



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date 1: 3/30/2026 <u>P&Z Date 2: 4/27/2026</u>	BCC Date: <u>5/19/2026</u>
Case Number	260402ZC
EPL Number	PL ZoneChg-000292-2026
Type of Case	Rezoning from Single-Family Dwelling (R-1) to Heavy Business (B-5) <u>Community Business (B-2)</u>
Owner	Gironj, L.L.C. (c/o Juan Giron)
Applicant	N/A
Street Address/Site Location	9645 NE 21 st Avenue, Anthony, FL 32617
Parcel Number(s)	14138-000-00
Property Size	±0.48 AC
Future Land Use	Commercial (COM)
Existing Zoning Classification	Single-Family Dwelling (R-1)
Overlays Zones/Special Areas	Primary Springs Protection Zone (PSPZ)
Staff Recommendation	DENIAL <u>APPROVAL FOR B-2 ZONING</u>
P&Z Recommendation	APPROVAL FOR B-2 ZONING (4-0 VOTE)
Project Planner	Jared Rivera-Cayetano
Related Cases	AR 32920 – Major Site Plan for Alien Engineered Products Shop Expansion CPA Case No. 00-S21 – Medium Density Residential to Commercial

I. ITEM SUMMARY

Juan Giron, on behalf of Gironj, L.L.C., filed a rezoning application to change the zoning of a ±0.48-acre property from Single-Family Dwelling (R-1) to ~~Heavy Business (B-5)~~ Community Business (B-2). The subject property is located at 9645 NE 21st Avenue, Anthony, FL. The Parcel Identification Number for the subject property is 14138-000-00. The subject property is not part of an existing subdivision; the legal descriptions are provided within the rezoning application (see Attachment A). The site is located outside the Urban Growth Boundary (UGB) and within the Silver Springs Primary Springs Protection Zone (PSPZ). The rezoning request is in response to Planning/Zoning comments related to approved Major Site Plan (AR 32920).

Figure 2 (and Attachment D) provides the most recently submitted site plan for an expansion to an existing metal fabrication and welding shop, with a specialization in pressure vessel manufacturing. Two (2) buildings—an office and a warehouse—and a parking lot are located within the northern portion of PID 14221-000-00, a property directly to the north of the subject property and within common ownership. The site plan indicates landscaped buffers along NE 21st Avenue, NE 97th Street Road, and toward the rear of the site. The site plan indicates a large drainage retention area (DRA) toward the rear of the properties, with a CSX railway to the east. The primary driveway of the project is located adjacent to the buildings, with a secondary commercial driveway intended to be constructed along the frontage of the subject property. The approved site plan currently indicates outdoor storage area for the metal shop within the B-5 property only.

The applicant had originally requested B-5 zoning but has now requested B-2 zoning following concerns expressed during the first Planning & Zoning (P&Z) Commission hearing on March 30, 2026. The application had been tabled by the P&Z Commission and was re-heard on April 27, 2026. Given the change in request (see Attachment A**), Staff's recommendation has changed from denial of B-5 zoning to approval of B-2 zoning. If approved, buildings for heavy commercial uses and any related outdoor storage would not be permitted within the subject property; however, the property may continue to be used as a secondary driveway, as well as any additional parking and/or landscaping.

**This report was significantly edited following the first Planning & Zoning (P&Z) Commission hearing on March 30, 2026, to reflect the request for B-2 zoning instead of B-5 zoning. To reflect major changes since the first P&Z Commission hearing, sections highlighted in Green have been added, and ~~sections highlighted in Red have been removed.~~*

***Although Community Business (B-2) zoning is less intense than Heavy Business (B-5) zoning and can be approved using the previously-submitted application, the applicant has submitted an updated application form for clarity.*

II. STAFF SUMMARY RECOMMENDATION

Staff can recommend APPROVAL of B-2 zoning as requested by the applicant. Staff originally found that B-5 zoning, as originally requested, allows high-intensity commercial uses that involves heavy vehicle traffic, allows outdoor storage, results in significant

