



MARION COUNTY GROWTH SERVICES

Date: 7/28/2021

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

Amendment No:
2021-S04
[CDP-AR# 26879]

Type of Application
Small-Scale Comp Plan
FLUM Amendment

Request: Future Land
Use Designation Change
From: Public
To: Commercial

Concurrent Zoning
Case: 20210803Z

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

Parcel #/Acreage:
48402-000-00/±0.62 ac.
of ±5.49 ac.

Owners: Gregory S. and
Debra C. Martin

Applicant: Robert W.
Batsel, Jr., Esq.

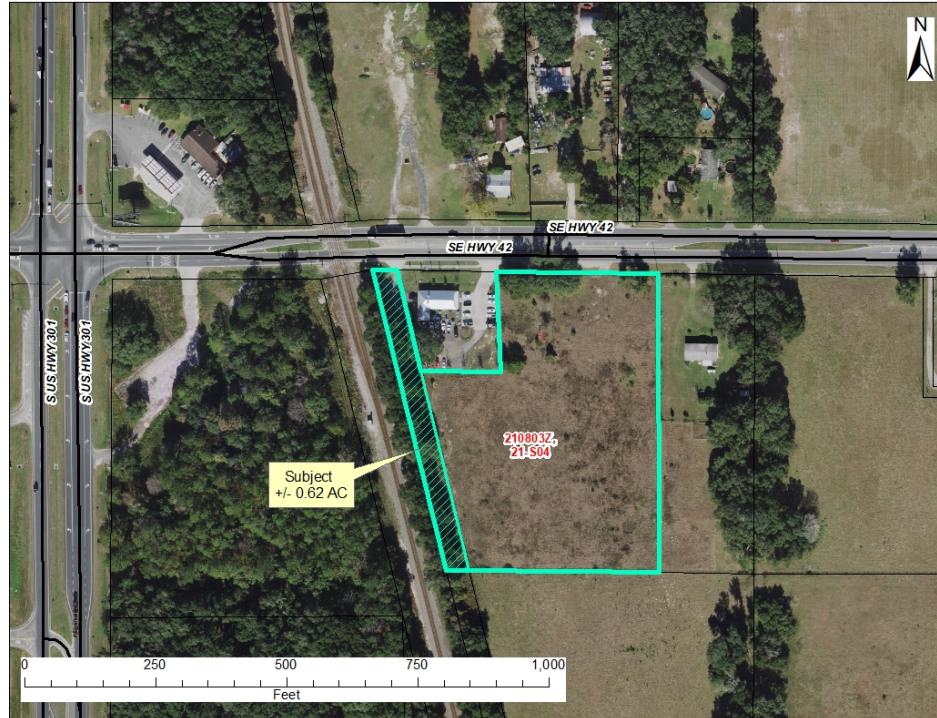
Location:
Part of 6910 SE Hwy 42;
along west side of the
CSX Rail Road, south of
SE Hwy 42.

Staff Recommendation:
APPROVAL

P&Z Recommendation
APPROVAL
(ON CONSENT)

Project Planner
Christopher D. Rison,
AICP, Senior Planner

Existing Use:
Vacant



SUMMARY

Staff is recommending **Approval** to amend the future land use designation for ±0.62 acres of a ±5.49 acre parcel from Public to Commercial. The request will unify the full property under a single future land use designation.

LOCATION

The site is part of 6910 SE Hwy 42 and is a strip of land immediately east of the CSX Railroad immediately south of SE Hwy 42.

BACKGROUND/EXISTING CONDITIONS

The subject property is a strip of land located between the CSX Railroad and two currently Commercial designated properties, including the overall property that includes the subject property. The subject property was previously owned by the Florida Department of Transportation (FDOT) that sold the holding to the current owner (3/2021) who joined the site with their overall property holding to the east. This request is to modify the subject property's future land use designation to match the future land use designation of the overall property and adjoining Commercial designated property to the east.

The future land use designations for areas to the north and west are also Commercial. The property to the south is Public, reflecting the FDOT's ownership of the overall strip of land. A companion Rezoning Application (20210803Z) has been submitted for this subject property, and that application is dependent upon obtaining approval of this application.

