



**Marion County  
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.  
Ocala, FL 34470  
Phone: 352-438-2600  
Fax: 352-438-2601

**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>Hearing Dates:</b>	<b>P&amp;Z Date:</b> 4/29/2024	<b>BCC Date:</b> 5/21/2024
<b>Case Number</b>	240507ZC	
<b>CDP-AR</b>	31198	
<b>Type of Case</b>	<b>Rezoning</b> from Light Industrial (M-1) and General Agriculture (A-1) to Regional Business (B-4)	
<b>Owner</b>	901 Summerfield Land & Summerfield Qwik King Food Store LLC.	
<b>Applicant</b>	Fevil Patel	
<b>Street Address/Site Location</b>	16481 S US HWY 301; no address assigned	
<b>Parcel Number(s)</b>	48378-001-00 and 48378-000-00	
<b>Property Size</b>	±10.04-acres	
<b>Future Land Use</b>	Commercial (COM) and Rural Land (RL)	
<b>Existing Zoning Classification</b>	Light Industrial (M-1) and General Agriculture (A-1)	
<b>Overlays Zones/Special Areas</b>	Secondary Springs Protection Zone (SSPZ)	
<b>Staff Recommendation</b>	DENIAL WITH ALTERNATIVE ZONING RECOMMENDATION	
<b>P&amp;Z Recommendation</b>	TBD	
<b>Project Planner</b>	Marcus Lloyd, Planner II	
<b>Related Cases</b>	24-S02 – Small scale map amendment from Rural Land (RL) to Commercial (COM)	

## I. ITEM SUMMARY

Fevil Patel, property owner listed under 901 Summerfield Land & Summerfield Qwik King Food Store LLC, has filed a rezoning application to change 10.04 acres of Light Industrial (M-1) and General Agriculture (A-1) to Regional Business (B-4) (See Attachment A). The Parcel ID numbers for both properties associated with this application are 48378-001-00 and 48378-000-00. Parcel 48378-001-00 is already developed and has a Policy 10.1.5 letter (aka Policy 1.20 letter) that permits the use of retail commercial, and the property is currently improved for this use. The property is located at the intersection of CR 42 and HWY 301, inside of the commercial intersection that is mostly vacant at this time. The site is located outside of the Urban Growth Boundary (UGB), but inside the Springs Secondary Springs Protection Zone.

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



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** of the rezoning application **with an alternative zoning recommendation**. The proposed rezoning will establish a higher intensity than is desired at this intersection, as B-4 intends to establish intensive commercial uses that are able to serve the area on a regional scale. This intersection is significantly underdeveloped, and traffic is a concern at this intersection despite the lack of commercial business built out to its potential at this intersection. Development to the maximum commercial intensity of each parcel at this intersection could create a significant traffic concern unless significant roadway improvements are made in the future. While the M-1 zoning is inconsistent with the current land use of Commercial, staff finds that the B-4 zoning would create a higher intensity than would be desirable at this intersection.

However, staff is recommending that a Community Business (B-2) zoning would be better suited to meet the future demand of this area where the commercial development could be intense, but is still an unknown on when the development of the intersection will occur. Staff recommends an alternative approval of the zoning to B-2 as this could still allow for commercial activity that is compatible with the existing land use on the property, except for the portion of the property with a General Agriculture (A-1) zoning in which Staff recommends denial of the rezoning of that area on the subject property.

## 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 (13 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 9<sup>th</sup>, 2024, 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. *Compatibility with surrounding uses.* 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 is a general location aerial displaying the area surrounding the subject property.

Figure 2 is an aerial displaying a closer view of existing and surrounding site conditions.

