



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.

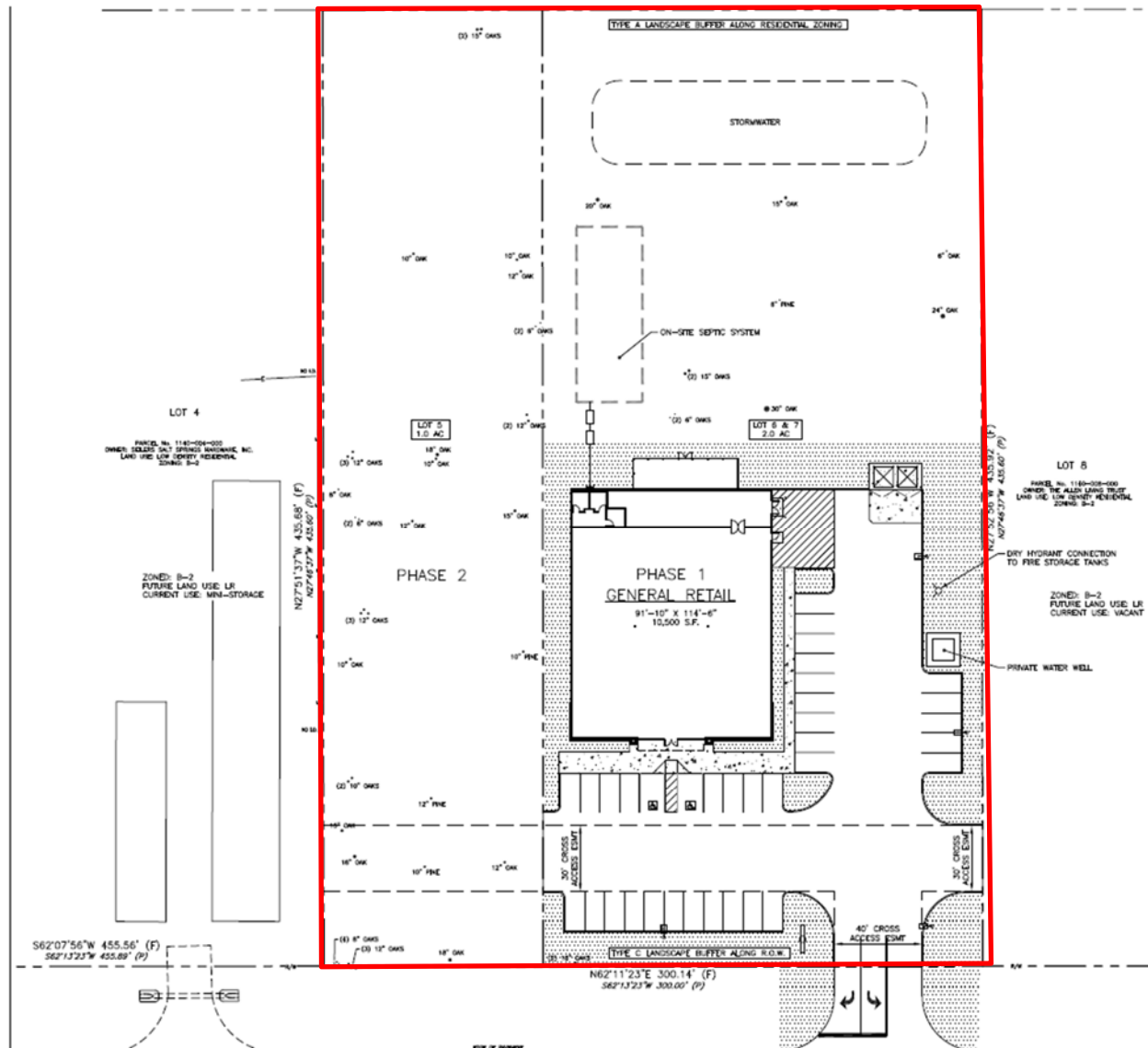
Location

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



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, Hote, 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, 10th 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:

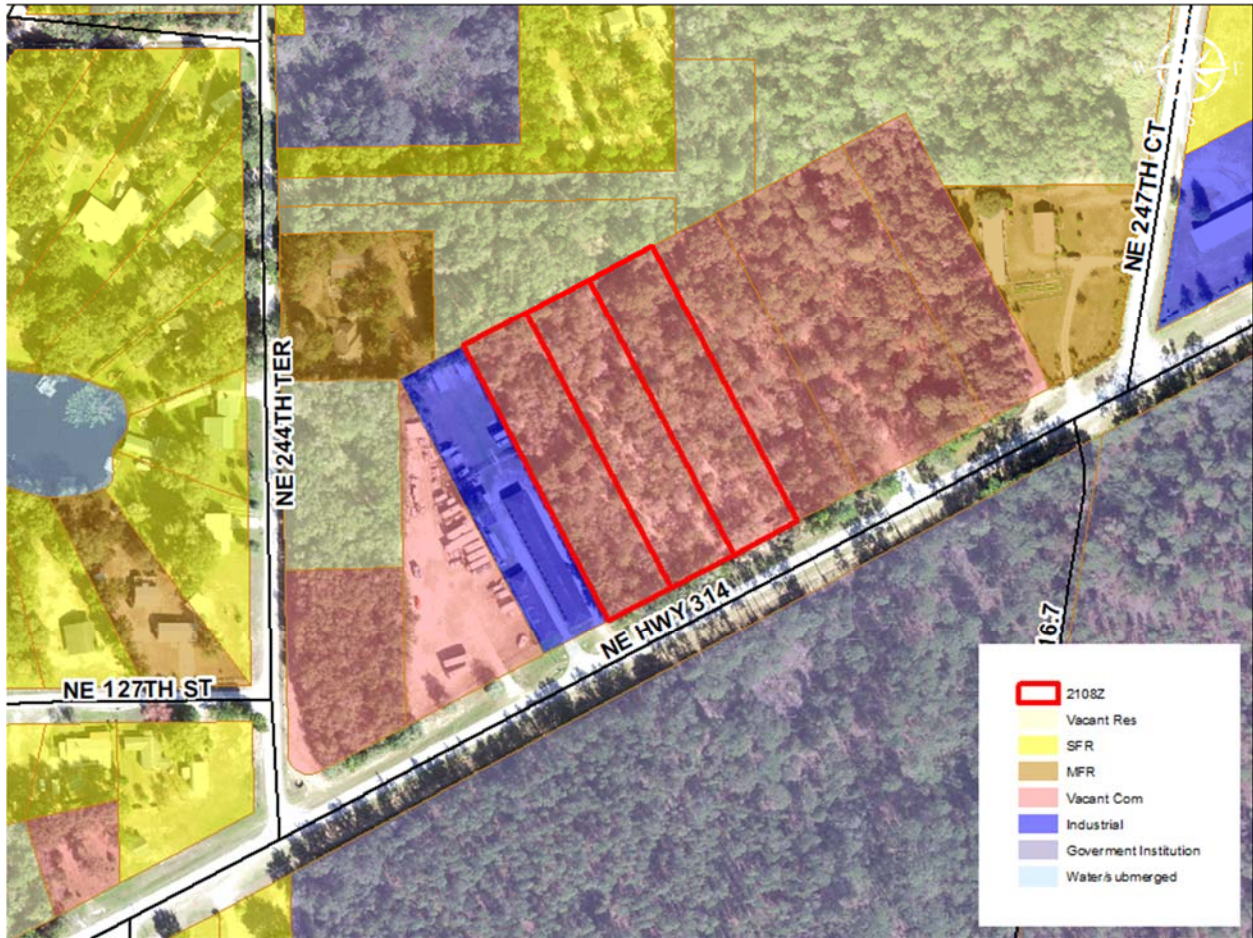
- a. **Granting the proposed zoning change will not adversely affect the public interest.** The subject properties are located adjacent to existing and historic commercial in the area. Creating a small commercial node west of HWY 19 could greatly benefit this area.
- b. **The proposed zoning change is 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