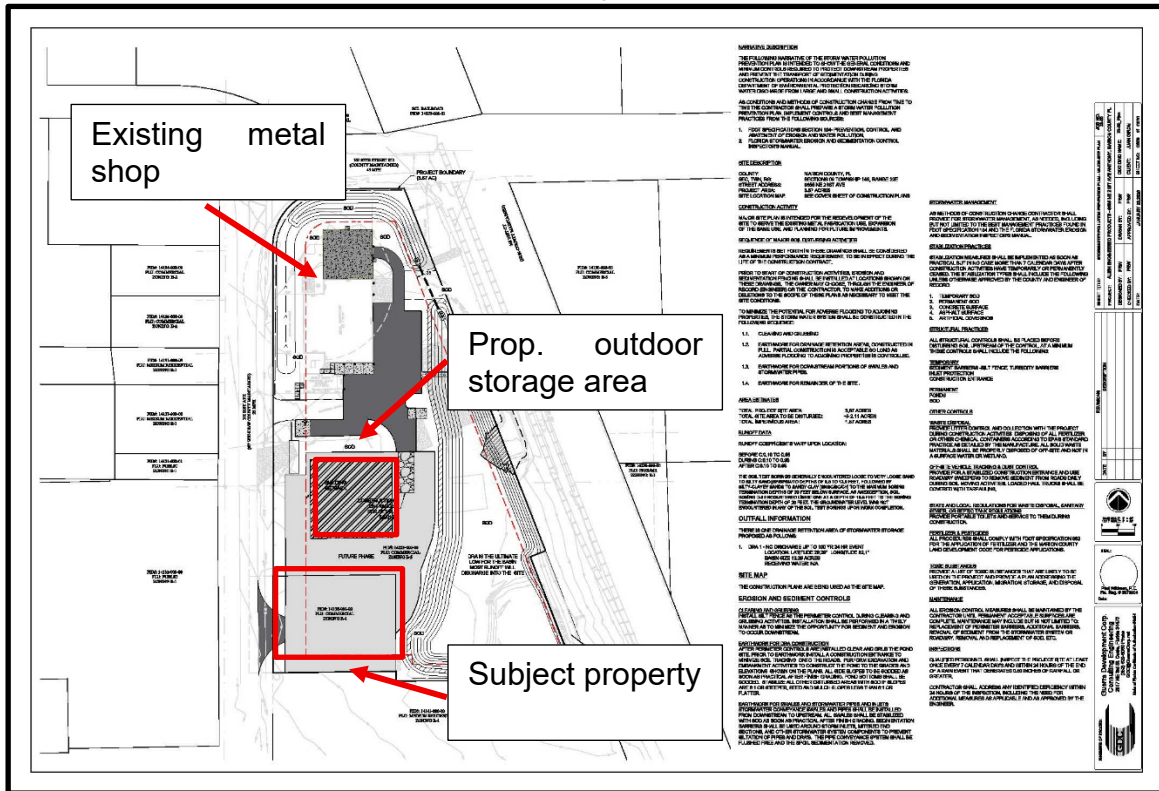
noise, and potentially poses a groundwater quality concern within the Primary Springs Protection Zone, as identified by the Marion County Land Development Code (LDC).

On the other hand, Staff can recommend approval for B-2 zoning because the zoning would allow the parcel to be used for commercial purposes, consistent with the Commercial (COM) land use designation. The uses permitted by B-2 zoning are generally less intense compared to B-5 zoning, with all commercial activity required to occur within an enclosed building, which further mitigates potential intensity and compatibility concerns. Staff therefore finds the request is consistent with the Marion County Comprehensive Plan, is compatible with the surrounding area, and will not adversely affect the public interest.

Figure 1
General Location Map



**Figure 2
Submitted Major Site Plan**



III. NOTICE OF PUBLIC HEARING

Consistent with Marion County Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (12 owners) within 300 feet of the subject property on March 13, 2026. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on March 6, 2026, and consistent with LDC Section 2.7.3.E., public notices were published through the Marion County website on March 16, 2026 for the Planning and Zoning Commission. 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 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. *Compatibility with Surrounding Area*

"Compatibility" is defined in Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, 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, above, is a general location aerial displaying existing and surrounding site conditions.

1. Zoning Classification. Figure 3 displays the existing zoning classifications for the subject properties in relation to the existing zoning classifications of the surrounding properties. Figure 4 shows the zoning classification proposed by the applicant.

PID 14221-000-00, a 3.23-acre property directly to the north of the subject property, has an existing zoning classification of Heavy Business (B-5). PID 14221-000-00 is currently under common ownership and a Major Site Plan for (an expansion to) metal fabrication and welding shop including the subject property has been approved.

Staff notes several B-4 and B-5 properties along the CSX railway to the east of the subject property. That said, most properties in close proximity to the intersection of NE 97th Street Road and NE 21st Avenue, as well as those directly to the west of the subject property along the NE Jacksonville Road corridor, are zoned for less intensive commercial uses (i.e. B-2 zoning).

All other properties within the Town of Anthony Urban Area, including a property directly to the south of the subject property, are zoned for residential uses.

2. FLUMS Designation. Figure 6 shows the Future Land Use (FLU) designation of the subject property in relation to the existing FLU designation of the surrounding properties.

