



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

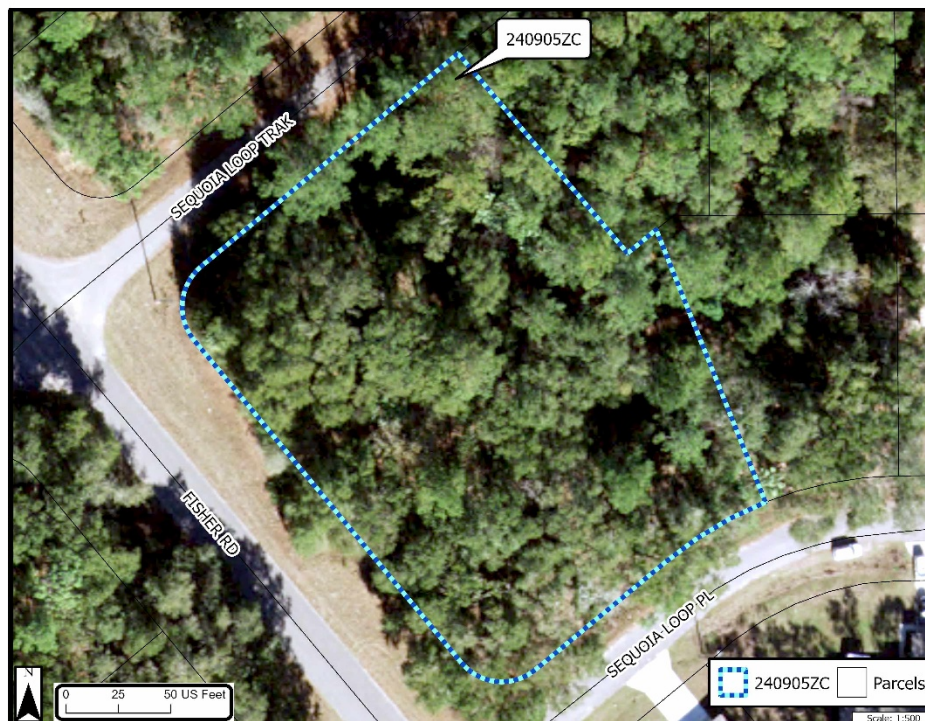
Dates	P&Z: 08/26/2024	BCC: 09/17/2024
Case Number	240905ZC	
CDP-AR	31670	
Type of Case	Rezoning from Single-Family Dwelling (R-1) to Residential Estate (R-E)	
Owner	Fito & Wilda Briseus	
Applicant	Mazen Rayan	
Street Address/Site Location	No address assigned; Silver Springs Shores "East" (Ocklawaha); Northeast side of Fisher Road between Sequoia Loop Trak and Sequoia Loop Place.	
Parcel Number(s)	9044-0000-09	
Property Size (±)	±1.06 acres	
Future Land Use	Low Residential (LR)	
Existing Zoning Classification	Single-Family Dwelling (R-1)	
Overlays Zones/Special Areas	Located within: Silver Springs Shores Vested DRI, Silver Springs Shores/Weirsdale Urban Area; Countywide Secondary Springs Protection Zone (SSPOZ), and Marion County Utilities Service Area.	
Staff Recommendation	APPROVAL	
P&Z Recommendation	APPROVAL (ON CONSENT)	
Project Planner	Christopher D. Rison, AICP	
Related Cases	CPA 1997-L05 from Public (Utility) to Low Residential	

I. ITEM SUMMARY

Mazen Rayan, as agent for Fito & Wilda Briseus, filed a rezoning application to change from Single-Family Dwelling (R-1) to Residential Estate (R-E) for a ± 1.06 -acre property (see Attachment A). The Parcel Identification Number is 9044-0000-09, however no address has been assigned for the property. The site is located within the Silver Springs Shore Vested Development of Regional Impact (VDRI) development project in the "Silver Springs Shores East" portion of the VDRI located east of Lake Weir and the Ocklawaha community, and west of the Ocklawaha River. The site represents a now vacated tract from the subdivision that was approved for a future land use designation change from Public (Utility) to Low Residential (residential development up to a maximum of 1 dwelling unit per acre (DU/AC)). The property is located on the north/east side of Fisher Road, lying between Sequoia Loop Trak and Sequoia Loop Place; the legal description is contained within the application (see Attachment A). The property is currently vacant and, as noted, is within the Silver Springs Shores VDRI, the Silver Springs Shores/Ocklawaha Urban Area, the Countywide Secondary Springs Protection Zone (SSPZ), and in the Marion County Utilities SE Service Area.

