



# Marion County Board of County Commissioners

Date: 10/4/2021

P&Z: 9/27/2021 BCC: 10/19/2021

**Item Number**  
**211015Z**

**Type of Application**  
Rezoning

**Request**  
**From:** B-2, Community Business(portion)  
**To:** A-1, General Agriculture

**Concurrent Land Use Amendment:**  
None

**Owner/Applicant**  
Elmer Wayne Cates Trust/ Nathan Garcia

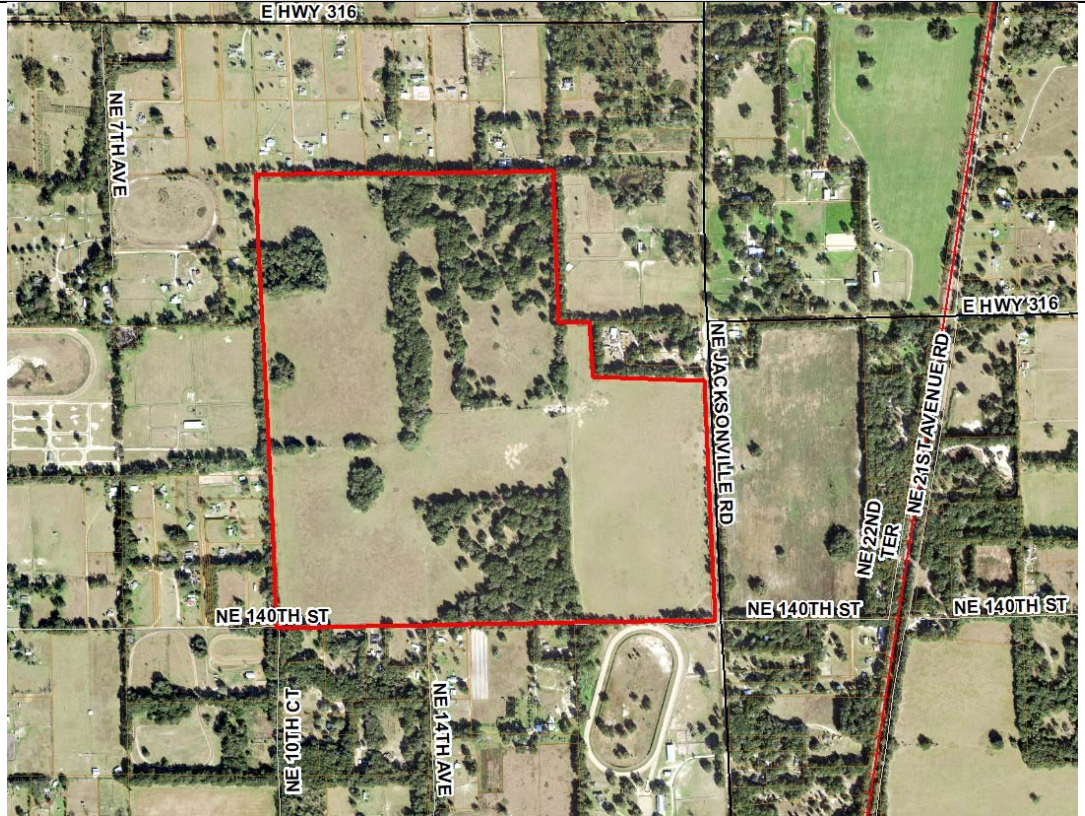
**Parcel #/Acreage**  
07700-000-00/ 8.5 ac  
portion of 308 ac

**Future Land Use**  
Rural

**Staff Recommendation**  
Approval

**P&Z Recommendation:**  
Approval  
(ON CONSENT)

**Project Planner**  
Kenneth Weyrauch,  
Sr. Planner



## Item Summary

Staff is recommending **Approval** of the rezoning request from B-2, Community Business, to A-1, General Agriculture. The request was made in accordance with Land Development Code (LDC) Sec. 2.7.1, Zoning Change. The B-2 portion makes up approximately 8.5 acres out of the 308 acre parcel. Staff is recommending approval of the rezoning because the requested zoning is consistent with the Land Use and consistent with the long-term plan for this area.

## Location

The subject properties are located on NE Jacksonville Rd, just south of HWY 316.

## Public Notice

Notice of the public hearing was mailed to 37 property owners within 300 feet of the subject properties. No oral or written comments in opposition have been received at the time of this report's distribution.

## Background

## Analysis

The subject property is a mixture of A-1, General Agriculture and B-2, Community Business with Rural Land Use. The B-2 zoning is not consistent with the Rural Land Use and would need to undergo a zoning change before being developed. The applicant is requesting to change the zoning of the B-2 portion of this property to create a consistent A-1 zoned property. The request was routed for comment by DRC Staff and there were no concerns or issues with the zoning change.

