



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 01/27/2025	BCC Date: 02/17/2025 and 02/18/2025
Case Number	250207ZC
CDP-AR	32242
Type of Case	Rezoning from General Agriculture (A-1) to Rural Activity Center (RAC) for intended use of landscape contractor's yard with agricultural building sales, plant nursery, and residence.
Owner	Thomas R. Moore.
Applicant	Tillman and Associates Engineering LLC
Street Address/Site Location	6853 W HWY 326, Ocala, FL
Parcel Number(s)	13002-000-00
Property Size	± 23.62 acres
Future Land Use	Rural Land (RL)
Existing Zoning Classification	General Agriculture (A-1)
Overlays Zones/Special Areas	Farmland Preservation Area (FPA), Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	DENIAL
P&Z Recommendation	TBD
Project Planner	Xinyi Cindy Chen
Related Cases	Concurrent – 25-S04: Small-Scale Land Use Amendment to (RAC)

I. ITEM SUMMARY

Tillman and Associates Engineering LLC on behalf of the owner Thomas R. Moore filed a rezoning application to change a ±23.52-acre parcel from General Agriculture (A-1) to Rural Activity Center (RAC). The Parcel Identification Number for the property is 13002-000-00; the site is addressed as 6853 W HWY 326, Ocala, FL (see Attachment A). The intention of this rezoning is to conduct a Landscape Contract Yard/Farm Building Sales/Service/Storage. The site is located within the Farmland Preservation Area (FPA) and the Secondary Springs Protection Zone (SSPZ).

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** of the rezoning application. Staff believes RAC zoning would be not appropriate for the area as there's an existing Rural Activity Center (RAC) at the intersection to accommodate commercial development as well as current A-1 zoning can accommodate purposed uses sufficiently. The proposed RAC zoning is not consistent with the current Rural Land (RL) Land Use designation. Staff also recommends denial to the concurrent application Small-Scale Land Use Map Amendment from RL to RAC due to following major reasons: 1) location beyond designated RAC boundaries standard (1/4-

mile range); 2) exceeding maximum RAC acreage standard (96 acres) 3) lack of justification for expansion because existing RAC is still underdeveloped; 4) proposed use misalignment with RAC policy and proposed uses are permitted in current LU and Zoning.

III. NOTICE OF PUBLIC HEARING

Notice of public hearing was mailed to 11 property owners within 300 feet of the subject property on January 10th, 2025. A public hearing notice sign was also posted on the property on January 10th, 2025. A public hearing notice for the Planning & Zoning Commission hearing was published in the Star Banner on January 13th, 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.

IV. ANALYSIS

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

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

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

Figure 2 shows the subject property as well properties to the west designated as Rural Activity Center (RAC), a node dedicated to providing goods and services to the citizens residing in this rural area. All other surrounding properties share a Rural land use. The properties in the area are outside the urban growth boundary (UGB) and within the Farmland Preservation Area (FPA) as well as the Secondary Springs Protection Zone (SSPZ).

