



# Marion County Board of County Commissioners

Date: 8/3/2021

P&Z: 7/26/2021 BCC: 8/17/2021

Application No:  
210802Z

Type of Application:  
Rezoning

Request:  
From: B-5, Heavy Business  
To: PUD, Planned Unit Development

Future Land Use  
Designation:  
Commercial (2.0 FAR 0-8 du/ac)

Parcel #/Acreage:  
1140-005-000/±1 ac.  
1140-006-000/±1 ac  
1140-007-000/±1 ac.;  
3 AC

Existing Use:  
Vacant

Owner/Applicant(s):  
Mary and Stacey Weeks/  
Rodney Rogers

Staff Recommendation  
Approval with Development Conditions

P&Z Recommendation:  
Denial

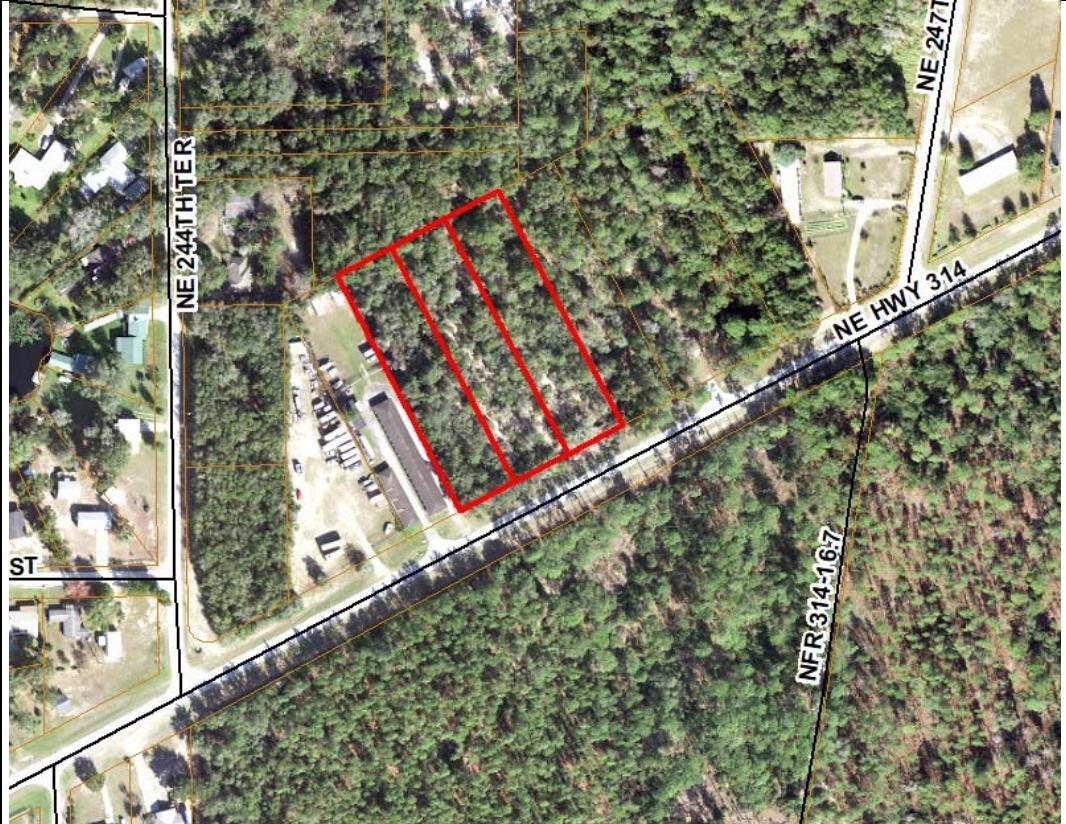
Project Planner  
Ken Weyrauch, Senior Planner

Code Enforcement Action:  
None.

Previous Rezoning Applications:  
890809Z (B-2 to B-5)

Concurrent Comp. Plan Amendment:  
21-S03

AR 26920



## Item Summary

Staff is recommending **APPROVAL WITH DEVELOPMENT CONDITIONS** for rezoning from B-5, Heavy Business to PUD (Planned Unit Development) on ±3 acres, in accordance with Marion County Land Development Code, Article 2, Division 7, *Zoning Change*. This request is proposing commercial uses consistent with B-2, Community Business but excluding uses that may be undesired within this community. This request has a concurrent Comprehensive Plan Amendment, asking to change the land use from Low Residential to Commercial for this site only. Staff is recommending approval because the proposed PUD is consistent with the Comprehensive Plan and compatible with the surrounding area.

## Public Notice

Notice of the public hearing was mailed to 8 property owners within 300 feet of the subject property.