The application proposes to rezone the site from R-1 to R-E to enable residential use of the site along with the keeping of animals on a limited basis, subject to specific limitations and pasture requirements. The R-E zoning is consistent with the site's Low Residential (LR) future land use designation that allows densities up to 1 DU/AC, and as a ± 1.06 -acre site, the property would be eligible for one single-family residence and one possible accessory single-family guest cottage/residence, subject to applicable LDC site development standards.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The rezoning will eliminate potential confusion due to the R-1 zoning's property standards related to the site's Low Residential land use designation, and thereby establish a zoning district consistent with the Low Residential designation that accommodates residential use and limited agricultural use per the LDC.

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 (29 owners) within 300 feet of the subject property on August 9, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property the week of August 12, 2024 and consistent with LDC Section 2.7.3.E., and due public notice was published in the Ocala Star-Banner on August 12, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

IV. ANALYSIS

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

A. *How is the request compatible with surrounding uses?*

Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is a general location aerial displaying existing and surrounding site conditions.

Figure 2 shows the future land use designations of the subject property and surrounding areas. The surrounding lands are designated High Residential reflecting the historic recognition of densities within the Silver Springs Shores VDRI. The site's future land use was amended in 1995 from Public (originally identified as a future utility site) to Low Residential to reflect the site's isolated location within the development and the area's lack of existing utility services, particularly central water and central sewer services. The surrounding Silver Springs Shores VDRI area is predominantly undeveloped with scattered homesite. Of the immediately adjoining and/or surrounding 11 lots, only three feature existing residences. The Commercial designated area to the west represents property

along Lake Pendarvis historically designated as a potential lake front site that was rezoned to Agricultural Residential Estate (A-3) in 1993.

**Figure 2
FLUMS Designation**



The subject property's LR designation accommodates residential densities up to 1 dwelling unit per acre (1 DU/AC). The site's historic R-1 zoning classification identifies less than one-acre tracts as potentially possible that creates some confusion due to the site's LR designation. The requested R-E rezoning will eliminate the confusion and reflect the site's LR density, and enable limited animal uses (e.g., horses) subject to site design requirements, further consistent with the LR designation.

Figure 3 displays the proposed zoning for the subject property with the existing zoning classifications of the surrounding properties. Lands surrounding the site are historic R-1 zoned properties eligible for development consistent with the Silver Springs Shore VDR's historic recognition. The immediate vicinity contains three residential homes, with the remaining surrounding lots currently vacant.

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
Surrounding Area Aerial



The surrounding area consists of "Silver Springs Shores East" residential lots, wherein three lots in the immediate vicinity are developed at this time. The surrounding lots are eligible for and continue to develop with residential homes, the pace of which has seemingly increased given the site's location and proximity to the Ocala, Belleview, and The Villages areas. The requested rezoning to R-E will reflect the site's LR future land use designation and enable the development and use of the site consistent with the designation.

The site is located within the Silver Springs Shores VDRI, the Ocklawaha/Silver Springs Shore East Urban Area, the Marion County Utilities SE Utility Service Area and the Countywide Secondary Springs Protection Zone (SS-SPOZ). The site is not located in the Environmentally Sensitive Overlay Zone (ESUZ), and does not include any Flood Zone or Flood Prone Areas.

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

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

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The site is a single parcel within the Silver Springs Shores VDRI's "Silver Springs Shores East" area. The site is located on the west side of Fisher Road between Sequoia Loop Trak and Sequoia Loop Place. Each roadway is currently a paved subdivision local roadway maintained by Marion County, with Fisher Road being the main roadway providing access to this surrounding portion of "Silver Springs Shores East". Traffic Engineering had no comments regarding the requested rezoning. (See Attachment B). Any site development will be subject to Marion County's LDC standards regarding access, particularly driveway access.
 - 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 any roadways in the surrounding Silver Springs Shores East area. Fisher Road is a 100' wide existing right-of-way, that may include sidewalks when surrounding development levels support installation. 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 for the ±1.06-acre site, the proposed rezoning could result in a potential demand of 382 gallons per day if the site were developed with a single-family residence.

As noted by Marion County Utilities Department review remarks (see Attachment B), the property is within the Urban Area and Marion County Utilities SE Service Area, where service lines are not currently in place and unavailable given the site potential development eligibility. Final development proposals will serve as the basis to determine potable water connection requirements, likely to be on-site well, however connection to central service will be required once it is available consistent with the LDC and other applicable jurisdictional requirements. 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 for the ±1.06-acre site, the proposed rezoning could result in a potential demand of 280 gallons per day if the site were developed with a single-family residence.

