



# Marion County Board of County Commissioners

Date: 10/4/2021

P&Z: 9/27/2021 BCC: 10/19/2021

**Amendment No:**  
2021-S09

**Type of Application**  
Small-Scale Comp  
Plan FLUM  
Amendment

**Request**  
**From:** Rural Land (RL)  
**To:** Commercial  
(COM)

**Concurrent Zoning**  
**Case:** None

**Developer's**  
**Agreement(s):** N/A

**Owner/Applicant:**  
Shamnarine Kapildeo/  
Aldana Contracting,  
LLC. – Travis J.  
Aldana, SR

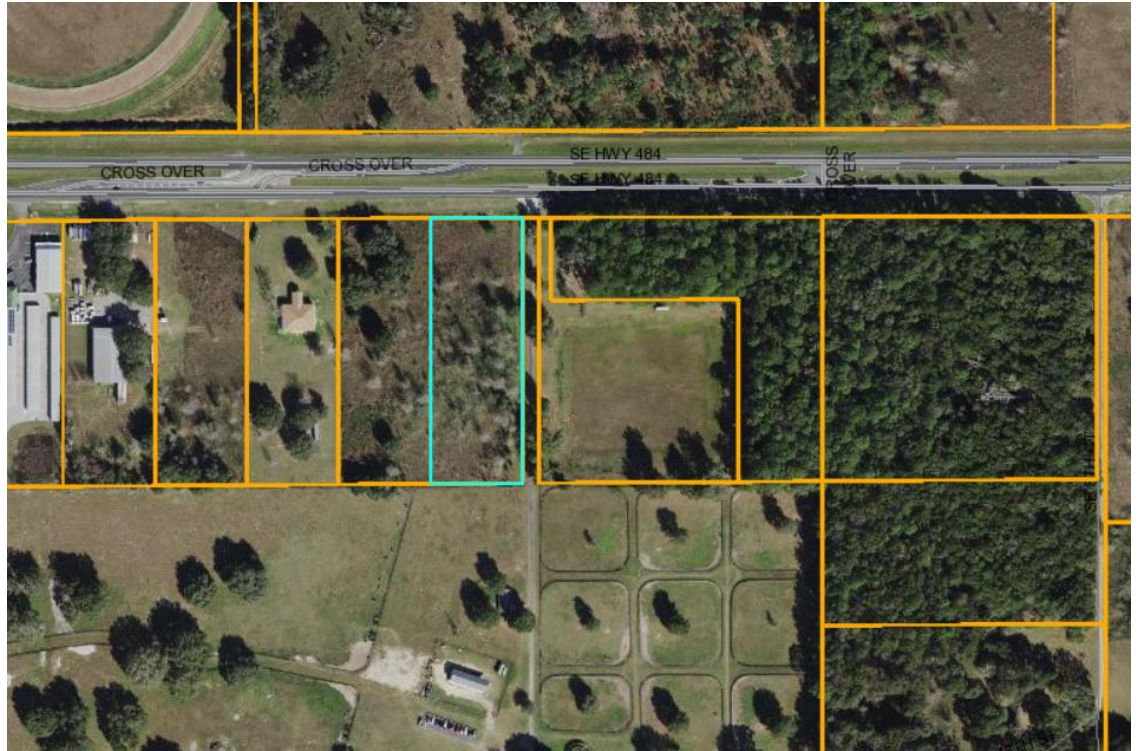
**Parcel #/Acreage**  
44617-001-00/ 3.0  
acres

**Existing Use:**  
Undeveloped

**Location:**  
No physical address  
assigned

**Staff**  
**Recommendation:**  
Denial

**P&Z**  
**Recommendation:**  
Approval  
(Vote 4-2)



## SUMMARY

Staff is recommending **Denial** of a Land Use change from Rural Land to Commercial on 3 acres at parcel 44617-001-00. The subject property is currently zoned B-5. This request would adversely affect the public interest. It is not compatible with land uses in the surrounding area. The proposed amendment is not consistent with Marion County Comprehensive Plan.

## LOCATION

The subject properties are located on SE HWY 484.

## BACKGROUND/EXISTING CONDITIONS

The subject property is 3 acres and is currently undeveloped. The applicant is requesting a small scale land use amendment from Rural Land (RL) to Commercial (COM) on the subject property to be compatible with the B-5 zoning. There are a few preexisting parcels along CR 484 on the west side of the subject property that are zoned B-5 with Commercial Future Land Use designation. The subject property is surrounded by large tracks of General Agricultural (A-1) with Rural Land Future Land Use designation on its north and direct south. Comprehensive Plan Policy 1.1.7 states the County shall discourage scattered and highway strip commercial development. Therefore, the proposed land use amendment is not compatible with land uses in the surrounding area. Additionally, the subject property is about 2.15 miles away to the nearest Urban

**Project Planner**

Dan Zhu

**Code Enforcement**

Action: N/A

**Development Eligibility for Commercial Use:**

*CURRENT:*

Rural Land ±3.00 AC

*PROPOSED:*

Commercial  
±3 ac @ 1 FAR =  
130,680 SF

Growth Boundary. The proposed Commercial designation is considered Urban Area land use, which is not consistent with the Comprehensive Plan Policy 2.1.7 and Policy 2.1.22. The proposed land use amendment is not consistent with the Marion County Comprehensive Plan, and it could potentially encourage urban sprawl.