Figure 2
FLUMS Designation

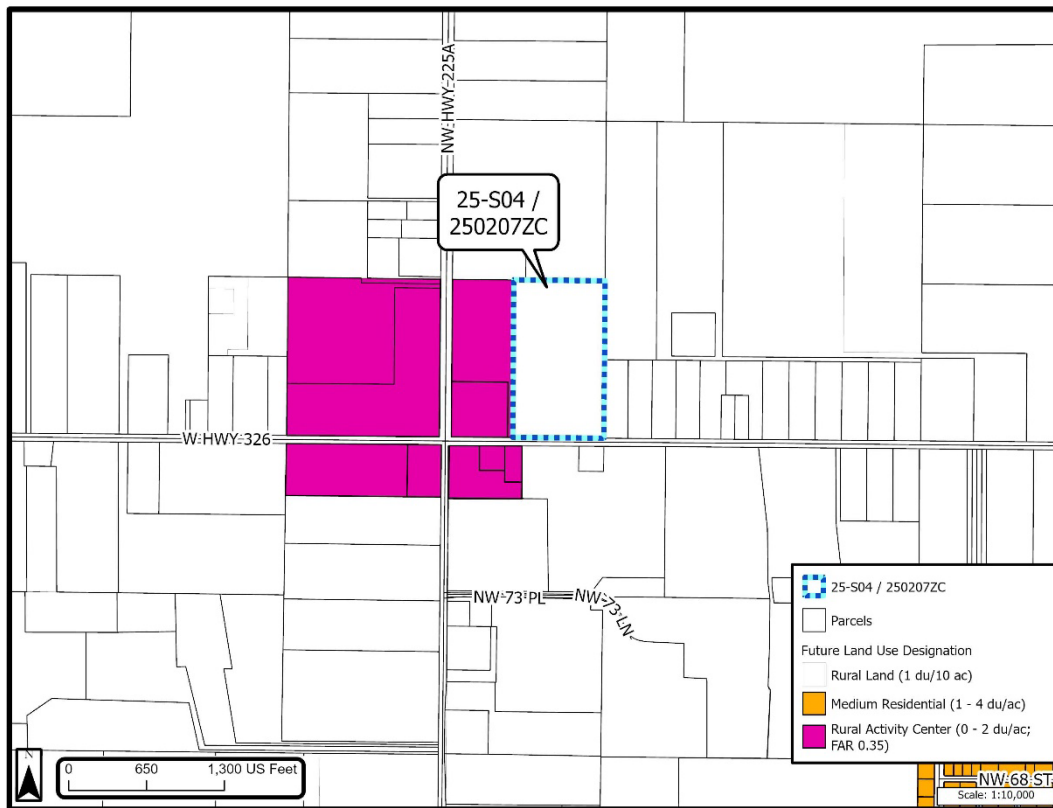


Figure 3 displays the zoning for the subject property in relation to the existing zoning of the surrounding properties and Figure 4 shows the proposed zoning. Only one parcel on the west side of the subject property is B-5 zoning classification. All other adjacent areas are designated General Agriculture (A-1).

The site is located outside the Urban Growth boundary but within the Secondary Springs Protection Zone (SSPZ) and Farmland Preservation Area (FPA).

Figure 3
Zoning Classification

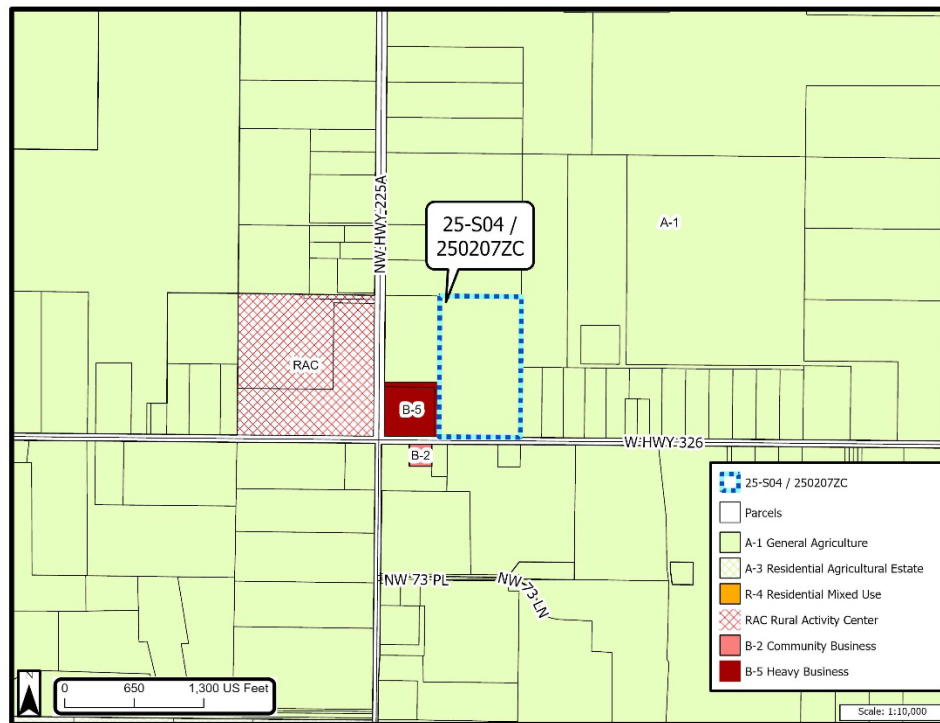


Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). The subject property is currently used for agricultural production, with surrounding parcels primarily used for agricultural production, single-family residential, or mobile home purposes, either vacant or developed.

