



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

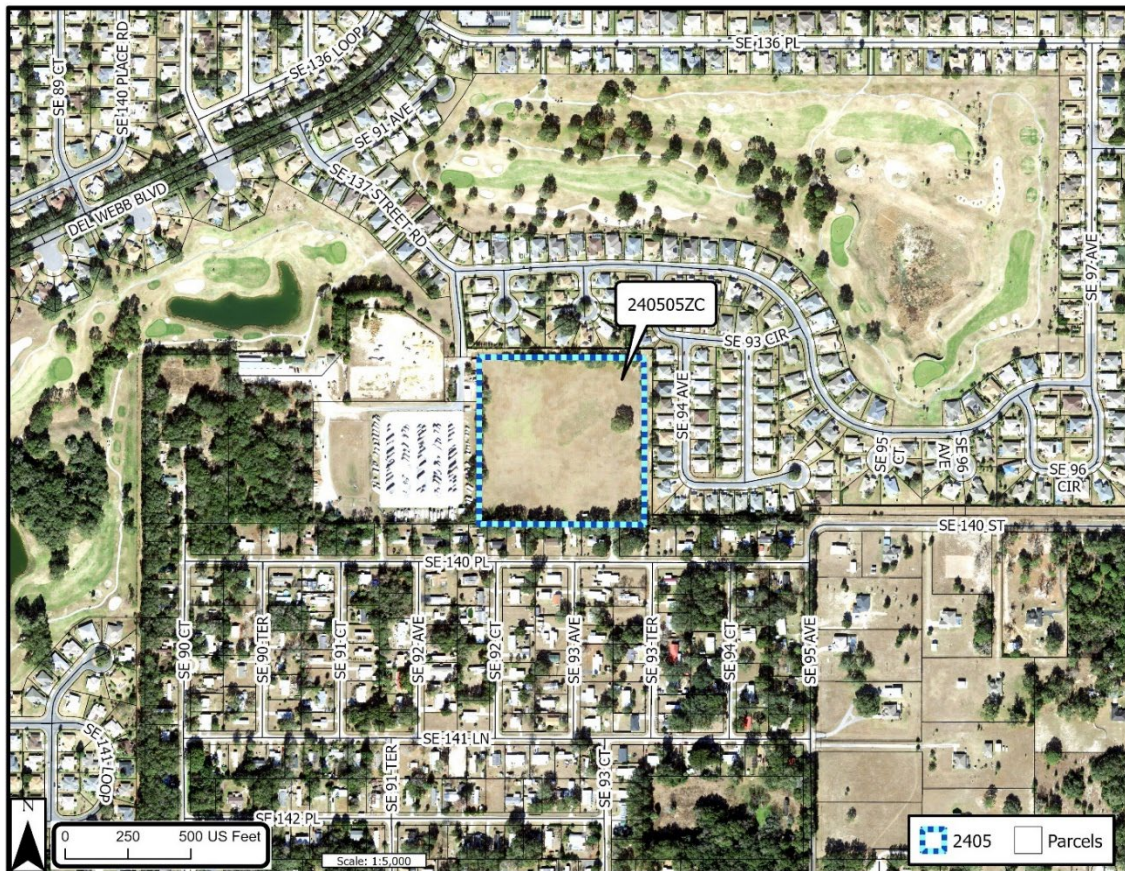
<b>Dates</b>	<b>P&amp;Z: 04/29/2024</b>	<b>BCC: 05/21/2024</b>
<b>Case Number</b>	240505ZC	
<b>CDP-AR</b>	31242	
<b>Type of Case</b>	<b>Rezoning from</b> Mixed Residential (R-4) <b>to</b> Manufactured Housing Park (P-MH)	
<b>Owner</b>	Hidden Little Lake Weir, LLC	
<b>Applicant</b>	Tillman and Associates Engineering, LLC	
<b>Street Address/Site Location</b>	No Assigned Address; ±125' north of SE 140 <sup>th</sup> Place, between SE 92 <sup>nd</sup> Court and SE 93 <sup>rd</sup> Terrace; future SE 93 <sup>rd</sup> Court.	
<b>Parcel Number(s)</b>	45509-000-00	
<b>Property Size</b>	±10 acres	
<b>Future Land Use</b>	High Residential (HR)	
<b>Existing Zoning Classification</b>	Mixed Residential (R-4)	
<b>Overlays Zones/Special Areas</b>	SE US 441 Urban Area, Countywide Secondary Springs Protection Zone (SSPZ), Marion County Utilities Service Area	
<b>Staff Recommendation</b>	<b>APPROVAL</b>	
<b>P&amp;Z Recommendation</b>	<b>TBD</b>	
<b>Project Planner</b>	Christopher D. Rison, AICP	
<b>Related Cases</b>	N/A	

