



**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>P&amp;ZC Date: 01/27/2025</b> | <b>BCC Date: 02/17/2025 and 02/18/2025</b>   |
| <b>Case Number</b>               | 25-S04   |
| <b>CDP-AR</b>                    | 32241  |
| <b>Type of Case</b>              | Future Land Use Map Series (FLUMS) Amendment:<br>Rural Land (RL) to Rural Activity Center (RAC)                        |
| <b>Owner</b>                     | Thomas R. Moore  |
| <b>Applicant</b>                 | Tillman and Associates Engineering LLC   |
| <b>Street Address</b>            | 6853 W HWY 326, Ocala, FL  |
| <b>Parcel Number</b>             | 13002-000-00   |
| <b>Property Size</b>             | ± 23.62 acres  |
| <b>Future Land Use</b>           | Rural Land (RL)  |
| <b>Zoning Classification</b>     | General Agriculture (A-1)  |
| <b>Overlay Zone/Scenic Area</b>  | Farmland Preservation Area,<br>Secondary Springs Protection Zone   |
| <b>Staff Recommendation</b>      | <b>DENIAL</b>  |
| <b>P&amp;ZC Recommendation</b>   | <b>TBD</b>   |
| <b>Project Planner</b>           | Xinyi Cindy Chen   |
| <b>Related Case(s)</b>           | Concurrent Rezoning Application: 250207ZC Rezoning<br>from General Agriculture (A-1) to Rural Activity Center<br>(RAC) |

## I. ITEM SUMMARY

Tillman and Associates Engineering LLC on behalf of the owner Thomas R. Moore has filed a Small-Scale Future Land Use Map Series (FLUMS) amendment application to change the land use designation of a total  $\pm 23.64$ -acre parcel located on 6853 W HWY 326, Ocala, FL. The applicant seeks to change the Future Land Use designation from Rural Land (RL) to a Rural Activity Center (RAC) land use. The intention of this Small-Scale FLUMS amendment is to be able to conduct a Landscape Contract Yard/Farm Building Sales/Service/Storage (see Attachment A). The proposed use will include a small building to sell accessory items and parts for products sold. The subject property is situated inside the Farmland Preservation Area and is located within the Secondary Spring's Protection Overlay Zone (SSPOZ). A concurrent rezoning application (250207ZC) is requesting to rezone the property from General Agriculture (A-1) to Rural Activity Center (RAC) to accommodate intended use of landscape contractor's yard with agricultural building sales, plant nursery, and residence. Figure 1, below, is an aerial photograph showing the general location of the subject property.

## II. STAFF SUMMARY RECOMMENDATION

Staff is recommending the **DENIAL** of the Small-Scale Future Land Use Map Series (FLUMS) amendment because it is not consistent with Land Development Code Section 2.3.3.B, which requires amendments comply and be consistent with the Marion County Comprehensive Plan as well as the provisions of Chapter 163, Florida Statutes. However, based on staff's analysis, the request of change Land Use from existing Rural Lan (RL) to Rural Activity Center (RAC) does not comply with Marion County Comprehensive Plan Policy 2.1.21: Rural Activity Center (RAC).