Staff notes portions of PID 14221-000-00, directly to the north of the subject property, were amended from a Medium Density Residential land use designation to Commercial in 1997. The subject property received a land use change from Medium Density Residential to Commercial in 2000 (see Attachment E). All other nearby commercially zoned properties are also designated as Commercial.

All other properties within the nearby Anthony Urban Area along NE 21st Avenue and NE 97th Street Road, including a residentially zoned property directly to the south of the subject property, are designated as Medium Residential (MR). Properties associated with Anthony Elementary School, to the southwest of the subject property, have a Public (P) land use designation.

3. Nearby Development. Figure 7 identifies nearby under-review, DRC-approved, or permitted residential developments. Although there are select large residential developments north of the City of Ocala that are currently undergoing planning or development review processes, no major development projects are currently within the Town of Anthony Urban Area.
4. Existing Uses. Figure 8 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). In general, the area surrounding the subject property is characterized by a mix of residential and non-residential uses. Several commercially-zoned properties along NE 97th Street Road, NE 21st Avenue, and NE Jacksonville Road are currently characterized as Commercial, Vacant Commercial, or Institutional. PID 14221-000-00 to the north of the subject property is specifically classified as Industrial. PID 14141-000-00 to the south of the subject property currently contains a single-family residence.

Consistent with LDC Section 2.7.3.D, Staff conducted a site visit on March 6, 2026 and found that the subject property itself is currently vacant with signs of wear, including areas of exposed soils, observed. The subject property has an unpaved gated driveway currently used as a secondary entrance to import/export materials for the existing metal fabrication and welding shop. Staff notes that the southern portion of the adjacent PID 14221-000-00 is currently used for outdoor storage of materials, including several shipping containers. Several buildings and additional outdoor storage areas are located toward the northern portion of this property. A loading dock is located adjacent to the existing CSX railway. A non-opaque fence currently surrounds the metal shop properties, including the adjacent single-family property directly to the south of the subject property. Site photos are attached to this report (see Attachment C).

Table 1, below, assembles the information in Figures 3, 6, and 8 in tabular form. At this point, the applicant intends for the subject property to be specifically used only as a secondary driveway, with no outdoor storage indicated by the approved site plan located within the subject property. A waiver for a thirty-foot landscaped buffer with a wall, as generally required by LDC Section 6.8.6, was approved by the Board of County Commissioners. An eight-foot opaque screen, as conditioned by the waiver, as well as select tree plantings, were provided for an outdoor storage area exclusively within the B-5 property only (see Attachment D for approval site plan).

Staff originally found B-5 zoning not compatible with the surrounding area. If approved as originally requested, heavy commercial uses would be permitted directly adjacent to residential development to the south. Staff notes the uses permitted by B-2 zoning are generally less intense compared to B-5 zoning, with all commercial activity required to occur within an enclosed building pursuant to LDC Section 4.2.18, which further mitigates potential intensity and compatibility concerns. Additional LDC standards related to landscaping and zoning standards,

including setbacks and building height, would be re-evaluated through the development review process upon any further development of the site. Notably, Section 6.8.6 of the Marion County LDC requires a Type C buffer on any commercial property boundary along right-of-ways and a Type B buffer along residential properties.

Staff therefore finds that B-2 zoning is compatible with the existing and future surrounding land uses.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Commercial (COM)	Single-Family Dwelling (R-1)	Vacant Residential*
North	Commercial (COM)	Heavy Business (B-5)	Industrial
South	Medium Residential (MR)	Single-Family Dwelling (R-1)	Multi-Family Residential
East	Commercial (COM)	Heavy Business (B-5)	Industrial
West	Right-of-Way & Public (P)	Right-of-Way & Single-Family Dwelling (R-1)	Right-of-Way & Government Institutional

