



MARION COUNTY GROWTH SERVICES

Date: 5/3/2022

P&Z: 3/28/2022 BCC Adoption: 6/21/2022

Amendment No:
22-S07
[CDP-AR# 27995]

Type of Application
Small-Scale Comp Plan
FLUM Amendment

Request: Future Land
Use Designation Change
From: Commercial
To: Urban Residential

Concurrent Rezoning:
220408Z

Developer's
Agreement(s):
N/A

Parcel #/Acreage:
35636-002-00/ ±19.65 ac.

Owner: Akshar
Development, LLC

Applicant: Luxury
Leased Homes USA,
LLC.

Location:
South/east side of SW
Hwy 200, at the SW 80th
Street intersection

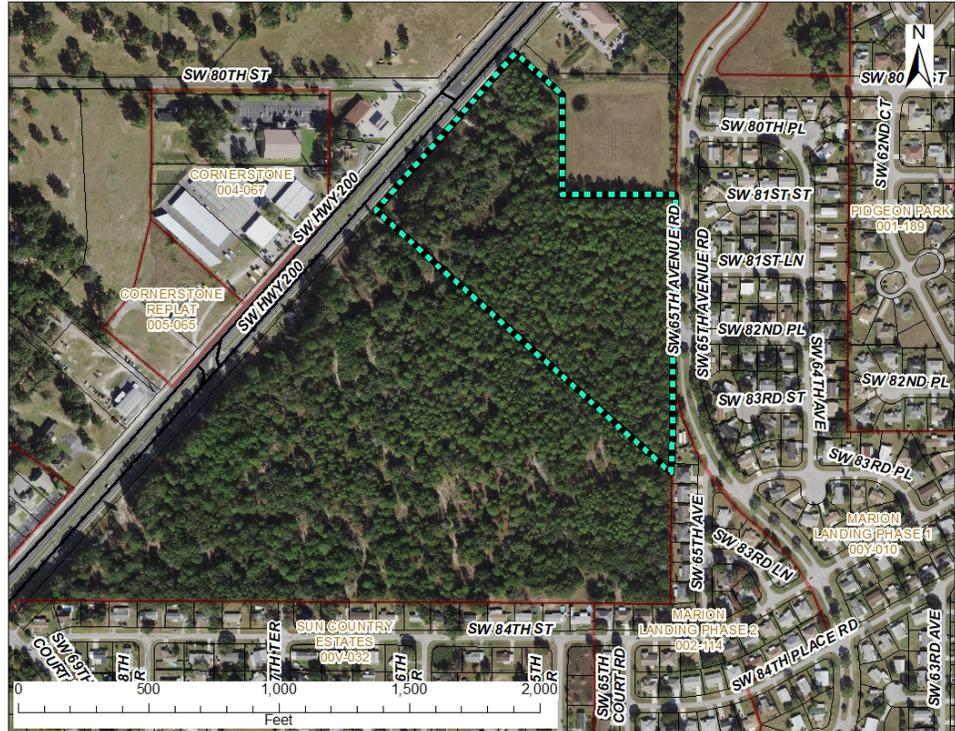
Staff Recommendation:
APPROVAL

P&Z Recommendation
APPROVAL

Project Planner
Christopher D. Rison,
AICP, Senior Planner

Existing Use:
Vacant

Applicants are requesting a continuance until June 21, 2022.



SUMMARY

Staff is recommending **Approval** for a Small-Scale Comprehensive Plan Amendment (CPA) to amend the future land use designation from Commercial to Urban Residential for a ±19.65-acre parcel located in the Urban Growth Boundary (UGB) along the SW Hwy 200 corridor. The applicant is seeking to increase the development potential of the property for a companion Planned Unit Development (PUD) Rezoning Application (220408Z) for a residential development project that is dependent upon obtaining approval of this application.

Public Notice

Notice of public hearing was mailed to forty-four (44) property owners within 300 feet of the overall subject property.

LOCATION

The site is located on the south/east side of SW Hwy 200, at Hwy 200's intersection with SW 80th Street.

BACKGROUND/EXISTING CONDITIONS

The site is located in the UGB with a Commercial future land use designation. The site is part of a larger triangle-shaped area bounded by Hwy 200 to the northwest, the Marion Landing Subdivision to the east, and the Sun Country Estates Subdivision to the south. The developer is seeking to modify this site's land use designation to increase the potential number of dwellings that may be developed on the overall site.