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



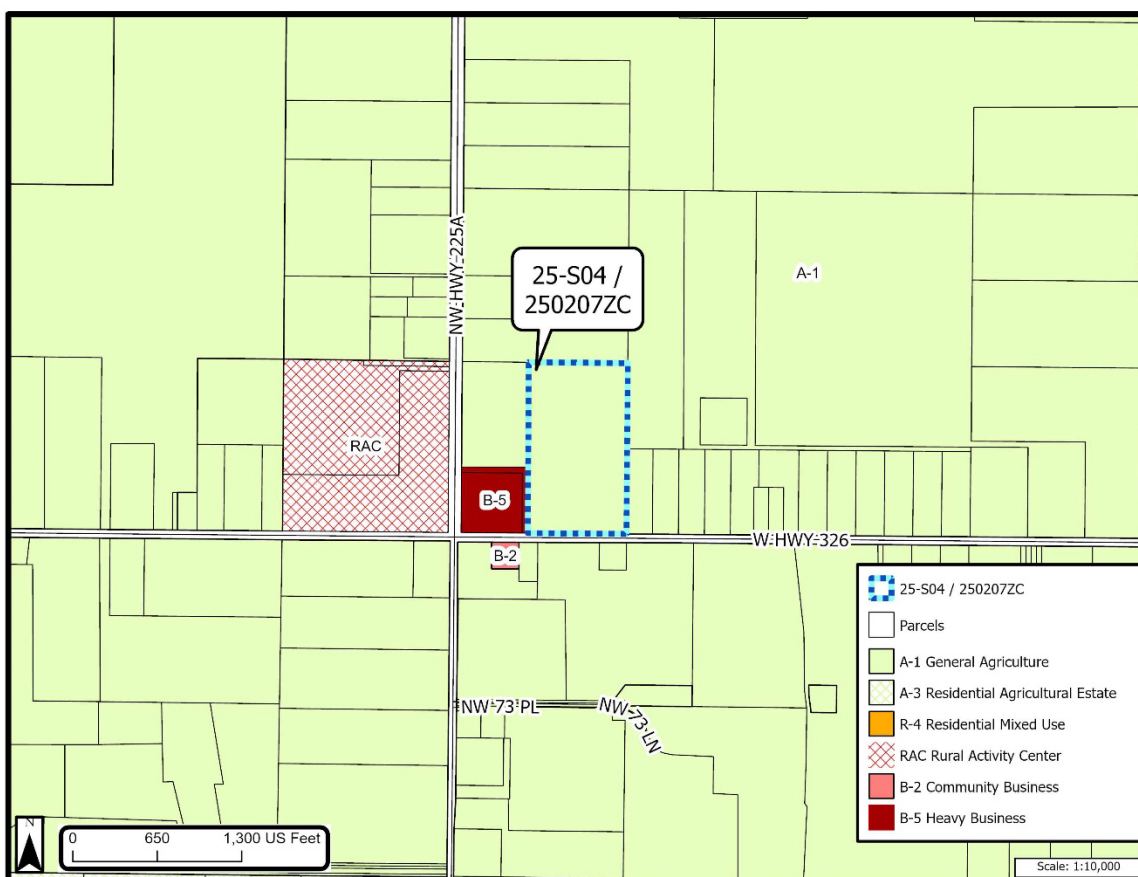
### III. NOTICE OF PUBLIC HEARING

Notice of public hearing was mailed to 11 property owners within 300 feet of the subject property on January 10<sup>th</sup>, 2025. A public hearing notice sign was also posted on the property on January 10<sup>th</sup>, 2025. A public hearing notice for the Planning & Zoning Commission hearing was published in the Star Banner on January 13<sup>th</sup>, 2025. As of the date of the initial distribution of this Staff Report, no correspondence in support of or in opposition to the amendment has been received. Evidence of the public hearing notices are on file with the Growth Services Department and are incorporated herein by reference.

### BACKGROUND/PROPERTY HISTORY

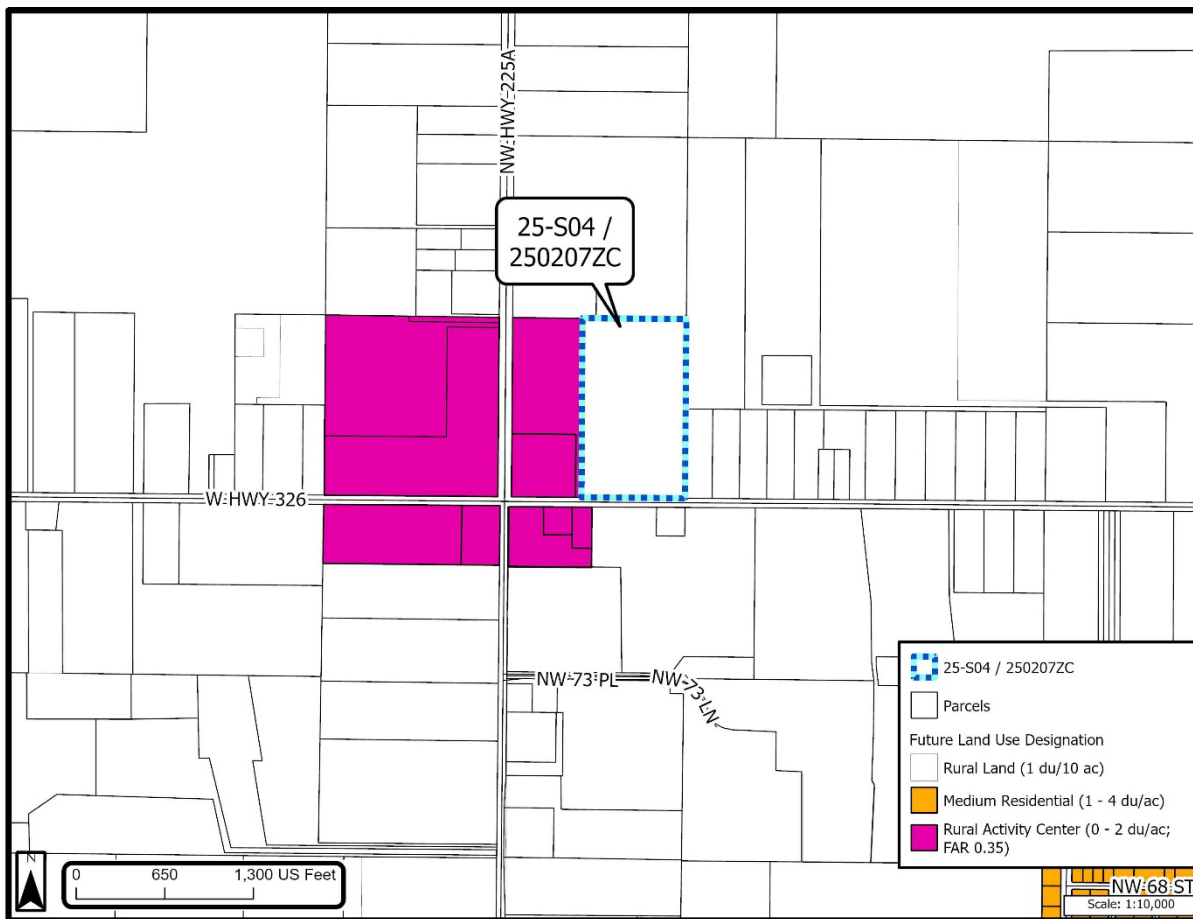
- A. *ZDM history.* Figure 2 shows the subject property is classified General Agriculture (A-1). This is its initial zoning classification.