## I. ITEM SUMMARY

Tillman and Associates Engineering, LLC, as agent for Hidden Little Lake Weir, LLC, filed a rezoning application to change from Mixed Residential (R-4) to Manufactured Housing Park (P-MH) for a ±10-acre property (see Attachment A). The Parcel Identification Number for the property is 45509-000-00 and the undeveloped property is not addressed at this time; the legal description and survey is contained within the application (see Attachment A). The site is located within the SE Hwy 441 Urban Area (Urban Area), the Countywide Secondary Springs Protection Zone (SSPZ), and is located in Marion County Utilities Service Area.

The application proposes to rezone the site from R-4 to P-MH to enable development of the site as a manufactured home community wherein multiple residential manufactured homes may be established on the single overall parcel in a theoretical “lot” development pattern. A comparison of the R-4 and P-MH zoning provisions is provided as Attachment B.

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The rezoning will establish a zoning district consistent with Marion County's High Residential land use designation and the adjoining manufactured home develop to the south where access to the site is provided.

## III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (69 owners) within 300 feet of the subject property on April 12, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property April 19, 2024 and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on April 15, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

## IV. ANALYSIS

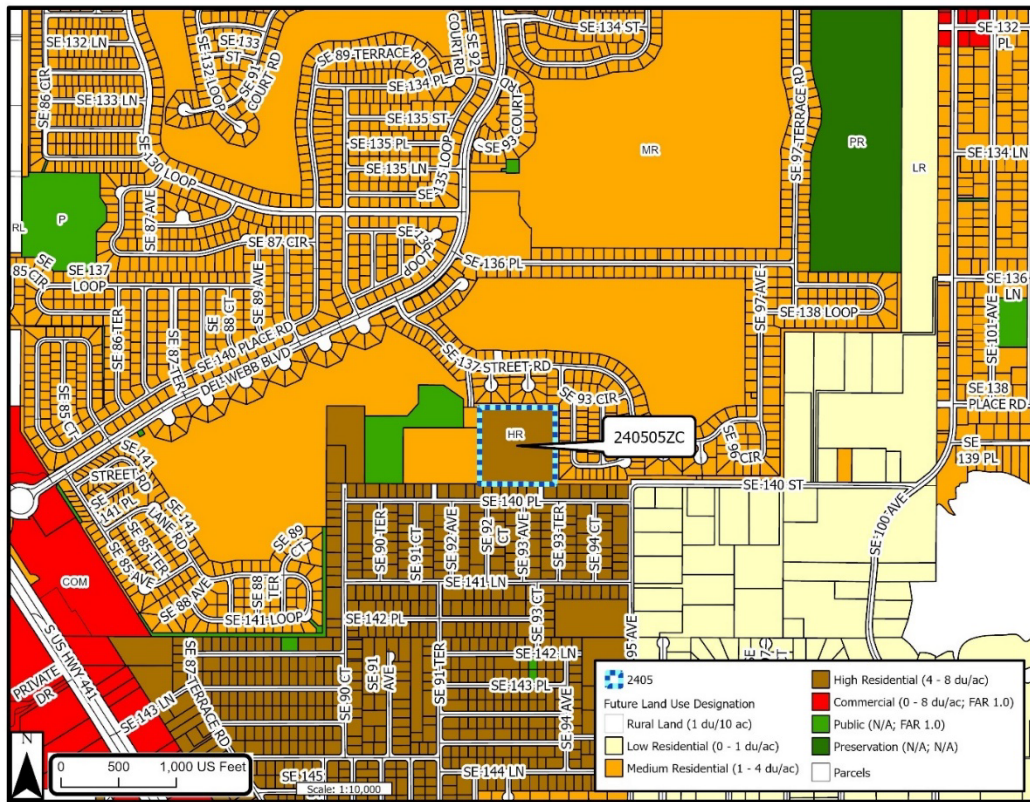
LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and that it is compatible with land uses in the surrounding area. Staff's analysis of compliance with these three criteria are addressed below.