In reaching its decision, the Board of County Commissioners shall find that the following exist:

1. **Granting the proposed Rezoning will not adversely affect the public interest.** The proposed rezoning is consistent with the surrounding area and will not adversely affect the public interest.
2. **The proposed Rezoning is consistent with the current Comprehensive Plan.** The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates this property Rural Land. The subject property's request for A-1, General Agriculture, is consistent with the land use and consistent with the Marion County Comprehensive Plan.
3. **The proposed Rezoning is compatible with land uses in the surrounding area.** The area surrounding the subject properties is mostly undeveloped rural and agricultural properties on Rural Land. Allowing the subject properties to re-zone to agriculture is consistent with the surrounding area and the long-term plan for the area.

The following table summarizes adjacent future land use designation, zoning districts, and existing uses:

ADJACENT PROPERTY CHARACTERISTICS			
Direction	Future Land Use Designation	Zoning	Existing Use per MCPA Property Code
North	Rural	A-1, General Agriculture/B-5, Heavy Business	Residential and Ag Production
South	Rural	A-1, General Agriculture	Residential
East	Rural	A-1, General Agriculture B-2, Community Business	Ag Production
West	Rural	A-1, General Agriculture	Residential and Ag Production

## Infrastructure

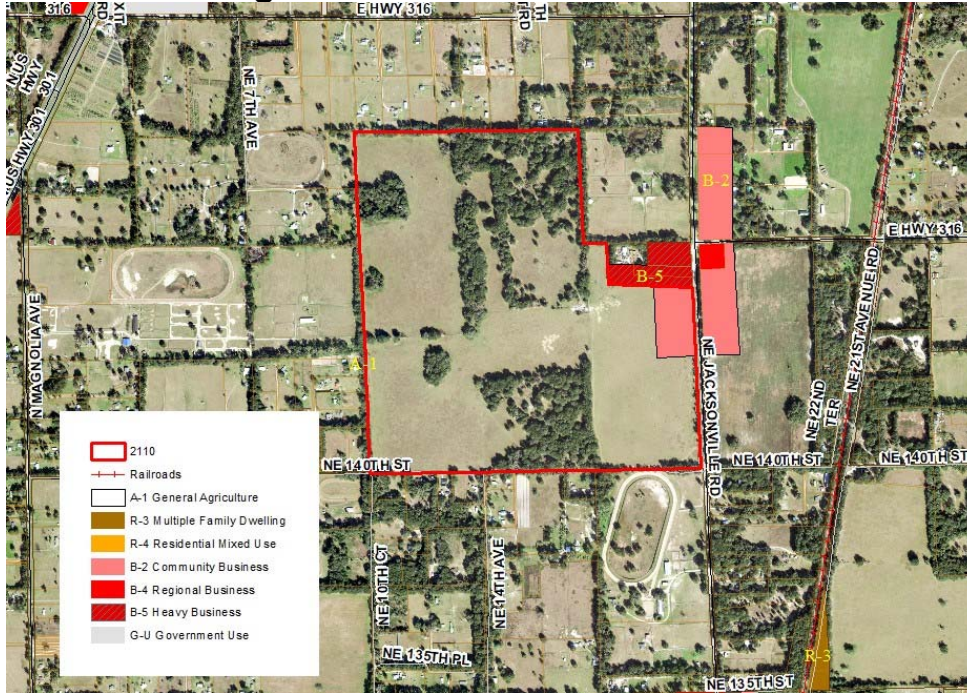
Access is from NE Jacksonville Rd.

Road	Classification	Maintenance	Existing Conditions			
			Surface	No. Lanes	R/W Min. Width	R/W Deficiency
NE Jacksonville Rd	Rural-Principal Arterial	County	Paved	2	100'	20'

Water/Sewer services are provided by the applicant by way of an agreement with Marion County Utilities.

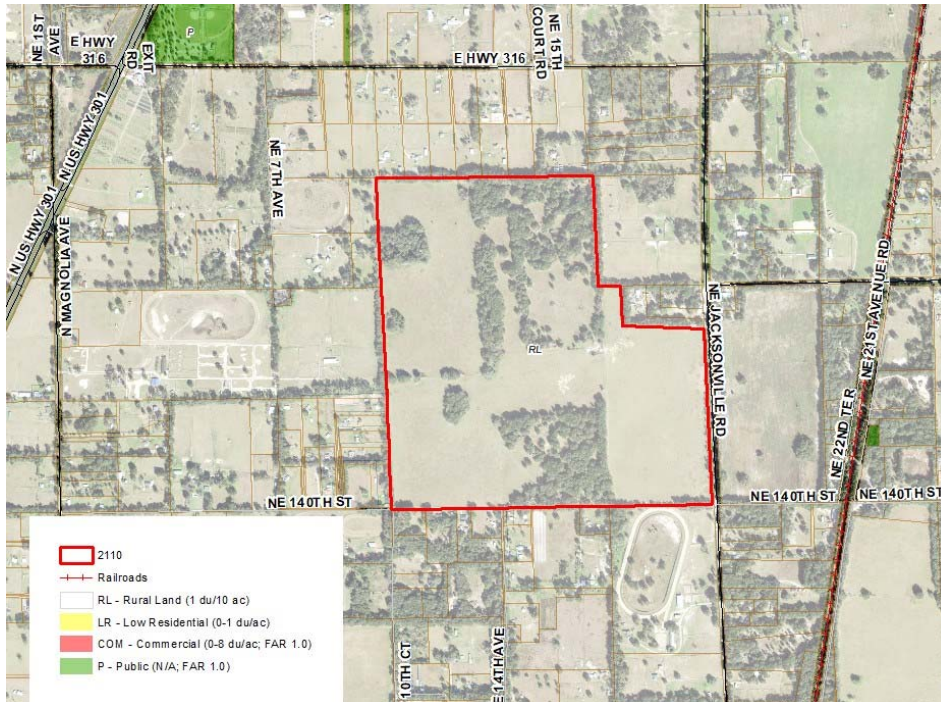
Utility	Service Area
Water	Marion County Utilities
Sewer	Marion County Utilities