**Figure 2  
Zoning District Map**



B. *FLUMS history.* Figure 3 displays the FLUMS designation of the subject property along with that of the surrounding properties. The subject property currently carries a Rural Land (RL) land use, which, according to the Marion County Comprehensive Plan, Policy 2.1.16 is intended, "...to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses. ..."

**Figure 3**  
**Future Land Use Map Series Designation**

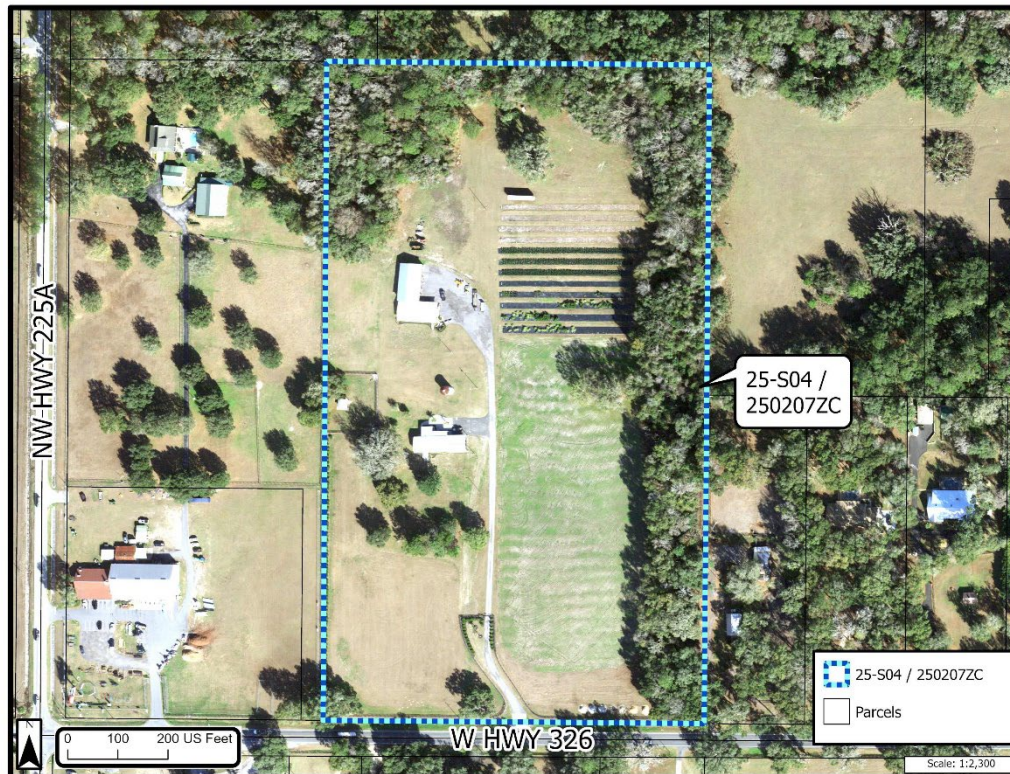


## IV. CHARACTER OF THE AREA

### A. Existing site characteristics.

Figure 4, below, is an aerial photograph showing the subject property and surrounding area. The subject property is located within the Farmland Preservation Area and has direct access from W HWY 326. It is adjacent to a Rural Activity Center (RAC) at the intersection of W HWY 326 and NW HWY 225A. Surrounding and adjacent properties are designated as Rural Land (RL) and zoned General Agriculture (A-1). The neighborhood predominantly consists of agricultural uses, single-family homes, and mobile homes. The subject parcel is currently utilized for a mobile home with large natural and agricultural characteristics. Within the RAC area, only two small parcels are used for commercial purposes, while the remainder is either undeveloped or used for agricultural-related activities.

Figure 4  
Aerial Photograph



### B. Adjacent and surrounding land uses.

Figure 5 is a map based on the Marion County Property Appraisers data showing the existing, adjacent, and surrounding land uses. The subject property is currently used for agricultural production, with surrounding parcels primarily used for agricultural production, single-family residential, or mobile home purposes, either vacant or developed.

The existing adjacent RAC area comprises nine parcels totaling approximately 73.4 acres. Within this area, the majority of the properties are utilized for agricultural production. Only two parcels, totaling approximately 7 acres, are developed for commercial uses. Overall, the RAC area remains significantly underdeveloped for its intended purposes as outlined in the Comprehensive Plan.