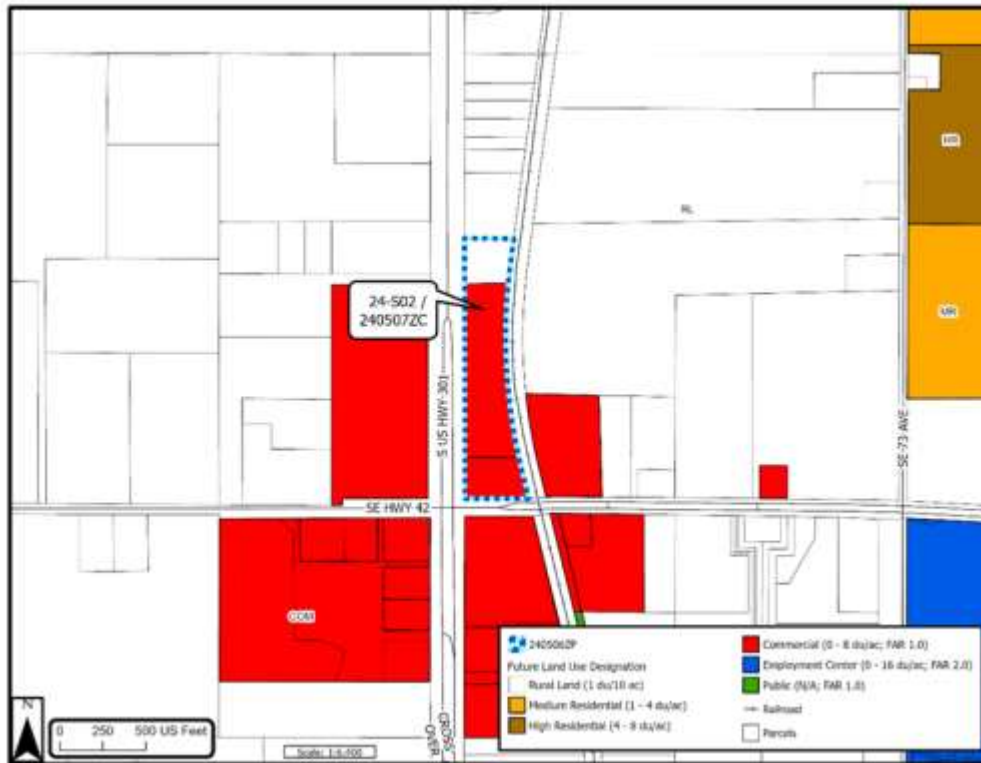
Figure 4 shows the current FLUMS designations of the subject and surrounding properties. Figure 5 shows the proposed FLUM designation. While this area is designated as a commercial node where development could occur at a high intensity, as evidenced by the Heavy Business (B-5) and Regional Business (B-4), this area is largely undeveloped. Of the developed parcels, only 110,197 square feet (SF) out of 579,062 SF, or 19%, is built out. This includes two parcels that have approved site plans, but are still being built out at this time. The portion of the subject property included under the small-scale land use amendment, 24-S02, in companion to application would add 63,597.6 SF (Rural Land to Commercial) to the 2,760,571.4 SF of commercial land that is undeveloped at this intersection. Figure 3 displays the parcels that are developed at this commercial intersection.

