



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 06/30/2025	BCC Date: 07/15/2025
Case Number	250707ZP
CDP-AR	32715
Type of Case	Rezoning from Multiple Family Dwelling (R-3) to Residential Planned Unit Development (R-PUD) for multiple use development including 8 dwelling units on 0.55-acres.
Owner	A&B Properties Services LLC. (Previously Novarise Investments, LLC.)
Applicant	Chad Linn c/o Linn Engineering
Street Address/Site Location	351 Marion Oaks Blvd. Ocala, FL, 34473
Parcel Number(s)	8004-0433-18
Property Size	±0.55 acres
Future Land Use	High Residential (HR)
Existing Zoning Classification	Multiple Family Dwelling (R-3)
Overlays Zones/Special Areas	Secondary Springs Protection Overlay Zone (S-SPOZ)
Staff Recommendation	Approval
P&Z Recommendation	Approval (on consent)
Project Planner	Kathleen Brugnoli
Related Cases	N/A

I. ITEM SUMMARY

Chad Linn with Linn Engineering, on behalf of landowner A&B Properties Services, LLC., has filed an application to rezone a 0.55-acre site located on the east of Marion Oaks Blvd. and south of Marion Oaks Blvd. The legal description for the parcel is provided within the application. The applicant proposes a rezoning on parcel 8004-0433-18 from Multiple Family Dwelling (R-3) to Residential Planned Unit Development (R-PUD). Eight dwelling units are proposed on the subject parcel (see Attachment A). The subject parcel is located in High Residential (HR) land use designation and surrounded by parcels with R-PUD and R-3 zoning classifications. Figure 1 is an aerial photograph showing the general location of the subject property. The subject property is situated within the Secondary Spring's Protection Overlay Zone (S-SPOZ).

The subject parcel is located in Marion Oaks Unit 4 Multi-family Area. The application proposes rezoning the property from Multiple Family Dwelling (R-3) to Residential Planned Unit Development (R-PUD) to allow a maximum of eight multi-family units on the subject parcel consistent with the adjacent R-PUD parcels. The rezoning from R-3 to R-PUD conforms with the land use and is in compliance with the Comprehensive Plan.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the applicant's request because it is consistent with LDC Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, that the rezoning is consistent with the Marion County Comprehensive Plan (MCCP), and that the rezoning is compatible with land uses in the surrounding area.

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 (20 owners) within 300 feet of the subject property on June 13, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on June 17, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on June 16, 2025. 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 subject property as well as all surrounding properties designated as High Residential (HR).

Figure 2
FLUMS Designation



Figure 3 displays the current zoning for the subject property in relation to the existing zonings of the surrounding properties. The majority of the surrounding properties are similarly zoned as R-PUD with a few R-3 parcels throughout. The site is located within the Secondary Springs Protection Zone (SSPZ). The multi-family residential use is consistent with the current High Residential land use designation and compatible with adjacent parcels.

Figure 4 displays the proposed zoning 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).