<p>Code Enforcement Action: None current; 2015 unsafe structure that was demolished.</p> <p>Development Eligibility for Commercial Use:</p> <p>CURRENT: Public - ±0.62 AC (None, accessory to public use)</p> <p>PROPOSED: Commercial ±0.62 ac. @ 1 FAR = 27,007 SF</p>	<p>North of the site, across SE Hwy 42, the area includes a former commercial property and residence with Commercial future land use designation and B-5 (Heavy Business) zoning. East of the site is the owner's property and the Artman's BBQ restaurant that have a Commercial future land use designation and B-2 (Community Business) zoning. South of the site is a parcel currently held by FDOT with a Public future land use designation and an A-1 (General Agriculture) zoning. West of the site, across the active railroad line, is a vacant property with a Commercial future land use designation and B-4 (Regional Business) zoning.</p> <p>The requested Commercial land use designation will establish a similar land use to that as exists to the east on an adjoining site, while unifying the overall property under a single land use designation and eliminating the Public land use designation that reflected the prior FDOT ownership.</p> <p>PUBLIC FACILITIES AND SERVICES</p> <p>Environmental: The subject property currently includes forested areas appearing to overlap with the CSX Railroad. No flood plain or flood prone areas are present on the site or vicinity. Listed Species may be present as the site is a linear strip along the railroad. The <i>Soil Survey of Marion County, Florida</i>, indicates Kendrick soils are present considered well drained, slowly to moderately slowly permeable soils. Environmental Assessment for Listed Species, along with stormwater and floodplain analysis, is required for all development proposals to address how any such factors will be managed consistent with local, state, and federal requirements.</p> <p>School Facilities: The proposed land use change could potentially affect school capacities if residentially developed; however given the request, the companion rezoning application, and site's physical configuration, staff does not anticipate residential development of the subject property. Further, depending on the final development proposal, a student population may not result from part of the resulting development.</p> <p>Public Safety: The County's Villages Fire Station #10 is located ±1.35 miles east of the site at 8220 SE 165th Mulberry Lane, while the Sheriff's North Multi-District Office is located ±1.4 miles to the east at 8230 SE Mulberry Lane. Limited public system hydrants are currently located within the area; however 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.</p> <p>Potable Water & Sanitary Sewer: The site is in the Marion County's SE Regional Utility Service Area and services are located within the vicinity. Based on the gross ±0.62 acres at maximum development, demand for potable water may increase up to 1,705 gallons per day (GPD), while sanitary sewer demand may increase up to 1,240 GPD. Marion County Utilities has indicated that such volumes are readily available for such capacity needs.</p> <p>Development of the site will require centralized utility services, which are available from the Marion County's SE Regional Utilities Systems based at Stonecrest.</p> <p>Stormwater/Drainage: The site is not affected by designated flood plain for 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</p>
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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 will likely not be potentially impacted by the proposed amendment; however, as noted under the School Facilities analysis, full residential development of the site will not significantly increase the number of potential dwelling units. Further, Marion County has 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 use the Baseline Landfill until 2020 when it is projected to close. A long-term contract reserving capacity with a private landfill in Sumter County is in place for use when determined necessary by the County. Further, the County continues to pursue recycling opportunities and other avenues to address solid waste needs based on existing and projected conditions.

Transportation: SE Hwy 42 is a paved 4-lane designated county urban collector roadway located within a substandard right-of-way width for its roadway designation type. For SE Hwy 42, the 2020 annual traffic count is 14,100 trips.

Amendment 20-S04 was analyzed using the Institute of Transportation Engineers (ITE) Trip Generation Handbook, 10th Edition and/or the Marion County 2015 Transportation Impact Fee Schedule as based on the ITE Trip Generation Handbook, 9th Edition. The proposed ± 0.62 acres has the potential to generate a maximum amount of approximately 1,129 daily trips and 517 PM peak hour trips based on a fully developed "general retail" use of 27,007 sq. ft. (1.00 Floor Area Ratio (FAR)).

The combination of the existing 14,100 trips and the Amendment's potential 1,129 trips will result in a potential trip count of 15,229 trips, complying with the level of service standard "D" accommodating 35,820 daily trips for W. Hwy 40.