**Figure 2**  
**Property Aerial**





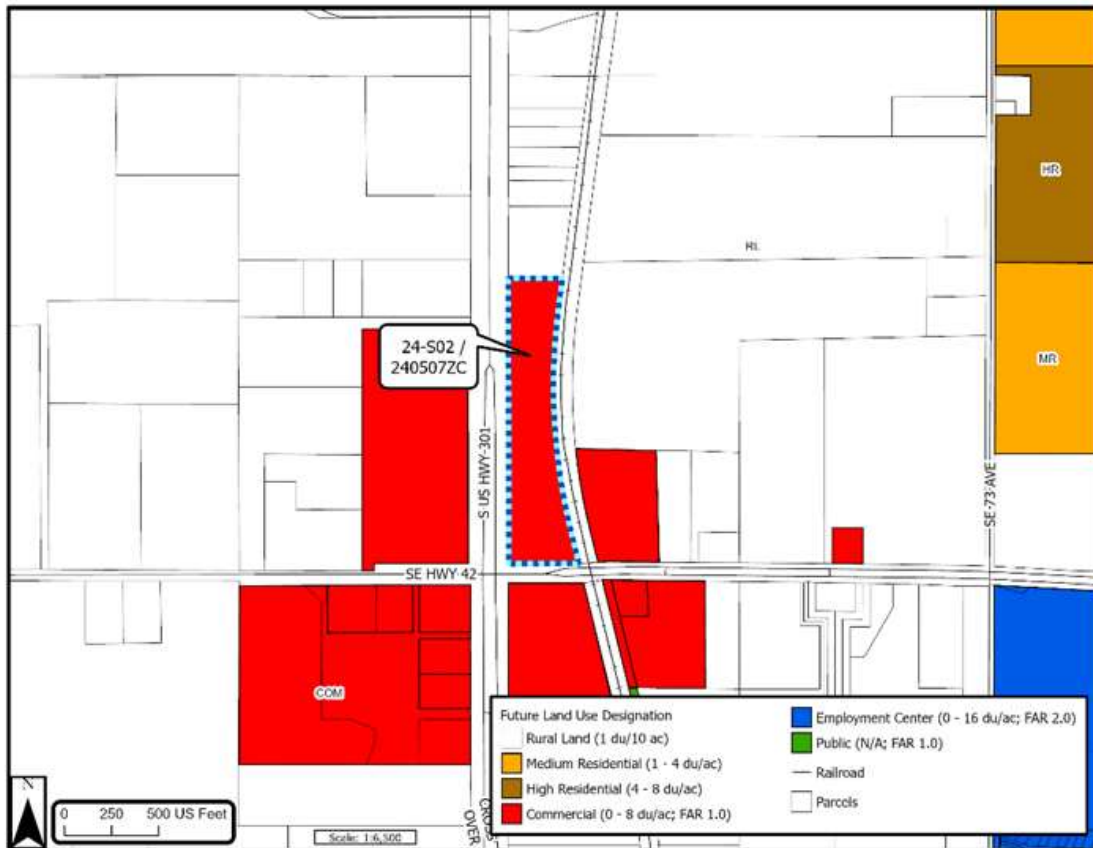
**Figure 4**  
**Current FLUMS Designation**



The subject property's COM designation accommodates both neighborhood and community commercial uses, along with residential uses between 0-8 dwelling units per acre or a FAR of 1.0 and can accommodate single-family, multi-family, and commercial uses contingent on its zoning. Rural Land (RL) only allows for commercial actives related to agriculture, with a density of 1 unit per 10 acres at a maximum.

Figure 4 displays the proposed FLUMS designation in the companion request for a Small-Scale Comprehensive Plan Amendment to change the land use from Rural Land (RL) to Commercial (COM) for the subject property in relation to the existing FLUMS of the surrounding properties. Staff has recommended denial of that request, and therefore, granting the rezoning request would give a portion of the property a zoning classification which is inconsistent with its land use.

**Figure 5**  
**Proposed FLUMS Designation**



Adjacent properties to the north and east are Rural Land, with the CSX directly adjacent to the east of the property. To the west and south is the commercial intersection; and as previously indicated in this report this intersection is underdeveloped when using the calculations for total land that has not been improved. Outside of this intersection, a vast majority of the land is low density rural land. The application for rezoning indicates the site will be used for “commercial development”, and applicant has indicated that the site is intended to be utilized for “commercial retail”, but no site plan or concept plan has been submitted to County staff.

The application is for a straight rezoning which, if granted, would allow the property owner all uses permitted within B-4 zoning, including commercial warehouse and storage. The southernmost property owned by the applicant, adjacent to the intersection, is being used for a convenience store and retail store with a Policy 10.1.5 letter on file that allows for this use to continue under the M-1 zoning classification. While staff ultimately agrees that the M-1 zoning is inconsistent with the current (and proposed addition) of Commercial (COM) land use; staff has assessed that the addition of B-4 at this intersection, which as previously noted is meant to serve the community at a regional scale, is unnecessary at this time

based on the lack of development at this commercial intersection. Conversely, while staff finds that the development of high intensity that could be allowed by right under the B-4 zoning is not needed here; the development of B-2 at this intersection would allow for the property owner to still place retail shopping areas at this intersection. This type of development may prove beneficial to residents in this area or to those that utilize these roads for daily trips.