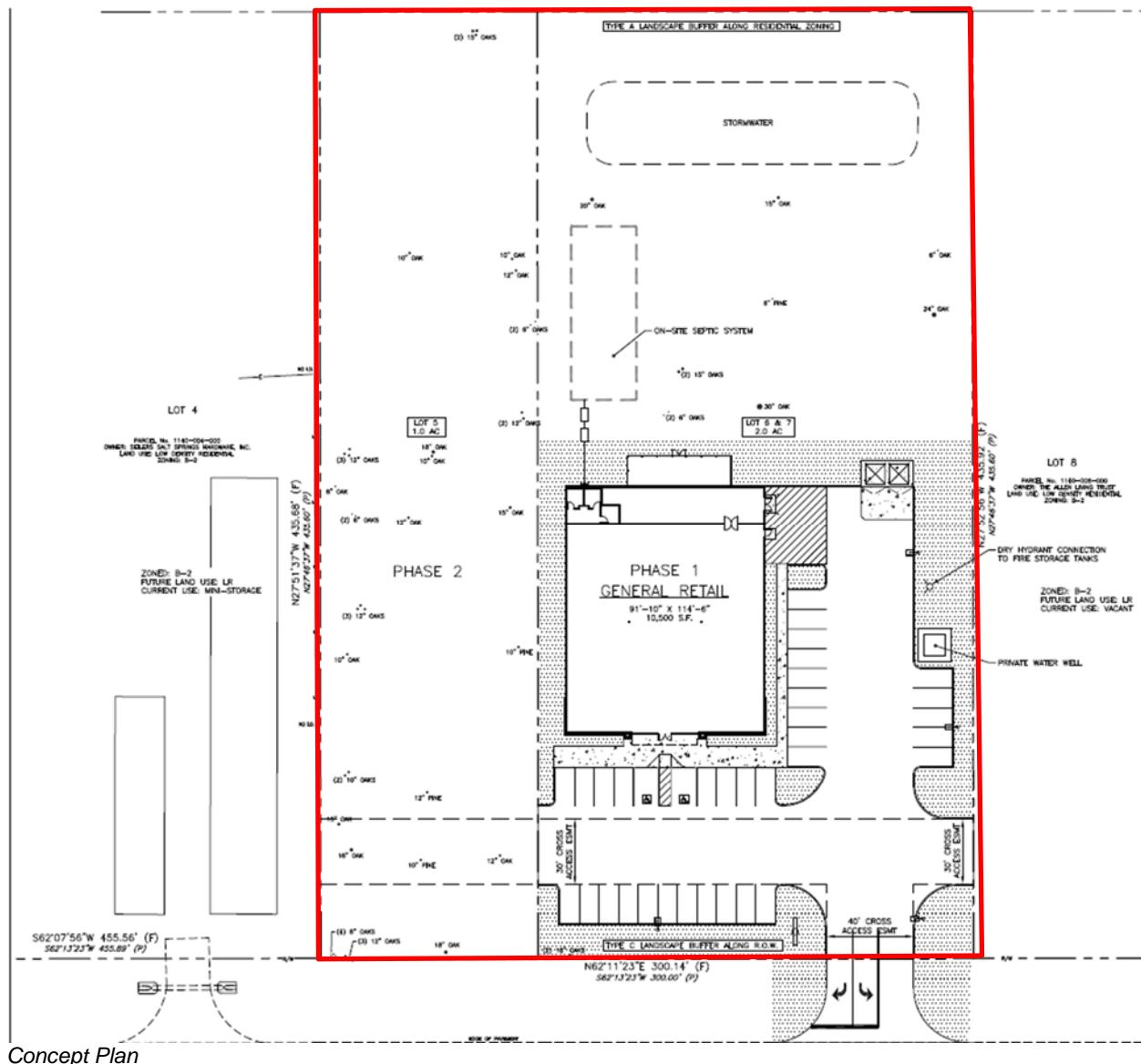
## Location

The property is located on NE HWY 314, 530' NE of NE 244th TER

## Request

The applicant is requesting to rezone the subject property from B-5, Heavy Business to PUD to allow for B-2, Community Business uses except for; bar, club, private lodge, fraternity, gun shop, hotel/motel, nightclub, poolroom, tattoo/piercing parlor, and taxidermist.

## Concept Plan



## Analysis

The PUD proposes uses, development standards, and buffers consistent with the B-2, Community Business Zoning Classification. The PUD excludes the uses of; Bar, Club, Private Lodge, Fraternity, Sorority, Gun shop, Hotel, Motel, Nightclub, Poolroom, Tattoo and/or Body Piercing Parlor, and Taxidermist. The Subject property consists of Lots 5, 6, and 7 of the Ker View Subdivision. These three lots are each one (1) acre in size and were originally zoned B-2

before being rezoned to B-5 in 1989. When the Comprehensive Plan was adopted, the Future Land Use was adopted as Low Residential for the subject property.

The adjacent property to the west is the Salt Springs Self Storage that was developed in 1988. On the eastern end of the block, Lot 12, there is a Policy 1.20 letter from 2001 for a Bait and Tackle shop. The Policy 1.20 letter recognizes a historic business that had been in operation for at least 20 years at that location. Policy 1.20 has moved to Policy 10.1.5 of the Marion County Comprehensive Plan in the most recent Comprehensive Plan Update.

This item was routed for DRC Staff comments and there were no objections or concerns that were not related to issues that are resolved during the development review process.

The following tables summarize the adjacent future land use designations, zoning districts, and existing uses:

| ADJACENT PROPERTY CHARACTERISTICS |                   |                              |                                     |
|-----------------------------------|-------------------|------------------------------|-------------------------------------|
| Direction                         | FLUM Designation  | Zoning                       | Existing Use per MCPA Property Code |
| N                                 | Low Residential   | R-1 (Single-Family Dwelling) | Vacant Lots                         |
| S                                 | ROW/ Preservation | ROW/A-1, General Agriculture | HWY 314/ Ocala National Forest      |
| E                                 | Low Residential   | B-2 (Community Business)     | Vacant Lots                         |
| W                                 | Low Residential   | B-2 (Community Business)     | Self-Storage                        |

**Transportation:** The traffic analysis of the site's proposed use showed that the proposed general store will generate approximately 439 daily trips and 72 peak hour trips (See Amendment Trip Generation Table). The Level of Service for CR 314 will remain at LOS B. it is expected that the total trip generation for complete buildout, to include any future expansions on the site, would not exceed 150 peak hour trips and the Level of Service will remain acceptable on CR 314.

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

| TABLE X. AMENDMENT TRIP GENERATION |            |          |           |                           |             |                 |
|------------------------------------|------------|----------|-----------|---------------------------|-------------|-----------------|
| Scenario                           | FLUM       | ITE Code | Acres (±) | Potential Max Development | Daily Trips | PM PK HR. Trips |
| Existing                           | Low Res.*  | 210      | 3         | 3 DU                      | 18.33       | 3               |
| PUD Proposal                       | Commercial | 820      | 3         | 10,500 SF                 | 438         | 72              |

Projections based on ITE Trip Gen, 10<sup>th</sup> Ed. and Marion County 2015 Transportation Impact Fee Study.