### A. *How is the request compatible 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. Figure 1 is a general location aerial displaying existing and surrounding site conditions.

Figure 2 shows the future land use designations of the subject property and surrounding areas. Lands north, east, and west are designated Medium Residential (MR) while the lands to the south are designated High Residential (HR), as is the subject property.

**Figure 2  
FLUMS Designation**



The subject property's HR designation accommodates densities from four to eight dwelling units per acre (4-8 DU/AC), and is a land use that may accommodate multiple family uses or similar rental uses such as manufactured home parks that do not use formal individual lots in a fee-simple ownership form. The HR designated lands immediately to the south make up the Little Lake Weir Subdivision. The MR designation to the north, west, and east accommodates densities from one to four dwelling units per acre (1-4 DU/AC) encompassing the Spruce Creek Country Club development. An area designated Public (P) is further west, and that site is owned by Marion County as part of the Spruce Creek Country Club utilities system. A designated Preservation (PR) area is northeast reflecting a habitat conservation area (scrub jay, etc.) established related to the Spruce Creek Country Club's original approval as a Florida Quality Development.

Figure 3 displays the proposed zoning for the subject property with the existing zoning classifications of the surrounding properties. South of the site is the existing Mixed Residential (R-4) zoned Little Lake Weir Subdivision that consists of individual building site lots. North, east, and west of the site are portions of the (Del Webb's) Spruce Creek Country Club that is zoned Planned Unit Development (PUD). Specifically, to the west are historic parcels within the Spruce Creek Country Club that are designated as a community storage area for recreational vehicles (RVs) along with a community storage building (previously used by the

original community developer). To the north and east, are single-family residential lots  $\pm 65'$  wide. The lots are separated from the site by a 35' wide land use buffer established as part of the originally designed PUD.

