



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

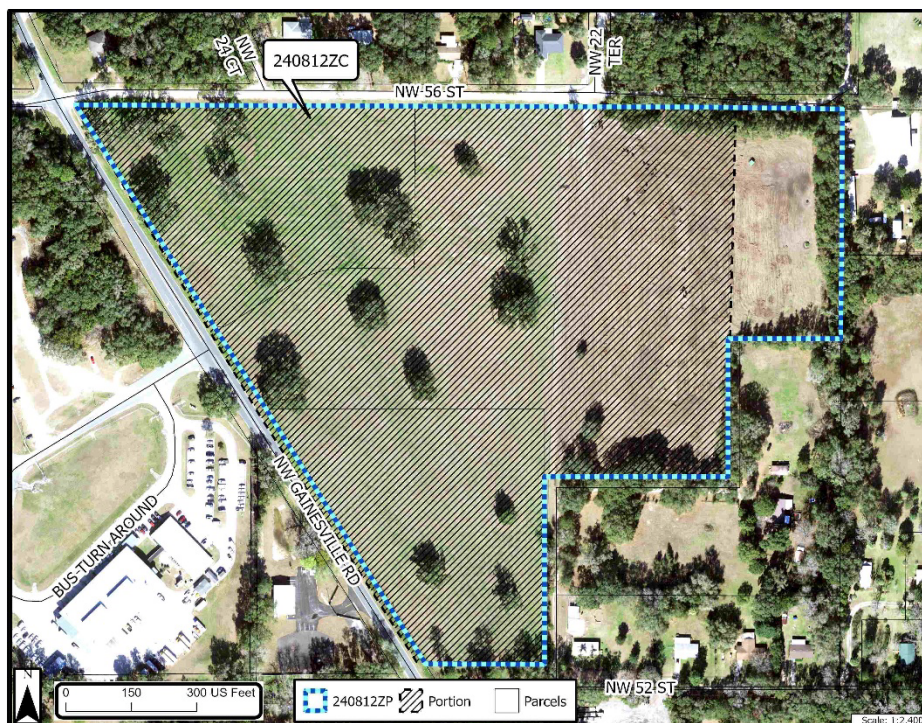
<b>Dates</b>	<b>P&amp;Z: 07/29/2024</b>	<b>BCC: 08/20/2024</b>
<b>Case Number</b>	240812ZC	
<b>CDP-AR</b>	31581	
<b>Type of Case</b>	<b>Rezoning from</b> Single-Family Dwelling (R-1) and Mixed Residential (R-4) <b>to</b> Regional Business (B-4)	
<b>Owner</b>	Zuber Mine, Inc., CDH Realty, LLC., and CGB Construction Group, Inc.	
<b>Applicant</b>	Rogers Engineering, LLC Rodney Rogers / Melinda Clemmons	
<b>Street Address/Site Location</b>	31277 NW 56 <sup>th</sup> Street	
<b>Parcel Number(s)</b>	13338-000-00, 13338-000-01, and 13338-000-03	
<b>Property Size (±)</b>	±28.22 acres of ±31.31 acres (15.10 acres of 18.99, 6.16, and 6.16 acres respectively)	
<b>Future Land Use</b>	Employment Center (EC)	
<b>Existing Zoning Classification</b>	Single-Family Dwelling (R-1) and Mixed Residential (R-4)	
<b>Overlays Zones/Special Areas</b>	Located within: Urban Growth Boundary (UGB), Silver Springs Primary Springs Protection Zone (PSPOZ), and Marion County Utilities Service Area; includes Flood Prone identified areas.	
<b>Staff Recommendation</b>	<b>APPROVAL</b>	
<b>P&amp;Z Recommendation</b>	<b>APPROVAL</b>	
<b>Project Planner</b>	Christopher D. Rison, AICP	
<b>Related Cases</b>	N/A	