The Development Review Committee reviewed the application and the most notable comment was from the Traffic Division. The Traffic Division commented a traffic analysis is required because there is a potential to have a high traffic impact compared to the existing rural land use. In addition, access onto CR 484 is a concern. There is already a driveway located next to this parcel that would provide a driveway spacing of less than 200 feet, which is far less than the required 660 feet for this roadway. The potential traffic and access concern would adversely affect the public interest.

**PUBLIC FACILITIES AND SERVICES**

**Environmental:** According to the *Soil Survey of Marion County Area, Florida*, the area consists primarily of arredondo sands, 0 to 5% slopes with group A hydrologic soil grounds. There are no soils that will significantly restrict development on the site.

To evaluate the possible presence of Listed Species, an Environmental Assessment for Listed Species will be required as part of the overall site development should this amendment be approved. No other significant natural features and resources are identified on the site; however, the Land Development Code design and construction requirements will require potential impacts be addressed and accommodated with any proposed site development.

**School Facilities:** Depending on the final development proposal, a student population may not result from part of the resulting development.

**Public Safety:** The site is located in Marion County Fire District No. 18 and would be served by the Belleview station No. 18 at 11941 SE 55th Avenue Rd, Belleview, FL 34420 which is 5.5 miles away. The nearest Marion County Sheriff's Office is about three miles away located at 280 Marion Oaks LN.

**Potable Water & Sanitary Sewer:** This site may be required to connect to County Utilities (by extension) depending on the final use of its structure(s). Based on the gross ±0.62 acres at maximum development, demand for potable water may increase up to 8,250 gallons per day (GPD), while sanitary sewer demand may increase up to 6,000 GPD. Environmental Services is unable to determine the connection and/or extension requirement of the closest water and/or sewer provided by Marion County Utilities (MCU) at this time. The closest MCU water is about 2,500' to the west; the closest sewer is about 6,300' to the west. Construction of the necessary utility infrastructure will be the responsibility of the applicant or subsequent developer.

**Stormwater/Drainage:** The proposed three-acre site is not located in a FEMA flood zone nor County flood prone area. All proposed development is required to hold stormwater on-site, up to and including a 100-year storm event, along with meeting other site-specific conditions in compliance with the County's Land Development Regulations to address flooding issues both on-site and off-site.

**Recreation:** Recreation facilities are not expected to be adversely impacted by the proposed amendment as the ample Federal, State, and County owned lands available for recreational activity exceed the currently established LOS standard.

**Solid Waste:** LOS is 6.2 pounds per person per day (Solid Waste Element, Policy 1.1.2). This amendment does not adversely impact the County's LOS for solid waste as the County has identified and arranged for short-term and long-term disposal needs. The County continues to pursue recycling opportunities and other avenues to address solid waste needs based on existing and projected conditions.

**Transportation:** The access to the property is from HWY 484. HWY 484 is a paved 4-lane designated county arterial roadway. Amendment 21-S09 was analyzed using the Marion County Impact Fee Schedule and Institute of Transportation Engineers Trip Generation Handbook, 9th Edition. In terms of trip generation, potential maximum development of the 3- acre site under the commercial land use could generate a maximum development potential of approximately 5,462 daily trips and 2,504 PM peak hour trips.

Development proposals associated with this application will be subject to review and approval under the County's Land Development Code including concurrency, access, and appropriate traffic study review processes which may require additional specialized access improvements.

**STAFF RECOMMENDATION:**

Growth Services recommends **Denial** of **CPA 21-S09** for the proposed Future Land Use Map Amendment on the following basis:

1. The granting of the amendment will adversely affect the public interest.
2. The proposed amendment is not compatible with land uses in the surrounding area.
3. The proposed amendment is not consistent with Chapter 163, Florida Statutes and the Marion County Comprehensive Plan.

**PLANNING & ZONING COMMISSION RECOMMENDATION – September 27, 2021:**

The Planning & Zoning Commission recommends **Approval** of **CPA 21-S09** for the proposed Future Land Use Map Amendment on the following basis:

1. The granting of the amendment will not adversely affect the public interest.
2. The proposed amendment is compatible with land uses in the surrounding area.
3. The proposed amendment is consistent with Chapter 163, Florida Statutes and the Marion County Comprehensive Plan.