**Figure 5  
Existing and Surrounding Land Uses**

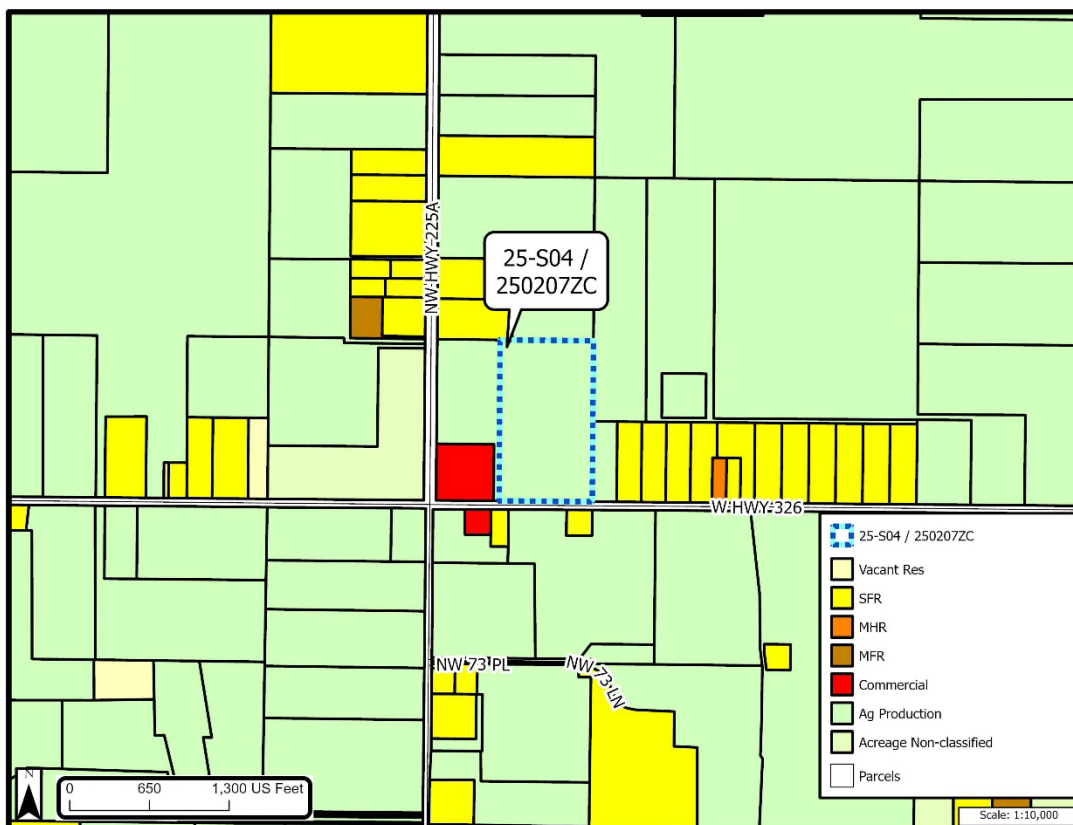
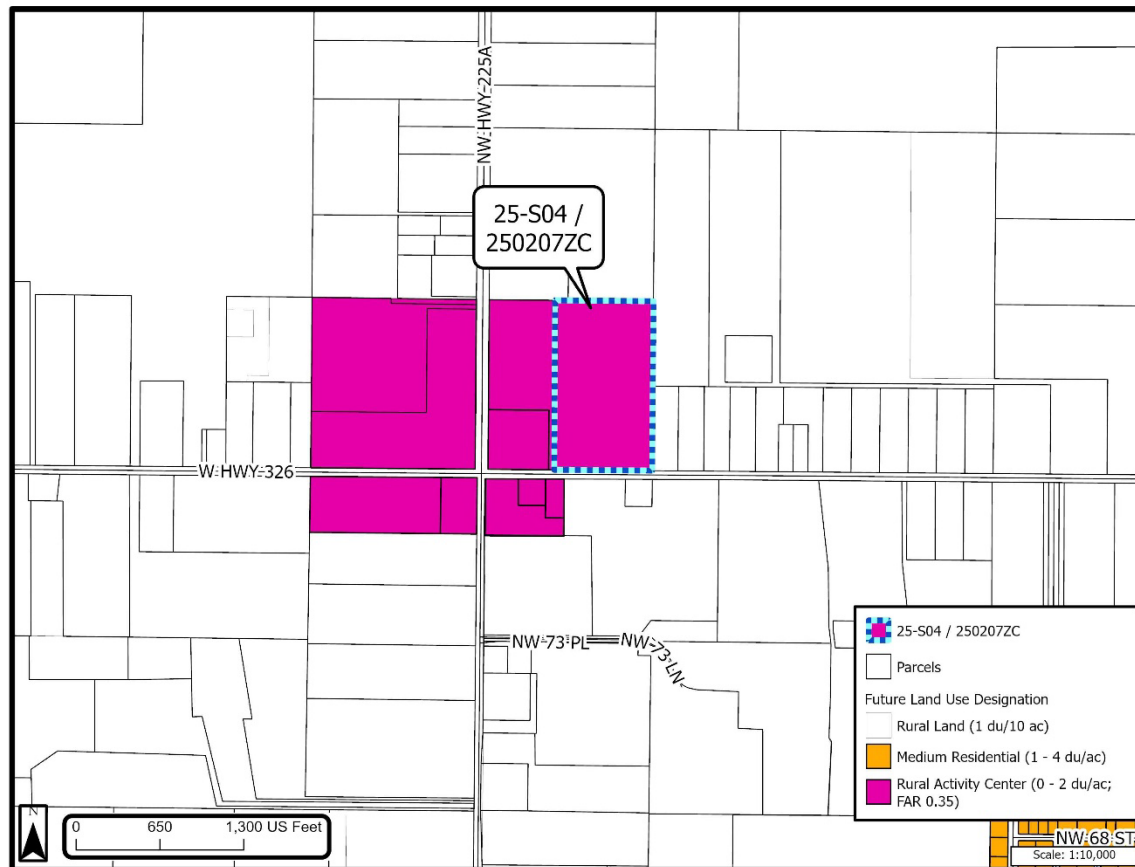