Figure 3 Zoning Classification

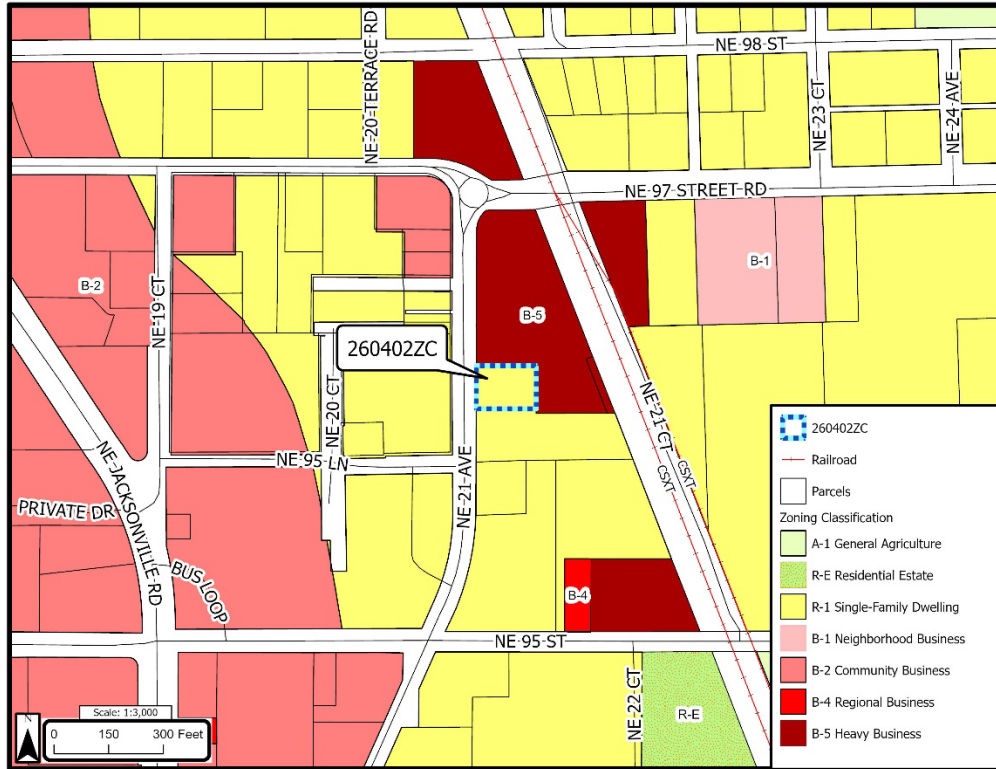
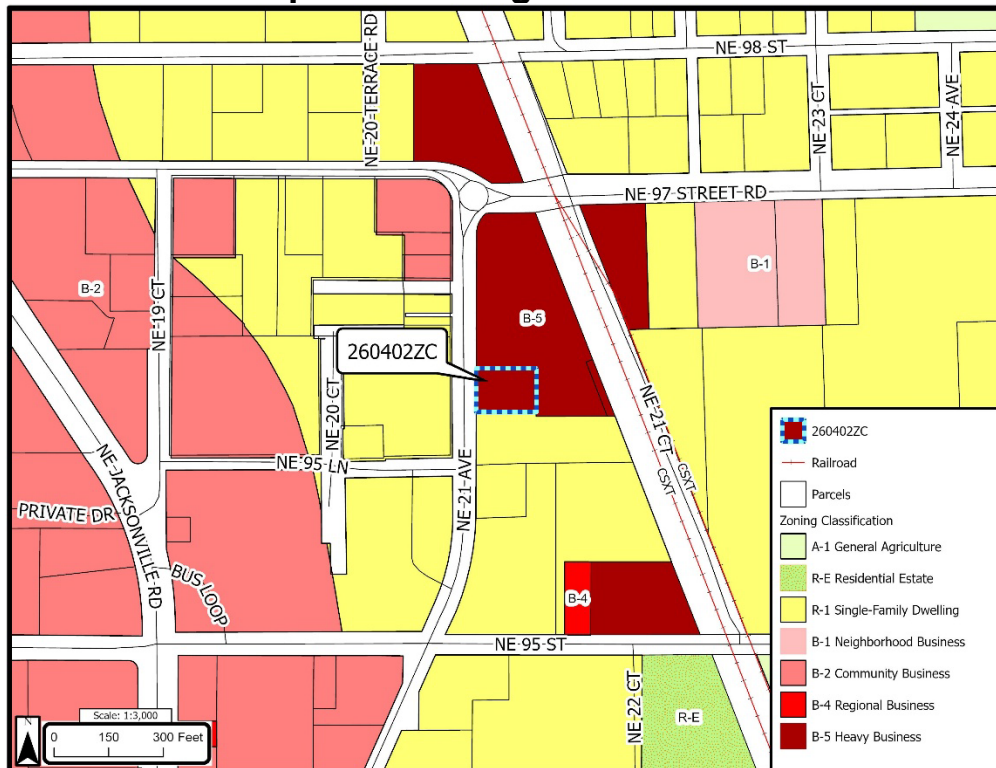
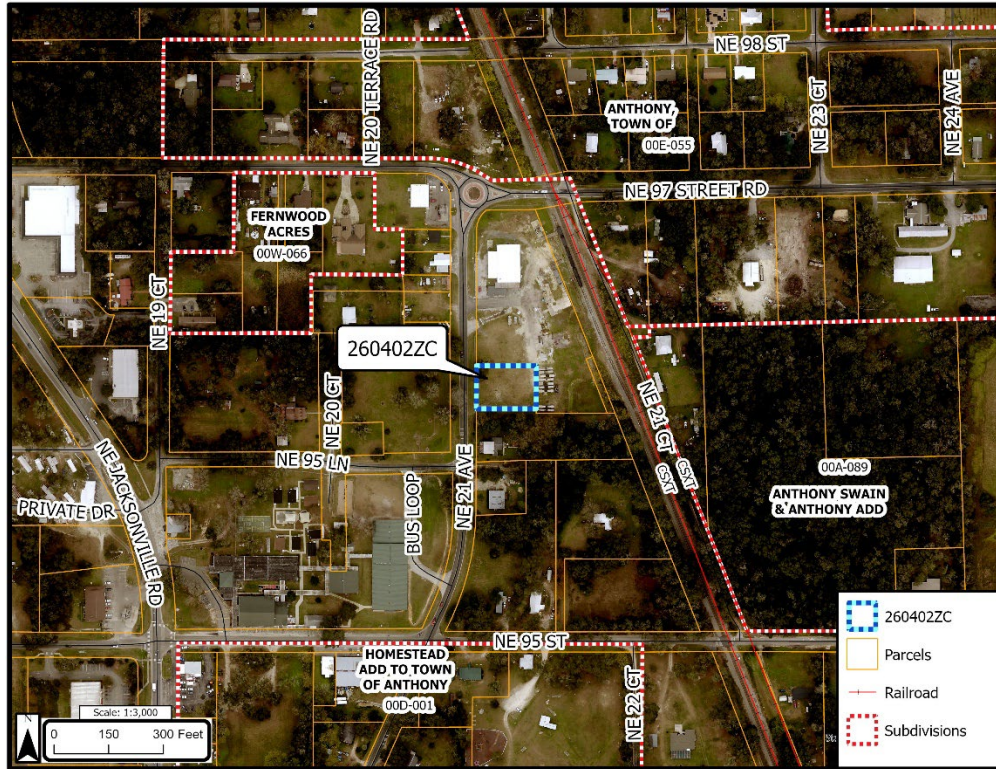