Table A displays the information of Figures 2, 3, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and found that 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. Most surrounding properties have agricultural and natural elements.

Figure 4.
Proposed Zoning Classification

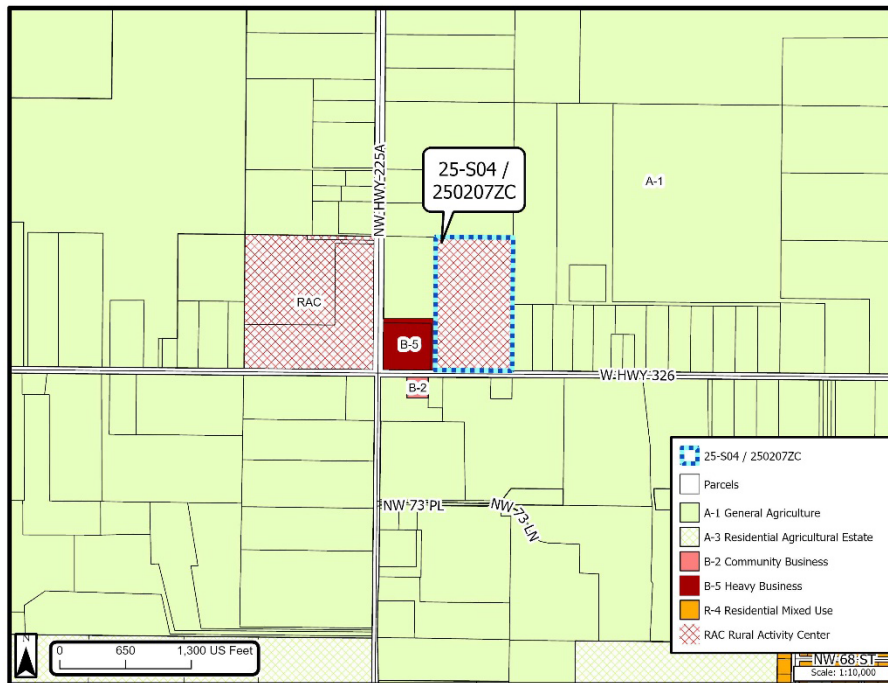


Figure 5.
Existing Use per Property Appraiser Property Code

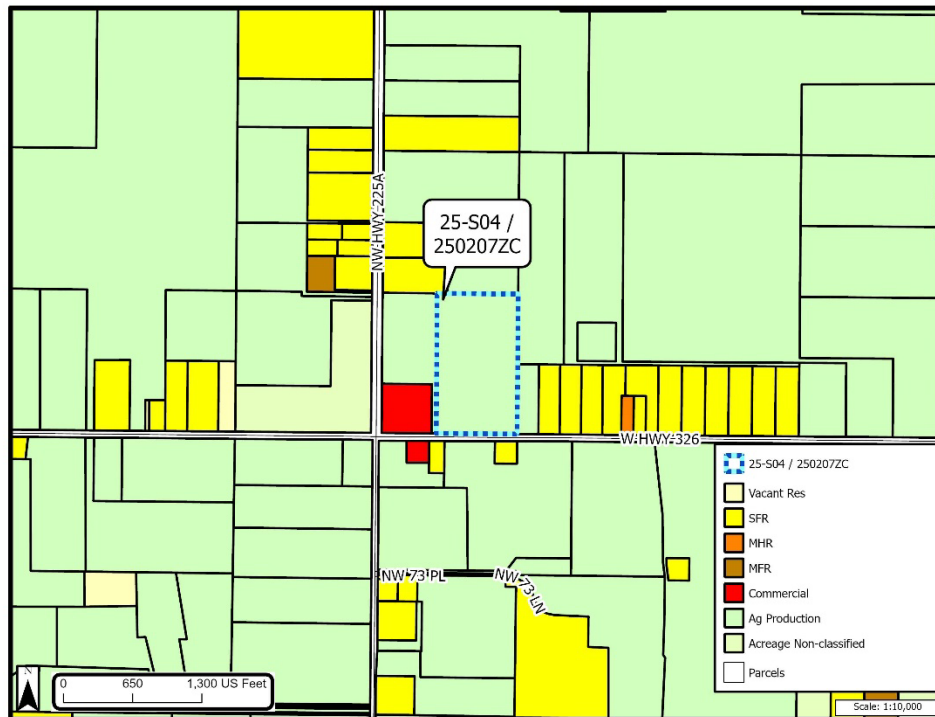


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Marion County Property Appraiser Existing Use
Subject Property	Rural Land (RL)	General Agriculture (A-1)	Ag Production
North	Rural Land (RL)	General Agriculture (A-1)	Ag Production, SFR
South	ROW	ROW	ROW
East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

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 recorded as commercial uses according to the MCPA map. The northwest corner of the RAC has an 18-acre land for vet clinic. Overall, the RAC area remains significantly underdeveloped for its intended purposes as outlined in the Comprehensive Plan.

Based on the above findings, the proposed rezoning application is **not compatible** with the existing and future surrounding land uses and zoning.

How does the request affect the public interest?

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. W HWY 326 to the south.
 - b. Public transit. There are no fixed route services in the area.
 - c. Other mobility features. No sidewalks currently exist along any of the roadways listed as contiguous to this parcel. Upon development, sidewalks may be required, or the developer may elect to provide a fee-in-lieu for construction, as permitted by the LDC. Therefore, the application would not adversely affect the public interest.

Based on the above findings, the rezoning roadway **impacts would not adversely affect the public interest**.

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for

nonresidential demand. Based on the residential calculation, the proposed rezoning would result in a potential demand of 64,955 gallons per day.