**Figure 3  
Proposed Zoning Classification**

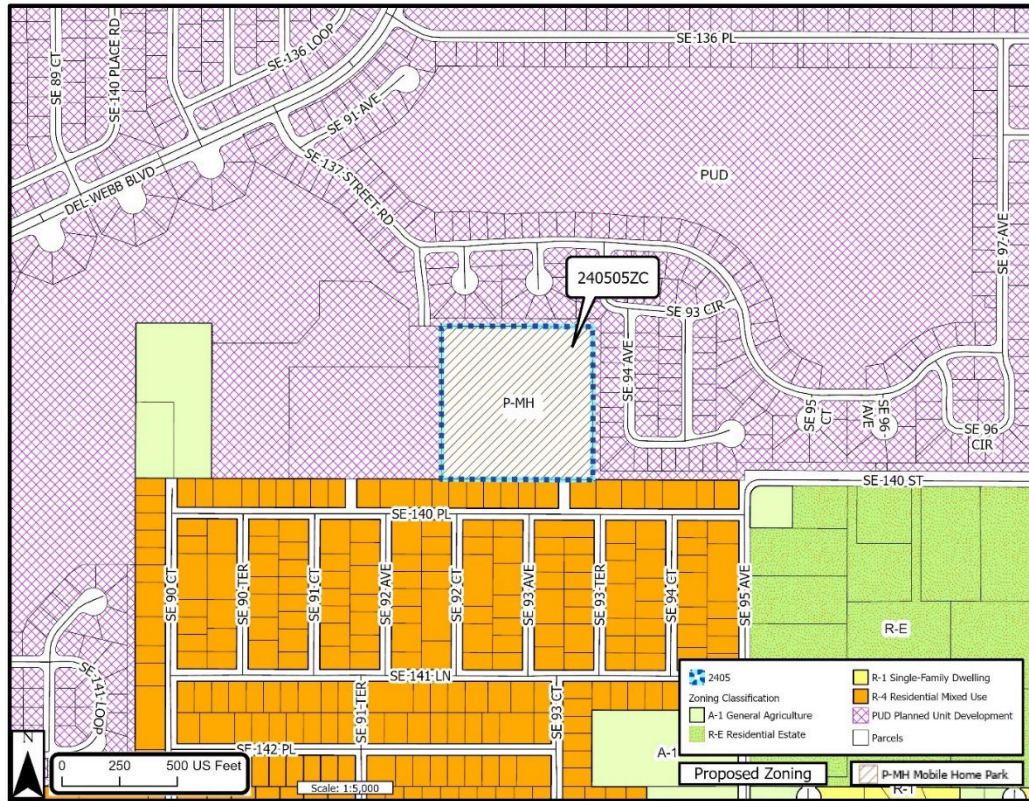