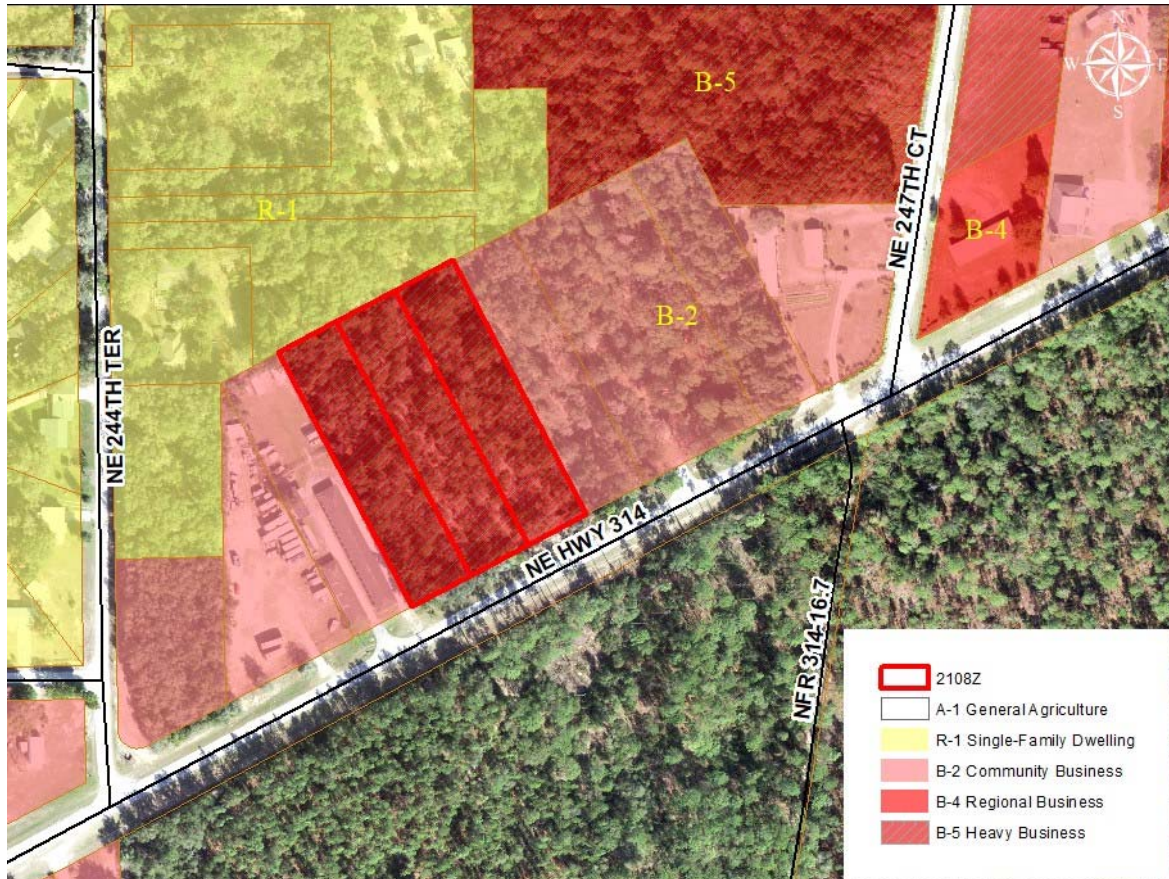
Staff Recommendation: Approval with Conditions

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.

