



Marion County Board of County Commissioners

Growth Services ■ Planning & Zoning

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

APPLICATION COMPLETE DATE COMPLETED 5/30/24 INITIALS [initials] TENTATIVE MEETING DATES P&Z PH 7/29/24 BCC/P&Z PH 8/20/24

RECEIVED

MAY 29 2024

Marion County Growth Service

APPLICATION FOR REZONING

Application No.: _____

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-4 to RC-1, for the intended use of:

landscape contractor's yards

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

Parcel account number(s): 08465-001-03

Property dimensions: 433 x 302 (less SW 102 x 230) Total acreage: 2.45ac

Directions: West on E Silver Springs 2.2 miles, then turn north on 301/441, travel north 10.2 miles, turn right onto NW 127th St, destination is on left.

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

Robert Gifford & Julie Anderson Gifford, husband and wife

Property owner name (please print)

2055 NW 120th Pl

Mailing address

Anthony, FL 32617

City, state, zip code

954-326-0114

Phone number (please include area code)

Austin @ Klein and Klein P.C. Com

Klein & Klein, LLC (Austin T. Dailey, Esq.)

Applicant or agent name (please print)

40 SE 11th Ave

Mailing address

Ocala, FL 34471

City, state, zip code

352-732-7750

Phone number (please include area code)

DocuSigned by:

[Signature]

Signature

DocuSigned by:

[Signature]

DocuSigned by:

Austin T. Dailey

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: EM DATE: 5/29/2024 ZONING MAP NO.: 174

Rev. 01/11/2021

PROJECT: 2024050089 AR: 31613

KLEIN & KLEIN, LLC

HARVEY R. KLEIN (1922-2003)
H. RANDOLPH KLEIN
FRED N. ROBERTS, JR.
LAWRENCE C. CALLAWAY, III
AUSTIN T. DAILEY
ETHAN A. WHITE

Attorneys at Law
40 SE 11th Avenue
Ocala, Florida 3447

PHONE (352) 732-7750
FAX (352) 732-7754

May 28, 2024

VIA HAND DELIVERY

Marion County Board of County Commissioners
C/o – Planning & Zoning
2710 E. Silver Springs Blvd.
Ocala, FL 34470

Re: ***Rezoning Request B-4 to RC-1***
Property ID: 08465-001-03

Dear Commissioners:

This firm represents Mr. and Mrs. Gifford, the owners of the above-referenced land. This letter is being submitted together with a rezoning application submittal. The zoning change being requested is from B-4 to RC-1.

The subject parcel currently has a Rural Land (RL) future land use designation, which is not compatible with the B-4 “Regional Business” zoning classification currently assigned to the property. The subject parcel is currently undeveloped, and the owners would like to develop the property into a landscape contractor’s yard (the “Proposed Use”). The Proposed Use is a *Permitted Use* under B-4, but due to the conflicting land use and zoning classifications, either the land use must be changed to become compatible with the B-4 zoning (ie. Commercial or Employment Center), or the zoning must be changed to conform to the land use (ie. A-1, A-2, A-3, RC-1). This property has had B-4 zoning since at least 1986 (a rezoning request from B-4 to B-5 was filed 8/25/1986 according to the Marion County Interactive Map, and no applications for changes appear to have been filed since).

The parcel is ~2.45ac which is too small for most agricultural uses and zoning classifications, however, RC-1 has no lot size minimums, and would allow for uses consistent with the Rural Land future land use designation set for this area, while still affording the landowners the ability to make use of their property. Given the size and location of the property, and the historical reluctance of staff and the Commission to approve ‘islands’ of land use classifications more intense than their surroundings (which this would be), our request is to change the zoning from B-4 to RC-1. RC-1 zoning would bring the parcel into conformity as to land use and zoning, would eliminate the need for an increase in future land use intensity/density, and would allow the landowners to utilize their property consistent with a commercially zoned property located within Rural Lands.

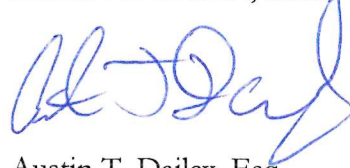
Attachment A

Sec 4.2.23 of the Marion County Land Development Code states that “All undeveloped commercial parcels located in the Rural Lands shall rezone to this reclassification prior to applying for development approval.” The owners of the above referenced property would like to develop their property, and request that they be granted RC-1, which is consistent with the Marion County Comprehensive Plan, the Marion County LDC, and which is a zoning classification specifically designated for this exact type of property.