Figures 6 and 7 display the current and proposed zoning classifications of the subject and surrounding properties. Figure 8 displays the existing uses as established by the Marion County Property Appraiser Office's Property Code (PC) for the subject property and surrounding properties. Table A displays the information of Figures 4, 6, and 8 tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and finds the subject property is vacant, undeveloped and heavily treed while the southern smaller parcel included under this application has the aforementioned retail use that is permitted by the Policy 10.1.5 letter.

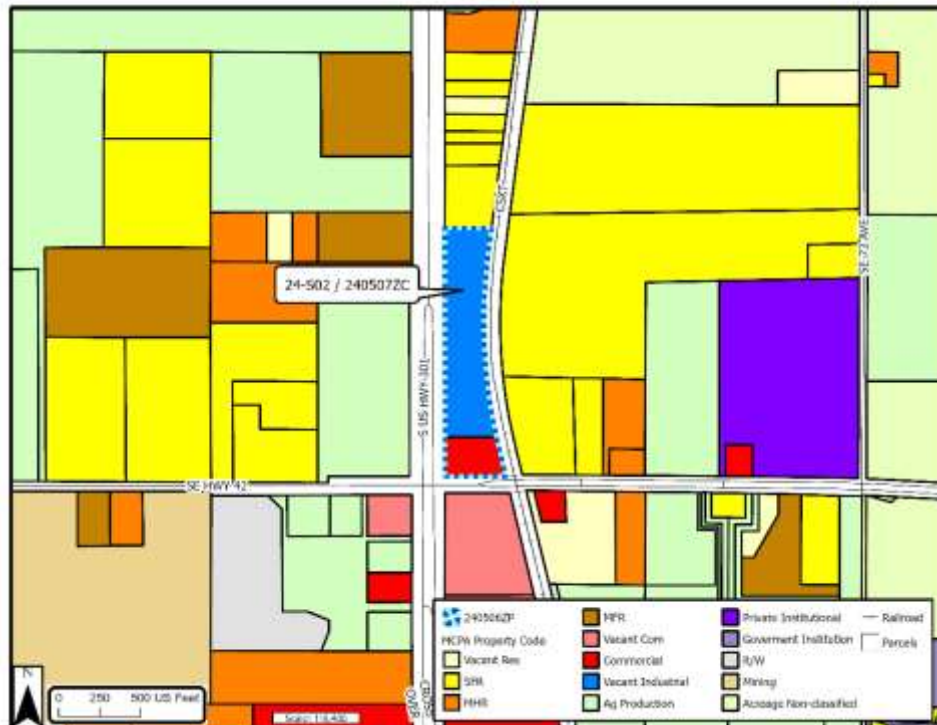
**Figure 6**  
**Current Zoning Classification**



**Figure 7  
Proposed Zoning**



**Figure 8  
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>	Rural Land (RL)	Community Business (B-2)	Vacant Industrial
<b>South</b>	Commercial (COM)	Regional Business (B-4)	Vacant Commercial
<b>East</b>	Rural Land (RL) and Commercial	General Agriculture (A-1) and Heavy Business (B-5)	Single Family Residential
<b>West</b>	Commercial (COM)	General Agriculture (B-4)	Agricultural Production

For context, the definitions for the relevant land uses and the intended zoning classifications discussed are provided here:

**Rural Land (RL):** “This land use designation is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses. The density shall be (1) dwelling unit per ten (10) gross acres, and the designation is a Rural Area land use”

**Commercial (COM):** “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.”

**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.”

**Community Business (B-2):** “The Community Business classification provides for the shopping and limited service needs of several neighborhoods, a community, or a substantial land area. Retail stores are intended to include general merchandise, fashion, durable goods, and personal services”

**Regional Business (B-4):** “The Regional Business classification is intended to create a zoning district to provide for the development of regional shopping centers; to establish and maintain intensive commercial activities and specialized service establishments that require centralized locations within a large service area; to provide a full range of merchandise and services usually obtainable in major department stores and their

*complimentary specialty shops; and to permit the development of major financial and administrative complexes that may serve a region and require a conspicuous and accessible location convenient for motorists.”*

Utilizing these above definitions as defined by the Marion County Comprehensive Plan and Land Development Code; The Commercial (COM) FLU designation is focused on community business opportunities that meet the needs of surrounding residents. As evidenced by the intent of the Regional Business (B-4) zoning classification, this zoning is designed for the development of regional shopping centers, to establish and maintain intensive commercial uses, and to meet a wide range of services that are able to serve the region. Using the Employment Center (EC) FLU definition, the intent can allow for moderate intensity than would be allowed under COM FLU, and Rural Land (RL) would not be appropriate for commercial activities that fall under B-4 as well. Staff concludes based on these definitions it is reasonable to direct any B-4 rezoning requests to areas designated as EC.