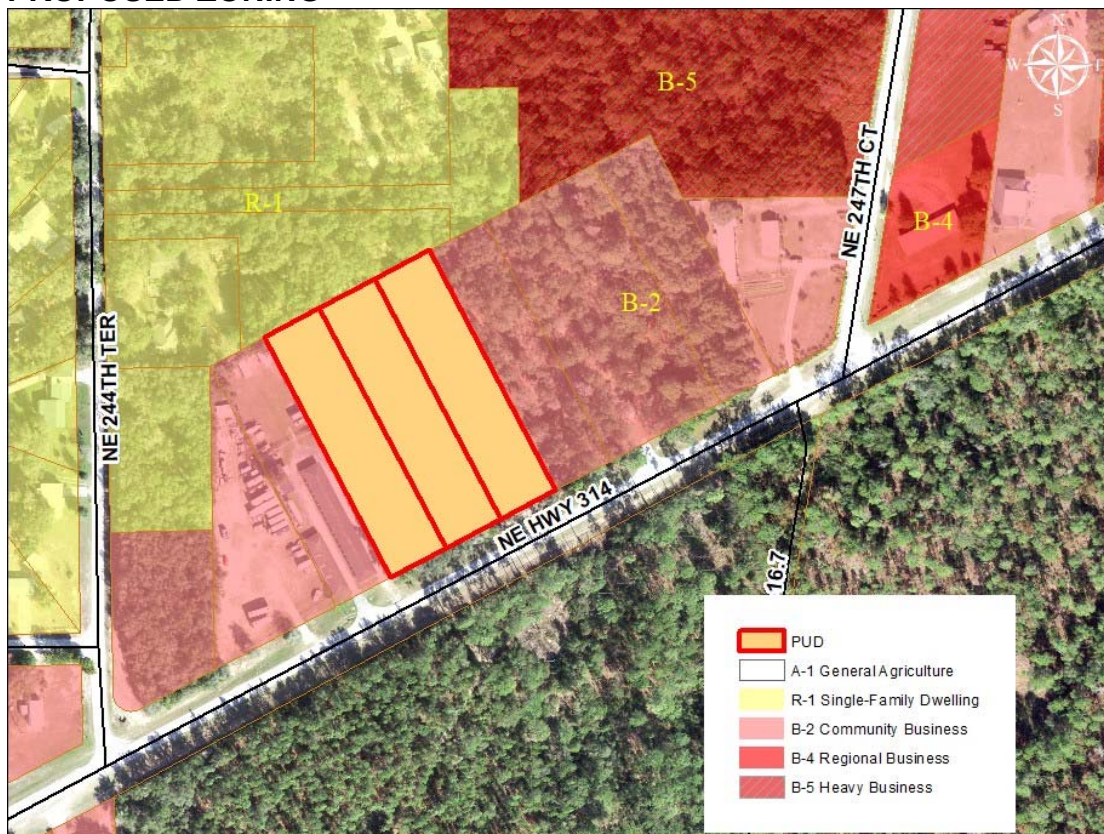
EXISTING USES PER MCPA PROPERTY CODE DATA



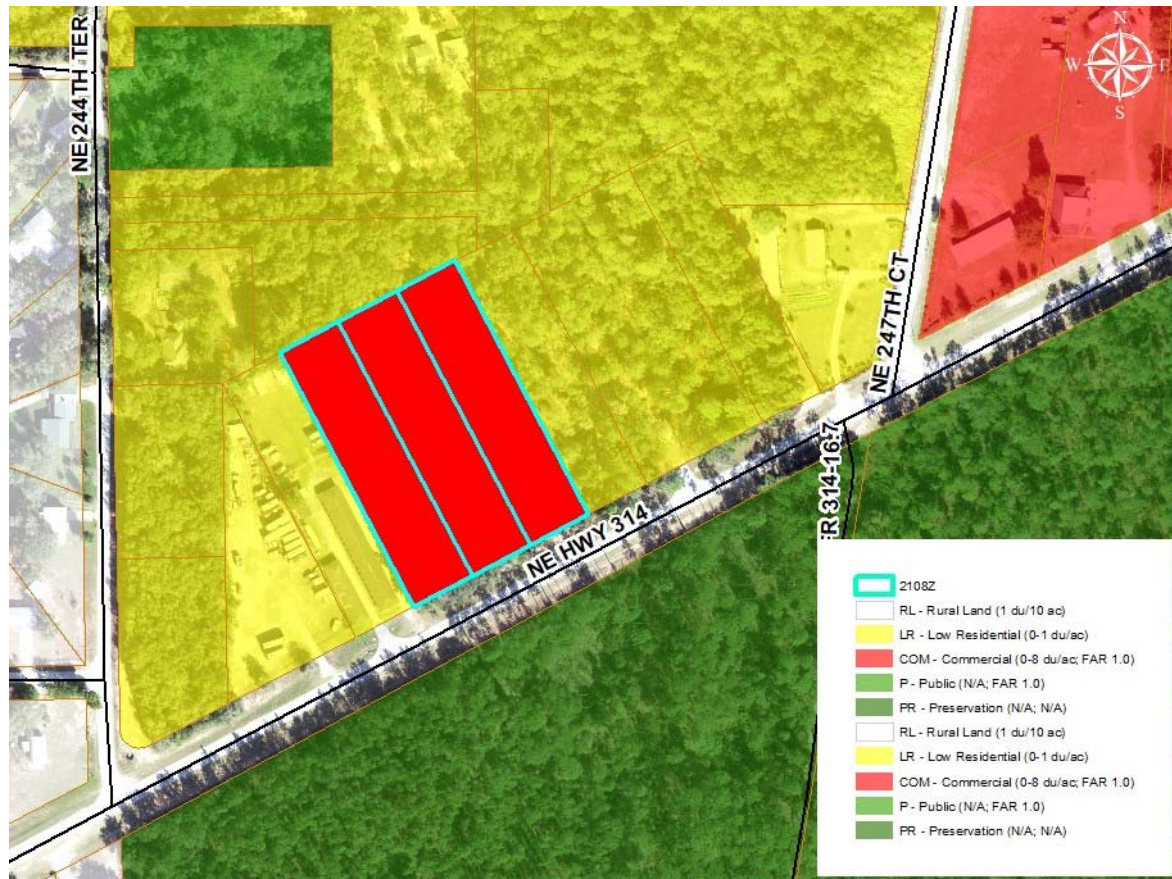
CURRENT ZONING



PROPOSED ZONING



CURRENT FUTURE LAND USE DESIGNATION



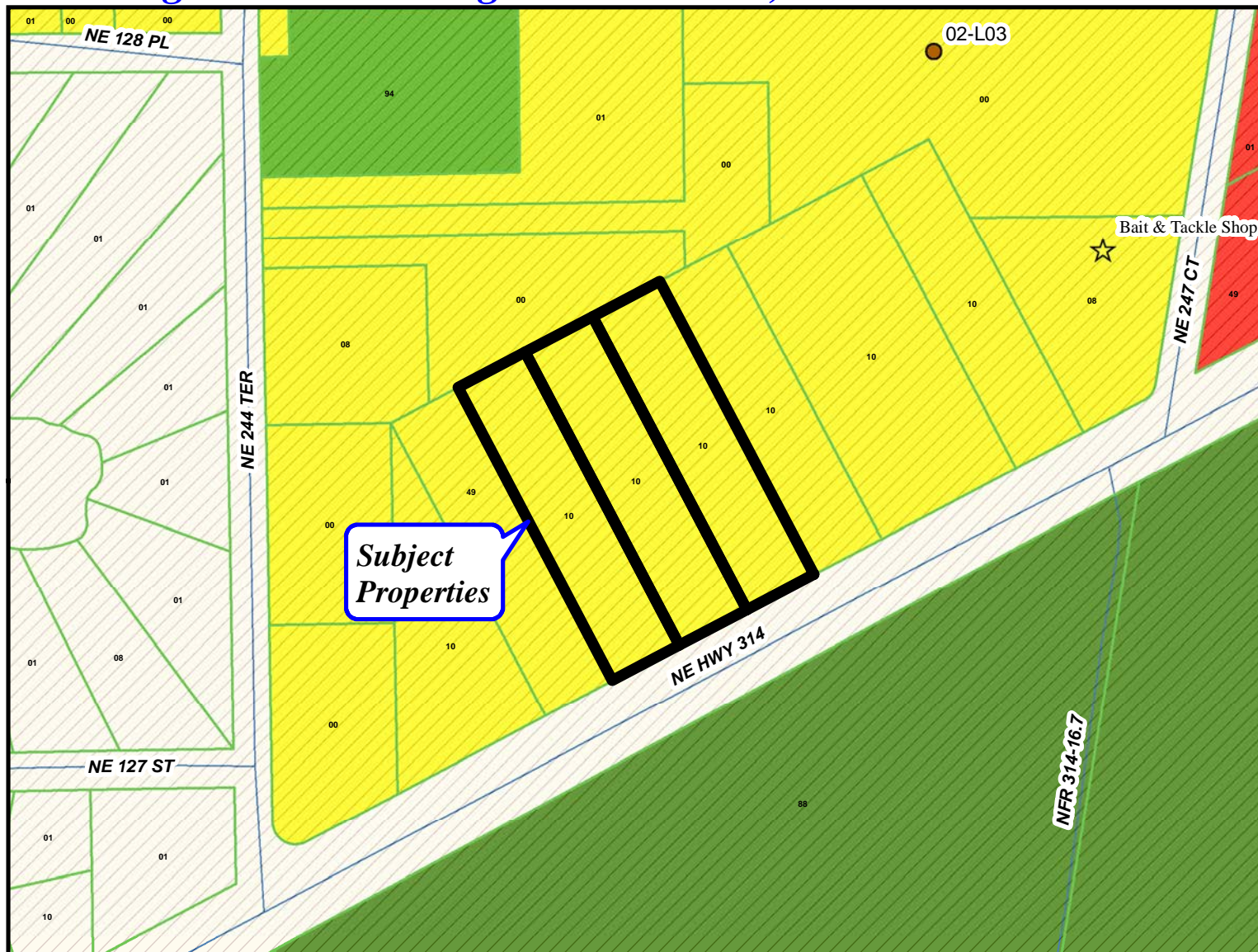
Aerial: 21-S03, 210802Z




0 100 200 300 400
Feet



Existing Land Use Designation 21-S03, 210802Z



0 75 150 225 300
Feet

Use per MC Property Appraiser		OWNER(S): Mary and Stacy A. Weeks
01	Single Family Res	AGENT: Rodney Rogers - Rogers Engineering
50-69/99	Agricultural	
00/10/40/70	Vacant	PARCEL(S): 1140-005-000, 1140-006-000, 1140-007-000
71	Church	
02	Mobile Home	<div>  <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> </div>
06-07/11-39	Commercial	
41-49	Industrial	
83-98	Public	
82	Recreation	
03-05/08	Multi-Family	
77	Club/Lodge/Union Hall	



Legend

• All Amendments	Rural Land (1 du/10 ac)	Urban Residential (8 - 16 du/ac)	Employment Center (0 - 12 du/ac; FAR 2.0)
Policy 1.20	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
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's: 1140-005-000,
1140-006-000,
and 1140-007-000

APPLICATION FOR ZONING CHANGE (w/ 21-803)

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): 1140-005-000^{HC} 1140-006-000^{HC} 1140-007-000^{HC}

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

Mailing address

Ocala, FL 32134

City, state, zip code

352-686-2468

Phone number (please include area code)

Email Address: weeksreally314@earthlink.net

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.

Rodney Rogers

Applicant or agent name (please print)

1105 S.E. 3rd Avenue

Mailing address

Ocala, FL 34471

City, state, zip code

352-622-9214

Phone number (please include area code)