If you should have any questions, please let me know.

Very truly yours,

KLEIN & KLEIN, LLC



Austin T. Dailey, Esq.

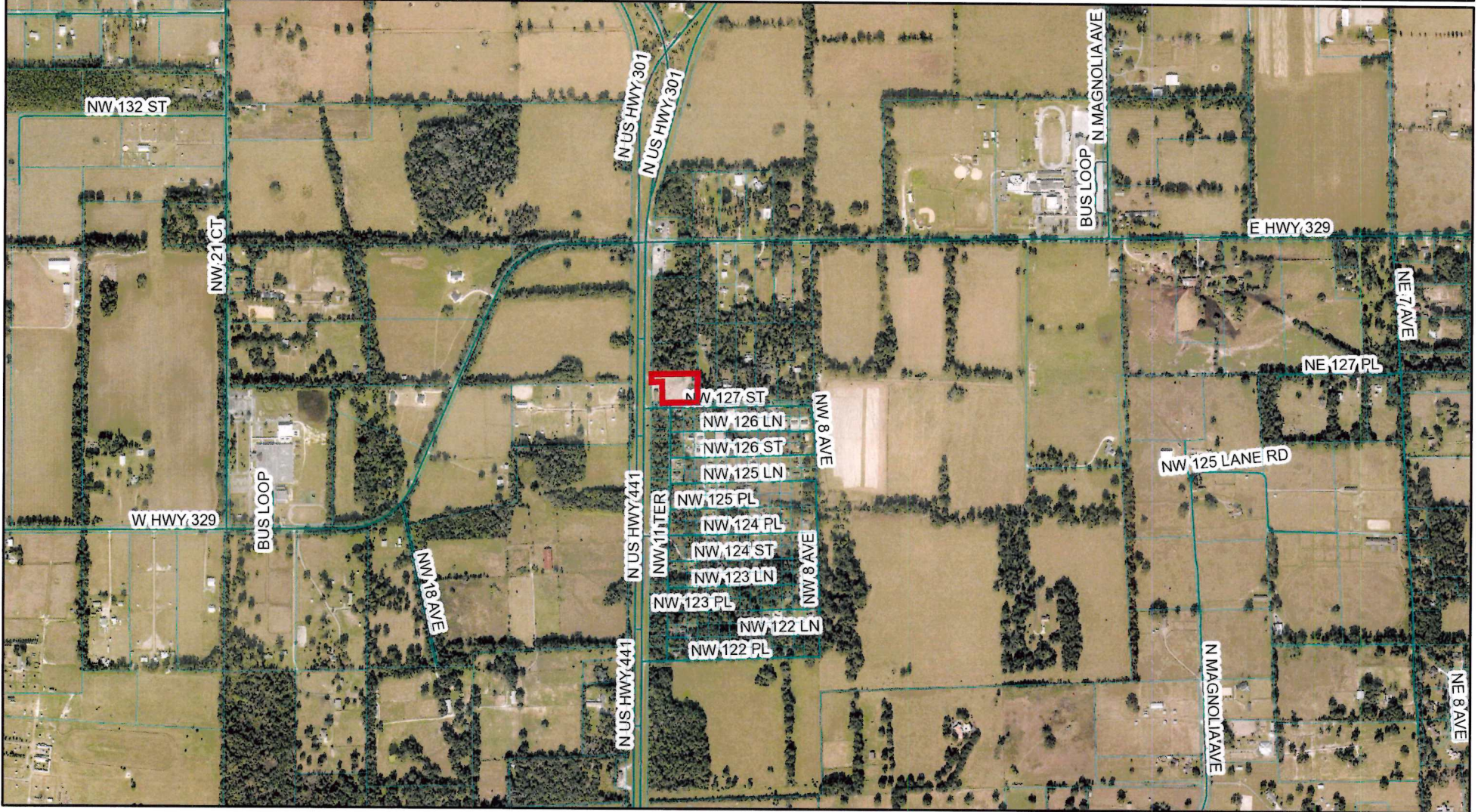
ATD/lvp

Enc. As noted above



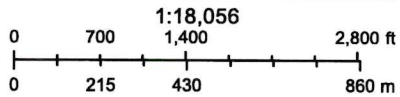
Jimmy H. Cowan, Jr., CFA
Marion County Property Appraiser

Updated every 24 hours



[Map Title]