Code Enforcement**Action:** None**Future Land Use****Designation****Development Eligibility:****CURRENT FLUM:**

Commercial

As Commercial:
±19.65 ac.@ 1 FAR =
885,954 Sq. Ft.As Residential:
±19.65 ac.@ 8 DU/AC =
157 DU**PROPOSED:**

Urban Residential

±19.65 ac.@ 16 DU/AC =
314 DU**Policy 2.1.20: Commercial (COM)**

- This land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

Policy 2.1.18: Urban Residential (UR)

- This land use designation is intended to recognize areas suited primarily for multi-family residential units, but allows for single-family residential units to provide for a mix of various housing types to meet the community needs within the UGB or Urban Area. The density range

The site represents an infill opportunity within the UGB and the Hwy 200 "Triangle" wherein existing urban services, including central water and sewer service, are present. The property to the south of the site makes up the majority of the southern portion of the larger triangle-shaped area and it is designated Commercial. That site was recently approved for a PUD (211014Z; November 2021) featuring commercial development along Hwy 200 with a townhouse development to the rear. East of the site is the existing Marion Landing Subdivision designated High Residential with R-4 (Mixed Residential) zoning. The properties to the northeast and northwest of the site are designated Commercial with predominantly B-2 (Community Business) zoning. Northeast of the site is a FDOT Hwy 200 drainage retention area and a commercial office while northwest of the site, across Hwy 200, is a convenience store and carpet store.

PUBLIC FACILITIES AND SERVICES

Environmental: The subject property is an open field area with some scattered trees. No flood plain or flood prone areas are present on the amendment site. The *Soil Survey of Marion County, Florida*, indicates Candler soils are present which are generally well drained sandy soils. As a largely an agricultural field, Listed Species may be present, potentially along the perimeter of the site for instance. All development proposals are required to address Listed Species, along with potential stormwater/floodplain impacts, and address how any such factors will be managed consistent with local, state, and federal requirements.

School Facilities: The proposed land use change may affect school capacities due to the increased residential potential for the site. However, Marion County Public Schools (MCPS) district-wide capacities are generally sufficient, and MCPS has been advised of this application and the companion PUD Rezoning Application. MCPS has noted nearby school capacities are currently above 100%; however, a new school site has also recently been acquired in the area (SW 49th Avenue extension). Current individual school impacts along with general district-wide capacities are provided in the table below, as provided by the MCPS.

School	Estimated Student Generation	School Design Capacity	School 120 day Capacity	Capacity (Over)/ Under	Capacity Ratio	District-wide	
						Capacity Ratio	Available "seats"
Hammett Bowen Elem.	30	834	848	(14)	107%	92%	2,322
Liberty Middle	12	1,203	1,343	(140)	112%	83%	936
Westport High	13	2,508	2,754	(246)	220%	88%	1,213

Public Safety: The County's Friendship Fire Station #21 Station is located ±1.75 miles to the southwest at 7884 SW 90th Street. The Sheriff's Southwest SR 200 District Sub-Station is located ±3.6 miles to the southwest at 9048 SW Hwy 200. Public system hydrants are currently located within the area and site development will be required to address public safety requirements. Public safety service response times will vary based on whether the response units are at the stations or on the road, and service may also be provided by other surrounding facilities. Final conformance with all public safety needs will be coordinated with any site development proposals as part of the development review processes for the site, consistent with Marion County's Land Development Regulations.

Potable Water & Sanitary Sewer: The amendment site is in Marion County's SW Regional Oak Run Utility Service Area and services are located within the vicinity. Based on the land use change, maximum demand for potable water may increase by

shall be eight (8) dwelling units to sixteen (16) dwelling units per one (1) gross acre and commercial uses shall be permitted as accessory uses within this land use designation, as further defined in the LDC. This land use designation is an Urban Area land use.

POTENTIAL TRIP GENERATION

CURRENT USE

As Commercial (#820 - General Shopping Center): 886 Sq. Ft.
33,448 Daily 3,376 PM Peak Hour
As Residential (#220 - Multifamily, Low-Rise): 157 DUs
1,150 Daily 88 PM Peak Hour

PROPOSED USE

As Residential (#220 - Multifamily, Low-Rise): 314 DUs
2,088 Daily 156 PM Peak Hour (Per Applicant's Traffic Data)
As Residential (#221 - Multifamily, Mid-Rise): 314 DUs
1,710 Daily 138 PM Peak Hour

up to 56,520 gallons per day (GPD) while sanitary sewer demand may increase by up to 145,200 GPD. Development of the site will require centralized utility services to be constructed by the owner or subsequent developer.