Access to the property is from NE Hwy 314.

| SURROUNDING ROADWAY CONDITIONS |  |                     |
|--------------------------------|--|---------------------|
|                                |  | Existing Conditions |
|                                |  |                     |

| Road       | Class     | Maint. | Surface | No. Lanes | R/W Width | R/W Deficiency |
|------------|-----------|--------|---------|-----------|-----------|----------------|
| NE Hwy 314 | Collector | County | Paved   | 2         | ±100'     | ±20'           |

### Infrastructure

The site is in Marion County's Utility Service Area but outside connection distance to the utility provider's closest available water and sewer at this time. When water and sewer become available from the public utility provider, the subject property shall connect to the respective service(s) within 365 days of notification.

In reaching its decision, the Commission must address the following:

- a. **Granting the proposed zoning change will not adversely affect the public interest.** The subject properties are located adjacent to existing and historic commercial in the area. Creating a small commercial node west of HWY 19 could greatly benefit this area.
- b. **The proposed zoning change is consistent with the current Comprehensive Plan.** The FLU Map 1: Marion County 2045 Future Land Use Map of the Comprehensive Plan designates these properties as Commercial. Rezoning the site to PUD for B-2, Community Business uses is consistent with the Comprehensive Plan.
- c. **The proposed zoning change is compatible with land uses in the surrounding area.** The subject property was zoned commercial previously. The block fronting NE Hwy 314 where the subject properties are located has self-storage and a bait and tackle shop. The proposed PUD will help create a small commercial node for this area of the community.

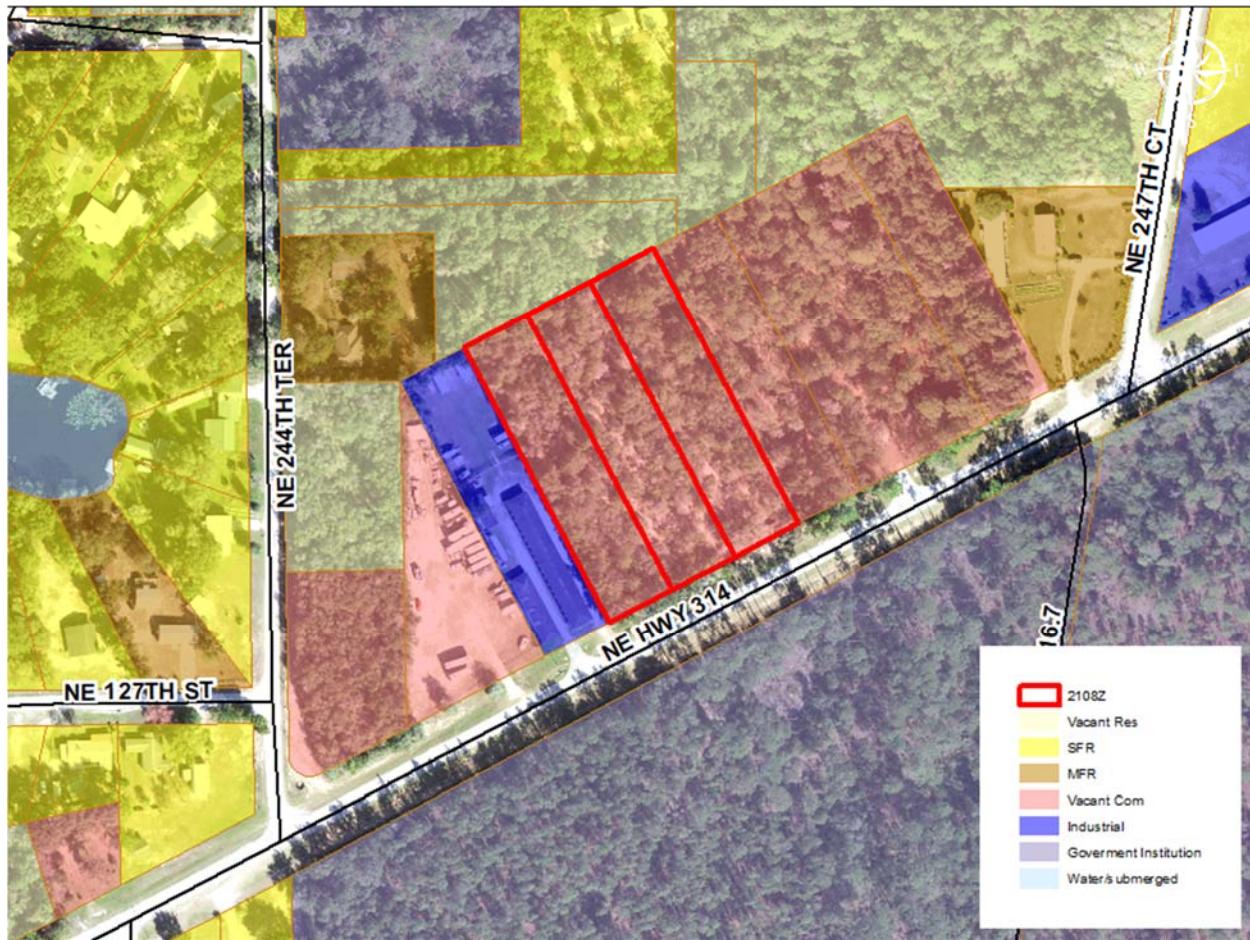
### PLANNING & ZONING COMMISSION RECOMMENDATION:

DENIAL

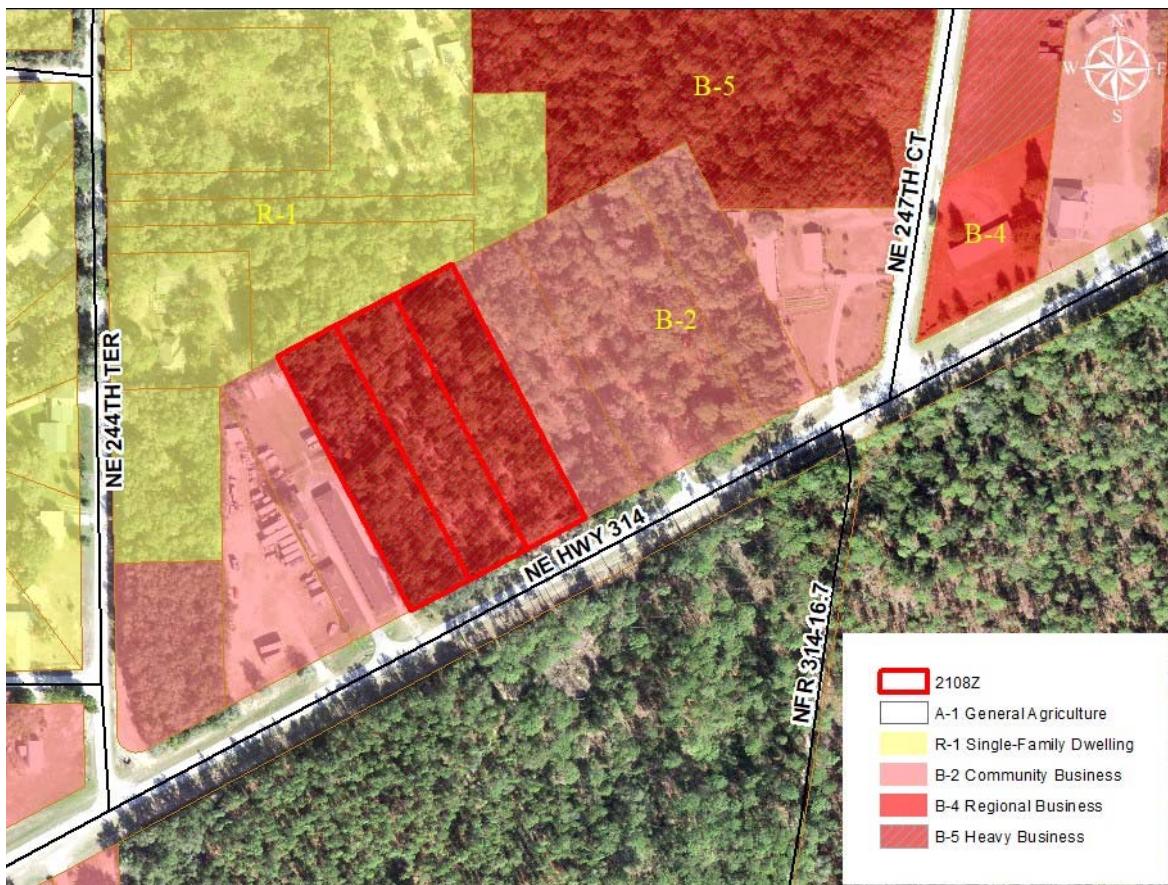
### Staff Recommendation: Approval with Conditions

1. The project shall be developed consistent with the Conceptual Plan dated 5/18/2021, the application, and LDC unless otherwise revised by these conditions of approval.
2. The developer has not obtained Concurrency Certification for this PUD Rezoning Application and is not vested and/or entitled to this PUD consideration. The developer shall comply with Marion County's Concurrency Management System [LDC Division 1.8] prior to obtaining any final development plan approvals (e.g., Final Master Plan, Preliminary Plat, Improvement Plan, Final Plat, Site Plan), which may include providing for proportionate share for transportation improvements consistent with Sections 163.3180 and 380.06, Florida Statutes.
3. All development standards, including buffers, shall be consistent with the B-2, Community Business Zoning Classification.
4. The PUD project shall comply with the LDC's minimum 20% open space requirement.