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 21-S04** 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 – July 26, 2021:

The Planning & Zoning Commission recommends **APPROVAL** of **20-S04** 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 – August 17, 2021:

The Board of County Commissioners acted to _____ **20-S04** 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 FUTURE LAND USE DESIGNATION



LEGEND

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

PROPOSED FUTURE LAND USE DESIGNATION



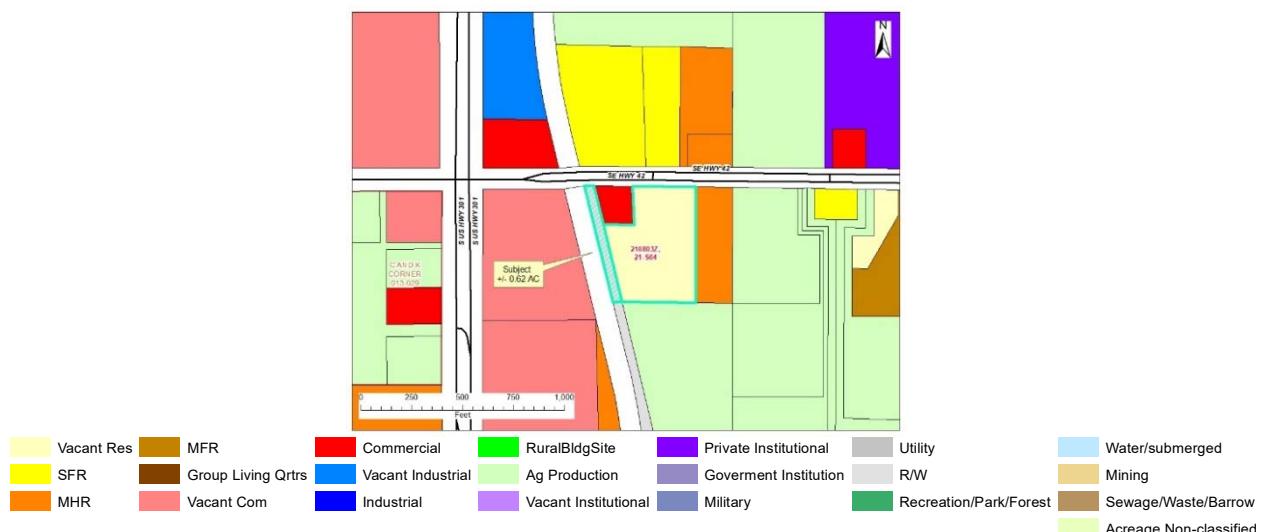
CURRENT ZONING



ZONING DISTRICTS

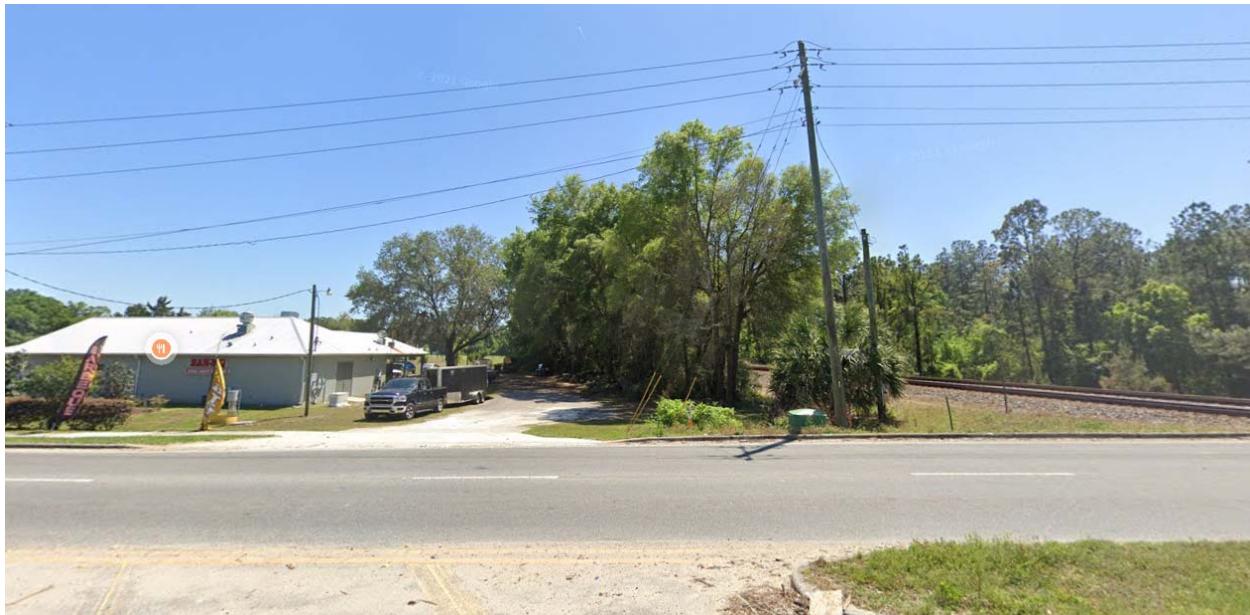
A-1 General Agriculture	R-2 One-and Two-Family Dwelling	RR Recreational Resort	B-4 Regional Business	I-C Industrial Complex
A-2 Improved Agriculture	R-3 Multiple Family Dwelling	RAC Rural Activity Center	B-5 Heavy Business	G-U Government Use
A-3 Residential Agricultural Estate	R-4 Residential Mixed Use	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	