Stormwater/Drainage: The amendment site is not affected by designated flood plain or flood prone areas. Development of the site will be required to address potential flood impacts with the completion of the improvements, potentially including reducing the form, intensity, and/or density of development proposed (e.g., units, building SF, impervious SF). All proposed development is required to hold stormwater on-site, up to and including a 100-year storm event, along with other site specific conditions in compliance with the County's Land Development Regulations in order to address concerns regarding on-site and off-site flooding.

Recreation: Recreation facilities are not expected to be adversely impacted by the proposed amendment as ample Federal, State, and County owned lands available for recreational activity and exceeds 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: Access to the amendment site is from SW Hwy 200, a Principle Arterial, and potentially SW 65th Avenue Road, an 80' wide publicly dedicated local subdivision collector in the Marion Landing Subdivision that corresponds to the existing quarter-Section line. The amendment would increase potential traffic generated by ±560 daily trips or ±50 peak hour trips, based on a mid-rise multiple-family residential development, as proposed in the project's current companion PUD Rezoning Application.

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 **APPROVAL** of **CPA 22-S07** 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.

PLANNING & ZONING COMMISSION RECOMMENDATION – March 28, 2022:

The Planning & Zoning Commission recommends **APPROVAL** of **CPA 22-S07** for the proposed Future Land Use Map Amendment on the following basis:

1. The granting of the amendment 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 – April 19, 2022:

The Board of County Commissioners acted to _____ the **CPA 22-S07** for the proposed Future Land Use Map Amendment on the following basis:

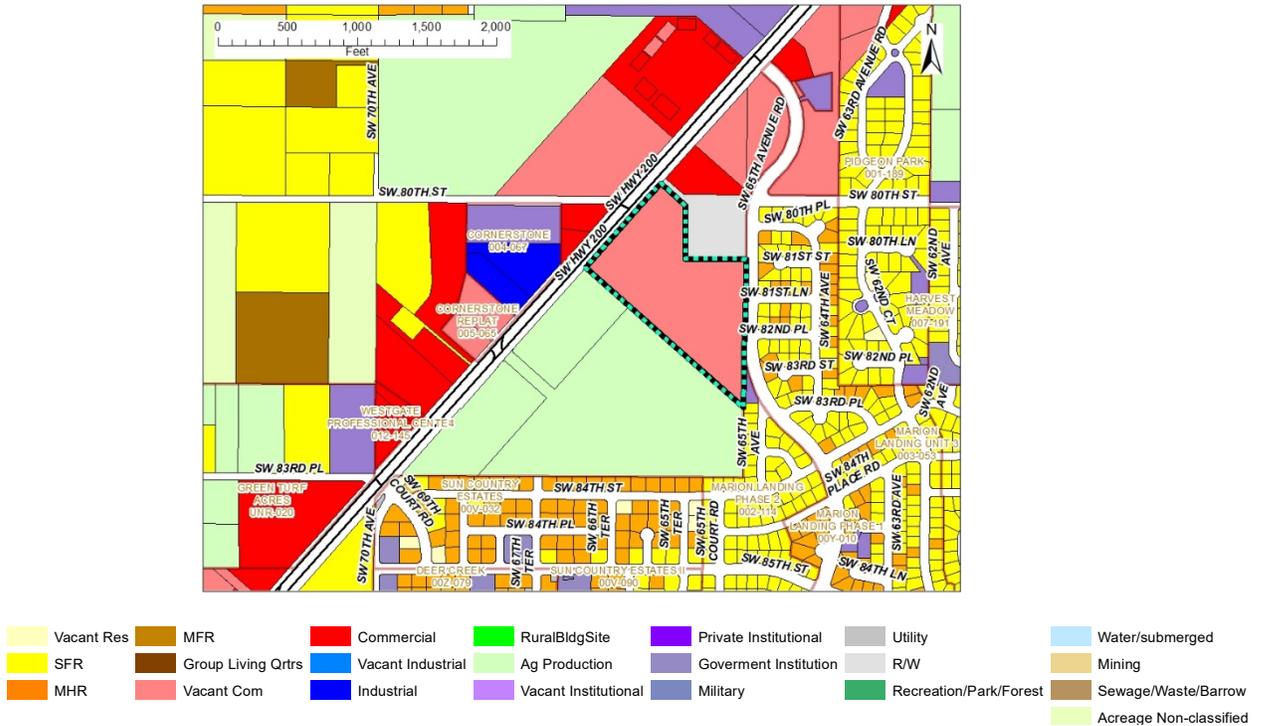
1. The granting of the amendment ___ adversely affect the public interest.
2. The proposed amendment ___ compatible with land uses in the surrounding area.