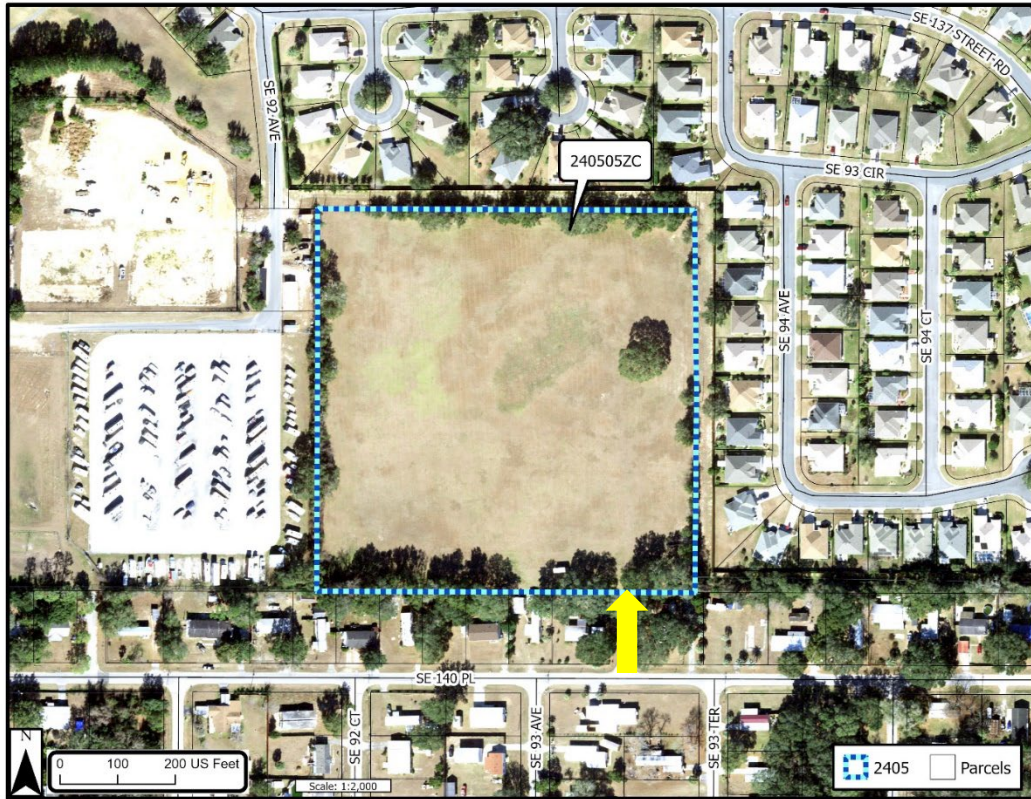
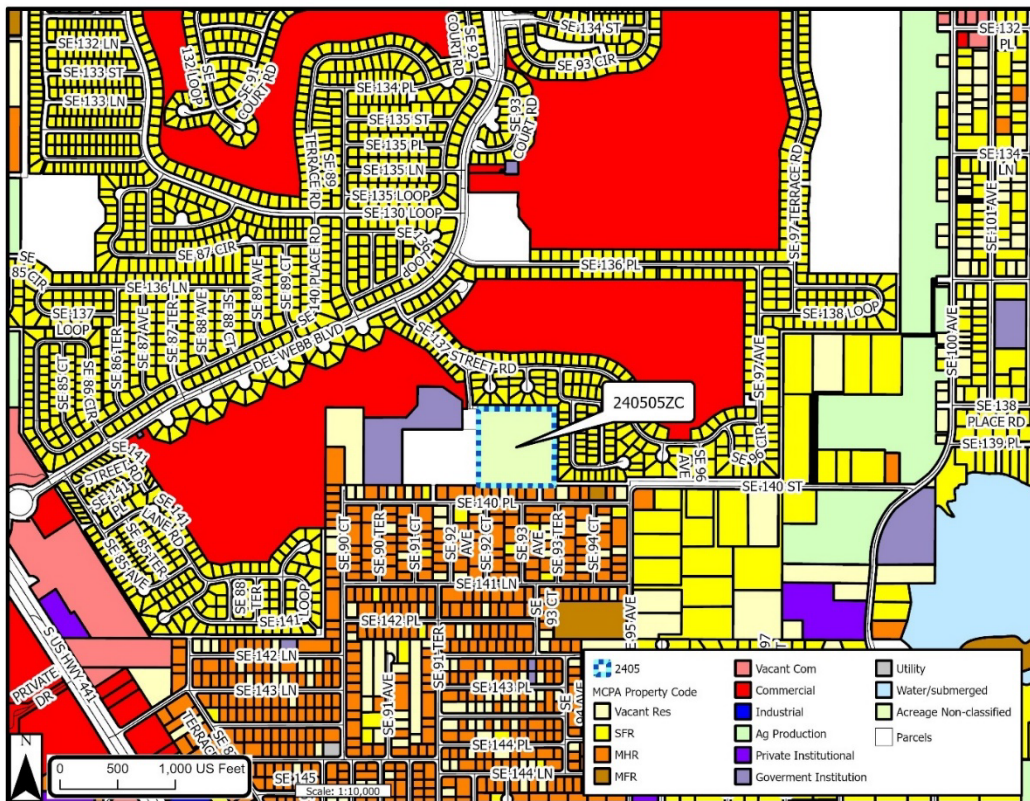