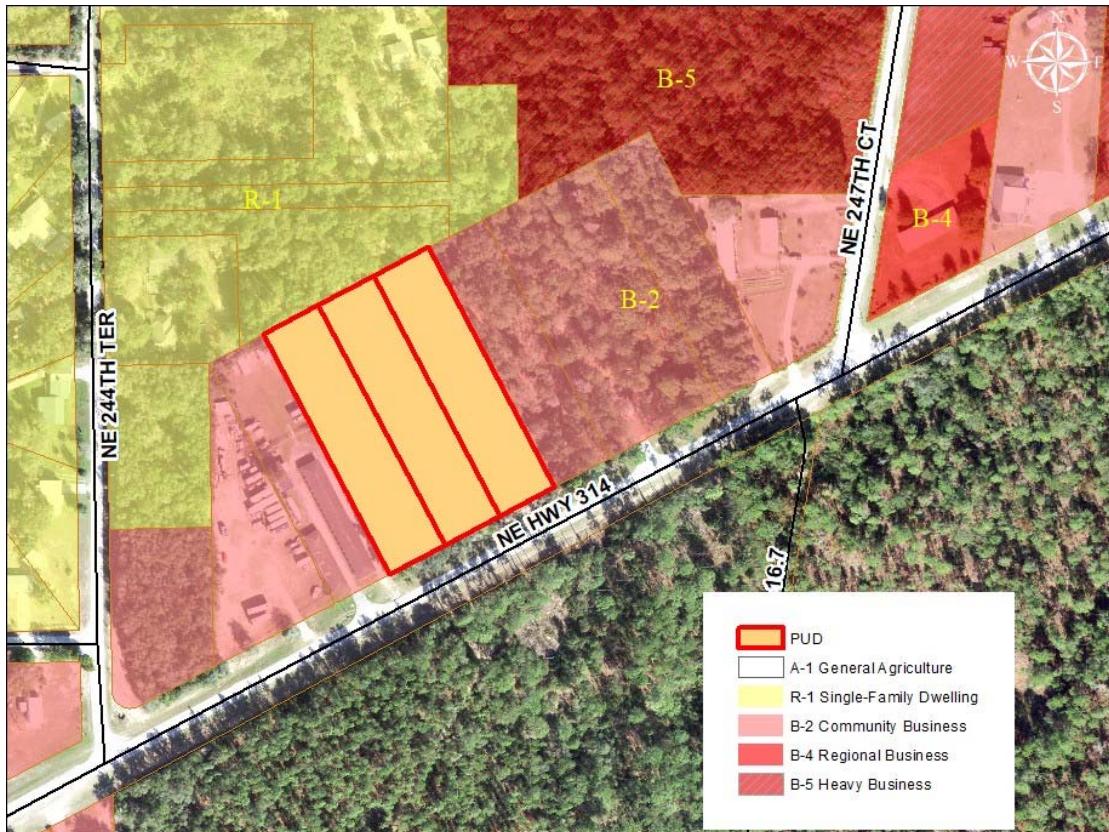
## EXISTING USES PER MCPA PROPERTY CODE DATA



## CURRENT ZONING



## PROPOSED ZONING



## CURRENT FUTURE LAND USE DESIGNATION



Aerial: 21-S03, 210802Z

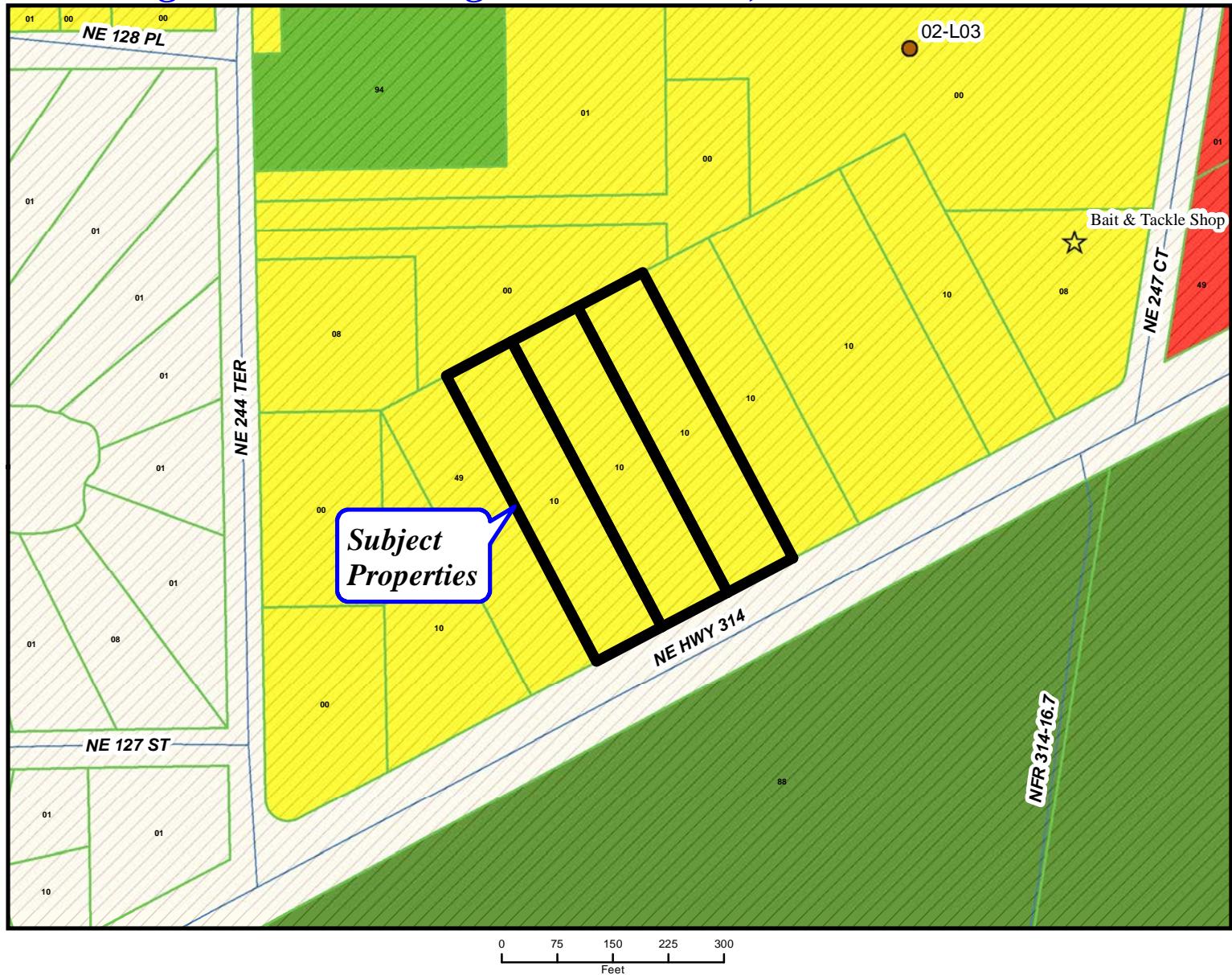


0 100 200 300 400

Feet



# Existing Land Use Designation 21-S03, 210802Z



| 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):** Mary and Stacy A. Weeks

**AGENT:** Rodney Rogers - Rogers Engineering

**PARCEL(S):** 1140-005-000, 1140-006-000, 1140-007-000

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

### Policy 1.20



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



**Marion  
County  
FLORIDA**

**Marion County  
Board of County Commissioners**

Growth Management • Zoning

2710 E. Silver Springs Blvd.  
Ocala, FL 34470  
Phone: 352-438-2675  
Fax: 352-438-2676

# 2108023

AR#: 26920

PA#: 1140-005-000,  
1140-006-000,  
or 1140-007-000

**APPLICATION FOR ZONING CHANGE (w/ 21-S03)**

Application No.: 2108023

The undersigned hereby requests a zoning change of the Marion County Land Development Code, Article 4, Zoning, on the below described property and area, from B-5

to PUD, for the intended use of:

Retail Store

**Legal description:** (please attach a copy of the deed and location map)

**Parcel account number(s):** 1140-005-001 <sup>HC</sup> 1140-006-000 <sup>HC</sup> 1140-007-000 <sup>HC</sup>

**Property dimensions:** 435.95 x 300 **Total acreage:** 3

**Directions:** Highway 40 east, 16 miles to County Rd 314, County Road 314 east 9 miles to property

The property owner must sign this application unless he has attached written authorization naming an agent to act on his/her behalf.