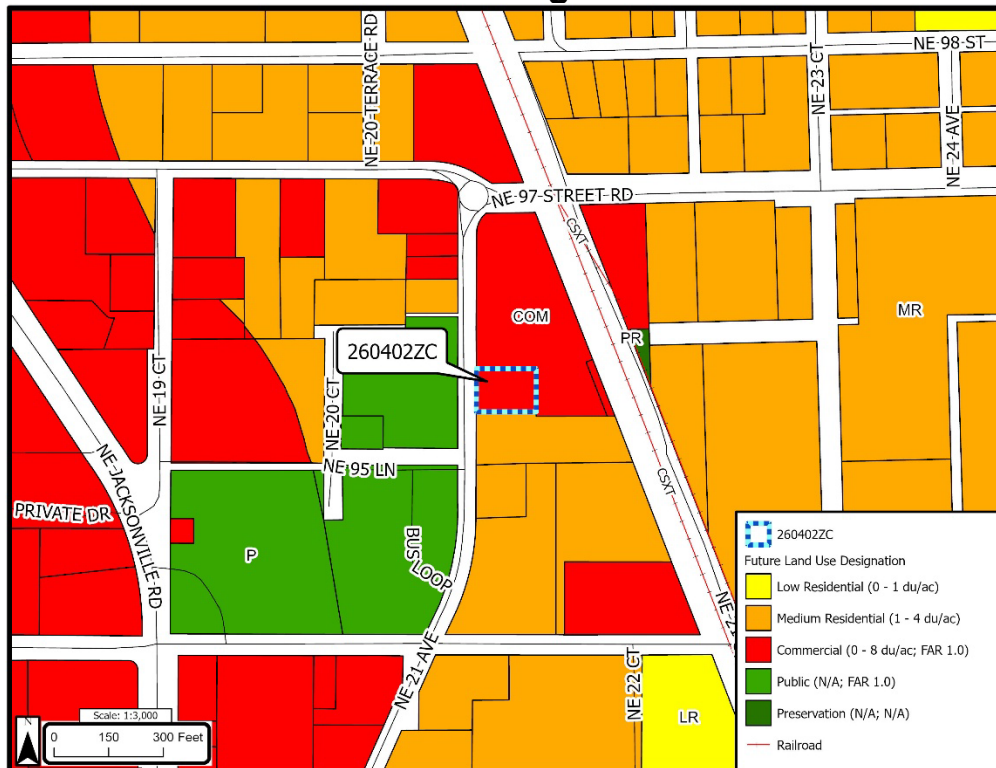
Figure 4 Proposed Zoning Classification



**Figure 5
Existing Subdivisions**



**Figure 6
FLUMS Designation**



B. Effect on Public Interest

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

- a. **Roadways.** The subject property currently has an unpaved driveway to NE 21st Avenue, with an approved site plan indicating a secondary commercial driveway for an existing metal fabrication and welding shop to be constructed along the subject property frontage.