Figure 3.
Current Zoning Classification

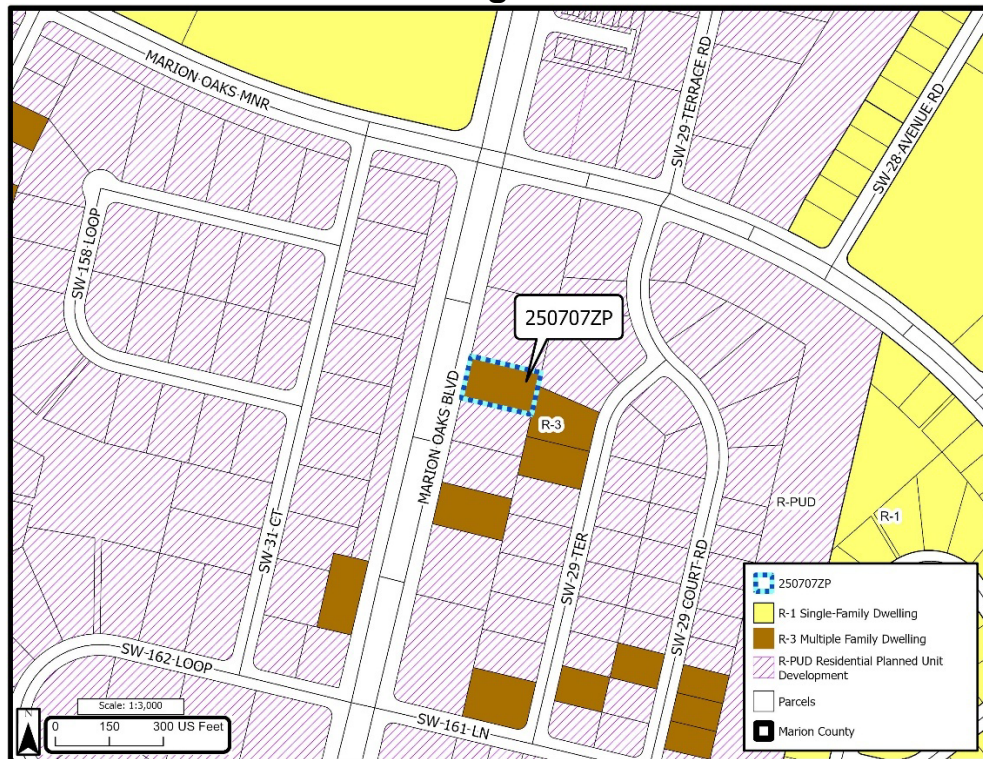


Figure 4.
Proposed Zoning Classification



Figure 5
Existing Use per Property Appraiser Property Code

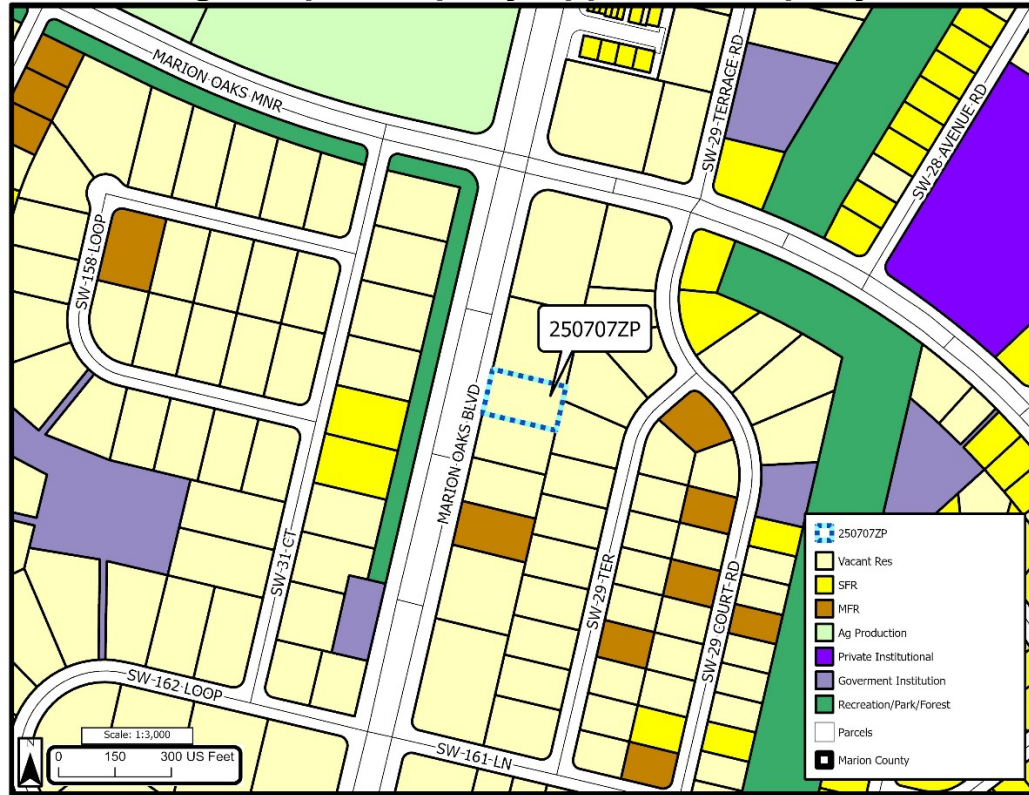


Table A displays the information of Figures 2, 3, 4 and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and finds the site is vacant as can be seen in the site photos provided in Attachment C.

TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	High Residential (HR)	Residential Planned Unit Development (R-PUD)	Vacant Residential
South	High Residential (HR)	Residential Planned Unit Development (R-PUD)	Vacant Residential
East	High Residential (HR)	Multiple Family Dwelling (R-3)	Vacant Residential
West	High Residential (HR)	Residential Planned Unit Development (R-PUD)	Vacant Residential

The rezoning site is surrounded by residential lands. Nearby uses of multi-family and vacant residential lands are all similar in intensity to uses permissible in R-PUD zoning.