Mary Weeks

and Stacy A. Weeks

**Property owner name (please print)**

25291 E. Hwy 314,

Rodney Rogers

**Applicant or agent name (please print)**

1105 S.E. 3rd Avenue

**Mailing address**

Sail Spring, FL 32134

**City, state, zip code**

352-622-9214

**Phone number (please include area code)**

Email Address: weeksrealty314@earthlink.net

**Mailing address**

Ocala, FL 34471

**City, state, zip code**

352-622-9214

**Phone number (please include area code)**

**Signature**

Mary Weeks

Signature

Please note: the zoning change will not become effective until 14 days after a final decision is made by the Marion County Board of County Commissioners. The owner, applicant or agent is encouraged to attend the public hearing where this application will be discussed. If no representative is present and the board requires additional information, the request may be postponed or denied. Notice of said hearing will be mailed to the above-listed address(es). All information given by the applicant or agent must be correct and legible to be processed. The filing fee is \$1,000.00, and is non-refundable. For more information, please contact the Zoning Division at 352-438-2675.

\*\*\*\*\*  
FOR OFFICE USE ONLY

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

LAND USE: \_\_\_\_\_ ZONING: \_\_\_\_\_

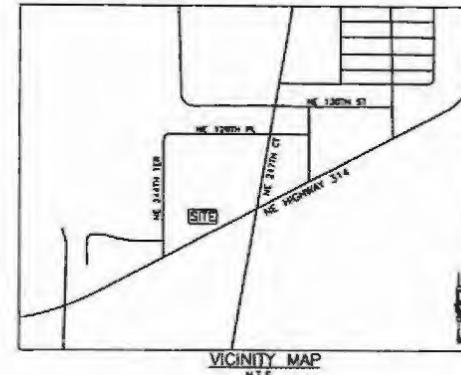
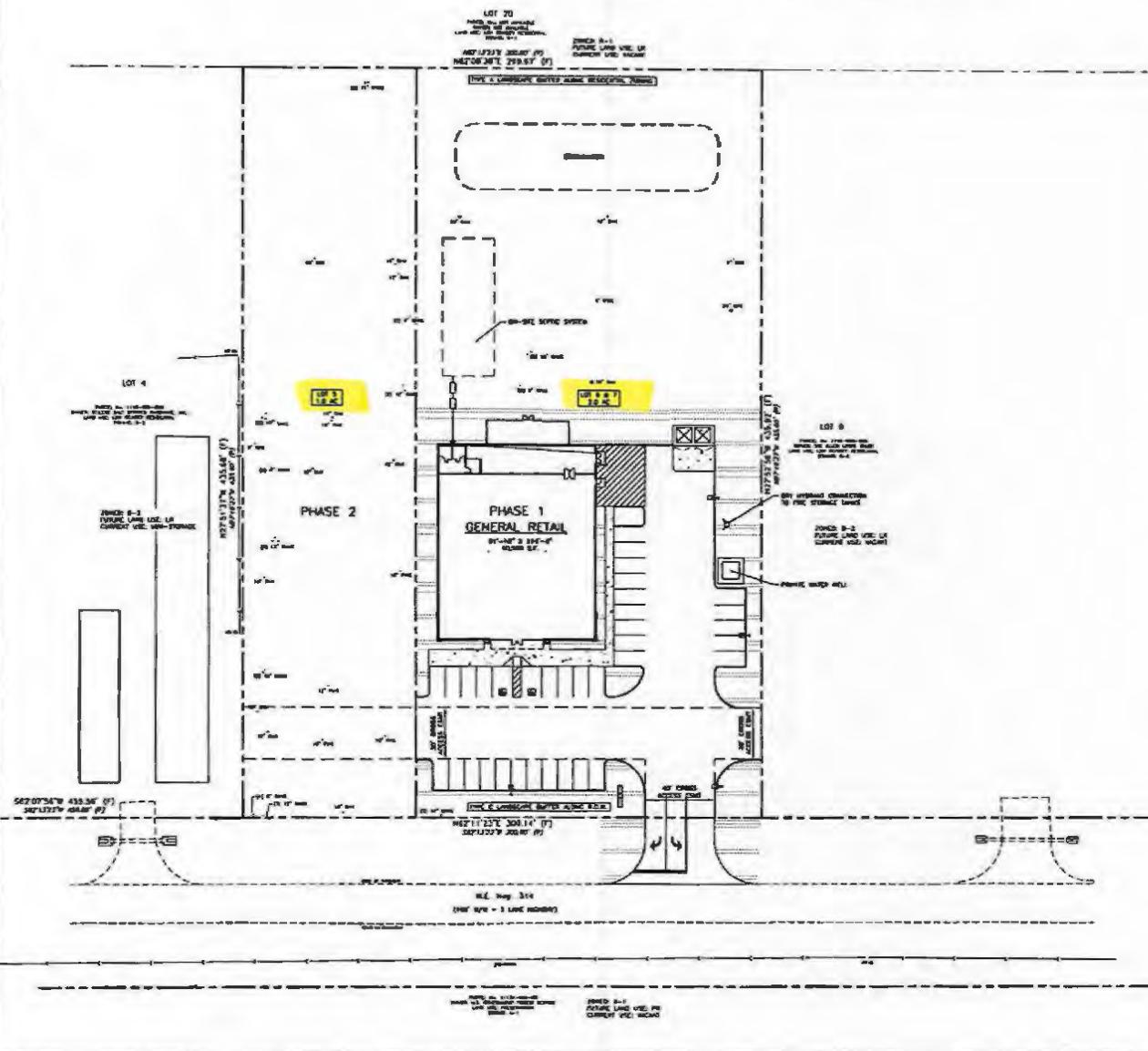
ZONING MAP NO.: \_\_\_\_\_  
SEC/TWP/RGE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Rev. 07/02/2019