## I. ITEM SUMMARY

Rodney Rogers, as agent for Zuber Mine, Inc., CDH Realty, LLC., and CGB Construction Group, Inc., filed a rezoning application to change from Single-Family Dwelling (R-1) and Mixed Residential (R-4) to Regional Business (B-4) for a  $\pm 28.22$ -acre portion of a series of three parcels that ordinarily total  $\pm 31.31$  acres (see Attachment A). The Parcel Identification Numbers for the properties are 13338-000-00, 13338-000-01, and 13338-000-03 with 13338-000-01 having a historic address of 31277 NW 56<sup>th</sup> Street while the other parcels have no assigned address at this time; the legal descriptions are contained within the application (see Attachment A). A 3.08-acre eastern portion of parcel 13338-000-00 will remain R-1 zoned, wherein that parcel adjoins a property owned in common with that parcel's owner. All of the parcels are currently vacant and the subject property is located within the Urban Growth Boundary (UGB) and the Silver Springs Primary Springs Protection Zone (SSPZ), and in the Marion County Utilities Service Area.

The application proposes to rezone the site from R-1 and R-4 to B-4 to enable commercial development and use of the site consistent with the site's Employment Center (EC) future land use designation and the requested B-4 zoning. The EC future land use designation accommodates residential and/or non-residential uses wherein non-residential uses may include light to moderate intensity commercial and/or light industrial uses up to a maximum floor area ratio (FAR) of 2.0, with maximum residential densities up to sixteen dwelling units per acre (Maximum 16 DU/AC).

**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 Employment Center future land use designation that may accommodate a variety of uses to support the surrounding community and/or regional needs.

## 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 (11 owners) within 300 feet of the subject property on July 12, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property the week of July 15, 2024 and consistent with LDC Section 2.7.3.E., and due public notice was published in the Ocala Star-Banner on July 15, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As August 7, 2024, one letter of opposition has been received and a speaker in opposition appeared at the Planning and Zoning Commission public hearing in regard to this item.

## IV. ANALYSIS

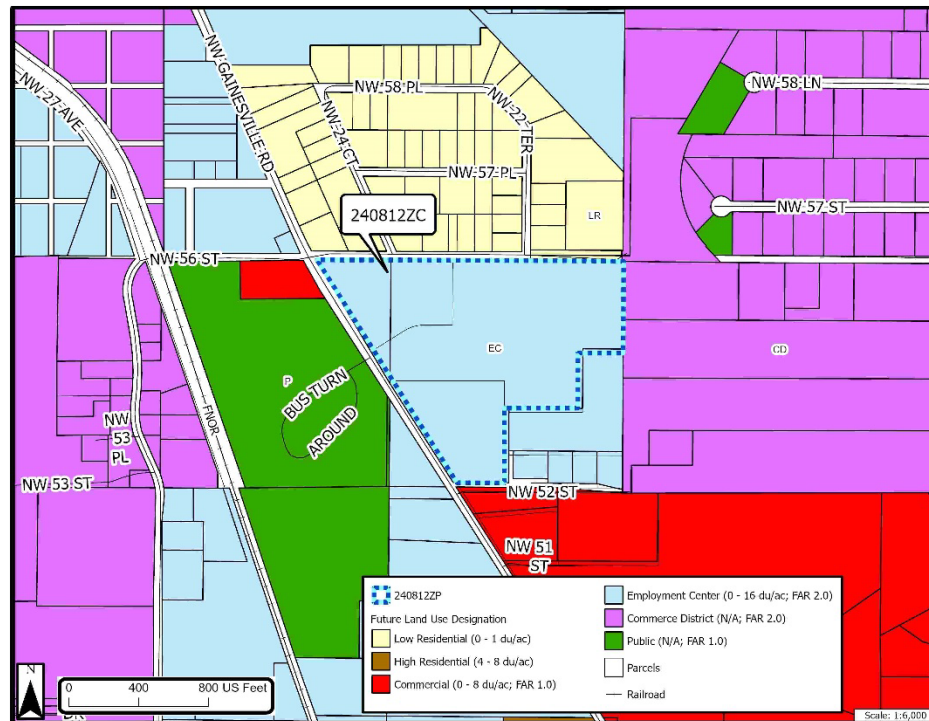
LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and 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 to the north include the Medium Residential (MR) designated Tonda Laya Estates Subdivision, East of the site lands are designated Employment Center similar to the site or Commerce District which focused on heavy commercial and heavy industrial uses. South of the site are Commercial and Employment Center designated lands that accommodates residential and non-residential uses. West of the site are Commercial, Public, and Employment Center designated lands.