In total, Staff notes that the approved site plan estimates up to sixty (60) daily trips. The approved site plan estimates up to ten (10) peak-hour trips, thereby remaining below the threshold established by the Marion County LDC (i.e. 50 peak-hour trips) for a detailed traffic impact analysis. Any subsequent development within the site will require a re-evaluation of trip generation during the development review process, including the preparation of any required traffic impact analyses and identification of any warranted roadway improvements.

Although most traffic is currently expected to access the metal fabrication and welding shop through a primary driveway to the north of the subject property, some traffic is still expected from the secondary driveway within the subject property. Staff originally noted that B-5 zoning allows high-intensity commercial uses that may result in heavy vehicle traffic, which is especially a concern on a Minor Local roadway such as NE 21st Avenue. Staff notes uses permitted by B-2 zoning would result in comparatively reduced *heavy* vehicle traffic.

- b. **Public transit.** There are no fixed route services in the area.
- c. **Other mobility features.** As a Minor Local roadway, sidewalks would not be required along NE 21st Avenue upon development of the subject property. Staff notes that no sidewalks exist along any roadways listed as contiguous to this parcel.

Based on the above findings, the transportation impacts of a request for B-2 zoning, if approved, **will not adversely affect the public interest.**

TABLE 2. ZONING TRANSPORTATION IMPACTS			
Zoning	Units	Trip Rate (per unit)	Estimated Daily Trips
Existing: Single-Family Dwelling (R-1)	1 dwelling unit + 1 guest home	9.44 trips/day (ITE code 210) x 2	± 20 trips/day

Proposed: Alien Engineered Product Shop Expansion	7,593 (Manufacture) + 992 (Office) 3,992 (Warehouse)	SF SF + SF	29.0 trips/day (ITE code 140) + 10.9 trips/day (ITE code 710) + 19.8 trips/day (ITE code 150)	± 59.73 trips/day
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Source: ITE Trip Generation Manual, 10th Edition, LU Code 210-Single Family Detached Housing; ITE Trip Generation Manual, 7th Edition, LU Code 140-Manufacture, LU Code 710-Office, LU Code 150-Warehouse

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of approximately 150 gallons per person per day for residential demand and 2,750 gallons per acre per day for non-residential demand. The existing zoning could result in a maximum water demand of 600 gallons per day, assuming a single four-person household; the proposed zoning could result in a maximum demand of 1,320 gallons per day.

The subject property within the Marion County Utilities service area; however, the site is not within connection distance. An individual well will therefore be required to serve the site and all nearby residential properties. Staff notes that any new wells would be required to meet County and Department of Health (DOH) standards at the time of permit review. DOH staff did not indicate any concerns during the review of this rezoning request; DOH staff reviewed the Major Site Plan for (the expansion of) an existing metal shop.

Staff originally had concerns with the potential groundwater quality implication of uses permitted by B-5 zoning, as LDC Section 5.4.4 explicitly prohibits heavy industrial and commercial uses within the Primary Springs Protection Zone (PSPZ), including B-5 uses. Staff notes uses permitted by B-2 zoning are generally less intense compared to B-5 zoning and are generally not contemplated in LDC prohibitions on uses within the PSPZ.

Based on the above findings, if approved, the potable water impacts of a request for B-2 zoning **would not adversely affect the public interest.**

3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of approximately 110 gallons per person per day for residential demand and 2,000 gallons per acre per day for commercial and industrial demand. The existing zoning could result in a maximum wastewater demand of 440 gallons per day, assuming a single four-person household; the proposed zoning could result in a maximum demand of 960 gallons per day.

The subject property within the Marion County Utilities service area; however, the site is not within connection distance. An individual septic system will therefore be required to serve this site. Staff notes that any new

septic systems would be required to meet County and Department of Environmental Protection (DEP) standards at the time of permit review. Based on the above findings, if approved, the wastewater impacts of the rezoning request **would not adversely affect the public interest.**