EXISTING PROPERTY USE PER MARION COUNTY PROPERTY APPRAISER'S PROPERTY USE CODE



100-YR FEMA FLOOD ZONE AND MARION COUNTY FLOOD PRONE AREAS





View of north end of the “strip” at Hwy 42 along the east side of the railroad right-of-way.

Aerial: 21-S04, 210803Z



0 100 200 300 400
Feet



Existing Land Use Designation 21-S04, 210803Z



Use per MC Property Appraiser		OWNER(S): Gregory S. and Debra C. Martin
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): Gregory S. and Debra C. Martin

AGENT: Robert W. Batsel, Jr., Esquire

PARCEL(S): 48402-000-00

Marion County, Florida
IN GOD WE TRUST

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	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

21-504

AR# 26879

PA# 48402-000-00

(w/ 2108033)



Marion County
Board of County Commissioners
Growth Services
2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

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

Staff Use Only: Case # 21-504

PLEASE CHECK THE APPROPRIATE APPLICATION TYPE BELOW:

LARGE-SCALE MAP AMENDMENT <input type="checkbox"/>	SMALL-SCALE MAP AMENDMENT <input checked="" type="checkbox"/>
TEXT AMENDMENT <input type="checkbox"/>	TEXT AMENDMENT <input type="checkbox"/> <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.)

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
48402-000-00	30-17-23	0.62	Public	Commercial
		"Portion of" 5.49 ac.		

CONTACT INFORMATION (NAME, ADDRESS, PHONE NUMBER, FAX AND EMAIL)	
Property owner/applicant	Authorized agent (if not the owner/applicant)
Gregory S. Martin and Debra C. Martin / 555 Winderley Place, Suite 415 Maitland, FL 32751 Phone: (407) 660-4488 x206 Email: gsm@martinhild.com	Robert W. Batsel, Jr., Esq. Gilligan, Gooding, Batsel, Anderson & Phelan, P.A. 1531 SE 36th Avenue Ocala, FL 34471 Phone: (352) 867-7707 Email: rbatsel@ocalalaw.com

Staff Use Only: Application Complete - Yes Received: Date 6/2/21 Time _____ : _____ a.m. / p.m. Page 1 of 3

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

Revised 01/09/2020

EXISTING USE OF SITE:

Public:

The subject property was previously owned by FDOT and historically served as a service road for access to the adjacent CSX railroad line.

PROPOSED USE OF SITE (IF KNOWN):

Commercial:

The subject property is anticipated to be used as a medical office/plaza or any permissible intended use under Section 4.2.18 - Community Business (B-2) classification.