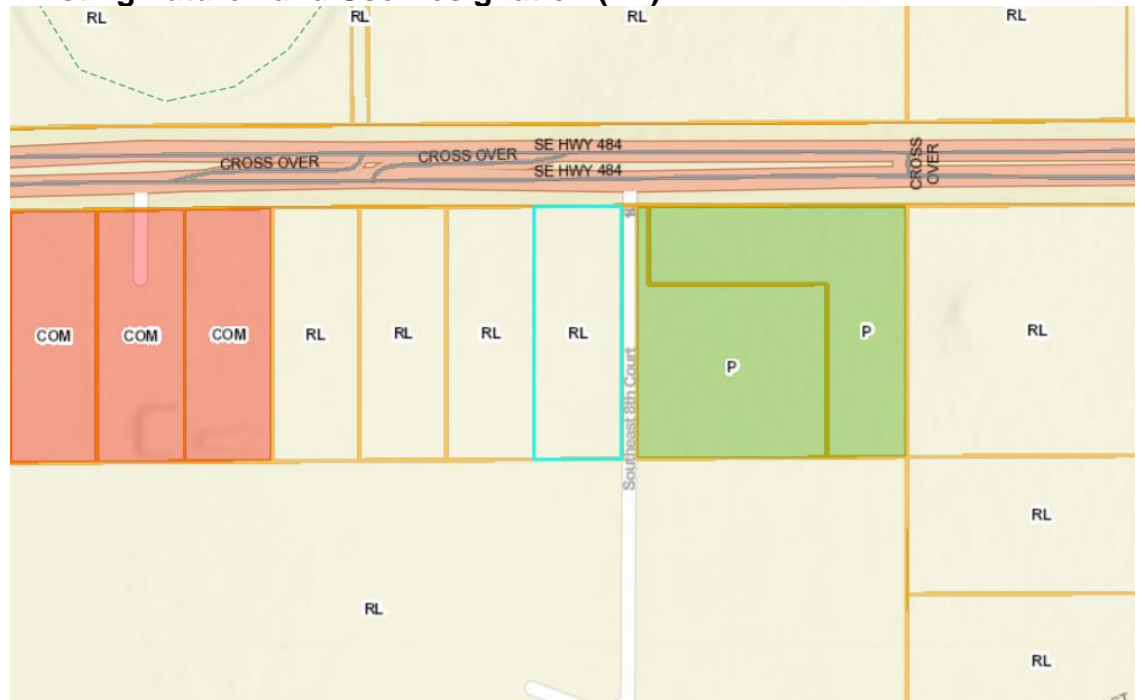
**BOARD OF COUNTY COMMISSIONERS – ADOPTION – October 19, 2021:**

The Board of County Commissioners acted to \_\_\_\_\_ **CPA 21-S09** on the following basis:

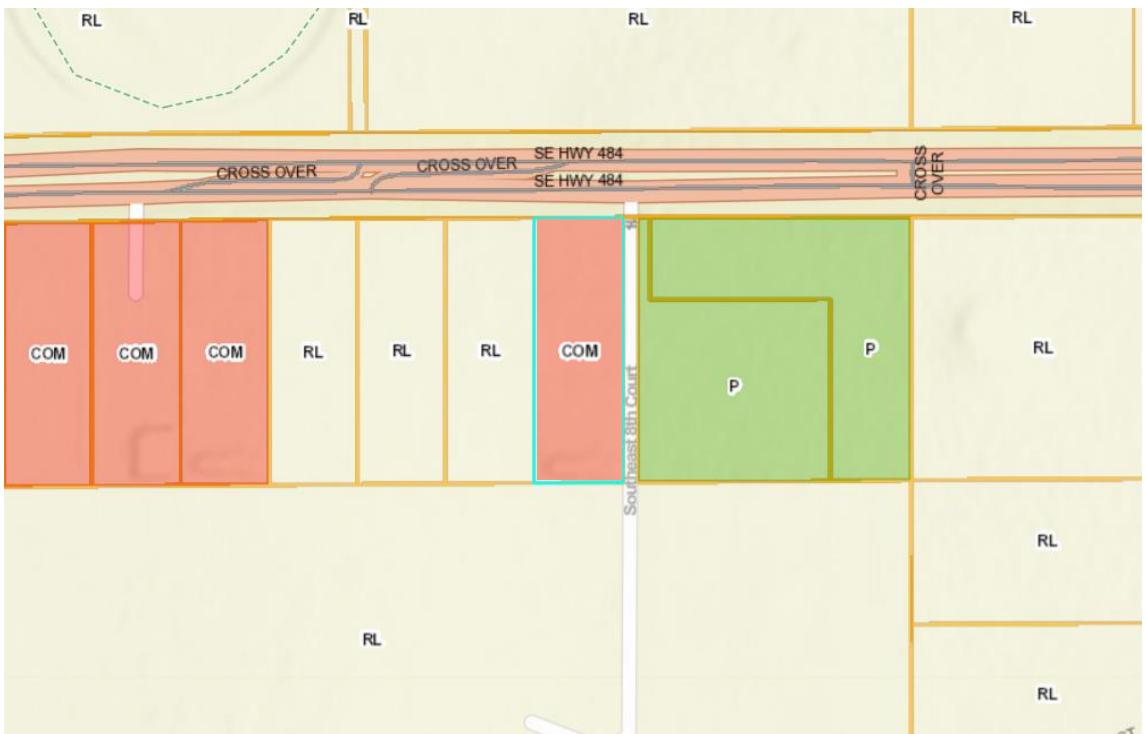
1. The granting of the amendment \_\_\_ adversely affect the public interest.
2. The proposed amendment \_\_\_ compatible with land uses in the surrounding area.