**Figure 2  
FLUMS Designation**



The subject property’s EC designation accommodates residential and/or non-residential uses wherein non-residential uses may include light to moderate intensity commercial and/or light industrial uses up to a maximum floor area ratio (FAR) of 2.0, with maximum residential densities up to sixteen dwelling units per acre (Maximum 16 DU/AC). Lands surrounding the site include one historic subdivision with a Low Residential (LR) land use designation, while the remaining lands are predominantly designated Employment Center (EC) or Commerce District (CD) along with a Public (PUB) designated site that represents the Marion County Public Schools’ North Transportation Complex (MCPS NTC).

Figure 3 displays the proposed zoning for the subject property with the existing zoning classifications of the surrounding properties. Lands north of the site are R-1 zoned properties. East of the site the lands are predominantly zoned R-1, a portion of one parcel zoned R-4. South of the site is also zoned R-1. West of the site are R-4, G-U, and B-4 zoned properties. Staff notes the G-U zoned property is the MCPS NTC.



**Figure 3  
Proposed Zoning Classification**

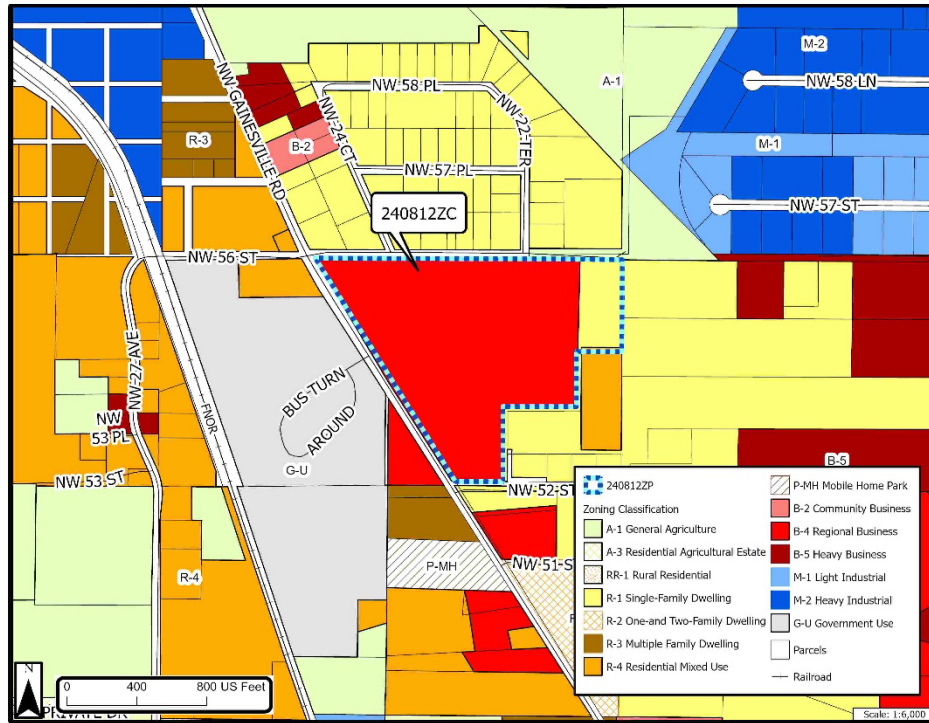
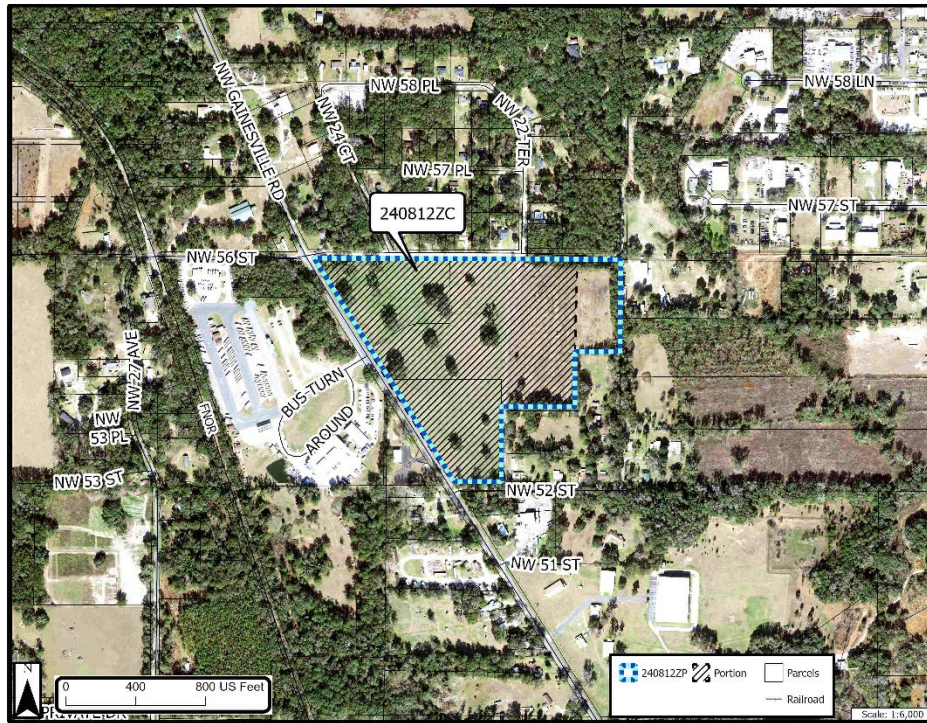
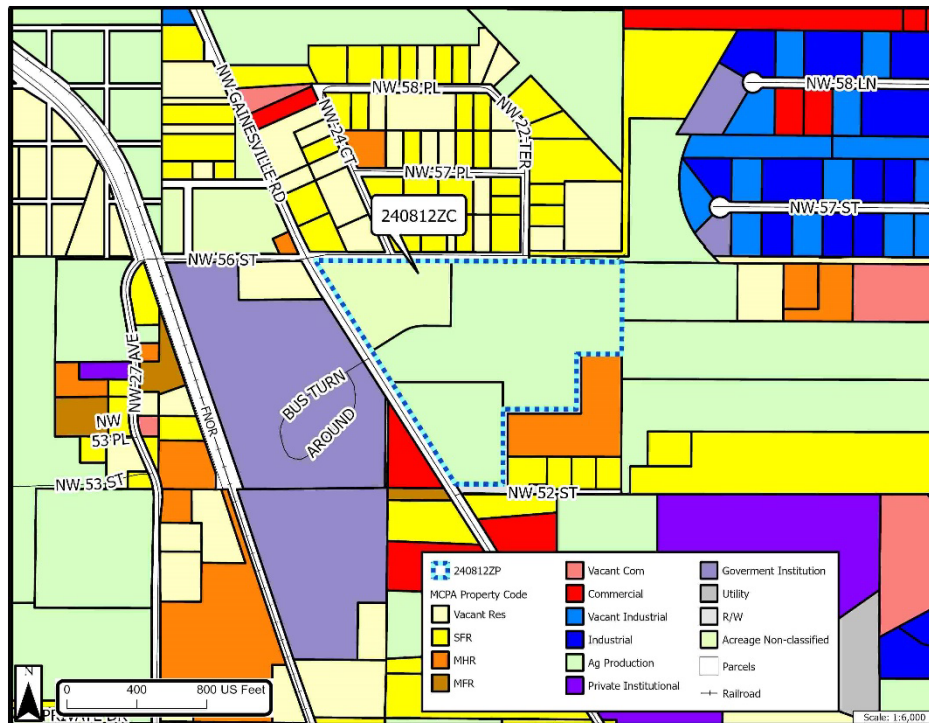