Signature

FOR OFFICE USE ONLY

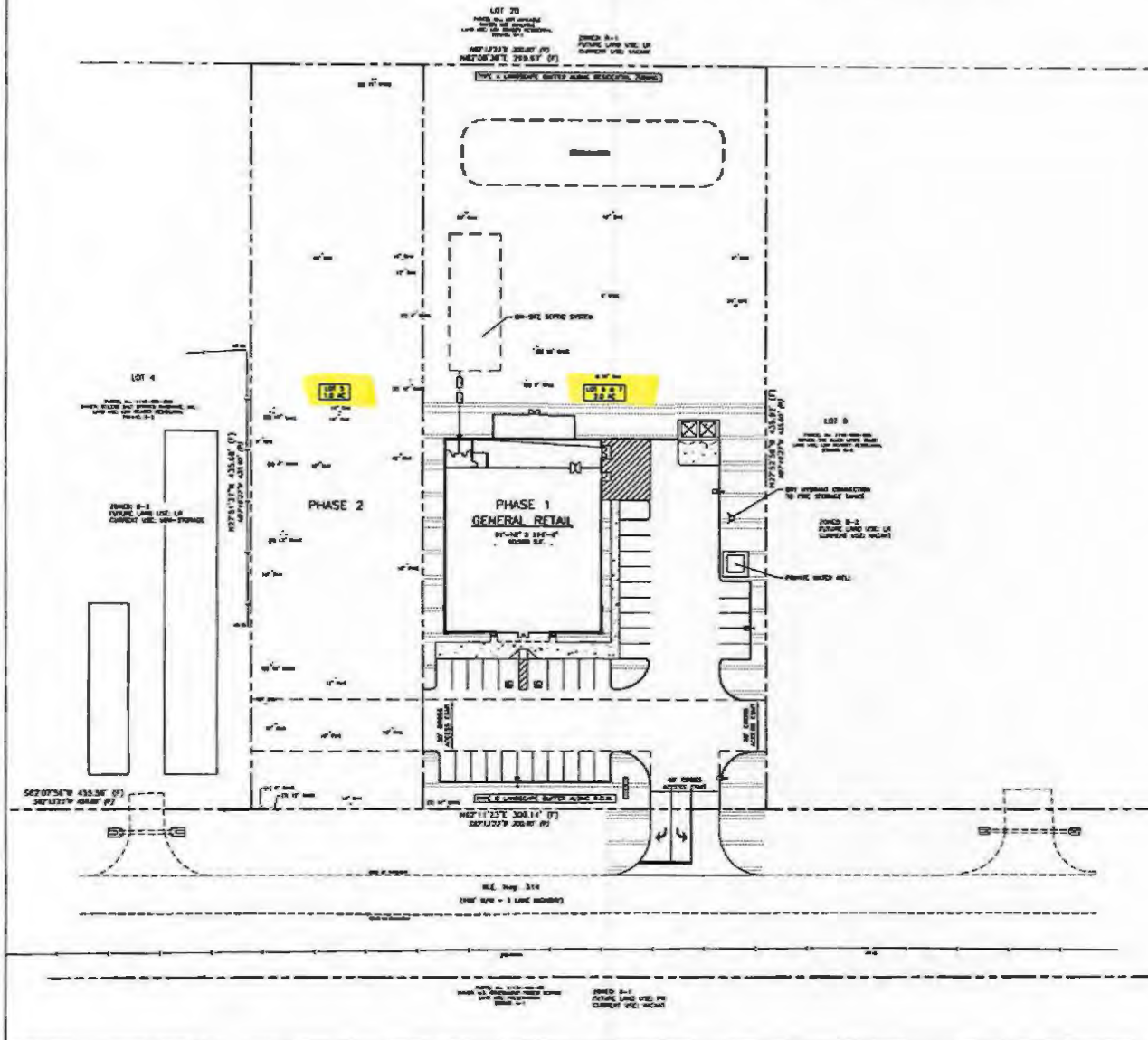
RECEIVED BY: _____ DATE: _____ ZONING MAP NO.: _____
LAND USE: _____ ZONING: _____ SEC/TWP/RGE: _____/_____/_____

Rev. 07/02/2019

"Meeting Needs by Exceeding Expectations"

NOON RETAIL – SALT SPRINGS

A COMMERCIAL PLANNED UNIT DEVELOPMENT



PROJECT DATA

LOCATION:	NE HIGHWAY 314, SALT SPRINGS, FL
PARCEL:	1140-005-000 : 1140-005-000 : 1140-007-000
CURRENT ZONING:	B-5 (HEAVY BUSINESS)
PROPOSED ZONING:	PUD (PLANNED UNIT DEVELOPMENT)
CURRENT FUTURE LAND USE:	LA (LOW RESIDENTIAL)
PROP. FUTURE LAND USE:	COM (COMMERCIAL)
OVERLAY ZONE:	SECONDARY SPRINGS PROTECTION ZONE
FLOOD ZONE:	ZONE 2, AS SHOWN ON MAP NO. 121800CH100 DATED 08/28/2008
LAND COVERAGE (SITES 8 & 7):	10,500 SF (12%)
BUILDING AREA COVERAGE:	0.82 ACRES (41%)
ON-SITE IMPERVIOUS:	1.08 ACRES (55%)
ON-SITE LANDSCAPE:	
BUILDING SETBACKS:	
FRONT (F):	40'
REAR (R):	25'
SIDE (S):	10'
BACK (B):	10'

GENERAL NOTES:

- DEVELOPMENT SHALL BE SERVED BY ON-SITE PRIVATE WELL AND ON-SITE PRIVATE SEPTIC SYSTEM.
- DEVELOPMENT SHALL PROVIDE ON-SITE FIRE STORAGE TANK WITH DRY HYDRANT CONNECTION, CONNECTION NO. AND USE OF TANK STORAGE WATER SUPPLY BY LOCAL EMERGENCY AGENCIES SHALL BE PERMITTED.
- BUFFERS SHOWN SHALL BE IN ACCORDANCE WITH MARION COUNTY CODE.
- ALL OUTDOOR LIGHTING SHALL BE IN ACCORDANCE WITH MARION COUNTY CODE.
- NO PORTIONS OF THIS PROPERTY LIE WITHIN A 100-YEAR FLOOD ZONE.
- PUD SETBACKS, HEIGHT LIMITS, & DENSITY SHALL BE ACCORDING TO B-2 ZONING CLASSIFICATION.
- PUD PERMITTED USES SHALL BE ACCORDING TO B-2 ZONING CLASSIFICATION, EXCLUDING THE FOLLOWING USES:
 - BAR
 - CLUB, PRIVATE, LODGE, FRATERNITY, SOCIETY
 - CURE SHOP
 - HOTEL, MOTEL
 - INDUSTRIAL
 - PODLROOM
 - TATTOO, BODY-PIERCING PARLOR
 - TAXIDERMIST

BERRY ENGINEERS LLC
110 SOUTH ST. 2ND FLOOR
CLEVELAND, TN 37315
TEL: 415-754-9000
FAX: 415-754-9001

NOON REAL ESTATE, LLC
832 GEORGIA AVE, SUITE 355
CHATTAHOOCHEE, TN 37402
423-206-2695

PUD CONCEPTUAL PLAN
NE HIGHWAY 314
MARION COUNTY, FL

EXHIBIT

REVISIONS	
1	
2	
3	
4	

SHEET NAME:
PUD CONCEPT PLAN

DATE: 05/18/2021
DRAWN BY: CMH
CHECKED BY: BMB
PROJECT NO.: 21015
SHEET NUMBER:
EXHIBIT

2108023



LEGAL DESCRIPTION:

LOTS 4, 5 AND 7, KEN WEN, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK R, PAGE 128, PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

SURVEY REPORT:

1. BEARINGS AND STATE PLANE COORDINATES ARE BASED ON THE STATE PLANE COORDINATES SYSTEM, FLORIDA WEST ZONE, NAD-83, AND DERIVED FROM THE L-NET NETWORK.
2. VERTICAL DATA IS BASED ON MARION COUNTY VERTICAL CONTROL POINT "BN JKT", PUBLISHED ELEVATION = 49.42, NAVD-83.
3. FIELD SURVEY DATE: 3/22/2021.
4. THE LEGAL DESCRIPTION AND TITLE INFORMATION REFLECTING RIGHT-OF-WAYS, OR EASEMENTS OF RECORD, WERE TAKEN FROM FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO.: MCS-1052702-ATL, COMMITMENT DATE: FEBRUARY 16, 2021.
5. THIS PROPERTY IS LOCATED WITHIN A MARION COUNTY ENVIRONMENTALLY SENSITIVE OVERLAY ZONE.
6. UNDERGROUND IMPROVEMENTS OR UTILITIES WERE NOT LOCATED.
7. THIS PROPERTY APPEARS TO BE IN A ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) ACCORDING TO THE FIRM FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY NUMBER 120160, PANEL 0403, SUFFIX D, WITH AN EFFECTIVE DATE OF AUGUST 30, 2006.
8. THIS PROPERTY THIS SURVEY MEETS THE STANDARDS OF PRACTICE CONTAINED IN CHAPTER 2J-17.050 THROUGH 2J-17.052, FLORIDA ADMINISTRATIVE CODE AND THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THE MINIMUM RELATIVE DISTANCE ACCURACY FOR COMMERCIAL/PROF. SURV. LAND USE.
9. UNLESS IT BEARS THE DIGITAL SIGNATURE AND CERTIFICATION OR THE PHYSICAL SIGNATURE AND SEAL OF THE LICENSED SURVEYOR AND MAPPER, THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

TITLE COMMITMENT INFORMATION TABLE			
FIRST AMERICAN TITLE INSURANCE COMPANY (FIRM) MCS-1052702-ATL			
COMMITMENT DATE: FEBRUARY 16, 2021			
2021 S.E. 1/4 SEC. 16	RECORDED DATA	APPLICABLE	PLOTTABLE
1-3	STANDARD EXCEPTIONS	YES	NO
10	PLAT BOOK R, PC. 128	YES	YES

SURVEYOR'S CERTIFICATE:

TO: NOON REAL ESTATE, LLC, NOON SALT SPRINGS, LLC, FIRST AMERICAN TITLE INSURANCE COMPANY
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MARION COUNTY DETAIL REQUIREMENTS FOR ALTA/SURV. LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NORTA AND INCLUDES TIDES 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20 OF TIDEAL THERMODYNAMIC AND THAT IT IS IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF THE MARION COUNTY L.S.C. AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THE FIELDWORK WAS COMPLETED ON 3/22/2021.