3. The proposed amendment \_\_\_ consistent with Chapter 163, Florida Statutes and the Marion County Comprehensive Plan.

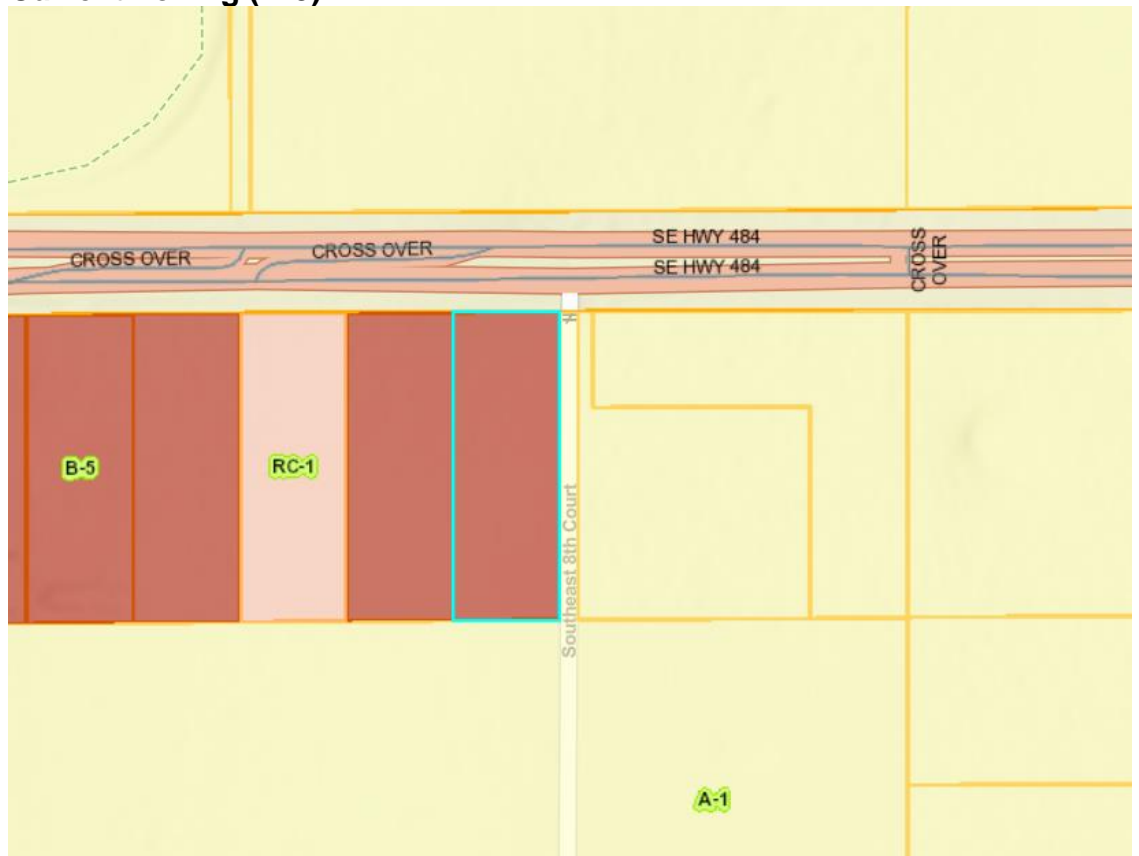
**Existing Future Land Use Designation (RL)**