As noted by Marion County Utilities Department review remarks (see Attachment B), the property is within the Urban Area and Marion County Utilities SE Service Area where service lines are not currently in place and not available at this time given the site potential development eligibility. Final development proposals will serve as the basis to determine wastewater connection requirements, likely to be on-site well, however connection to central service will be required once it is available consistent with the LDC and other applicable jurisdictional requirements. 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. Based on the residential calculation, for one single-family residence, the proposed rezoning would result in a potential 15 pounds per day of solid waste.

The site would be subject to Marion County's Solid Waste Assessment to address solid waste collections in relation to the site. Additionally, 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. Based on the residential calculation, for one single-family residence, the proposed rezoning would result in a potential need of 0.0048 acres or 209 square feet. As a

residential use under the R-E zoning, a general minimum of open space square feet will be provided through compliance with the site's required setback of 25-feet for all yards. 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 Zone or Flood Prone Areas. Development of the site will be required to comply with a 100-year frequency 24-hour duration design storm as the site development proceeds through Marion County's site development review processes. Based on the above, the rezoning **stormwater/drainage impacts would not adversely affect the public interest.**
7. Fire rescue/emergency services. The site is officially located in Marion County's Weirsdale Fire Station #27 response district located at 16355 S. Hwy 25, Weirsdale, ±8.12 miles southwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Staff notes the Silver Springs Shores East community is part of the Silver Springs Shores VDRI, wherein the properties are currently eligible for continued development, and Marion County continues to evaluate fire services capabilities on a continuing basis. 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 13985 E. Hwy 25, Ocklawaha, ±5 miles southwest of the site. The Comprehensive Plan does not establish a level of service standard for law enforcement services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services; however, the Sheriff's Office provides traveling 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 R-E rezoning may generate student populations as a residential use; however, the generation is not expected to exceed the generation that would occur should the site be developed under its current R-1 zoning classification. For reference, the site is located within the general attendance districts for the Stanton-Weirsdale Elementary School, the Lake Weir Middle School, and the Lake Weir High School. While there are areas of localized school overcrowding within the county, overall, Marion County Public Schools (MCPS) currently has sufficient district-wide capacity; further, MCPS is examining school capacities and is currently undertaking the construction of new public schools. Therefore, the application's public-school impacts **would not adversely affect the public interest.**

In summation, the requested rezoning from R-1 to R-E 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. Policy 2.1.17: Low Residential. This land use is intended to recognize areas suited for primarily single-family residential units for existing and new development within the UGB, a PSA or Urban Area. Parcels outside of, but contiguous to the UGB and outside of the FPA are eligible for conversion to Low Residential designation through density bonus programs consistent with FLU Policy 2.1.3. The density range shall be up to one (1) dwelling unit per one (1) gross acre, as further defined in the LDC. This land use designation is considered the Urban Area. Where Low Residential abuts the Farmland Preservation Area or other Rural Area, hamlet, clustered or other development methods to preserve large tracts of open space is encouraged.

Analysis: The proposed rezoning will establish a site zoning consistent with the site's LR future land use designation that also functions to recognize the site's status as a parcel within the historic Silver Springs Shores VDRI. Therefore, the proposed rezoning is consistent with FLUE Policy 2.1.23.

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 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 August 26, 2024 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. 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.

Current

Analysis: The site is within the Countywide Secondary Springs Protection Overlay Zone (SSPOZ). The site is not in a Flood Zone or Flood Prone Area. Staff notes that limited stormwater management facilities are provided within the Silver Springs Shores Subdivision, and further, all site development is required to comply with the LDC, including addressing stormwater management for single-family homes. As such, the request would be consistent with FLUE Policy 7.4.3.

5. 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 establish a zoning classification consistent with the site's LR designation which would enable residential use consistent with the surrounding residential lots. A potential single-family residence is not expected to generate any additionally significant traffic amounts. Traffic Engineering has not indicated any 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 Commission enter into the record the Staff Report, the Planning & Zoning Commission recommendation, and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and act 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 2.1.17, 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

The Planning & Zoning Commission voted to recommend APPROVAL of the Rezoning Application on motion by Commissioner Behar, second by Commissioner Bonner, as part of the Consent Agenda; motion passed on a vote of 6-0.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application AR 31670 filed 5/31/2024
- B. DRC Staff Review Remarks AR 31670
- C. Site and Area Photos
- D. LDC General Residential Zoning and R-E Zoning provisions