Table 1, below, displays the FLUMS, Zoning Classification, and existing uses on the subject site and surrounding uses.

| <b>TABLE 1.<br/>ADJACENT PROPERTY CHARACTERISTICS</b> |                             |   |  |
|---|-----------------------------|---|--|
| <b>Direction</b>                                      | <b>FLUM Designation</b>     | <b>Zoning Classification</b>                    | <b>Marion County Property Appraiser Existing Use</b> |
| <b>Subject Property</b>                               | Rural Land (RL)             | General Agriculture (A-1)                       | Ag Production  |
| <b>North</b>  | Rural Land (RL)             | General Agriculture (A-1)                       | Ag Production, SFR                                   |
| <b>South</b>  | ROW                         | ROW   | ROW  |
| <b>East</b>   | Rural Land (RL)             | General Agriculture (A-1)                       | Ag Production  |
| <b>West</b>   | Rural Activity Center (RAC) | General Agriculture (A-1), Heavy Business (B-5) | Ag Production, Commercial                            |

- C. *Project request.* Figure 6 depicts the FLUMS amendment proposed by this application. Approving the application would change the Rural Land (RL) land use designation to the Rural Activity Center (RAC) land use designation, permitting the subject parcels to facilitate a landscape contractor's yard, agricultural building sales, plant nursery, and a residence, with a small building for accessory item and part sales. The applicant also filed a concurrent rezoning application from A-1 to RAC for the same purpose.

**Figure 6**  
**Proposed FLUMS Designation**



## V. ANALYSIS

LDC Section 2.3.3.B requires a Comprehensive Plan Amendment Application to be reviewed for compliance and consistency with the Marion County Comprehensive Plan and Chapter 163, Florida Statutes. Staff's analysis of compliance and consistency with these two decision criteria are addressed below.

### A. Consistency with the Marion County Comprehensive Plan

1. Future Land Use Element (FLUE).
  - a. FLUE Policy 1.1.3 on Accommodating Growth provides, "The County shall designate on the Future Land Use Map sufficient area in each land use designation to distribute development to appropriate locations throughout the county. Changes to the Future Land Use

Map shall be considered in order to accommodate the existing and projected population and its need for services, employment opportunities, and recreation and open space while providing for the continuation of agriculture activities and protection of the environment and natural resources.”

**Analysis:** Under FLUE Policy 1.1.3, the County is required to designate appropriate areas for growth while balancing residential, agricultural, and environmental needs. However, the existing RAC area is underdeveloped, and expanding it to include the subject property promotes inefficient sprawl instead of concentrating development in appropriate locations. Also, the property lies within the Farmland Preservation Area, and its conversion to RAC undermines the County’s goal of maintaining agricultural activities and rural character. The proposed uses do not address existing or projected population or service needs and can be accommodated within the current RAC area. Additionally, it is unclear why a RAC land use and zoning designation are necessary to accommodate a plant nursery, as both retail and wholesale nurseries are permitted within rural agricultural areas under the current land use and zoning. Thus, this application is **inconsistent** with Policy 1.1.3.

- b. FLUE Policy 2.1.21 on Rural Activity Center (RAC) provides, “This land use designation allows for mixed use nodes of residential (single-family and multi-family) and commercial uses, including agricultural-related commercial uses to meet the daily needs of residents in the Rural Area to reduce trips to the Urban Areas of the county for daily needs and services. This designation shall be located at intersections of arterial, collector, and/or major roads and extend no greater than one-quarter (1/4 mile) or 1,320 linear feet from the center of the RAC for a maximum of 96 acres. For the Summerfield RAC which includes an off-set major road intersection pair (S. Hwy 301/SE 145th Street & S. Hwy 301/SE 147th Street) and lies west of the CSX Railroad Line, the one-quarter (1/4 mile) or 1,320 linear feet from the center may be measured from either major road intersection and extend east along SW 147th Street to the CSX Railroad Line. The maximum acreage of the Summerfield RAC is not to exceed 125 acres. New RACs shall have at least three existing businesses and be at least five (5) miles from other RACs, as measured from the center of the RAC, unless it can be demonstrated that eighty-five (85) percent of the RAC is developed. In order to minimize development impacts to the surrounding Rural Area, properties in the RAC shall be designed to provide shared access, obtain access from the lesser road class, and minimize impacts to the operations of the intersection and compatibility concerns for the surrounding properties. The density range shall be up to two (2) dwelling units per one (1) gross acre and maximum Floor Area Ratio of 0.35, as further defined by the LDC. This land use designation a Rural land use designation.”