**Proposed Future Land Use Designation (COM)**



### Current Zoning (B-5)



### The proposed FLUM amendment area



**View to the subject property from adjacent property driveway**



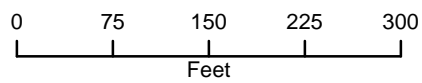
**HWY 484**



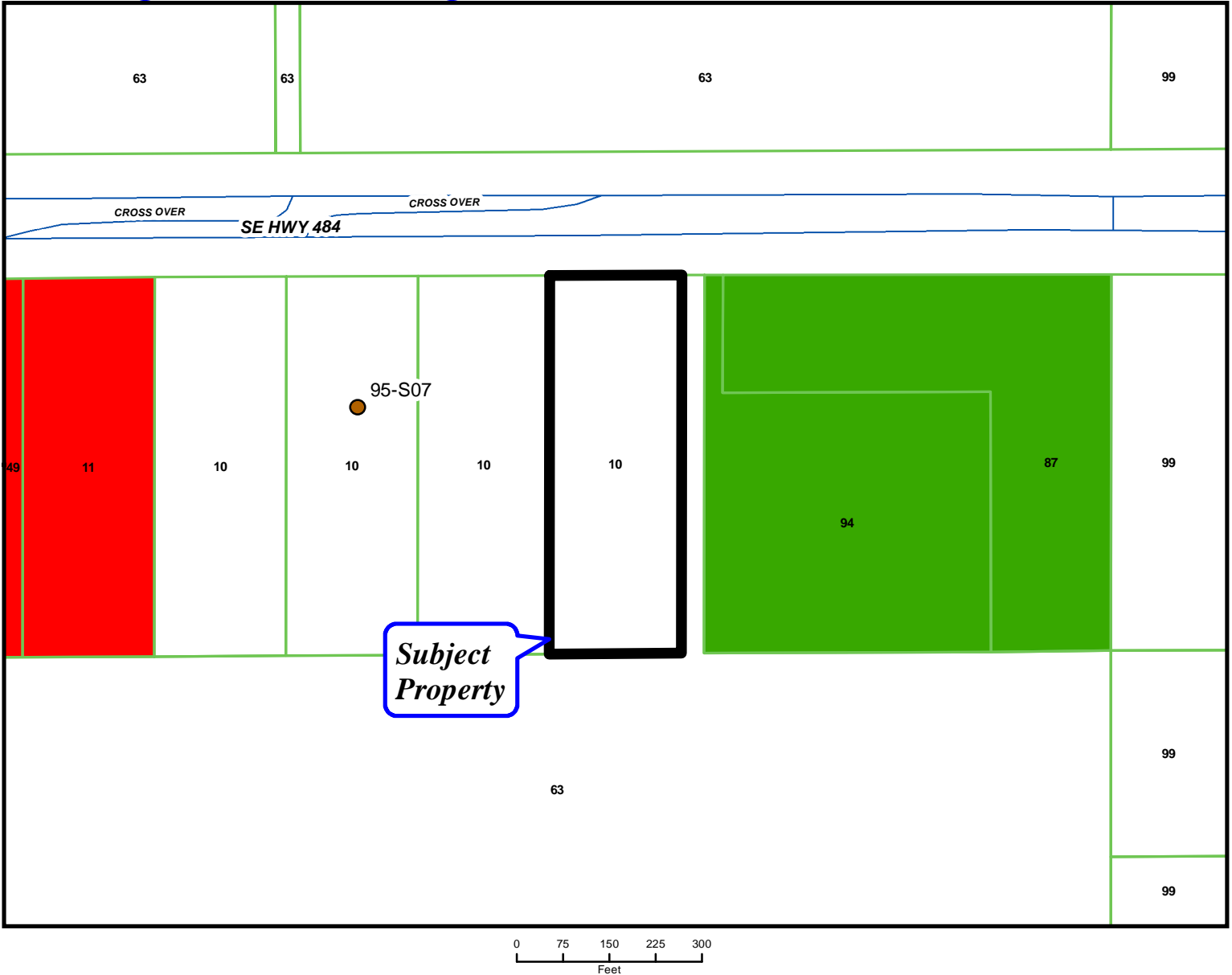
# Conceptual Plan





# Aerial: 21-S09



# Existing Land Use Designation 21-S09



<b>Use per MC Property Appraiser</b>		<b>OWNER(S): Kapildeo Shamnarine</b>
01	Single Family Res	<b>AGENT: Aldana Contracting, LLC. – Travis J. Aldana, SR.</b>
50-69/99	Agricultural	
00/10/40/70	Vacant	<b>PARCEL(S): 44617-001-00</b>
71	Church	
02	Mobile Home	 <p>All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific visual information, contact the appropriate county department or agency. The information is provided visual representation only and is not intended to be used as legal or official representation of legal boundaries.</p> 
06-07/11-39	Commercial	
41-49	Industrial	
83-98	Public	
82	Recreation	
03-05/08	Multi-Family	
77	Club/Lodge/Union Hall	

<b>Legend</b>		
• All Amendments	Rural Land (1 du/10 ac)	Urban Residential (8 - 16 du/ac)
★ Policy 1.20	Low Residential (0 - 1 du/ac)	Rural Activity Center (0 - 2 du/ac; FAR 0.35)
	Medium Residential (1 - 4 du/ac)	Rural Community (0 - 3 du/ac; FAR 0.70)
	High Residential (4 - 8 du/ac)	Commercial (0 - 6 du/ac; FAR 1.0)
	Farmland Preservation Area	Public (N/A; FAR 1.0)
	Environmentally Sensitive Overlay Zone (ESOZ)	Municipality
		Employment Center (0 - 12 du/ac; FAR 2.0)
		Commerce District (N/A; FAR 2.0)