Figure 4 provides an aerial image of the subject property and surrounding area, while Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). Table A displays the information of Figures 2, 3, 4 and 5 in 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)	Single-Family Dwelling (R-1)	Tonda Laya Estates Subdivision Single-Family Residences and Vacant Lots
<b>South</b>	Commercial and Employment Center	Single-Family Dwelling (R-1)	Single-Family Residences
<b>East</b>	Commerce District and Employment Center	Single-Family Dwelling (R-1) Mixed Residential (R-4)	Agriculture Tracts (Vacant and with Single-Family Residences)
<b>West</b>	Commercial, Public, and Employment Center	Mixed Residential (R-4) Government Use (G-U) Regional Business (B-4)	Vacant Residential  MCPS Bus Yard  R&Q Road Truck Service (2023)

The area is a mix varying parcel sizes and limited subdivisions that include a combination of future land use designations and zoning district classifications. Generally, west of the site is the MCPS NTC, while the lands generally to the east are Commerce District properties along the west side of N. Hwy 441, which include heavy commercial and heavy industrial uses and industrial park subdivisions. North and south along NW Gainesville Road mixtures of commercial and residential areas and the Florida Pentecostal Church complex to the south. The requested rezoning to B-4 will reflect the site's EC future land use designation, and direct the development of the site for commercial uses. The LDC will require specific land use buffers where future development will be required to buffer the residential area to the north, and other adjoining existing residential uses that may be in place at the time of development. Staff notes commercial uses developed adjoining single-family uses require a Type-B Buffer, while commercial uses development adjoining arterial/collector rights-of-way requires a Type-C Buffer.

The site is located within the Urban Growth Boundary area surrounding the City of Ocala, within the Silver Springs Primary Springs Protection Zone (SS-SPOZ) as established by the Comprehensive Plan, and within Marion County's Utility Service Area. The site is not located in the Environmentally Sensitive Overlay Zone (ESOZ), and does not include any Flood Zone but does include identified Flood Prone Areas, which will influence the development and construction of the site's stormwater system.

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 non-residential use consistent with the site's EC 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 consists of three parcels forming the southeast corner of the NW Gainesville Road and NW 56<sup>th</sup> Street intersection and northeast corner of NW Gainesville Road and NW 52<sup>nd</sup> Street. NW Gainesville Road and NW 56<sup>th</sup> Street are County maintained, however, NW 56<sup>th</sup> Street is an unpaved roadway currently within the Tonda Laya Estates unrecorded subdivision. NW 52<sup>nd</sup> Street is unpaved non-county maintained roadway. Traffic Engineering has noted that due to overall size of the property and the requested B-4 zoning, a significant volume of traffic could result from the site, depending on the uses ultimately established (See Attachment B). Any development of the site will be subject to Marion County's LDC standards regarding access. Future development proposals would be required to address traffic generation impacts consistent with the LDC. Additionally, access to NW 56<sup>th</sup> Street would be limited due to its unimproved nature unless suitably improved by any site development.
  - 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 along NW Gainesville Road, NW 56<sup>th</sup> Street or NW 52<sup>nd</sup> Street, and none are currently programmed for completion at this time. 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 non-residential calculation for the 28.22-acre site, the proposed rezoning could result in a potential demand of 77,605 gallons per day if the site were developed to a maximum density.