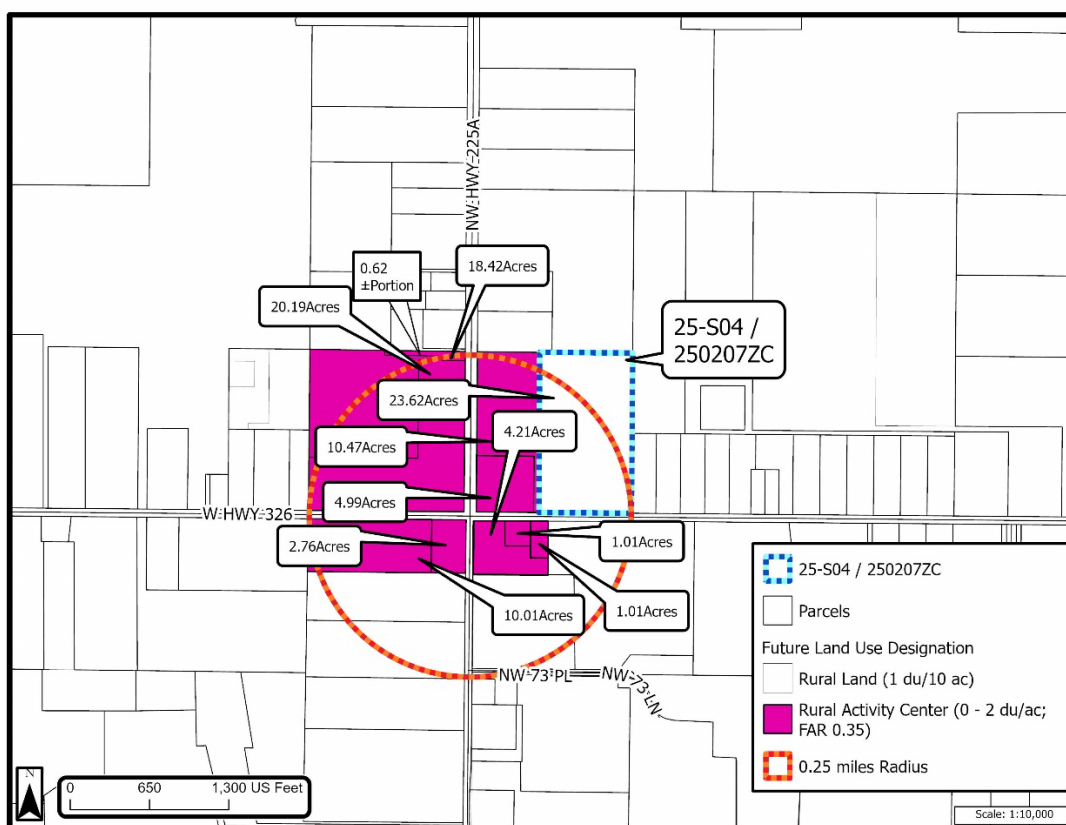


**Analysis:** The proposed amendment to expand the RAC area to include the subject property is **inconsistent** with Policy 2.1.21 for the following reasons:

1) Location Beyond Designated RAC Boundaries: The subject property is located more than one-quarter (1/4) mile or 1,320 feet from the center of the existing RAC area. Figure 7 below shows a circle of 1/4-mile radius from the center of RAC area. This exceeds the maximum allowable distance for properties included within an RAC, making the amendment inconsistent with the policy's spatial limitations.

2) Exceeding Maximum Acreage: The proposed addition of  $\pm 23.64$  acres would increase the total RAC area (73.4 acres) beyond the policy's 96-acre maximum for a standard RAC. Figure 7 below shows parcel's area within the circle of 1/4-mile radius from the center of RAC area. Expanding the RAC area in this manner violates the acreage cap established by Policy 2.1.21.

**Figure 7**  
**Existing FLUMS Designation**  
**with 1/4-Mile Radius Circle and Acreage of Parcels**



3) Lack of Justification for Expansion: The existing RAC is underdeveloped, with the majority of its parcels being agricultural or

vacant, and only two parcels used for commercial purposes. Policy 2.1.21 emphasizes that new RAC expansions should occur only when there is a demonstrated need. In this case, the current RAC area can accommodate future development, making expansion unnecessary and inconsistent with the intent of the policy.