Figure 4 provides an aerial image of the subject property and surrounding area, while Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). Table A displays the information of Figures 2, 3, 4 and 5 in tabular form.

**Figure 4  
Property Aerial**



**Figure 5  
Existing Use per Property Appraiser Property Code**



<b>TABLE A. Adjacent Property Characteristics</b>			
<b>Direction</b>	<b>FLUM Designation</b>	<b>Zoning Classification</b>	<b>Existing Use per Property Appraiser Code</b>
<b>North</b>	Medium Residential (MR)	Planned Unit Development (PUD)	Spruce Creek Country Club Windward Hills Residential Phase
<b>South</b>	High Residential (HR)	Mixed Residential (R-4)	Little Lake Weir Subdivision (8 lots – 7 manufactured homes, 1 vacant)
<b>East</b>	Medium Residential (MR)	Planned Unit Development (PUD)	Spruce Creek Country Club Windward Hills Residential Phase
<b>West</b>	Medium Residential (MR)	Planned Unit Development (PUD)	Spruce Creek Country Club RV Storage Area & Storage Building

The adjoining Spruce Creek Country Club PUD consists of site-built homes. The adjoining Little Lake Weir Subdivision to the south, which is the site's route of access via the future SE 93<sup>rd</sup> Court, consists predominantly of manufactured homes (orange colored parcels in Figure 5). Consistent with LDC Section 2.7.3.D, staff conducted a site visit and finds the subject property is generally a vacant field with existing tree-lines along the north, west, and south boundaries, and limited trees along the east boundary. Staff notes as well that an existing power line traverses the Spruce Creek Country Club PUD buffer along the north and east sides of the site, limiting the vegetation possible within the existing buffer. The proposed P-MH zoning accommodates a design option wherein the overall site may be singularly owned while individual dwelling units may then be located on-site by respective leases on "lots". The adjoining R-4 zoning also permits the development of a similar option as two dwelling units maybe located on sites of sufficient size.

The site is located within the countywide Secondary Springs Protection Zone (SSPZ) as established by the Comprehensive Plan, which will guide stormwater design for the site. The site lies northwest and outside of the Environmentally Sensitive Overlay Zone (ESOZ). The site does not include any designated Flood Zone or Flood Prone areas.

Based on the above findings, the proposed rezoning application **is compatible with the existing and future surrounding land uses** because the proposed rezoning would allow residential use consistent with the site's HR future land use designation.

B. *How does the request affect the public interest?*

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

- a. **Roadways.** The site is located between the Spruce Creek Country Club and Little Lake Weir developments, with access provided through the Little Lake Weir development and then connecting to SE 100<sup>th</sup> Avenue or SE Sunset Harbor Road. Any development of the site will be subject to Marion County traffic analysis requirements, based on a site's proposed use and project trip generation. Further, staff notes that development with 50 or more residential units requires the provision of two access points pursuant to the LDC's development standards, unless and LDC Waiver is obtained [LDC Section 6.11.14.A]; recently, such waivers have been limited unless special alternatives are provided. No additional access is available to the site, unless such access is independently obtained by the developer in a suitable manner (e.g., purchase/ownership or easement). Table B below provides two preliminary estimates for traffic generation for the site using the maximum units possible based on maximum density (10 AC x 6 DU/AC = 60 DU) and a reduced number of units reflecting the LDC access requirements limitation. Traffic Engineering staff have recommended denial (see Attachment C) of the proposed rezoning as a formal traffic study has not been provided, and the extent of the development is undetermined, which is a concern regarding the lack of a second access connection. The P-MH zoning classification is a fixed zoning classification; in order to achieve a formal development plan with an identified maximum development amount, a Planned Unit Development rezoning application would be necessary. As a standard zoning classification, compliance with LDC development standards will be required, including addressing the formal study and secondary access need; wherein a reduced development amount may be necessary to achieve development approval, unless suitable LDC Waivers are obtained to the satisfaction of the Development Review Committee (DRC). Should the DRC not authorize a requested LDC Waiver, the developer may then appeal such a decision directly to the Board of County Commissioners. Due to the requirement to satisfy the LDC's DRC review process, staff proposes the application would not adversely affect the public interest.

<b>Table B. Estimated Trip Generation</b>			
<b>Development Amount</b>	<b>Total Daily Trips</b>	<b>Peak Hour Trips</b>	
		<b>AM</b>	<b>PM</b>
<b>49 DU</b>	246	13	23
<b>60 DU</b>	300	16	28

ITE 10<sup>th</sup> Edition Traffic Generation Manual (Use Code 240)

- b. **Public transit.** The property is not along or within one quarter mile of existing transit routes. No transit routes are currently projected to

extend to the vicinity of the project. Therefore, the application would not adversely affect the public interest.

- c. Other mobility features. No sidewalks currently exist within the Little Lake Weir Subdivision, or in the vicinity along SE 100<sup>th</sup> Avenue or SE Sunset Harbor Road; upon development, internal sidewalks will be required unless suitable LDC Waivers are obtained. Therefore, the application would not adversely affect the public interest.

Based on the above findings, the rezoning roadway **impacts would not adversely affect the public interest.**

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on a residential calculation, the proposed rezoning could result in a potential demand of 23,040 gallons per day if the site were developed to a maximum density.