**Marion County**  
**Board of County Commissioners**

Growth Services

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

# 21-509

AR#: 27218

PA#: 44617-001-00

**MARION COUNTY APPLICATION FORM FOR LARGE- AND SMALL-SCALE COMPREHENSIVE PLAN AMENDMENTS**

Staff Use Only: Case # 21-509

PLEASE CHECK THE APPROPRIATE APPLICATION TYPE BELOW:	
LARGE-SCALE MAP AMENDMENT _____	<b>SMALL-SCALE MAP AMENDMENT</b> ✓
TEXT AMENDMENT _____	TEXT AMENDMENT _____ <i>(Text amendment must be associated with submitted small-scale map amendment)</i>

**REQUIRED DOCUMENTS TO ATTACH TO APPLICATION (add additional pages if necessary):**

- 1) Certified legal description with a boundary sketch signed by a Florida registered surveyor for the specific property proposed to be amended. Certified legal description must include the acreage.
  - 2) Copy of the most recent deed covering the property included within the proposed amendment.
  - 3) Notarized owner affidavit(s) – see third page of this form.
  - 4) Application fee – cash or check made payable to “Marion County Board of County Commissioners.”
  - 5) Additional information, including proposed text amendment language, necessary to complete application.
- (NOTE: If applying for text amendment only, skip filling out the rest of the form except for applicant and/or authorized agent contact information requested on this page.)

B-5 existing

Marion County Tax Roll Parcel Number(s) Involved	Parcel Section, Township, Range (S-T-R)	Acreage of Parcel(s)	Current Future Land Use Category	Proposed Future Land Use Category
44617-001-00	08-17-22	3	RURAL	Comm

CONTACT INFORMATION (NAME, ADDRESS, PHONE NUMBER, FAX AND EMAIL)	
Property owner/applicant	Authorized agent (if not the owner/applicant)
Kapileo Shammarine 13722 101 <sup>st</sup> ave Jamaica, NY 11435-4621 (per PA)	Aldena Contracting, LLC 3002 SE 1 <sup>st</sup> ave, Bldg. 300 Ocala, FL 34471

Staff Use Only: Application Complete - Yes Received: Date 8/10/20 Time \_\_\_\_\_ a.m./p.m. Page 1 of 3  
 Proj # 2021080055 "Meeting Needs by Exceeding Expectations" AR # 27218

CONCEPTUAL PLAN FOR SITE AVAILABLE? YES \_\_\_\_\_ NO    
 (IF YES, PLEASE ATTACH TO APPLICATION)

**EXISTING USE OF SITE:**

Vacant Land

**PROPOSED USE OF SITE (IF KNOWN):**

ALL Intended purposes of B5 Zoning.

**WHICH UTILITY SERVICE AND/OR FACILITY WILL BE UTILIZED FOR THE SITE?**

Well  Centralized water \_\_\_\_\_ Provider \_\_\_\_\_   
 Septic  Centralized sewer \_\_\_\_\_ Provider \_\_\_\_\_

**DIRECTIONS TO SITE FROM GROWTH SERVICES BUILDING (2710 E. SILVER SPRINGS BLVD., OCALA):**

Located on SE Hwy 484  
Take S Hwy 475S to SE 135<sup>th</sup> St. Rd.  
Follow to SE Hwy 484.

Land use change

9000 sq. ft. or 35 % of total property including setbacks.

Setbacks are 40' front, 25' rear and 10' side.

Meeting are scheduled for:

September 27<sup>th</sup> @5:30

October 19, @2:00

Then must go thru a 3rd approval with the state of Florida. This takes 30 to 90 days.

Usually only takes 30 days but could take up to 90 days.

PROPERTY OWNER AFFIDAVIT

Revised 01/09/2020 -

#21-509

STATE OF FLORIDA  
COUNTY OF MARION

BEFORE ME THIS DAY PERSONALLY APPEARED Shamnarine Kapildeo  
Property owner's name, printed

WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner of the real property legally identified by Marion County Parcel numbers: 44617-001-00
2. He/she duly authorizes and designates \_\_\_\_\_ to act in his/her behalf for the purposes of seeking a change to the future land use map designation of the real property legally described by the certified legal description that is attached with this amendment request;
3. He/she understands that submittal of a Comprehensive Plan map and/or text amendment application in no way guarantees approval of the proposed amendment;
4. The statements within the Comprehensive Plan map and/or text amendment application are true, complete and accurate;
5. He/she understands that all information within the Comprehensive Plan map and/or text amendment application is subject to verification by county staff;
6. He/she understands that false statements may result in denial of the application; and
7. He/she understands that he/she may be required to provide additional information within a prescribed time period and that failure to provide the information within the prescribed time period may result in the denial of the application.
8. He/she understands that if he/she is one of multiple owners included in this amendment request, and if one parcel is withdrawn from this request, it will constitute withdrawal of the entire amendment application from the current amendment cycle.