4) Conflict with Minimizing Rural Impact: Policy 2.1.21 aims to minimize impacts on surrounding rural areas by encouraging compact, shared-access development within RAC boundaries. Expanding the RAC to the subject parcel, which is surrounded by agricultural and residential uses, could introduce incompatible development patterns and increase land use conflicts.

5) Proposed Use Misalignment: The proposed use—a landscape contractor’s yard with agricultural building sales—does not align with the mixed-use intent of an RAC. RACs are designed to provide daily needs and services for rural residents, reducing trips to urban areas. The proposed use primarily serves commercial and agricultural business operations, which are not consistent with the policy’s goals.

- c. FLUE Policy 5.1.2 on Review Criteria – Changes to the Comprehensive Plan and Zoning Provides, “Before approval of a Comprehensive Plan Amendment (CPA), Zoning Change (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is suitable. The County shall review, and make a determination that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:
1. Market demand and necessity for the change;
  2. Availability and potential need for improvements to public or private facilities and services;
  3. Allocation and distribution of land uses and the creation of mixed-use areas;
  4. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
  5. Agricultural activities and rural character of the area;
  6. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
  7. Consistency with the UGB;
  8. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
  9. Compatibility with current uses and land uses in the surrounding area;
  10. Water Supply and Alternative Water Supply needs; and 12. Concurrency requirements.

**Analysis:** The proposed Small-Scale Future Land Use Map Amendment (FLUMS) is **inconsistent** with FLUE Policy 5.1.2 for the following reasons:

1) Market Demand and Necessity: The applicant has not sufficiently demonstrated market demand or necessity for the proposed change. The existing RAC area is still underdeveloped, with a majority of parcels used for agricultural purposes and only two small parcels used for commercial activities. This indicates the current RAC area can meet existing and foreseeable needs, negating the justification for expansion. Additionally, it is unclear why a RAC land use and zoning designation are necessary to accommodate a plant nursery, as both retail and wholesale nurseries are permitted within rural agricultural areas under the current land use and zoning.

2) Impact on Agricultural Activities and Rural Character: The subject property is located within the Farmland Preservation Area and is primarily surrounded by agricultural and rural residential uses. Converting this parcel to RAC would introduce commercial uses incompatible with the rural character and could diminish the agricultural viability of surrounding properties.

3) Prevention of Urban Sprawl: Expanding the RAC to include the subject property promotes an inefficient land use pattern inconsistent with the Comprehensive Plan's goal of preventing urban sprawl. The subject parcel lies outside the designated RAC boundaries and would create a fragmented, leapfrog development pattern.

4) Compatibility with Surrounding Uses: The surrounding area is predominantly agricultural, with rural residential uses and limited commercial activity within the existing RAC. The proposed uses, such as a landscape contractor's yard and agricultural building sales, would be incompatible with the rural and agricultural character of the surrounding properties, leading to potential land use conflicts.

5) Consistency with Comprehensive Plan and Land Development Code (LDC): The amendment fails to meet key Comprehensive Plan and LDC criteria, including compliance with RAC development standards outlined in Policy 2.1.21 and adherence to principles for managing growth, preserving rural areas, and ensuring compatibility with existing uses.

- d. FLUE Policy 5.1.3 on the Planning & Zoning Commission (P&Z) 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:** This application is scheduled to appear in front of the Planning & Zoning Commission on January 27<sup>th</sup>, 2025. This application is **consistent** with FLUE Policy 5.1.3.

- e. FLUE Policy 5.1.4 on Notice of Hearing provides, “[t]he 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.

2. Transportation Element (TE)

- a. TE Policy 2.1.4 on Determination of Impact provides in part, “[a]ll proposed development shall be evaluated to determine impacts to adopted LOS standards.”

**Analysis:** According to the Traffic Assessment Method Study, the proposed development will generate 102 trips daily, with 9 trips during AM peak hour and 18 trips during PM peak hour. The proposed FLU and Zoning could generate up to 13,328 daily trips, with 302 trips during AM peak hour and 1,224 trips during PM peak hour. This FLU change will increase daily trips of 28 under existing FLU and zoning by additional 300 trips during AM peak hour and 1,221 trips during PM peak hour. According to the comments from OCE Traffic, the proposed FLU change “has the potential to allow for a very significant amount of new traffic to be generated from this site. The RAC land use and zoning allows for varying types of commercial activity.” OCE Traffic Review also points out that “it is also unclear why a RAC land use and zoning are needed for the Nursery. Nurseries, both retail and wholesale, are allowed in rural agriculture areas. In addition, there is a significant amount of undeveloped land within the existing RAC and this will add significantly more land to the existing RAC.” Thus, staff concludes that the proposal is **not consistent** with the TE Policy 2.1.4.

3. Sanitary Sewer Element (SSE)

- a. SSE Policy 1.1.1 provides in relevant part, “The 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 is adopted as the basis for future facility design, determination of facility capacity, and documentation of demand created by new development. This LOS shall be applicable to central sewer facilities and to package treatment plants but shall not apply to individual OSTDS.”