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

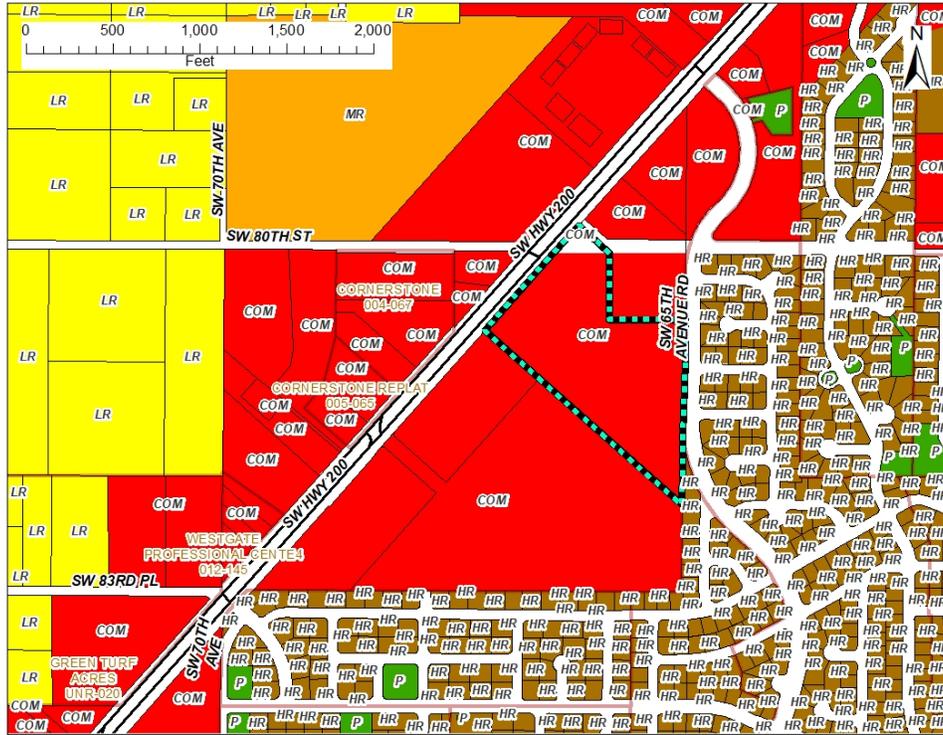
CURRENT GOOGLE AERIAL



EXISTING LAND USE PER PROPERTY APPRAISER'S OFFICE PROPERTY CODE



CURRENT FUTURE LAND USE DESIGNATION



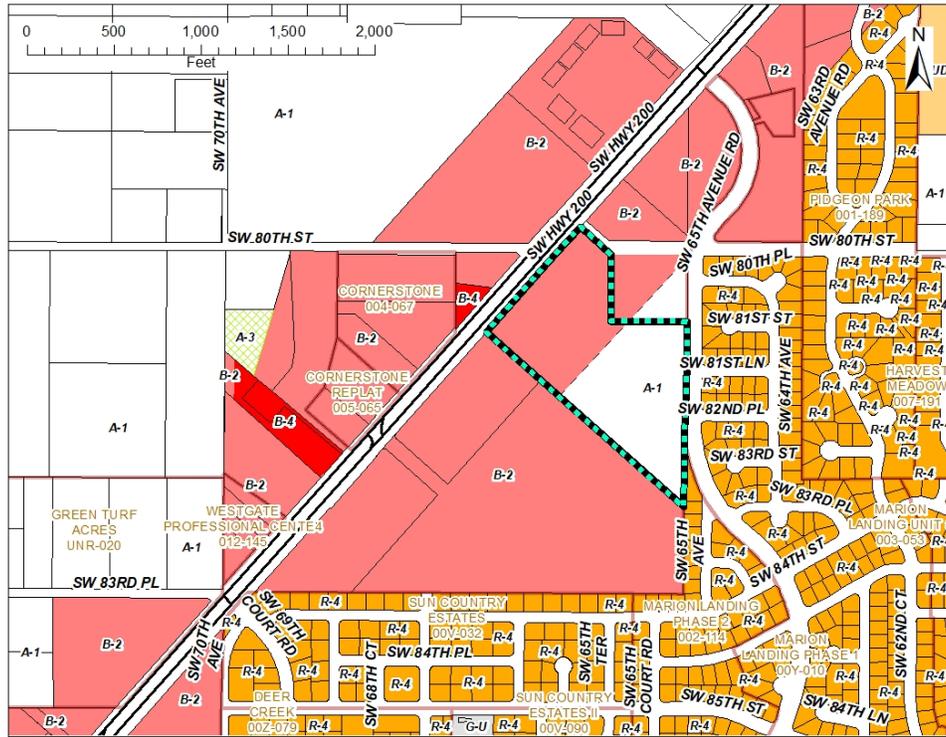
LEGEND

- RL - Rural Land (1 du/10 ac)
- LR - Low Residential (0-1 du/ac)
- MR - Medium Residential (1-4 du/ac)
- HR - High Residential (4-8 du/ac)
- UR - Urban Residential (8-16 du/ac)
- RAC - Rural Activity Center 0-2 du/ac; FAR 0.35
- COM - Commercial (0-6 du/ac; FAR 1.0)
- EC - Employment Center (0-12 du/ac; FAR 2.0)
- CD - Commerce District (N/A; FAR 2.0)
- P - Public (N/A; FAR 1.0)
- PR - Preservation (N/A; N/A)
- M - Municipality

PROPOSED FUTURE LAND USE DESIGNATION



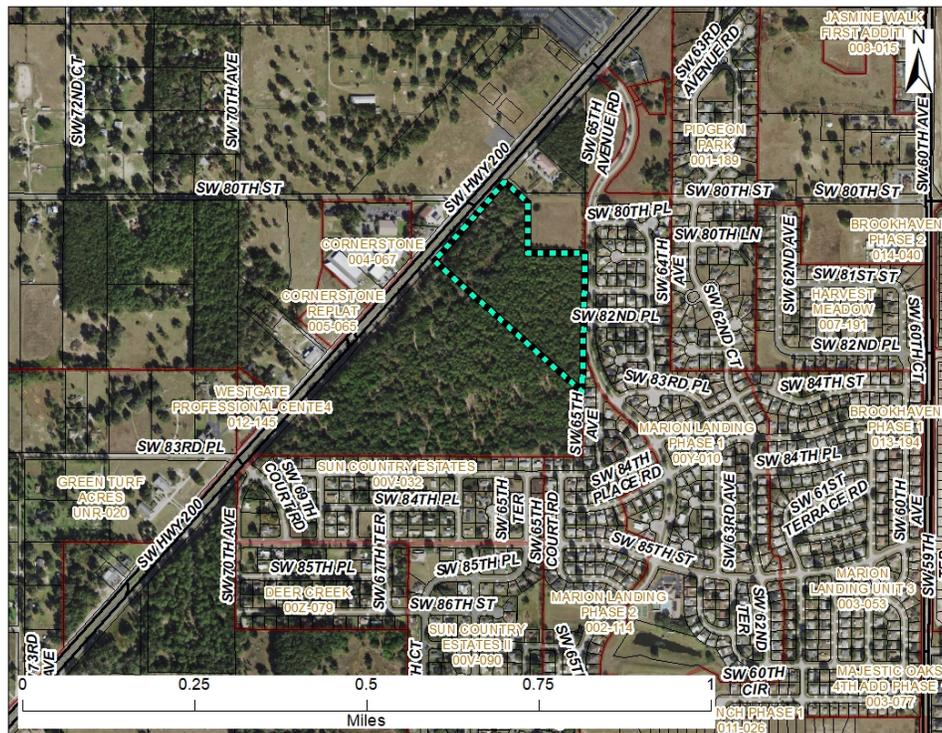
CURRENT ZONING



ZONING DISTRICTS

A-1 General Agriculture	R-2 One-and Two-Family Dwelling	RR Recreational Resort	B-4 Regional Business	I-C Industrial Complex
A-2 Improved Agriculture	R-3 Multiple Family Dwelling	RAC Rural Activity Center	B-5 Heavy Business	G-U Government Use
A-3 Residential Agricultural Estate	R-4 Residential Mixed Use	R-O Residential Office	RC-1 Rural Commercial	R-PUD Residential Planned Unit Development
RR-1 Rural Residential	MH Manufactured Housing	B-1 Neighborhood Business	RI Rural Industrial	PUD Planned Unit Development
R-E Residential Estate	P-MH Mobile Home Park	B-2 Community Business	M-1 Light Industrial	
R-1 Single-Family Dwelling	P-RV Recreational Vehicle Park	B-3 Specialty Business	M-2 Heavy Industrial	

EXPANDED AERIAL VIEW



PHOTOS

1. Hwy 200 Views.

A.