\* Kapildeo Shamnarine  
Property owner's signature

07-27-2021  
Date

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 27 day of July, 2021 (year), by KAPILDEO SHAMNARINE (name of person making statement). He/she is personally known to me or has produced DL# 565500703420 as identification. (Driver's license, etc.)

\* [Signature]  
Notary public signature



State of FLORIDA County of MARION  
My commission expires: 12-29-2024

# MCBCC Interactive Map - Internal

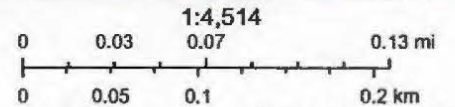


7/28/2021 12:30:04 PM

Address Points

- Structure - Addressed
- Structure - Confidential Address
- Gate - Confidential Address
- Lift Station - Confidential Address
- ✦ Miscellaneous - Confidential Address
- ✦ Cemetery - Confidential Address
- Tower - Confidential Address

- Telephone Equipment - Confidential Address
- ✦ Vacant - Confidential Address
- Electric Meter
- Elevator



Marion County IT/GIS, E911, and Office of the County Engineer, Marion County IT GIS Team, Marion County Property Appraiser, FEMA, Map data © OpenStreetMap contributors, Microsoft, Esri Community Maps contributors, Map layer by Esri, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N

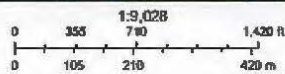
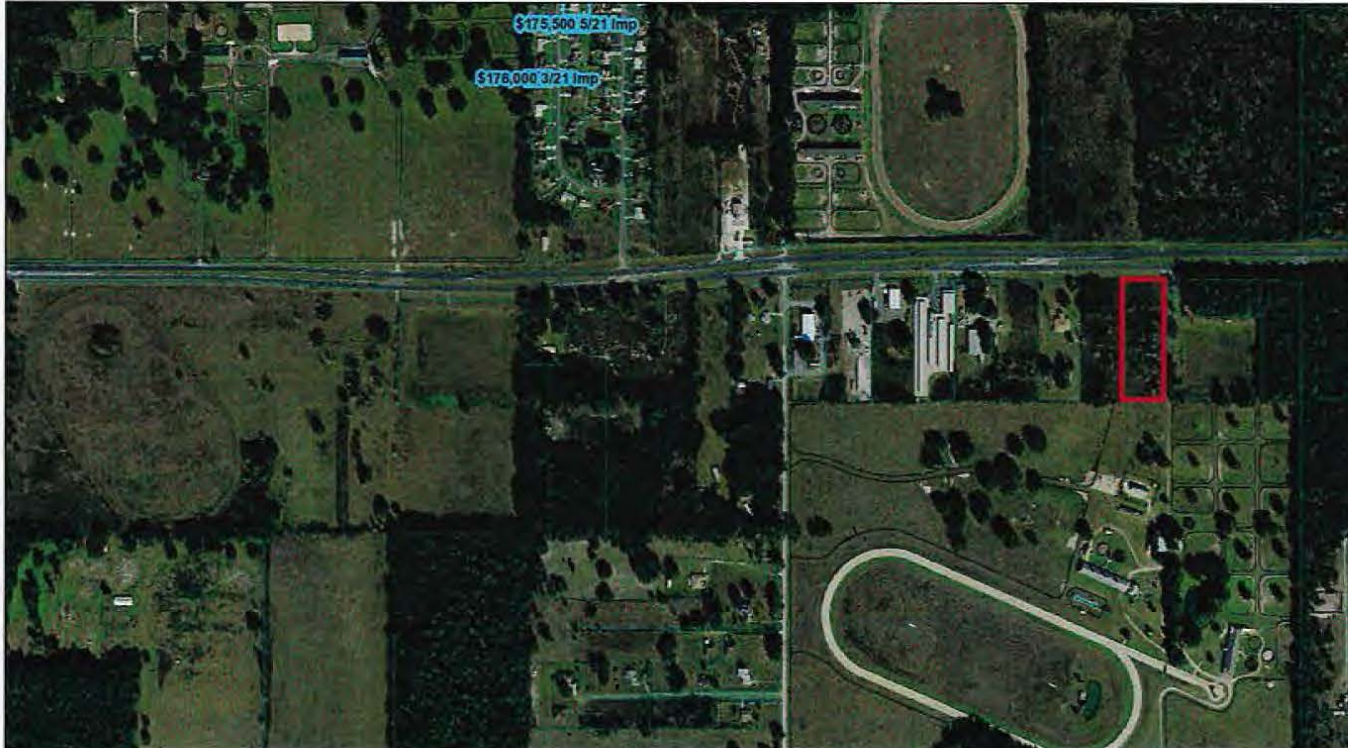
MCBCC ITGIS

FOR INTERNAL COUNTY USE ONLY: MAY CONTAIN CONFIDENTIAL INFORMATION. IMPROPER DISCLOSURE MAY RESULT IN CRIMINAL PENALTIES (F.S.119.10).