**Analysis:** The property is within the Marion County Utilities service area, with a water and sewer force main located approximately 9,400 feet to the east. Currently, the proposed development outlined in the application package allows for the use of a well and septic system. However, be advised by MCU’s review comments that if the water or sewer main is extended westward and reaches the property before development commences, the property may be required to connect to the system, potentially through an offsite extension of the respective mains. It is strongly recommended that the applicant contact Marion County Utilities (MCU) prior to submitting a development plan or permit to confirm whether conditions have changed. The unavailability of mains at present does not guarantee the continued eligibility for well and septic in the future. Thus, until this is addressed, the proposed density increase is **not consistent** with SSE Policy 1.1.1.

4. Potable Water Element (PWE)

- a. PWE Policy 1.1.1 provides in part, “[t]he LOS standard of 150 gallons per person per day (average daily consumption) is adopted as the basis for future facility design, determination of available facility capacity, and determination of demand created by new development with regard to domestic flow requirements, and the non-residential LOS standard shall be 2,750 gallons per acre per day.”

**Analysis:** The property is within the Marion County Utilities service area, with a water and sewer force main located approximately 9,400 feet to the east. Currently, the proposed development outlined in the application package allows for the use of a well and septic system. However, be advised by MCU’s review comments that if the water or sewer main is extended westward and reaches the property before development commences, the property may be required to connect to the system, potentially through an offsite extension of the respective mains. It is strongly recommended that the applicant contact Marion County Utilities (MCU) prior to submitting a development plan or permit to confirm whether conditions have changed. The unavailability of mains at present does not guarantee the continued eligibility for well and septic in the future. Thus, until this is addressed, the proposed density increase is **not consistent** with PWE Policy 1.1.1.

5. Solid Waste Element (SWE)

- a. SWE Policy 1.1.1 provides, “[t]he LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day. This LOS standard shall be used as the basis to determine the capital facilities or contractual agreements needed to properly dispose of solid waste currently generated in the County and to determine the demand for solid waste management facilities which shall be necessitated by future development.”

**Analysis:** The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County.

6. Stormwater Element (SE).

- a. SE Policy 1.1.4 provides, “[t]he demand for stormwater facility capacity by new development and redevelopment shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the applicable design storm LOS standard adopted in Policy 1.1.1 and facility design procedures consistent with accepted engineering practice.”

**Analysis:** At the time of development order approval, the owner will need to demonstrate that post-development stormwater runoff can be accommodated by the stormwater facilities proposed during development review.

- b. SE Policy 1.1.5 provides, “[s]tormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.”

**Analysis:** The owner is advised they will be responsible for funding the stormwater facilities with sufficient capacity to accommodate the post-development runoff.

7. Public School.

- a. The following figures are provided on the 120<sup>th</sup> day for the 2023-2024 school year: Fessenden Elem (102.57%), North Marion Middle (74.15%), and North Marion High (68.49%).

8. Fire Rescue/emergency.

- a. Fire Station #11, located at 12250 NW Gainesville Rd, Reddick, FL 32686 is roughly 7 miles southwest of the proposed development. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, the fire rescue/emergency impacts would **adversely affect** the public interest and are consistent with this section.

B. *Consistency with Chapter 163, Florida Statutes.*

1. Section 163.3177(6)(a)8 provides, “[f]uture land use map amendments shall be based upon the following analyses:
  - a. An analysis of the availability of facilities and services.
  - b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
  - c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.”

**Analysis:** Section A of this staff report included a detailed analysis of the availability of facilities and services, and drew the following conclusions: The application **complies with and conforms to** F.S. Section 163.3177(6)(a)8a.

However, the analysis of the suitability of the plan amendment for its proposed use was not addressed in the “Character of the area” section of this staff report and it was found that the application **does not comply with and conform to** F.S. Section 163.3177(6)(a)8b.

The analysis of the minimum amount of land needed to achieve the goals and requirements of this section was discussed above. According to the analysis of FLUE Policies 1.1.3 and 2.1.18 above, the subject property has not met the minimum standard for proof of demand. Therefore, the application **does not comply with and conform to** F.S. Section 163.3177(6)(a)8c.

## VI. 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/APPROVE WITH CONDITIONS** the small-scale FLUMS 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 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.

## VII. 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 **DENY** the proposed small-scale FLUMS amendment number 25-S04 because the application **is NOT consistent with:**

- A. The Marion County Comprehensive Plan, specifically with:
  1. FLUE Policies 1.1.3, 2.1.21, 5.1.2;
  2. TE Policy 2.1.4;

3. SSE Policy 1.1.1; and
4. PWE Policy 1.1.1.

And does **not comply with and conform to:**

- B. The Florida Statutes, specifically with:
  1. F.S. Section 163.3177(6)(a)8, subsection b and c.

## **VIII. PLANNING & ZONING COMMISSION RECOMMENDATION**

To be determined.

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

To be determined.

## **X. LIST OF ATTACHMENTS**

- A. Application package.
- B. Development Review Committee Comments.
- C. Site Photos.