B.



C.



D.





E.



F.

2. SW 65th Avenue Road Views – Marion Landing Subdivision.



A. View north along SW 65th Avenue Road from site's northeast corner.



B. View of FDOT SR 200 drainage retention area (DRA) from site's northeast corner.



C. View of site's share boundary with FDOT SR 200 DRA from site's northeast corner



D. View south along SW 65th Avenue Road from site's northeast corner.



E. View into site from SW 65th Avenue at proposed access point aligning with SW 81st Lane.



F. View north along SW 65th Avenue showing proposed access point location aligning with SW 81st Lane.

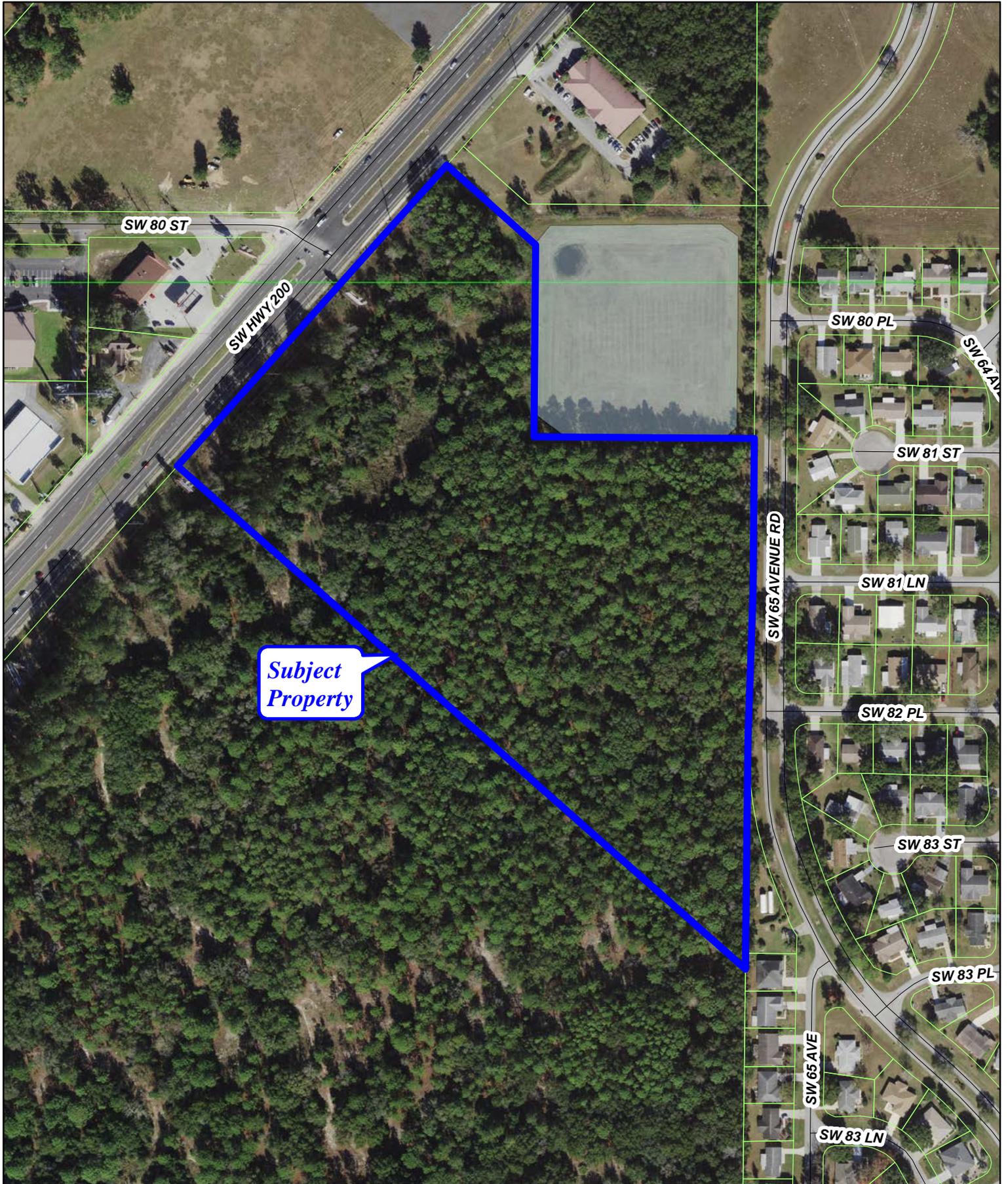


G. Enlarged view north along SW 65th Avenue showing proposed access point location aligning with SW 81st Lane.