**Jimmy H. Cowan, Jr., CFA**  
Marion County Property Appraiser

Last Updated: 07/16/2021



Print Date: 07/27/2021  
Sources: Esri, HERE, Garmin, USGS, Mapbox, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

**DISCLAIMER:** This is a work in progress. This application was compiled by the Marion County Property Appraiser's Office solely for the governmental purpose of property assessment. These are NOT surveys. Our goal is to provide the most accurate data available, however, no warranties, expressed or implied are provided with this data, its use, or interpretation. All information subject to change without notice. Use at your own risk.





#21-509

**ROGERS ENGINEERING, LLC**  
 Civil Engineering & Land Surveying

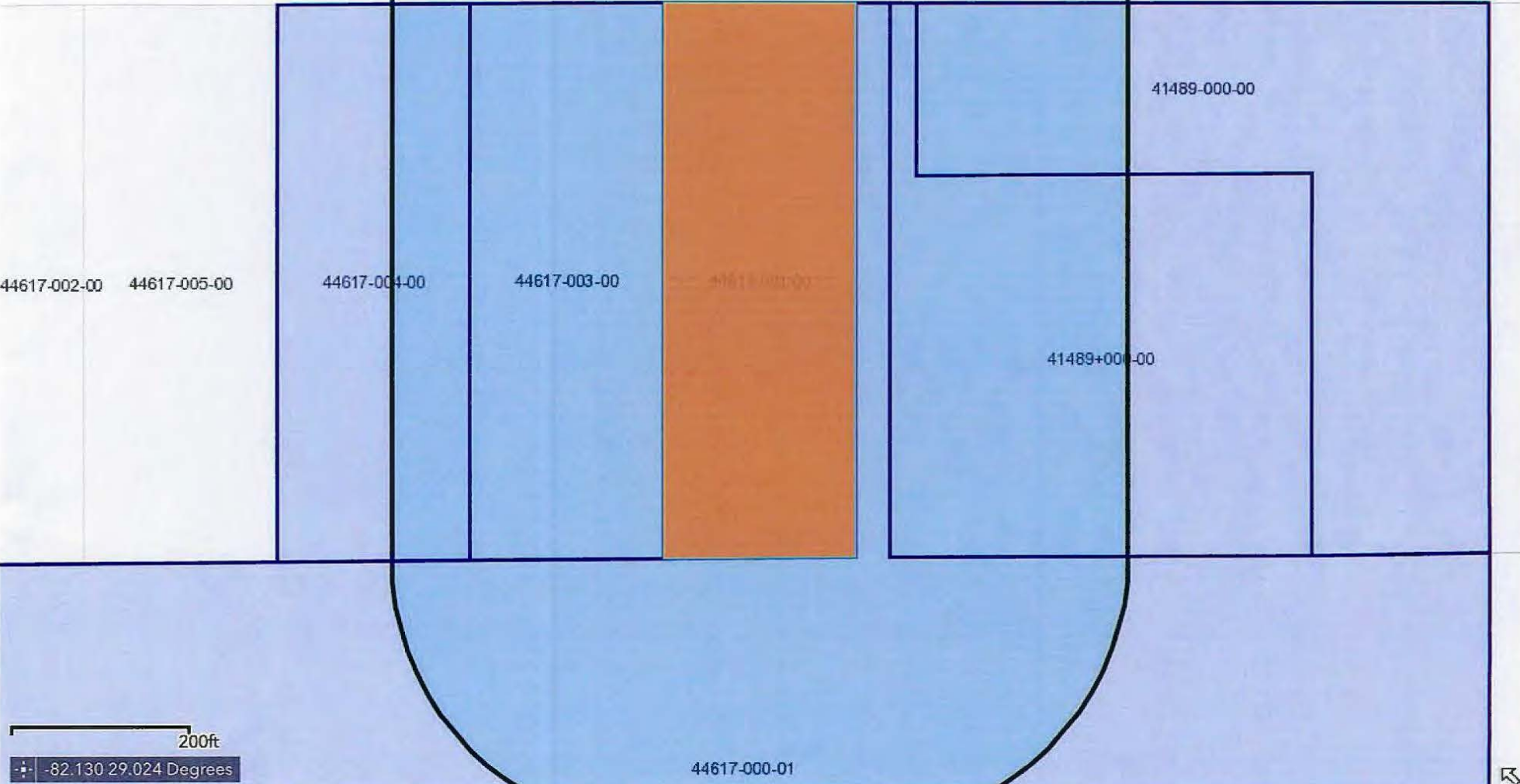
• 1105 S.E. 3rd Avenue • Ocala, Florida 34471  
 • Ph. (352) 622-9214 • Lic. No. 64074

SCALE 1" = 50'	DATE 8-02-21	SHEET OF
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#21-S09 - SHAMNARINE X Q

Public Notification X



200ft  
-82.130 29.024 Degrees