The property is within Marion County Utilities' Service Area but outside current connection distance. Based on the above findings, the rezoning's **potable water impacts would not adversely affect the public interest.**

3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of 110 gallons per person per day for residential demand and approximately 2,000 gallons per acre per day for commercial and industrial demand. Based on the residential calculation, the proposed rezoning would result in a potential demand of 47,240 gallons per day.

The property is within Marion County Utilities service area but not within Marion County Utilities' required extension area. 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 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. The intent is to provide a plant nursery and accessory building in the area which doesn't have a LOS standard. Based on the proposed zoning, 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 areas but does contain some 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. 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 application's

law enforcement impacts would potentially adversely affect the public interest.

8. Law enforcement. The nearest Sherriff substation is located approximately 8.2 miles southeast of the subject property at 692 NW 30th Ave, Ocala, FL 34475. 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. Based on the above, the application's **law enforcement impacts would potentially adversely affect the public interest.**
9. Public schools. The following figures are provided for the 120th day of enrollment for the 2023-2024 school year: Fessenden Elem (102.57%), North Marion Middle (74.15%), and North Marion High (68.49%). While there are areas of overcrowding, overall, there is capacity within Marion County Schools. Based on the above findings, the proposed development would not adversely affect public interest. Therefore, it is concluded that the application is **consistent** with this section.

In summation, when weighing the totality of the circumstances, **the public interest is potentially adversely affected.**