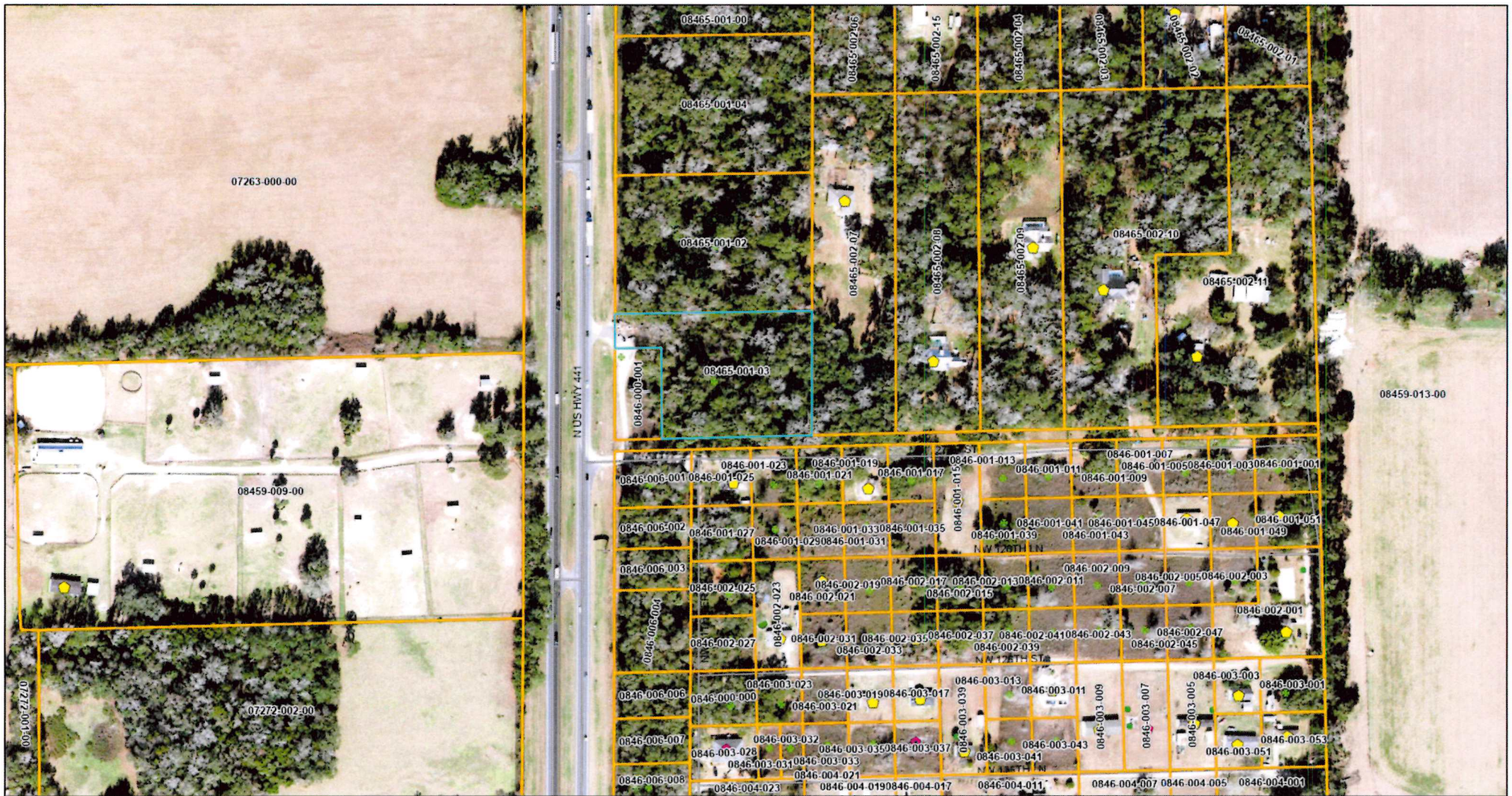
5/28/2024
Marion County Property Appraiser
Marion County, FL



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.