"Meeting Needs by Exceeding Expectations"

# NOON RETAIL - SALT SPRINGS

A COMMERCIAL PLANNED UNIT DEVELOPMENT



#### PROJECT DATA

LOCATION: HE HIGHWAY 314, SALT SPRINGS, FL  
 PARCEL: 1140-005-000 - 1140-005-000 - 1140-007-000  
 CURRENT ZONING: B-3 [HEAVY BUSINESS]  
 PROPOSED ZONING: PUD [PLANNED UNIT DEVELOPMENT]  
 CURRENT FUTURE LAND USE: LA [LOW RESIDENTIAL]  
 PROS. FUTURE LAND USE: EOM [COMMERCIAL OFFICE]  
 OVERLAP ZONE: SECONDARY SOURCE PROTECTION ZONE  
 FLOOD ZONE: ZONE X, AS SHOWN ON MAP NO. 1218000000 DATED 08/26/2000  
 LAND COVERAGE DATA (S-8)  
 BUILDING AREA: 10,540 SF (102)  
 ON-SITE IMPERVIOUS: 0.82 ACRES (418)  
 ON-SITE UNPAVED: 1.08 ACRES (590)  
 BUILDING DIMENSIONS: REQUIRED: PROVIDED:  
 FRONT (ft) 40' 100' 5'  
 DEPT (ft) 25' 31' 2'  
 SIDE (ft) 10' 25' 2'  
 SDC (ft) 10' 35' 5'

#### GENERAL NOTES

1. DEVELOPMENT SHALL BE SERVED BY ON-SITE PRIVATE WELL AND ON-SITE PRIVATE SEPTIC SYSTEM.
2. DEVELOPMENT SHALL PROVIDE ON-SITE FIRE WATER SYSTEM WITH DRY HYDRANT CONNECTION TO EASY AND USE OF FIRE STORAGE WATER SUPPLY BY LOCAL EMERGENCY AGENCIES.
3. WATER PERMIT SHALL BE IN ACCORDANCE WITH MARION COUNTY CODE.
4. ALL OUTDOOR LIGHTING SHALL BE IN ACCORDANCE WITH MARION COUNTY CODE.
5. ALL EXTERIOR SIGNING SHALL BE IN ACCORDANCE WITH A FIRE DEPARTMENT ALBANY.
6. PVC SCHEDULE 40, HEIGHT LIMITS & DENSITY SCHEDULES SHALL BE ACCORDING TO E-2 ZONING CLASSIFICATION.
7. PUD SUBDIVIDED USES SHALL BE ACCORDING TO B-2 ZONING CLASSIFICATION, EXCLUDING THE FOLLOWING USES:
  - BAR
  - CLUB
  - CASINO
  - LODGE, FRATERNITY, SORORITY
  - HOTEL, MOTEL
  - MOTEL, HOTEL
  - POOLROOM
  - TATTOO, BODY-ART, PIERCING, PARLOR
  - CASINO

REVISIONS

**INNEY NAME:  
PUD CONCEPT PLAN**

Digitized by srujanika@gmail.com

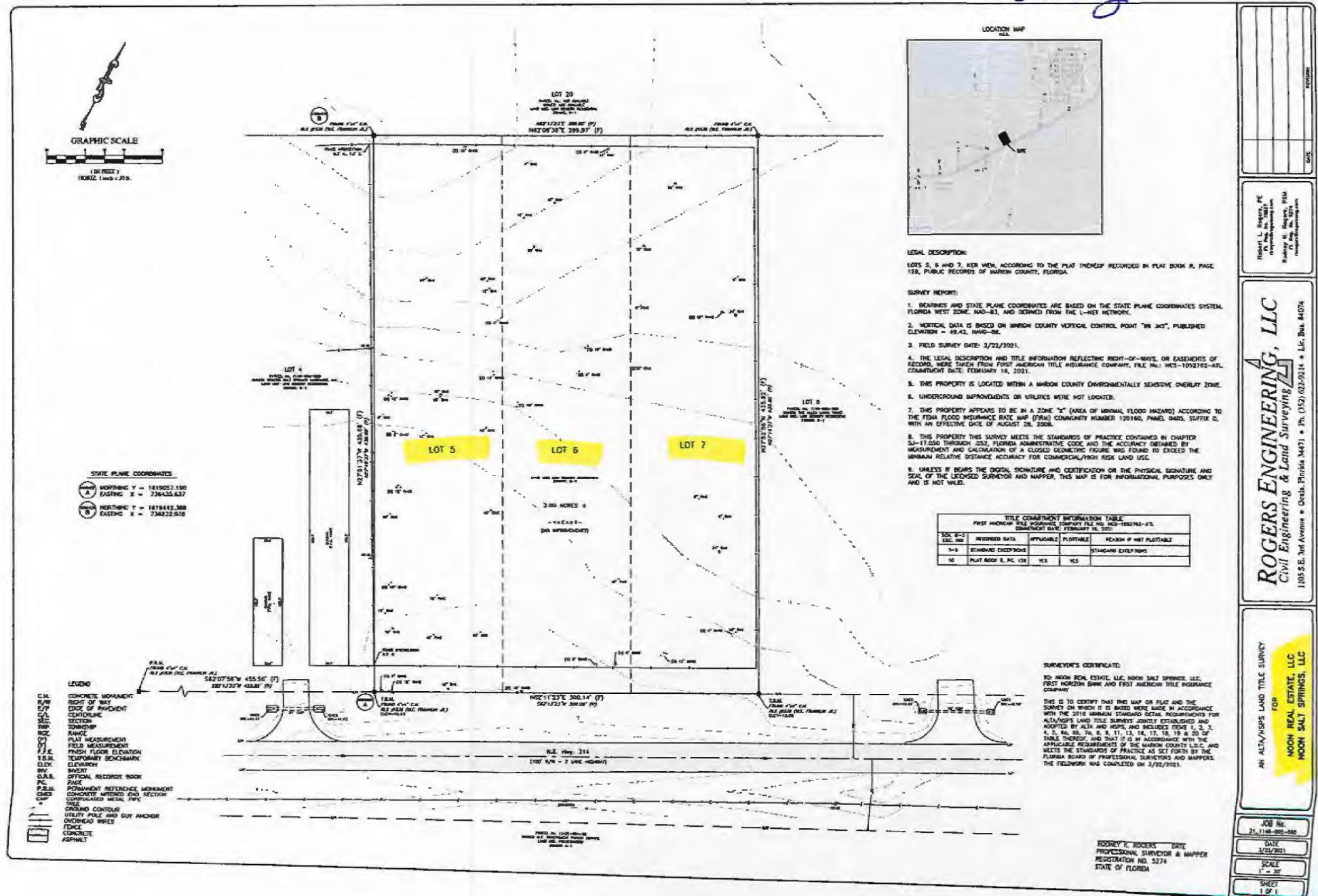
СИАНИКИ:

PRODUCT NO. 21015

STREET NUMBER.

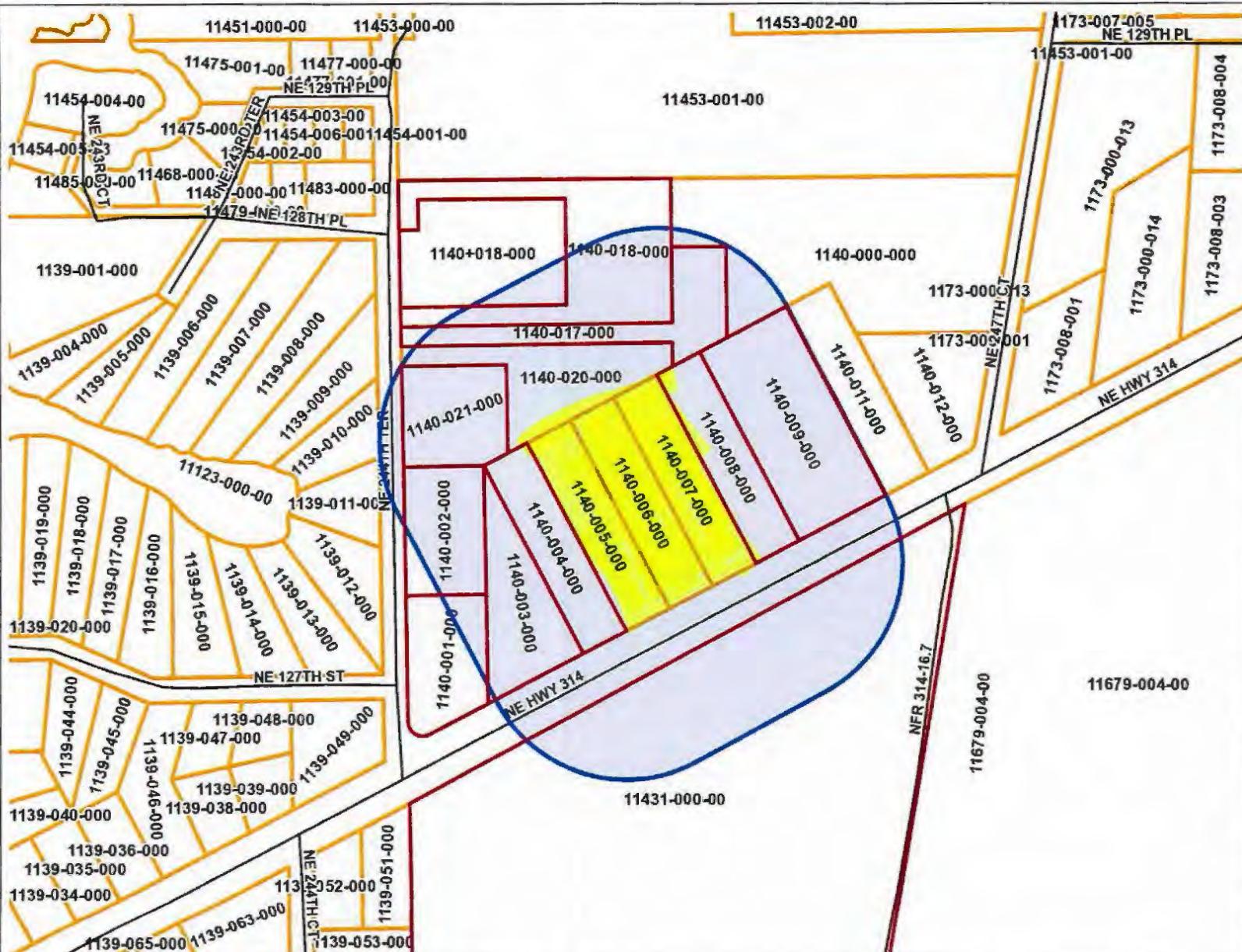
1000

2108023



**ROGERS ENGINEERING, LLC**  
Civil Engineering & Land Surveying   
1105 S.E. 1st Avenue • Ocala, Florida 34471 • Ph. (352) 623-5214 • Lic. Bus. #4076

|                                |
|--------------------------------|
| AN ALTA/NSPS LAND TITLE SURVEY |
| FOR                            |
| MOON REAL ESTATE, LLC          |
| MOON SALT SPRINGS, LLC         |
| <br>                           |
| JOB No. 21-1146-000-000        |
| DATE 3/28/2021                 |
| SCALE 1" = 30'                 |
| SHEET 1 of 1                   |



Projected Coordinate System: NAD 1983 StatePlane Florida West FIPS\_0902 Feet

Created By: dp

This map was produced by a Marion County employee using an online internal mapping viewer. All GIS features provided through the Marion County online internal mapping viewer are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not to be used as legal descriptions. For confirmation of details related to the GIS features, please contact the appropriate department or constitutional office.

Creation Date: 6/14/2021



## Notes

AGENT: RODNEY K. ROGERS,  
C/O: ROGERS ENGINEERING, LLC