RODNEY K. ROGERS DATE
 PROFESSIONAL SURVEYOR & MAPPER
 REGISTRATION NO. 5274
 STATE OF FLORIDA

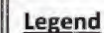
ROGERS ENGINEERING, LLC
 Civil Engineering & Land Surveying
 1105 S.E. 3rd Avenue • Ocala, Florida 34474 • Ph: (352) 622-9214 • Lic. Bus. 84074

AN ALTA/SURV. LAND TITLE SURVEY
 FOR
NOON REAL ESTATE, LLC
NOON SALT SPRINGS, LLC

JOB No.
 21-1148-002-000
 DATE
 3/22/2021
 SCALE
 1" = 20'
 SHEET
 1 OF 1



21-S03 and 210802Z - WEEKS



-  Urban Growth Boundary
 Address Search Results
 Streets
 Parcels
 Municipalities
 Marion County

1: 3,678

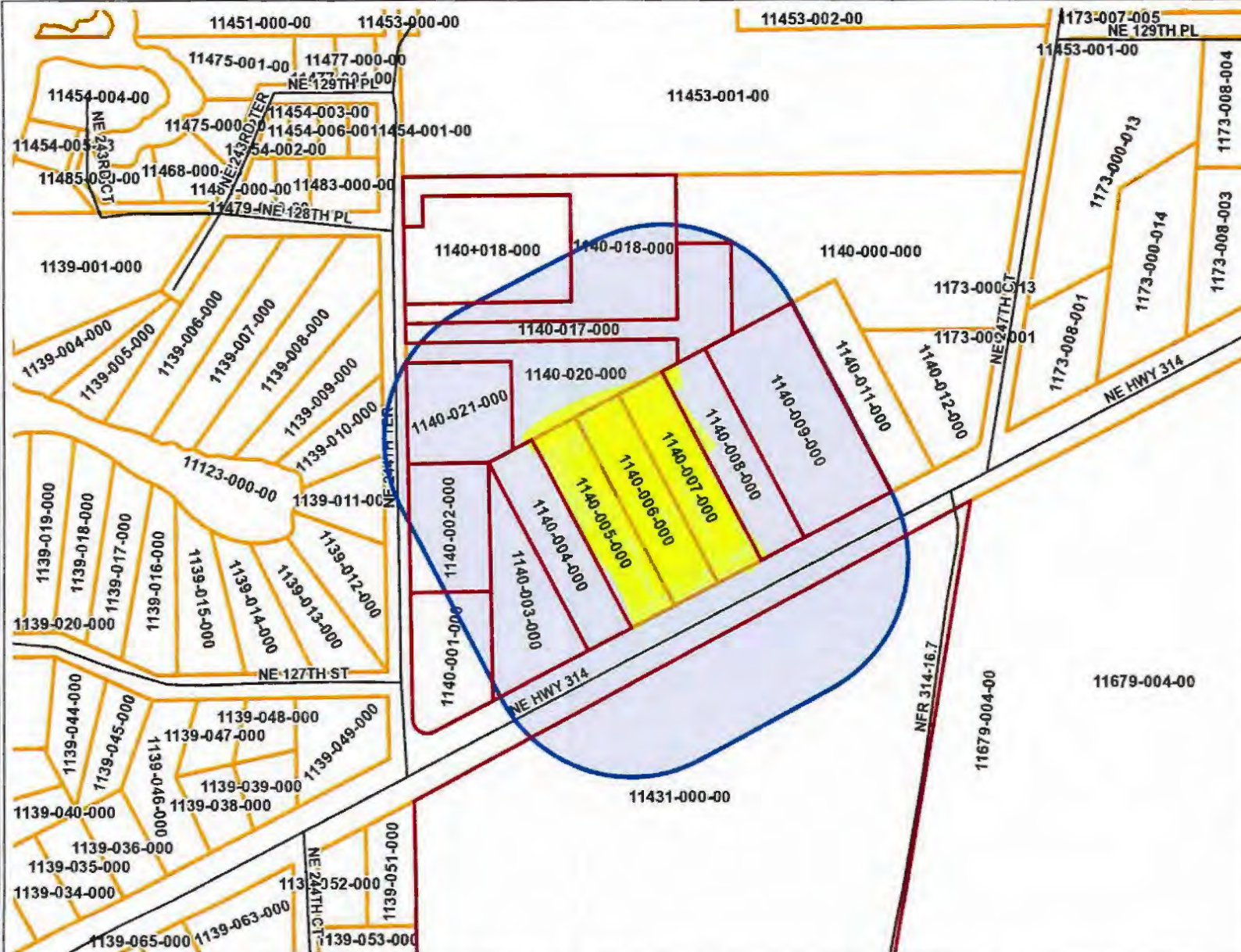
1 in = 0.06 Miles



Notes

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

Creation Date: 6/14/2021



0.1	0	0.06	0.1 Miles
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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.