B. *How is this request consistent with the Comprehensive Plan?*

1. FLUE 1.1.3: Accommodating Growth - 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.

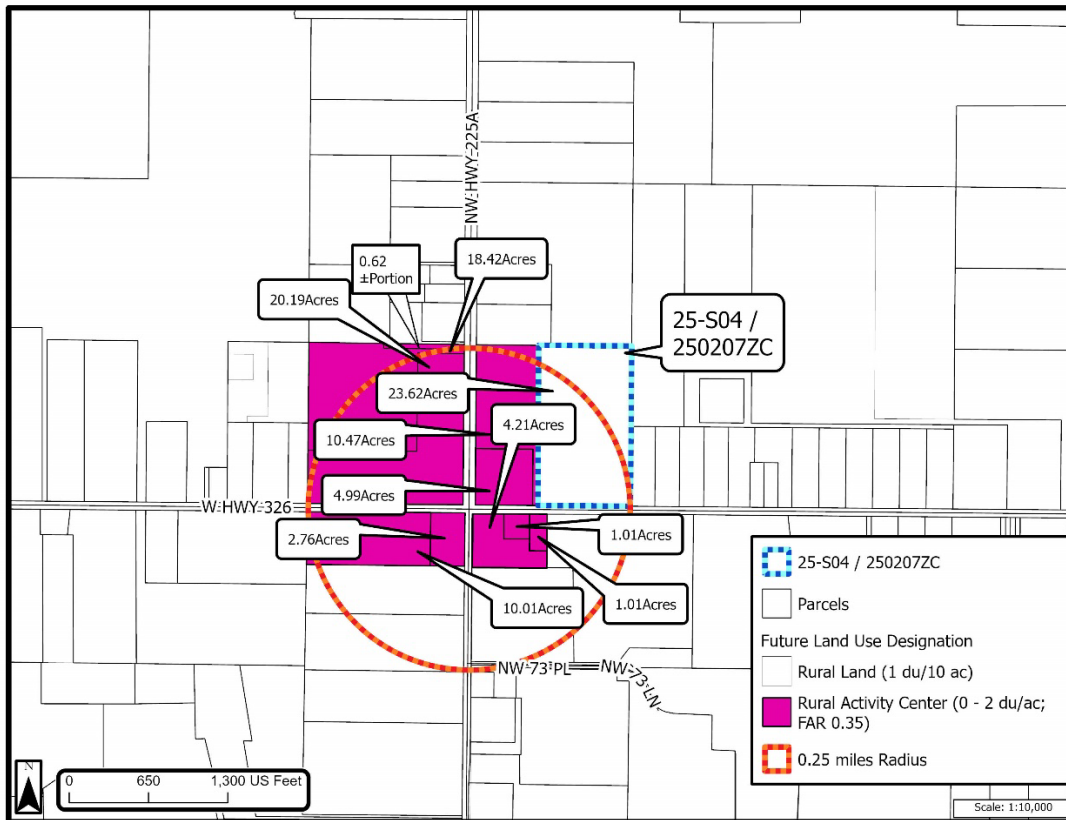
Analysis: Under FLUE Policy 1.1.3, the County is required to designate appropriate areas for growth while balancing residential, agricultural, and environmental needs. However, the existing RAC area is underdeveloped, and expanding it to include the subject property promotes inefficient sprawl instead 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.

2. 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 6 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 ±23.64 acres would increase the total RAC area (73.4 acres) beyond the policy’s 96-acre maximum for a standard RAC. Figure 6 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 6. 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 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.

3. 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.

4. FLUE Policy 4.1.2: Conflicts between Comprehensive Plan, Zoning, and LDC – The Comprehensive Plan shall be the governing document. In the event of conflict between the Comprehensive Plan, Zoning, and LDC, the more stringent regulation shall apply, unless the County has developed a process to allow a variance or waiver of the regulation where a conflict in regulations occurs in accordance to the Comprehensive Plan, Zoning, or LDC.

Analysis: The Comprehensive Plan's RAC Land Use is the more stringent regulation as RAC land use must have a RAC zoning classification to allow for development of the site. The current Land Use is Rural Land (RL). Although there is a concurrent application of Land Use Map Amendment from RL to RAC, according to the staff report, staff recommends denial due to the inconsistency with the Comprehensive Plan. Therefore, until the Land Use Map Amendment is approved, the application is **not consistent** with FLUE Policy 4.1.2.

5. 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 January 27th, 2025 Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

6. 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.

Based on the above findings, the proposed rezoning **is not 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 **APPROVE** the rezoning amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VI. STAFF RECOMMENDATION

Staff recommends the Board enter into the record the Staff Report, and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to **DENY** the proposed rezoning because the application:

- A. Is not consistent with the Comprehensive Plan provisions because it is in conformance 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.
- B. Is not compatible with the surrounding uses because the existing RAC is sufficient to allow growth and to serve residents of the rural surrounding area.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application filed.
- B. DRC Comments.
- C. Site and Area Photographs.