Based on the above findings, the proposed rezoning application **is compatible with the surrounding land uses** because the proposed rezoning to R-PUD would allow multi-family residential uses consistent with the site's land use designation and uses of the surrounding parcels.

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

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The property fronts Marion Oaks Blvd, a divided, paved, four-lane roadway. The rezoning from R-3 to R-PUD would not change the use of property. In the Marion Oaks Unit 4 Multifamily Area, the surrounding parcels have an approved Resolution (Attachment C Page 2) stating the following: "That the RPUD is so located in relationship to the street and road system that it would not generate future traffic on external minor residential streets and that the RPUD is so located that traffic generated from it can be safely and adequately handled by present or proposed future roads." The subject parcel is within the multifamily area. Thus, the application will not affect the traffic on the existing roadways.
 - b. Public transit. The property is not along or within one quarter 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. The R-PUD project does propose sidewalks along Marion Oaks Manor; however, no other sidewalks are developed in the area. A fee in lieu may be an alternative to placing the sidewalk and will be at the request of Engineering. 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 the residential calculation, the property could result in a demand of up to 3,000 gallons per day. The property is within the Marion County Utility Service Area and has immediate availability to water connection. 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 entire property would result in 2,200 gallons per day. The property is within the Marion County Utility Service Area and would require a sewer force main extension and connection. 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/agricultural level of service standard is not currently in place for Marion County as such operations are required to provide for individual collection wherein disposal within Marion County is alternatively addressed. Based on the residential calculation, the entire property would result in 119.04 gallons per day. The rezoning from R-3 to R-PUD would not change the residential use on the property. 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. If approved, the property could develop at a maximum of 8 dwelling units. 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 subject property is not located in a flood prone area and the site plan shows a proposed Drainage Retention Pond toward the rear of the property. 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 the service district for Marion Oaks Station #24, located at 102 Marion Oaks Ln, Ocala, FL 34473, roughly two 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-minute drive time 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 nearest Sherriff substation is located approximately one mile north of the subject property at 294 Marion Oaks Ln, Ocala, FL 34473. The Comprehensive Plan does not establish a level of service standard for law enforcement services but staff has established a 5-minute

drive time from the subject property as evidence of the availability of such services. Based on the above, the application's **law enforcement impacts would adversely affect the public interest.**

9. Public schools. Stephen Ayres, Director of Student Assignment and Records for Marion County Public Schools, provided the following figures which are also included as Attachment E. Student generation for eight units estimates an additional two elementary school students, one middle school student, and one high school student. Currently, the schools to serve this area and their respective capacities are: Marion Oaks Elementary (106%), Horizon Academy at Marion Oaks Middle (107%), and Dunnellon High (125%). While there are areas of overcrowding, overall, there is capacity within Marion County Schools. Based on the above findings, the proposed development would not adversely affect public interest. Therefore, it is concluded Therefore, the application's **public-school impacts would not adversely affect the public interest.**

In summation, 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. 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 project on the property is consistent with the R-PUD Resolution and requirement which looks to develop multiple-family dwellings on properties with the zoning classification at a rate pre-determined and higher than that of just the land use and property size alone. However, High Residential land use also encourages both a mix of single-family and multiple-family residential units. Therefore, the proposed rezoning is consistent with FLUE Policy 2.1.18.

2. 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 June 30, 2025, Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

3. 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.

4. 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: Based on ITE 10th Edition Trip Generation Planner, eight units of low-rise multiple-family housing could generate up to 60 daily trips with 4 peak AM and 4 peak PM trips. Traffic provided comments during DRC analysis (Attachment C) stating, “Conditional approval – Driveway spacing does not meet minimum spacing requirements. Cross access must be provided to improve opportunities for meeting driveway spacing requirements along Marion Oaks Blvd. and should be included prior to presentation to BCC. Sidewalks are required along Marion Oaks Blvd. and should be included of indicated as being subject to waiver review and approval by DRC.” Provided all requirements put in place by Traffic are met, 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, 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 Board 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 the proposed rezoning matches the intensity and use surrounding.
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
 - 1. FLUE Policies 2.1.19, 5.1.3., 5.1.4
 - 2. TE Policy 2.1.4
- C. Is compatible with the surrounding uses because the proposed rezoning would match the existing residential land use on the property and surrounding uses.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval (on consent).

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning Application.
- B. Site Photos.
- C. DRC Comments.
- D. Marion Oaks Unit 4 Resolution.
- E. Student Generation.
- F. Surrounding Property Notification.