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

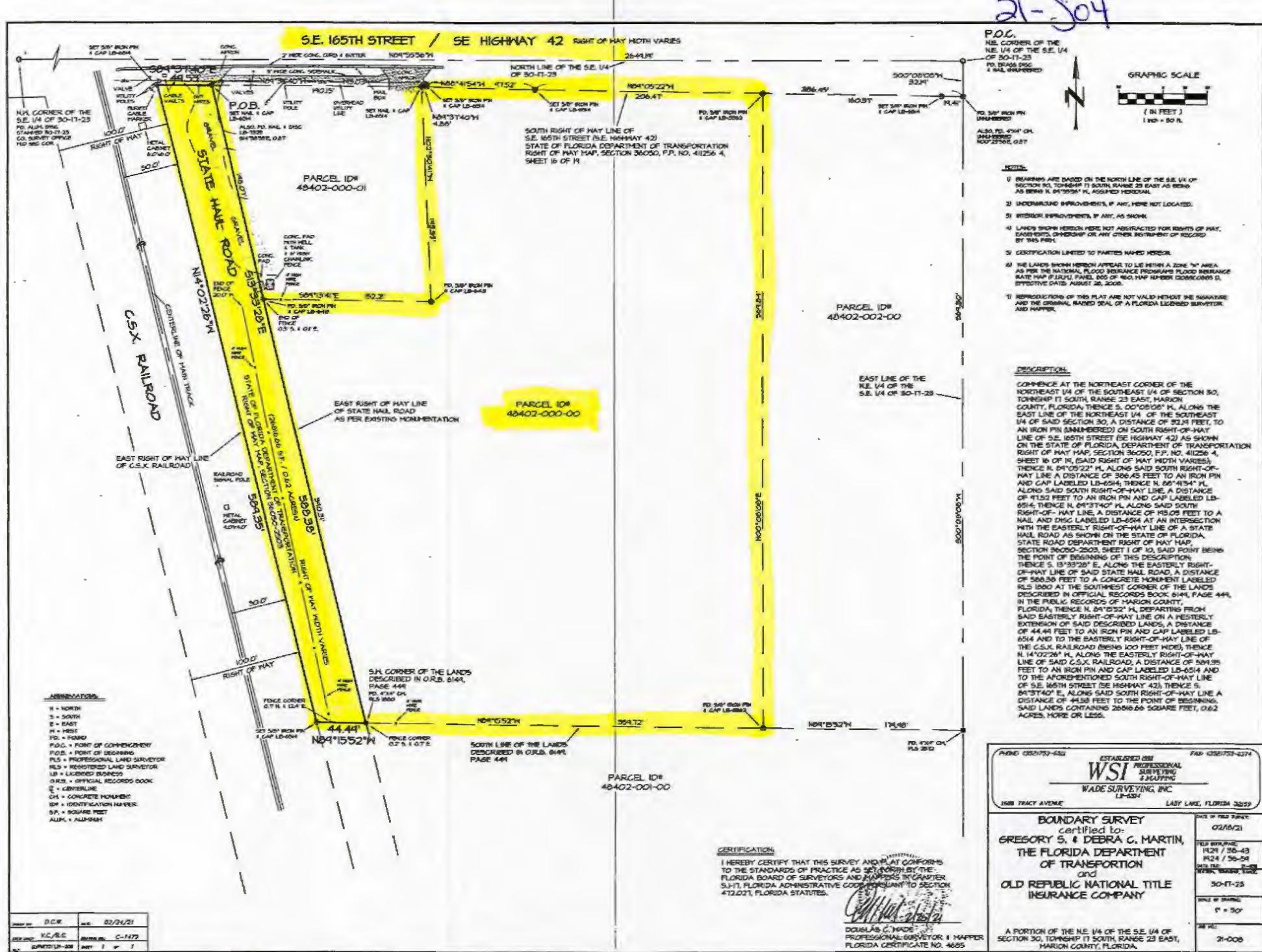
Well <u>X</u>	Centralized water <u> </u>	Provider <u> </u>	Owner <u> </u>
Septic <u> </u>	Centralized sewer <u>X</u>	Provider <u> </u>	Marion County

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

From Belleview, travel south on US 301 to the intersection of US 301 and SE Hwy 42, turn left (east bound).

Property is, other than corner out Parcel (see attached Map), the first Parcel on the south side of Hwy 42 immediately east of the railroad tracks. The subject property lies along the railroad tracks and was the old CSX service road previously owned by FDOT.