4. Solid waste impacts. SWE Policy 1.1.1 provides "The LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day." The Comprehensive Plan does not establish a level of service standard for commercial or industrial purposes. However, any solid waste from any new development would need to be hauled off-site to a County-accepted landfill. All garbage collection areas will need be buffered and/or screening according to Section 6.8.9 of the Marion County Land Development Code (LDC). Based on the above, the solid waste impacts of the rezoning request **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. Given that no additional residential development would be permitted compared to the existing residential zoning classification, the recreation impacts of the rezoning request **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 is entirely within FEMA Flood Zone X. Staff notes that the subject property was included in an approved site plan (including PID 14221-000-00 to the north) as impervious surface area to be accommodated by the design of the metal shop's stormwater management system(s). Staff notes that any development of the site that undergoes Marion County's formal development review processes will be required to accommodate a 100-year frequency 24-hour duration storm event. Had it not been included in the metal shop's site plan, the subject property would still be subject to the Major Site Plan review process if the proposed impervious coverage exceeds 35% of the lot area, or approximately 7,300 square feet. Such processes are generally meant to accommodate surface water run-off *volumes*.

Staff originally had concerns with the potential groundwater quality implication of uses permitted by B-5 zoning, which have been specifically prohibited by the Marion County LDC within the Primary Springs Protection Zone (PSPZ). Staff notes uses permitted by B-2 zoning are generally less intense compared to B-5 zoning and are generally not contemplated in LDC prohibitions on uses within the PSPZ.

Therefore, the stormwater/drainage impacts of a request for B-2 zoning, if approved, **will not adversely affect the public interest.**

7. Fire rescue/emergency services. The subject property is within Fire District #1, which is served by Anthony Fire Station at 3199 NE 70th Street, Ocala,

FL 34479. Anthony Fire Station is approximately 3.4 miles (by automobile) southeast of the subject property. Staff notes Sparr Fire Station #19 is approximately four (4) miles (by automobile) north of the subject property.

The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services; however, staff 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 of the rezoning request, if approved, **would not adversely affect the public interest.**

8. Law enforcement. The nearest Marion County Sherriff's Office (MSCO) substation is located roughly 3.8 miles (by automobile) southwest of the subject property at 8311 N Hwy 441, Ocala, FL 34475. The Comprehensive Plan does not establish a level of service standard for law enforcement services; however, staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, the law enforcement impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
9. Public schools. The proposed zoning change, if approved, would allow up to one (1) dwelling unit for the property owner or employee. Given that no additional residential development would be permitted compared to the existing residential zoning classification, the public schools impacts of the rezoning request **would not adversely affect the public interest.**

Based on the above findings, the public interest **will not be adversely affected** if this rezoning request is approved.

C. *Consistency with the Comprehensive Plan*

1. **FLUE Policy 2.1.22** on Commercial (COM) provides, "This land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP)."

Analysis: The subject property is designated as Commercial (COM) and the applicant is proposing to rezone the site to ~~Heavy Business (B-5)~~ Commercial Business (B-2). Staff originally found that a rezoning request for B-5 zoning is not consistent with FLUE Policy 2.1.22 on the Commercial (COM) land use designation due to the potential heavy commercial uses adjacent to existing surrounding uses.

Staff notes that B-2 zoning still allows commercial uses. Staff notes uses permitted by B-2 zoning are generally less intense compared to B-5 zoning, with the B-2 zoning classification explicitly intended to provide for the shopping and limited service needs of “several neighborhoods, a community, or a substantial land area,” as opposed to a larger regional area. Furthermore, pursuant to LDC Section 4.2.18, the B-2 zoning classification requires that all commercial activity (i.e. sales, storage, etc.) occurs within an enclosed building, further mitigating potential intensity and compatibility concerns. In addition, properties zoned for B-2 are limited to a maximum Floor Area Ratio (FAR) of 1.0.

Staff therefore concludes that a rezoning request for B-2 zoning **is consistent** with the Commercial (COM) FLU designation and FLUE Policy 2.1.22.

2. **FLUE Policy 3.1.5** on Urban Areas outside of UGB provides, “The County shall maintain existing Future Land Use designations that have been previously adopted that are outside of the UGB to recognize vested development rights. Any expansion or creation of new Urban Areas outside the UGB shall require a Comprehensive Plan Amendment, analysis to demonstrate the potential need for the creation of such new Urban Areas, and other appropriate documentation in accordance with Policy 3.1.3. It shall not be necessary to modify the UGB to expand or create Urban Areas outside the UGB unless the expansion or creation of new urban area is within the FPA.”

Analysis: Staff notes that the subject property and all other nearby properties are within the Town of Anthony Urban Area.

Staff originally found that a rezoning request for B-5 zoning is not consistent with FLUE Policy 3.1.5, especially as the subject property is along NE 21st Avenue and is directly adjacent to residential development to the south. Staff notes uses permitted by B-2 zoning are generally less intense compared to B-5 zoning, with all commercial activity required to occur within an enclosed building, which further mitigates potential intensity and compatibility concerns.

