land uses in the surrounding area;
 10. Water Supply and Alternative Water Supply needs; and 12. Concurrency requirements.

Analysis: The change from MR to HR encourages a mix of housing options that are needed as observed by the duplexes in the area being occupied and the duplexes currently under construction to

address the demand. This area is within the UGB, compatible with the surrounding area, and uses, and discourages urban sprawl by being within an area where development is encouraged and meets the County's planning principles. The application is **consistent** with FLUE Policy 5.1.2.

- e. 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 August 26, 2024. This application is **consistent** with FLUE Policy 5.1.3.

- f. FLUE Policy 5.1.4 on Notice of Hearing provides, "[t]he County shall provide notice consistent with Florida Statutes and as further defined in the LDC."

Analysis: Public notice has been provided as required by the LDC and Florida Statutes, and therefore the application is being processed **consistent** with FLUE Policy 5.1.4.

2. Transportation Element (TE)

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

Analysis: DRC comments provided by Traffic stated, "No comment." Based on the lack of comment or concern from Traffic, Staff concludes 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 inside the UGB and, if approved, would encourage development where 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: Utilities provided that this site is within MCU service area and adjacent to City of Ocala service area, but MCU does not currently have water or sewer mains in this location. Well and septic would be utilized in the development of this property and the conceptual plan provided illustrates this. SSE Policy 1.1.1 is **not applicable** to this application.

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 site’s requirement to provide a well for their own water consumption, PWE Policy 1.1.1 is **not applicable** to this application.

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

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

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

Analysis: At the time of development order approval, the owner will need to demonstrate that post-development stormwater runoff can be accommodated by the stormwater facilities proposed during

development review. Based on the above, the application is **consistent** with SE Policy 1.1.4.

- b. SE Policy 1.1.5 provides, “[s]tormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.”

Analysis: The owner is advised they will be responsible for funding the stormwater facilities with sufficient capacity to accommodate the post-development runoff. Based on the above findings, the application is **consistent** with SE Policy 1.1.5.

7. Public School.

- a. The following figures are provided for the 60th day of enrollment for the 2023-2024 school year: F.E. Learning Academy, formerly Evergreen Elementary, (No updated numbers), Liberty Middle (92%), and West Port High (116%). While there are areas of overcrowding, the county’s overall school availability has capacity. Based on the above findings, the proposed development would not adversely affect public interest. Therefore, it is concluded that the application is **consistent** with this section.

8. Fire Rescue/emergency.

- a. Golden Ocala Fire Station #20, located at 3600 NW 70th Ave. is roughly 3.5 miles northwest of the proposed development. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, the fire rescue/emergency impacts would not adversely affect the public interest and are **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: Section A of this staff report included a detailed analysis of the availability of facilities and services, and drew the following conclusions: Traffic has no concerns with the proposed change in land use having a negative impact, the property is located inside the UGB in an area of similar development and character, emergency services are within a reasonable

distance for response, and any stormwater concerns will be addressed and mitigated at the time of development. Based on this information, the application provide availability to all needed facilities and services and **complies with and conforms to** F.S. Section 163.3177(6)(a)8a.

The analysis of the suitability of the plan amendment for its proposed use was addressed in the “Character of the area” section of this staff report and it was found that the application **complies with and conforms 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 addressed in the analysis of FLUE Policies 1.1.3 and 2.1.19, providing that the subject property has met the minimum standard for proof of demand. Therefore, the application **complies with and conforms 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 finds the proposed amendment is located inside the UGB, promoting development to occur in an area of existing residential development and achieving the goals of infill. The desired duplex use will provide a mix of housing opportunities in an area of single and multi-family homes and take advantage of a location with numerous routes throughout the county, and out of the county, via convenient nearby roadways. Staff finds the application discourages urban sprawl, and based on this finding, the proposed amendment is **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 finds the proposed amendment directs land development to a geographic area that will not have adverse impacts on natural resources or ecosystems, promotes connectivity within the existing neighborhood, and preserves open space and agricultural areas by developing in a location deemed by planning principles to be appropriate for more dense and intense residential uses. Based on this finding, the proposed amendment is **consistent** with F.S. Section 163.3.177(6)(a)9b.

VI. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **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 make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission (PZC) enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **APPROVE** the proposed small-scale FLUMS amendment number 24-S04 because the application **is consistent with:**

- A. The Marion County Comprehensive Plan, specifically with:
 - 1. FLUE Policies 1.1.3, 2.1.19, 3.1.2, 5.1.2, 5.1.3, 5.1.4;
 - 2. TE Objective 3.1;
 - 3. TE Policy 2.1.4;
 - 4. SWE Policy 1.1.1;
 - 5. SE Policies 1.1.4 and 1.1.5

And does **comply with and conform to:**

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

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Application.
- B. Site Photos.
- C. Development Review Committee Comments.
- D. Surrounding Property Owners Notification.