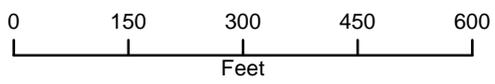


H. View looking east along SW 81st Lane at the proposed access point location aligning with SW 65th Avenue Road.

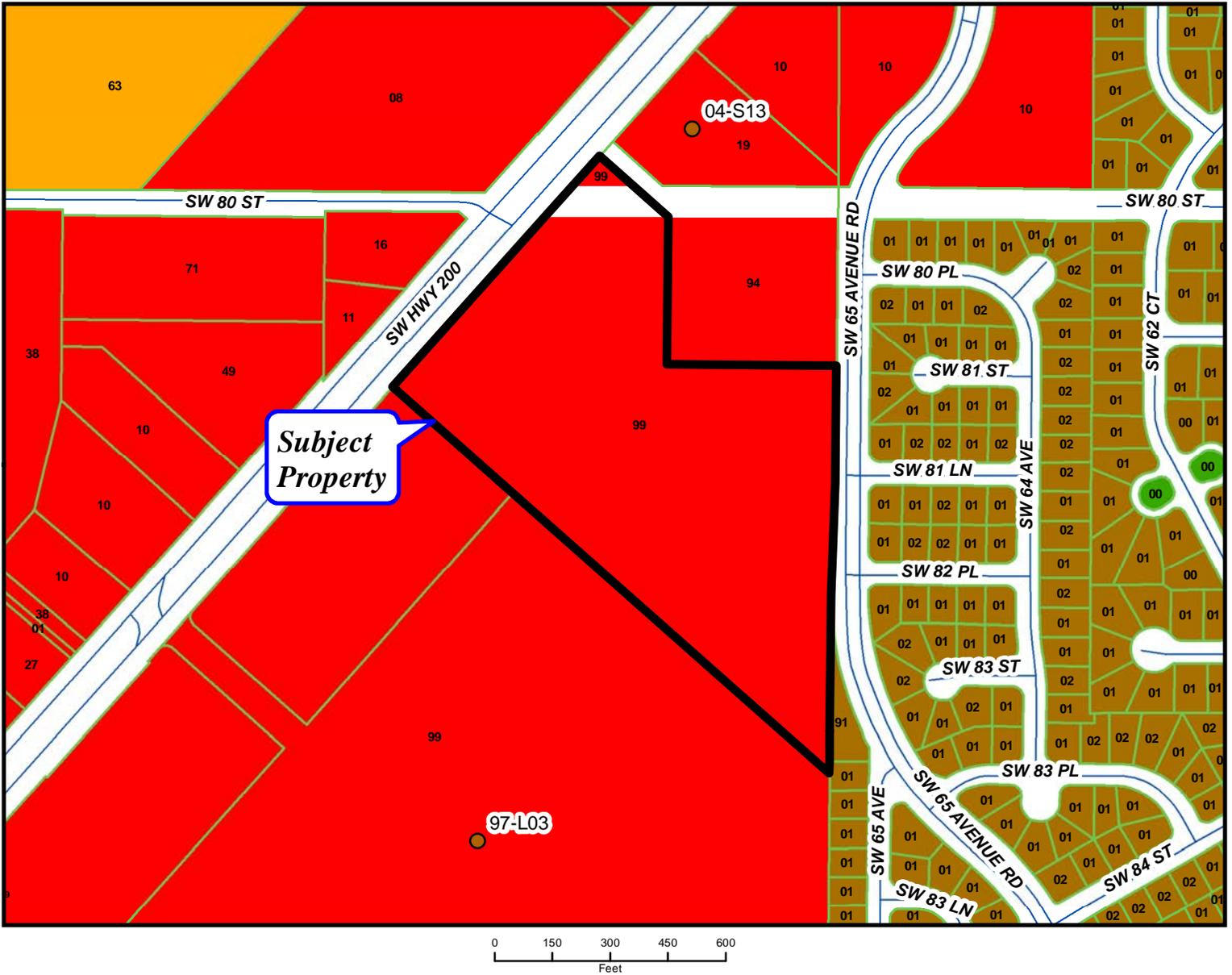
Aerial: 22-S07, 220408Z



*Subject
Property*



Existing Land Use Designation 22-S07, 220408Z



Use per MC Property Appraiser	
01	Single Family Res
50-69/99	Agricultural
00/10/40/70	Vacant
71	Church
02	Mobile Home
06-07/11-39	Commercial
41-49	Industrial
83-98	Public
82	Recreation
03-05/08	Multi-Family
77	Club/Lodge/Union Hall

OWNER(S): Akshar Development, LLC. – Paresh Patel

AGENT: Luxury Leased Homes USA, LLC. – Jose Kreutz

PARCEL(S): 35636-002-00



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.