The property is within the S. Hwy 441 Urban Area and Marion County Utilities Service Area where service lines are currently available subject to extension to serve the site. Based on the above findings, the rezoning's **potable water impacts would not adversely affect the public interest.**

3. 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. Based on the residential calculation, the proposed rezoning would result in a potential demand of 16,896 gallons per day.

The property is within the S. Hwy 441 Urban Area and Marion County Utilities Service Area where service lines are currently available subject to extension to serve the site. Based on the above findings, the rezoning's **sanitary sewer impacts would not adversely affect the public interest.**

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 for residential demand. A commercial/industrial level of service standard is not currently in place for Marion County as such operations are required to provide for individual commercial collection wherein disposal within Marion County is alternatively addressed. A manufactured home park is typically operated under a commercial collection format similar to multiple-family developments as waste disposal is provided on a community wide basis coordinated by the overall site owner; alternatively, the park owner may coordinate individual-unit collection with a suitable commercial provider. The final form of collection will be determined through the development review process. Based on the above, the rezoning **solid waste impacts would not adversely affect the public interest.**

5. Recreation. Recreation Element Policy 1.1.1. adopts a level of service standard of two (2) acres per 1,000 persons. As a residential use, a manufactured home park is subject to recreation/open space requirements and would be required to provide for 0.384 acres of recreation/open space. The final form of recreation/open space will be determined through the development review process. Based on the above, the rezoning **recreation impacts would not adversely affect the public interest.**
6. Stormwater/drainage. Stormwater Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development site. The site does not include any flood plain or flood prone areas. Development of the site will be required to comply with a 100-year frequency 24-hour duration design storm as the site development proceeds through Marion County's site development review processes. Based on the above, the rezoning **stormwater/drainage impacts would not adversely affect the public interest.**
7. Fire rescue/emergency services. The site is officially located in Marion County's Spruce Creek Fire Station #30 located at 7900 SE 135<sup>th</sup> Street ±2.9 miles northwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The Sheriff's South Marion District Office, located at 8230, The Villages, is ±5.1 miles southwest of the site. The Comprehensive Plan does not establish a level of service standard for law enforcement services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services; however, the Sheriff's Office provides travelling patrol services which may adequately address the site's impacts. Based on the above, the application's **law enforcement impacts could adversely affect the public interest as travel to the site would be required to move through the Little Lake Weir Subdivision.**
9. Public schools. The proposed P-MH rezoning may generate student populations as a residential use, *unless the development is formally age-restricted*. Based on a maximum development ratio of 60 dwelling units, 8 elementary students, 4 middle school students, and 5 high school students may be generated. Local school zones potentially affected include Harbour View Elementary School (currently 816 students are enrolled with a capacity of 778 students for an individual school utilization rate of 105%), Lake Weir Middle School (currently 1,172 students are enrolled with a capacity of 1,250 students for an individual school utilization rate of 93%), and Lake Weir High School (currently 1,360 students are enrolled with a capacity of 2,009 students for an individual school utilization rate of 68%). While there are area of localized overcrowding within the county, overall, Marion County Public Schools (MCPS) currently has sufficient district-wide capacity;

further, MCPS is examining school capacities and is currently undertaking the construction of new public schools, including new elementary schools. Therefore, the application's public-school impacts **would not adversely affect the public interest.**

In summation, the limited non-conformance with the sheriff level of service standard may be off-set as that service is provided via travelling deputies and is outweighed by conformance with the eight other public facility and services level of service standards, and therefore, staff concludes that when weighing the totality of the circumstances, **the public interest is not adversely affected.**

C. *How is this request consistent with the Comprehensive Plan?*

1. FLUE Policy 1.1.6: Buffering of Uses, requires new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties as defined in the LDC.