21-304

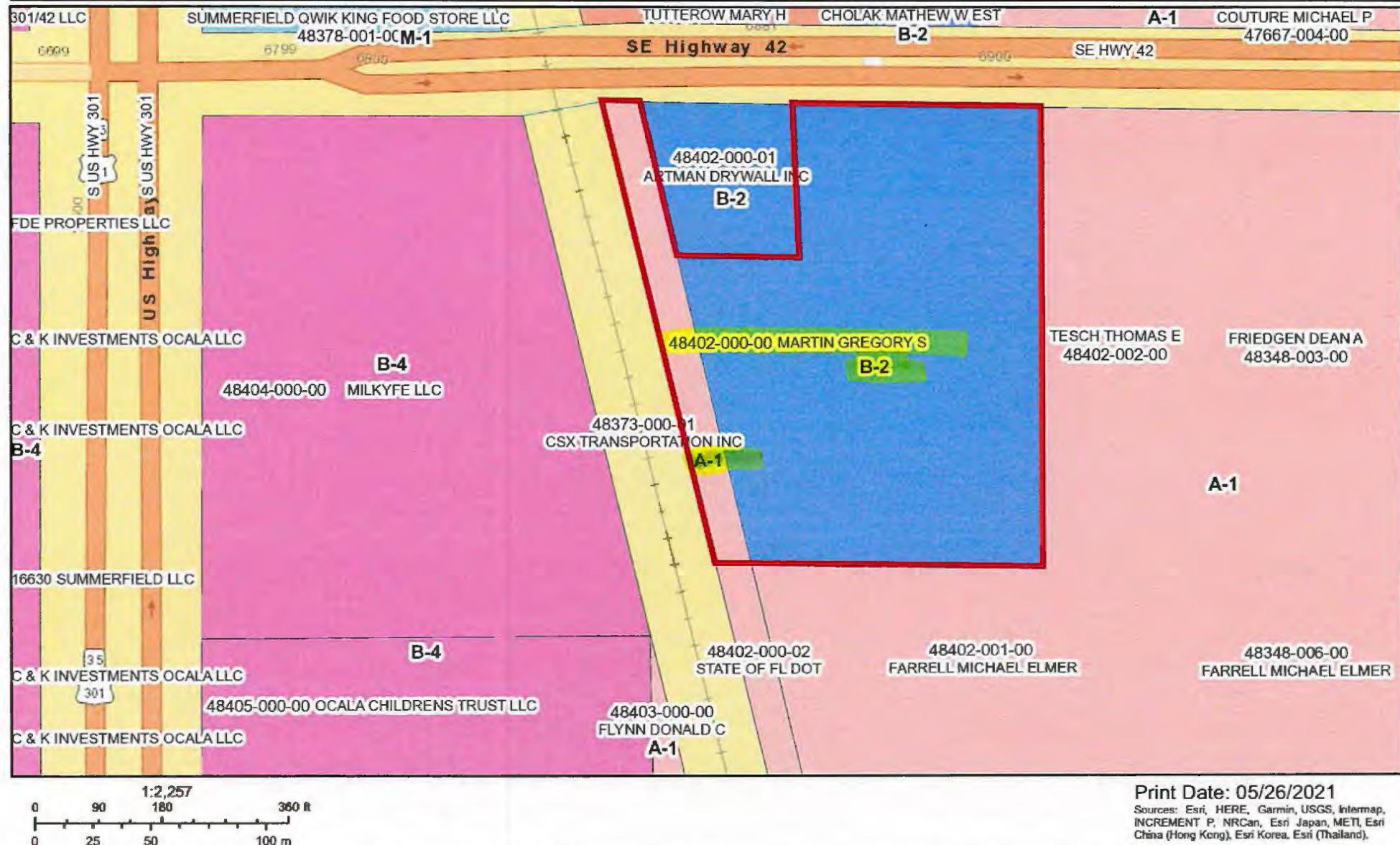




Jimmy H. Cowan, Jr., CFA

Marion County Property Appraiser

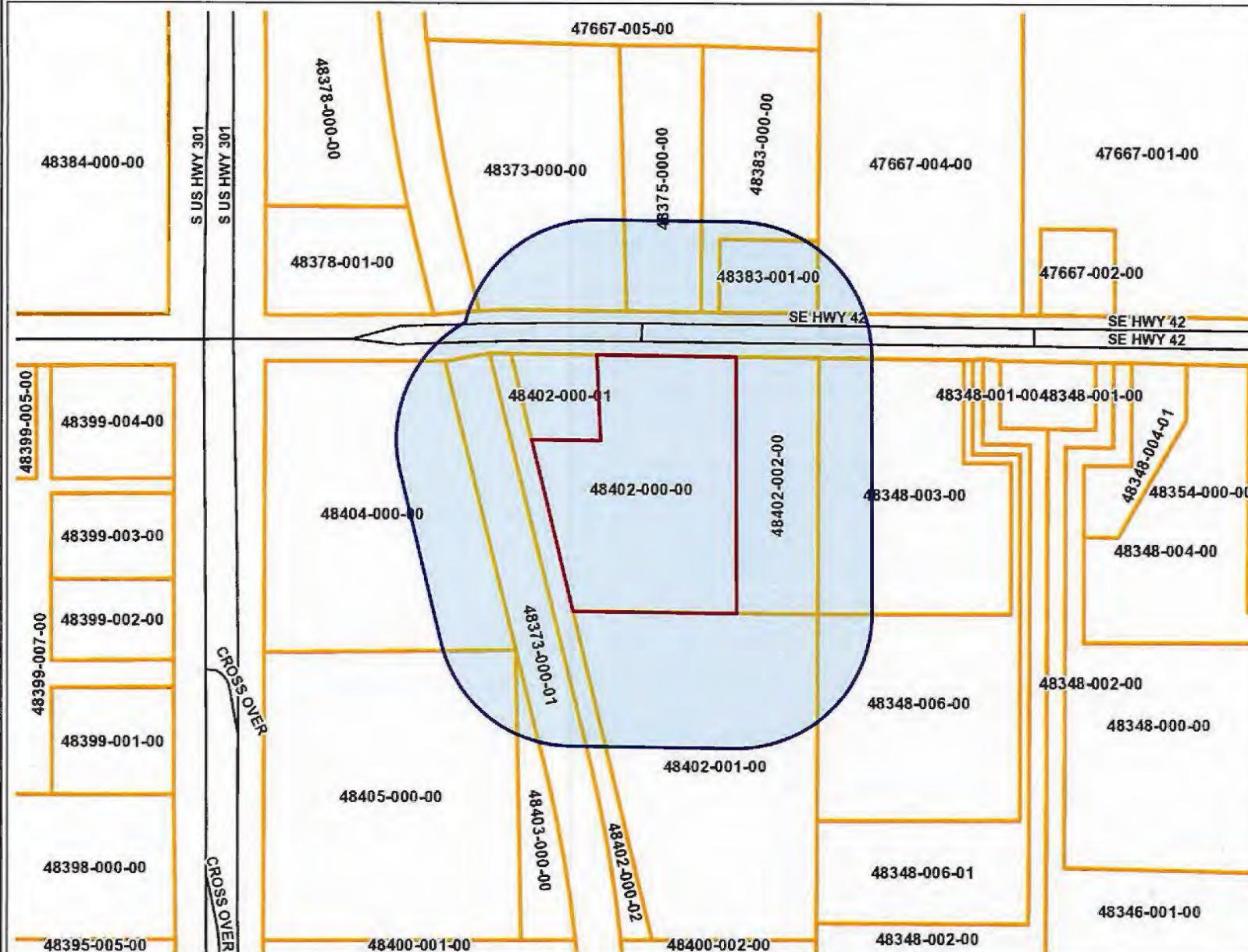
Last Updated: 05/21/2021



Print Date: 05/26/2021

Sources: Esri, HERE, Garmin, USGS, Intermap, 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.



Legend

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

1: 3.98

1 in = 0.06 Miles



Notes

AGENT: ROBERT W. BATSEL, JR., ESQ.
C/O: Gilligan, Gooding, Batsel, Anderson &
Phelan, P.A.

0.1 Miles

Created By: dn

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