Attachment A

MCBCC Interactive Map - Internal

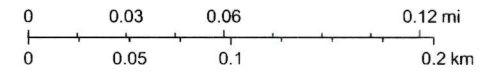


5/29/2024, 3:25:53 PM

1:2,866

- Parcels Labels
- Parcels
- Address Points
- Structure - Addressed
- No Address
- In-Office Use Only
- Vacant with Address
- Marion County
- County Road Maintenance
- Not Maintained
- Not Maintained
- Streets

- Aerial2023
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Marion County IT GIS Team, Marion County Property Appraiser, Esri Community Maps Contributors, Marion County Property Appraiser, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,

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

ZONING CHANGE APPLICATION FINDINGS OF FACTS

- 1) Provision for ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
 - a) Ingress and egress shall be handled during the site plan phase. It is anticipated that traffic will use NW 127th St.
- 2) Provision for off-street parking and loading areas, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the proposed used on adjoining properties and properties generally in the surrounding area.
 - a) Off-street parking and loading will be situated as far away from adjacent residential uses as possible, likely along the north half of the property.
- 3) Provisions for refuse and service area, with particular reference to the items in (1) and (2) above.
 - a) Same as answer 2 above.
- 4) Provision for utilities, with reference to locations, availability and compatibility.
 - a) Well and septic, all nearby developed parcels appear to be on well and septic.
- 5) Provision for screening and buffering of dissimilar uses and of adjacent properties where necessary.
 - a) Screening in accordance with LDC requirements
- 6) Provision for exterior lighting with consideration given to glare, traffic safety, economic effects and compatibility and harmony with properties in the surrounding area.
 - a) Exterior lighting will comply with code requirements.
- 7) Provision for general compatibility with adjacent properties and other property in the surrounding area.
 - a) Surrounding area has Rural Land Use FLU, the majority of which is non-conforming as to lot dimensions and density per acre. This property fronts on 441/301, and is adjacent to a Clear Channel billboard
- 8) Provision for meeting any special requirements required by the site analysis for the particular use involved.
 - a) Special requirements under the LDC will be met in site plan process.



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

501 SE 25th Avenue, Ocala, FL 34471 Telephone: (352) 368-8300 Fax: (352) 368-8336

2024 Property Record Card
Real Estate

08465-001-03

Prime Key: 1977380

[Beta MAP IT+](#)

Current as of 5/29/2024

[Property Information](#)

GIFFORD ROBERT
GIFFORD JULIE ANDERSON
2055 NE 120TH PL
ANTHONY FL 32617-2737

[Taxes / Assessments:](#)

Map ID: 174

[Millage:](#) 9001 - UNINCORPORATED

[M.S.T.U.](#)

[PC: 10](#)

Acres: 2.45

[2023 Certified Value](#)

Land Just Value	\$30,870		
Buildings	\$0		
Miscellaneous	\$0		
Total Just Value	\$30,870		
Total Assessed Value	\$14,131	Impact	(\$16,739)
Exemptions	\$0	Ex Codes:	
Total Taxable	\$14,131		
School Taxable	\$30,870		

[History of Assessed Values](#)

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2023	\$30,870	\$0	\$0	\$30,870	\$14,131	\$0	\$14,131
2022	\$30,870	\$0	\$0	\$30,870	\$12,846	\$0	\$12,846
2021	\$26,240	\$0	\$0	\$26,240	\$11,678	\$0	\$11,678

[Property Transfer History](#)

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
8121/1515	08/2023	07 WARRANTY	4 V-APPRAISERS OPINION	Q	V	\$175,000
3092/0877	01/2002	05 QUIT CLAIM	7 PORTIONUND INT	U	V	\$100
2940/0214	04/2001	61 FJDGMNT	0	U	V	\$100
2610/1231	02/1999	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	\$29,900
2035/1507	04/1994	10 FORECLS	2 V-SALES VERIFICATION	U	V	\$21,400
1584/0150	06/1989	07 WARRANTY	4 V-APPRAISERS OPINION	Q	V	\$29,900

[Property Description](#)

SEC 30 TWP 13 RGE 22
PLAT BOOK UNR
301/441 COMMERCIAL SUB TRACT E AKA
COM N 1/4 COR OF SECTION 30 S 00-38-31 E ALG ELY LINE OF NW

Attachment A

1/4 25.07 FT TO S ROW OF CR 329 W 1066.22 FT S 00-48-49 W
 1214.04 FT TO POB S 00-48-49 W 301.58 FT TO N ROW OF
 POINCIANA ST S 89-26-40 W 321.95 FT N 89-29-48 W 8.63 FT TO
 E BDY OF SW 1/4 OF NW 1/4 N 00-29-13 E 230.26 FT S 89-32-38
 W 101.58 FT TO E ROW OF US HWY 301, 441 N 01-03-13 E 74.76
 FT N 89-56-49 E 433.08 FT TO POB

Land Data - Warning: Verify Zoning

Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class	Value	Just Value
1000		75.0	433.0	B4	2.45	AC							
9994		214.0	.0	B4	1.00	UT							

Neighborhood 0851 - DEEP WOODS NORTH +
 Mkt: 8 70

Miscellaneous Improvements

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width
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Appraiser Notes