Staff therefore concludes that a rezoning request for B-2 zoning **is consistent** with FLUE Policy 3.1.5.

3. **FLUE Policy 4.1.1** on Consistency between Comprehensive Plan, Zoning, and LDC provides, “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: The subject property is designated as Commercial (COM) and the subject property is currently zoned for residential uses. The applicant is

proposing to rezone the site to ~~Heavy Business (B-5)~~ Commercial Business (B-2).

Staff originally found that the original rezoning request to B-5 zoning is not consistent FLUE Policy 2.1.22 on the Commercial (COM) land use designation, and is thus not consistent with FLUE Policy 4.1.1. As previously mentioned, Staff notes uses permitted by B-2 zoning are generally less intense compared to B-5 zoning, with all commercial activity required to occur within an enclosed building. In this situation, the proposed B-2 zoning is more consistent with the FLU designation granted to the parcel than the existing residential zoning classification.

Staff therefore finds that a rezoning request to B-2 zoning is consistent with the Commercial (COM) land use designation and is thus consistent with FLUE Policy 4.1.1.

4. **FLUE Policy 5.1.2** on Review Criteria for Changes to 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
 - (11) Concurrency requirements."

Analysis: Staff originally found that a rezoning request for B-5 zoning would not meet Criteria 1, 4, 8, 9, and 10, and is thus not consistent with FLUE Policy 5.1.2.

The applicant has verbally indicated long-term plans to expand the existing metal shop in PID 14221-000-00 in the north towards the subject property. Staff notes that a rezoning request for B-2 zoning would allow the subject property to be used as a secondary driveway, as well as any additional parking and/or landscaping. By satisfying a business' long-term plans for an expansion to the existing metal shop, a B-2 zoning would meet Criteria 1.

Second, uses permitted by B-2 zoning are generally less intense compared to B-5 zoning with all commercial activity required to occur within an enclosed building, which further mitigates potential intensity and compatibility concerns. Staff therefore finds that a rezoning request to B-2 zoning is consistent with subject property's Commercial (COM) land use designation and compatible with the surrounding area, thus meeting Criteria 8 and 9.

Furthermore, uses permitted by B-2 zoning, unlike B-5 zoning, are generally not contemplated in LDC prohibitions on uses within the Primary Springs Protection Zone. A B-2 zoning would thus not violate Criteria 4 and 10.

Therefore, this rezoning request does not meet the criteria above and **is not consistent** with FLUE Policy 5.1.2.

5. **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 was heard on March 29, 2026 by the Planning and Zoning Commission [and was re-heard on April 27, 2026](#). Therefore, the application **is consistent** with FLUE Policy 5.1.3.

6. **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; therefore, the application is being processed **consistent** with FLUE Policy 5.1.4.

7. **FLUE Policy 7.4.3** on Permitted Uses in the context of the Springs Protection Overlay Zone (SPOZ) provides, "The County shall implement and maintain a 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: Staff notes the intention of the Springs Protection Overlay Zone is to “provide an additional level of water quality protection for springs and groundwater throughout the county by reducing and managing potential groundwater contamination for water supplies.”

Staff originally found that a rezoning request for B-5 zoning is not consistent with FLUE Policy 7.4.3, as LDC Section 5.4.4 prohibits heavy industrial and commercial uses within the Primary Springs Protection Zone, including uses exclusively permitted by B-5 zoning, unless the owner demonstrates that a specific use will not be a threat to groundwater quality. Staff notes uses permitted by B-2 zoning are generally less intense compared to B-5 zoning and are generally not contemplated in LDC prohibitions on uses within the PSPZ.

Staff therefore concludes that a rezoning request for B-2 zoning **is consistent** with FLUE Policy 7.4.3.

Based on the above findings, granting the proposed rezoning request to B-2 zoning **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 **APPROVE** the rezoning amendment.
- B. 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.
- 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 to make an informed recommendation on the proposed Ordinance.

VI. STAFF RECOMMENDATION

Staff recommends the Planning & Zoning (P&Z) 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 **DENY APPROVE** the proposed rezoning to Community Business (B-2) because approving the application:

- A. Will not adversely affect the public interest;
- B. Is consistent with the Marion County Comprehensive Plan;
and
- C. Is compatible with the surrounding area.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

APPROVAL FOR B-2 ZONING (4-0 VOTE)

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for May 19, 2026 at 2:00 PM.

IX. LIST OF ATTACHMENTS

- A. Application
- B. DRC Comments Letter
- C. Site Photos
- D. Major Site Plan (AR 32920)
- E. DRC Buffer Waiver
- F. CPA Case No. 00-S21