Based on the above findings, staff concludes the proposed rezoning application **is not compatible with the existing and future surrounding land uses** because: the proposed rezoning would allow for high intensity development at this intersection that is unnecessary at this time due to lack of development, and as evidenced in the above analysis; B-4 is a higher intensity than is encouraged on COM FLU designated properties. Currently, infrastructure is a concern for the development of commercial area as the intersection experiences heavy congestion. To support County's goal in addressing the objectives of the Comprehensive Plan, such as minimizing traffic impacts and to maintain the effectiveness of this commercial node as it currently exists, Staff recommends that the Board consider approving this property as B-2 rather than B-4, as this will still allow for the existing retail use to occur on site and would still allow the development of retail commercial activities, which is something that could prove beneficial to the residents of this area.

B. *Effect on the public interest.*

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

The following comment is provided on the DRC Comments Letter by the Traffic Division of the Office of the County Engineer (See Attachment B):

*“Recommend Denial - No traffic information has been provided. Changing the zoning to Commercial will significantly increase the traffic generating potential from this approximately 8-acre site. Under the proposed zoning, a shopping center could be developed on this site. A shopping center on this site could generate approximately 8173 daily trips and 781 peak hour trips assuming a likely FAR of .25; however, greater development intensities are allowed under this zoning. The intersection of US 301 at CR 42 is already experiences some congestion. There are already multiple large commercial*

*parcels in this area that have gone undeveloped. It does not appear as though there is significant demand in this area for additional commercial land increasing the potential for significant amounts of traffic.”*

Based on the above findings, staff agrees with the concerns of the Office of the County Engineer, and concludes the rezoning roadway impacts **would 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 commercial calculation, the proposed rezoning could result in a potential demand of 21,835 gallons per day.

The following comment is provided on the DRC Comments Letter (see Attachment B), and reflects concerns from Marion County Utilities:

*“Any development on this parcel (not in conjunction, or if not combined with 48378-001-00) will trigger a connection, by developer-funded extension of the water & sewer mains. Sewer must reach at least the property corner; water must be extended to the full property frontage for an expected total distance of ~1500 feet. Developer strongly cautioned to evaluate all offsite & onsite costs (connection to a sewer main requires an onsite pump station/grinder pump to meet the needs of the development), plus the cost of bringing the sewer main across S US Hwy 301”*

Based on the above findings, staff concludes that **if the subject property complies with Utilities development requirements, the rezoning would not adversely affect impacts or 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 a commercial calculation, the proposed rezoning would result in a potential demand of 15,960 gallons per day.

Based on the above findings, including the concerns expressed by Marion County Utilities, staff concludes the rezoning’s sanitary sewer impacts **would potentially 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. Marion County has not established a solid waste commercial/industrial level of service standard as such operations provide for disposal with acceptable haulers, particularly as commercial storage facilities (assuming this is the use that is submitted for formal review – this is a straight rezoning and no formal review is required; property owner would be entitled to any and all uses permitted in the B-5 zoning

classification) may also opt for a dumpster form of collection. Based on the above, it is concluded 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 (LOSS) of two (2) acres per 1,000 persons. Marion County has not established a recreation non-residential level of service. As such, a formal demand rate is not provided; however, staff notes that Marion County formally has ample Federal, State, and County-owned lands available for recreational activity and exceeds the currently established LOS standard. Based on the above, it is concluded 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 following comment is provided in the DRC Comments Letter (see Attachment B) and reflects concerns posed by the Stormwater Division of the Office of the County Engineer:

*“Stormwater is not opposed to the rezoning. The applicant proposes to rezone from M-1 & A-1 to B-4. Parcels 48378-000-00 is currently zoned M-1 & A-1 while parcel 48378-001-00 is currently zoned M-1 and have a combined total area of 10.04 acres. There is a Flood Prone Area on the parcel 48378-000-00. Per the MCPA, parcel 48378-001-00 currently has 34,307 SF of impervious coverage, however the impervious area for parcel 48378-000-00 cannot be determined due to the parcel card being unavailable. This site will be subject to a Major Site Plan when its existing and proposed impervious coverage exceeds 9,000 SF”*

Based on the above, it is concluded the rezoning stormwater/drainage impacts **would not adversely affect the public interest.**

7. Fire rescue/emergency services, and Law enforcement. Marion County Fire Station #10, located at 8220 SE 165th Mulberry Ln, is roughly 2.7 miles east of the proposed development. 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 findings the application is consistent with this section.

Based on the above, it is concluded the rezoning fire rescue/emergency, and law enforcement impacts **would not adversely affect the public interest.**

8. Public schools. The proposed rezoning's commercial nature is not expected to generate a student population in a structured form. Based on the non-residential aspect of this request, it is concluded that the rezoning **would not adversely affect the public interest.**

In summation, staff finds that the proposed zoning change **will adversely affect the public interest** due to the transportation impacts projected.

C. *Comprehensive Plan consistency.*

1. **FLUE Policy 1.1.7: Discourage Scattered and Highway Strip Commercial Development**, provides “[t]he County shall discourage scattered and highway strip commercial development by requiring the development of such uses at existing commercial intersections, other commercial nodes, and mixed-use centers with links to the surrounding area.”

**Analysis:** The rezoning request does not conflict with this policy, as this area is a commercial intersection. Staff finds the future site redevelopment will be **consistent** with FLUE Policy 1.1.7.

2. **FLUE Policy 2.1.22: Commercial (COM)** 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:** Staff finds the proposed rezoning will establish a zoning of higher intensity than is desirable with the site’s current Commercial future land use designation. Staff recommends the Board deny the proposed Commercial land use designation in the companion application request, and the B-4 proposed rezoning is located outside the urban area, which makes it inconsistent here, however, staff is supportive of a rezoning that would change this over to B-2. Staff therefore concludes the proposed rezoning is **inconsistent** with FLUE Policy 2.1.22, but would be **Consistent** under B-2 as recommended by Staff.

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:** Staff finds public notice has been provided as required by the LDC and Florida Statutes and, therefore, concludes 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 Secondary Springs Protection Zone. Staff notes that compliance with SSPZ requirements will seek to address potential adverse impacts wherein site use 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:** Staff defers to OCE-Traffic, and concludes based on the concerns expressed in the DRC Comments Letter (Attachment B) that the proposed rezoning will be **inconsistent** with TE Policy 2.1.4.

Based on the above findings, staff concludes the proposed rezoning is **inconsistent 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 the Board of County Commissioners to **APPROVE** 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 the approval of the Ordinance, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance 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 the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.
- D. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **APPROVE WITH ALTERNATIVE CONDITIONS** that would rezone the M-1 zoned portion of the property to B-2, alternative to B-4 as submitted in the application. This would **ALTERNATIVELY DENY** the rezoning of the A-1 portion of the property.

## VI. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission (PZC) enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **APPROVE WITH ALTERNATIVE CONDITIONS** that would rezone the M-1 zoned portion of the property to B-2, alternative to B-4 as submitted in the application. This would **ALTERNATIVELY DENY** the rezoning of the A-1 portion of the property:

- A. Will **adversely affect** the public interest;
- B. Is **inconsistent** with the Comprehensive Plan provisions because it is not in conformance with:
1. FLUE Policies 1.1.5, 2.1.22, 5.1.2.,
  2. TE Policy 2.1.4; and
- C. Is **incompatible** with the surrounding uses.

## VII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined. Scheduled for April 29, 2024, at 5:30 PM.

## VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for May 21, 2024, at 2:00 PM.

## IX. LIST OF ATTACHMENTS

- A. Rezoning application
- B. DRC Staff Review Remarks
- C. Site Photographs