**Analysis:** The proposed rezoning will provide for the development of a manufactured home park, which is comparable to multiple-family use. Site development for multiple-family uses adjoining single-family uses requires a Type-A Buffer that must be a minimum of 30' wide, with three shade trees and five accent/ornamental trees with shrubs and groundcover comprising at least 50 percent of the buffer area to form a screen a minimum of 3-feet in height within three years. Further, staff notes the adjoining Spruce Creek County Club development includes a 35' wide buffer tract including an 8' high opaque privacy fence along the interior side of the buffer tract (see Attachment D) that also features an existing powerline easement; further, a number of existing trees correspond with the site's shared boundaries that may be integrated with buffering requirement upon completion of the site's required tree survey and landscape plans to be provided through the LDC development review process. Therefore, the future site development will be capable of compliance with site buffering consistent with FLUE Policy 1.1.6.

2. Policy 2.1.19: High Residential (HR). 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 proposed rezoning will establish a site zoning consistent with the site's HR future land use designation. The requested P-MH zoning permits a maximum of 6 DU/AC per the LDC. The project's required buffers will support establishing compatibility with the surrounding uses, and *the applicant has indicated an intent to establish the site as an age restricted 55+ community; however, staff notes under the general P-MH zoning classification, such a limitation may only be required through a binding*

*agreement such as a Development Agreement, or comparable measure.* Therefore, the proposed rezoning is consistent with FLUE Policy 2.1.18.

3. FLUE Policy 5.1.3 on Planning and Zoning Commission 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:** The proposed zoning change is scheduled for the April 29, 2024 Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

4. FLUE Policy 5.1.4 on Notice of Hearing provides, “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.

5. FLUE Policy 7.4.3 (P/SSPZ) Permitted Uses provides that the County shall implement and maintain an LDC to identify permitted and special uses to ensure that the function of a protected natural feature will not be materially impaired, diminished, or harmed by development activities and that the quality of the surface waters or groundwater will not be adversely impacted by the development activities.

**Analysis:** The site is within the Countywide Secondary Springs Protection Zone (SSPZ) wherein specific design standards, focused on stormwater management, may be required. Approval of the requested P-MH zoning for the subject property will control the range of uses for the site, while remaining eligible uses will require implementation of SSPZ design standards, particularly depending on soil and subsurface characteristics and/or FDEP requirements. Compliance with the LDC’s site and development standards to stormwater impacts for the site under the P-MH zoning would be consistent with FLUE Policy 7.4.3.

6. Transportation Element (TE) Policy 2.1.4 on determination of impact provides in part “All proposed development shall be evaluated to determine impacts to adopted LOS standards.”

**Analysis:** The rezoning site currently consists of ±10 acres which may accommodate up to 60 dwelling units under the requested P-MH zoning. Trip generations based on a manufactured home park could result in 28 PM trips and 16 AM trips with a total of 300 average annual daily trips. Development of the site will be subject to traffic engineering review and

impact analysis and will be subject to addressing any system deficiencies identified by the final required traffic study. Staff concludes the proposed rezoning will be consistent with TE Policy 2.1.4.

Based on the above findings, the proposed rezoning **is consistent with the Comprehensive Plan.**

## V. 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 **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 a recommendation for the approval of the Ordinance, and make a recommendation to adopt a proposed Ordinance to **APPROVE** 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 **TABLE** the application for up to two months in order to provide the identified data and analysis needed and/or additional documentation to make an informed recommendation on the proposed Ordinance.

## VI. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission 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 **APPROVE** the proposed rezoning because the application:

- A. Will not adversely affect the public interest because non-conformance with the law enforcement level of service standard are outweighed by conformance with the eight other public facility and services level of service standards;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
  - 1. FLUE Policies 1.1.6, 2.1.19, 5.1.3., 5.1.4, and 7.4.3
  - 2. TE Policy 2.1.4
- C. Is compatible with the surrounding uses because the proposed rezoning would allow residential development consistent with the adjoining residential communities while providing for an overall singularly-owned and managed site which will be required to provide for the recreational needs of the project's residents.

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

To be determined.

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

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Rezoning application filed 3/1/2024
- B. R-4 versus P-MH Comparison
- C. AR 31242 DRC Staff Review Remarks
- D. Site and Area Photographs