As noted by Marion County Utilities Department review remarks (see Attachment B), the property is within the UGB and Marion County Utilities "North" Service Area where service lines are not currently in place. Final development proposals will serve as the basis to determine connection requirements, including the potential extension of central water services to the site as part of development. 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 non-residential calculation for the 28.22-acre site, the proposed rezoning could result in a potential demand of 56,440 gallons per day.

As noted by Marion County Utilities Department review remarks (see Attachment B), the property is within the UGB and Marion County Utilities “North” Service Area where service lines are not currently in place. Final development proposals will serve as the basis to determine connection requirements, including the potential extension of central sanitary sewer service as part of the development. 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. Further, Marion County has arranged for solid waste disposal in non-county facilities, and continues to evaluate improving solid waste collection and disposal methods. 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. A commercial/industrial level of service standard is not currently in place for Marion County and the site’s CD future land use designation does not enable residential uses. 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 but does include 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 North Marion Fire Station #11 response district located at 12250 NW Gainesville Road, ±6.2 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. Staff

notes the planned replacement North Marion Fire Station will be located closer to the subject property, however that new location will be 5.6 miles from the new fire station. Based on the above, the rezoning **fire rescue/emergency impacts would potentially adversely affect the public interest.**

8. Law enforcement. The Sheriff's North Marion District Office, located at 8311 N. Hwy 441, Ocala, is ±3.2 to 4.6 miles northeast 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 would not adversely affect the public interest.**
9. Public schools. The proposed rezoning to B-4 for non-residential development is not expected to generate student populations. Therefore, the application's public-school impacts **would not adversely affect the public interest.**

In summation, the requested rezoning from R-1 and R-4 to B-4 is not expected to create any significant impacts to related to formal concurrency impacts, but may have an effect on possible fire services response, as such, staff concludes **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 non-residential development which is required to buffering to adjoining property based on either their existing uses, or their existing zoning when such properties are vacant. As such, the future site development will be required to comply with site buffering consistent with FLUE Policy 1.1.6. and LDC Division 6.8 Landscaping.

2. Policy 2.1.23: Employment Center (EC). This land use is intended to provide a mix of business, enterprise, research and development, light to moderate intensity commercial, and light industrial, activities. This designation also allows residential uses, campgrounds and recreational vehicle parks (RVP). This land use designation will allow for and encourage mixed use buildings. The density range for residential units shall be up to sixteen (16) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 2.0, as further defined by the LDC. This land use designation an Urban Area land use.

**Analysis:** The proposed rezoning will establish a site zoning consistent with the site's EC future land use designation that also functions to recognized the site's status as a parcel of record. Therefore, the proposed rezoning is consistent with FLUE Policy 2.1.23.

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 advisory board's purpose 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 July 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/SSPOZ) 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 Silver Springs Primary Springs Protection Overlay Zone (SSPOZ). The site is not in a Flood Zone but includes a Flood Prone Area identified by Marion County's Watershed Management Basin Program. All site development is required to comply with the LDC, including addressing stormwater management that include Flood Prone Areas. As such, the request 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 would be eligible for non-residential, commercial uses under the requested zoning. Trip generations are based on specific uses proposed, and based on the number of trips generated, development is required to provide for a traffic state, traffic assessment, or a traffic study in order to enter and complete the County's development review process. Traffic Engineering has indicated no concerns related to

the request (See Attachment B). 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;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with:
  - 1. FLUE Policies 1.1.6, 2.1.23, 5.1.3., 5.1.4, and 7.4.3
  - 2. TE Policy 2.1.4
- C. Is compatible with the surrounding uses.

## VII. PLANNING & ZONING COMMISSION RECOMMENDATION

On motion by Commissioner Bonner, second by Commissioner Behar, the Planning and Zoning Commission voted to agree with staff's finding and recommendation and recommend Approval of the Rezoning Application with a vote of 7-0.



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

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Rezoning application filed 5/23/2024
- B. AR 31518 DRC Staff Review Remarks
- C. Site and Area Photographs