Legend

All Amendments	Low Residential (0 - 1 du/ac)	Rural Activity Center (0 - 2 du/ac; FAR 0.35)	Commerce District (N/A; FAR 2.0)
Policy 1.20	Medium Residential (1 - 4 du/ac)	Commercial (0 - 6 du/ac; FAR 1.0)	Public (N/A; FAR 1.0)
High Residential (4 - 8 du/ac)	Employment Center (0 - 12 du/ac; FAR 2.0)	Preservation (N/A; N/A)	Municipality
Farmland Preservation Area	Environmentally Sensitive Overlay Zone (ESOZ)		



**Marion County
Board of County Commissioners**

Growth Services ♦ Planning & Zoning

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

STAFF USE ONLY	
CASE NUMBER:	

Date Received:	2 / 2 / 22
Time Received:	FEDEX am / pm
Fee Item:	22-S07 / AR 27995
Concurrent Zoning Case (if any):	220408Z

**LARGE- AND SMALL-SCALE
COMPREHENSIVE PLAN AMENDMENT APPLICATION**

PLEASE CHECK THE APPLICABLE AMENDMENT APPLICATION TYPE BELOW:	
<input type="checkbox"/> LARGE-SCALE MAP AMENDMENT	<input checked="" type="checkbox"/> SMALL-SCALE MAP AMENDMENT*
<input type="checkbox"/> LARGE-SCALE TEXT AMENDMENT	<input type="checkbox"/> SMALL-SCALE TEXT AMENDMENT**
*Map Amendment site must be 10 acres or less.	
**Text amendment must be directly associated with, and only be applicable to, an accompanying Small-Scale Map Amendment	
APPLICATION FEE:	SMALL-SCALE AMENDMENT (Map or Map with Text) = \$3,000 LARGE-SCALE AMENDMENT (Map or Text) = \$5,000

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/applicant 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, the applicant and/or authorized agent contact information must be completed as requested on this page, then proceed to the bottom of Page 2.)

Marion County Tax Roll Parcel Number(s) Involved	Parcel Acreage	Future Land Use Designation per FLUMS	
		Current	Proposed/Requested
35636-002-00	19.65	Commercial	Urban Residential

Please add an additional sheet(s) if more table entries are required.

CONTACT INFORMATION (NAME, ADDRESS, PHONE NUMBER, FAX AND EMAIL)	
Property owner/applicant	Authorized agent (if not the owner/applicant)
Akshar Development, LLC 10832 SW 91st Avenue Ocala, FL 34481 Att. Mr. Paresh Patel (740) 707-7730 petepatel10@gmail.com	Luxury Leased Homes USA, LLC 333 N. Alabama Street, S. 350 Indianapolis, IN 46204 Attn. Jose Kreutz (317) 428-7496 Jose@luxuryleasedhomes.com

PROPERTY OWNER AFFIDAVIT

Revised 01/09/2020 -

STATE OF Florida
COUNTY OF Marion

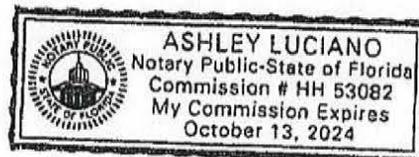
BEFORE ME THIS DAY PERSONALLY APPEARED Alshers Development LLC,
PARESH PATEL Property owner's name, printed
WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner of the real property legally identified by Marion County Parcel numbers:
35636-002-00
2. He/she duly authorizes and designates Luxury Leased Homes USA, LLC 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.

[Signature] Property owner's signature PARESH PATEL
[Signature] Date 1-11-22

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 11 day of January (year),
by Paresh Patel (name of person making statement).
He/she is personally known to me or has produced 0340-660-81-387-0 as identification. (Driver's license, etc.)

[Signature]
Notary public signature



State of Florida County of Marion.
My commission expires: _____