08 TRIM RET'D - CHGD TO SITUS OF OTHER PARCEL

Planning and Building

** Permit Search **

Permit Number	Date Issued	Date Completed	Description

Attachment A

Prepared by and return to:

Brenda L. Buta
First National Title & Escrow
1100 Aquidneck Avenue
Middletown, RI 02842
(401) 847-3080
File No 1489-FL-23

Parcel Identification No 08465-001-03

[Space Above This Line For Recording Data]

WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the 10th day of August, 2023 between Doyle Kevin Shamblin a/k/a Kevin D. Shamblin, a single man, whose post office address is 12820 Northeast 105th Street, Fort McCoy, FL 32134, of the County of Marion, State of Florida, Grantor; to Robert Gifford and Julie Anderson Gifford, husband and wife, whose post office address is 2055 Northeast 120th Place, Anthony, FL 32617, of the County of Marion, State of Florida, Grantees:

Witnesseth, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Marion, Florida, to-wit:

LOT E, OF 301, 441 COMMERCIAL SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 30, TOWNSHIP 13 SOUTH, RANGE 22 EAST, THENCE S 00°38'31" E ALONG THE EASTERLY LINE OF THE NW 1/4 OF SAID SECTION 30, A DISTANCE OF 25.07 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 329 (BEING A 50 FOOT RIGHT OF WAY); THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 1066.22 FEET; THENCE S 00°48'49" W, A DISTANCE OF 1214.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00°48'49" W A DISTANCE OF 301.58 FEET TO THE NORTH RIGHT OF WAY LINE OF POINCIANA STREET (BEING A 25 FOOT RIGHT OF WAY); THENCE S 89°26'40" W, ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 321.95 FEET; THENCE N 89°29'48" W ALONG ABOVE SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 8.63 FEET TO THE EAST BOUNDARY OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 30; THENCE N 00°29'13" E ALONG SAID EAST BOUNDARY LINE A DISTANCE OF 230.26 FEET TO THE NORTH BOUNDARY OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 30; THENCE S 89°32'38" W ALONG SAID NORTH BOUNDARY LINE A DISTANCE OF 101.58 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 301, 441 (BEING A 200 FOOT RIGHT OF WAY); THENCE N 01°03'13" E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 74.76 FEET; THENCE N 89°56'49" E A DISTANCE OF 433.08 FEET TO THE POINT OF BEGINNING TO CLOSE: CONTAINING 2.46 ACRES IN SECTION 30, TOWNSHIP 13 SOUTH, RANGE 22 EAST, MARION COUNTY, FLORIDA.

GRANTOR HEREBY CERTIFIES THAT THE ABOVE-DESCRIBED PROPERTY IS NOT HIS CONSTITUTIONAL HOMESTEAD AS MADE AND PROVIDED BY THE LAWS OF THE STATE OF FLORIDA AND IS NOT NOW AND NEVER HAS BEEN CONTIGUOUS TO GRANTOR'S HOMESTEAD

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2023 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantor hereby covenants with the Grantees that the Grantor is lawfully seized of said land in fee simple, that Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Attachment A

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
WITNESS

PRINT NAME: DAVID LAURIANO GONZALEZ

[Signature]
Doyle Kevin Shamblin a/k/a Kevin D. Shamblin

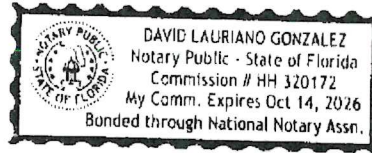
[Signature]
WITNESS
PRINT NAME: Jorge Sousa

STATE OF Florida
COUNTY OF Marion

On this 10 day of August, 2023, before me, the undersigned notary public, personally appeared Doyle Kevin Shamblin a/k/a Kevin D. Shamblin, personally known to the notary or proved to the notary through satisfactory evidence of identification, which was Drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to the notary that he (she) signed it voluntarily for its stated purpose.

[Signature]
Notary Public Signature
DAVID LAURIANO GONZALEZ

Seal:



Attachment A

SEC 30 TWP 13 RGE 22

PLAT BOOK UNR

301/441 COMMERCIAL SUB TRACT E AKA

COM N 1/4 COR OF SECTION 30 S 00-38-31 E ALG ELY LINE OF NW

1/4 25.07 FT TO S ROW OF CR 329 W 1066.22 FT S 00-48-49 W

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W 101.58 FT TO E ROW OF US HWY 301, 441 N 01-03-13 E 74.76

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