### Current Zoning



Marion County Zoning Map

### Future Land Use



Existing Land Use of subject property and surrounding area.

**Staff Recommendation: Approval**

**Pictures of the area below.**



Subject property.



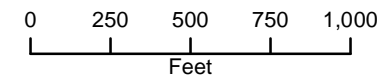
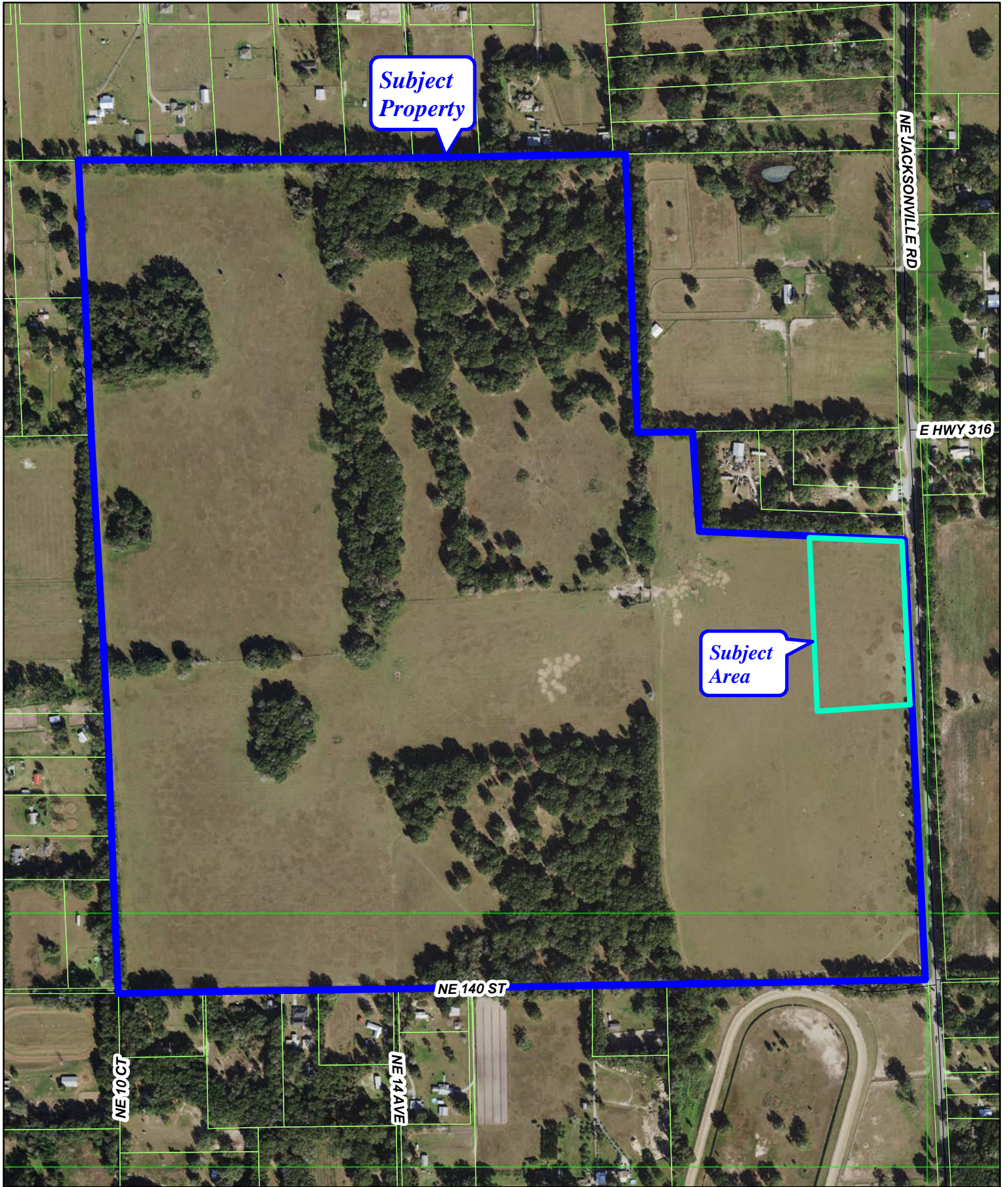


Subject property on the right, looking south on NE Jacksonville Rd.

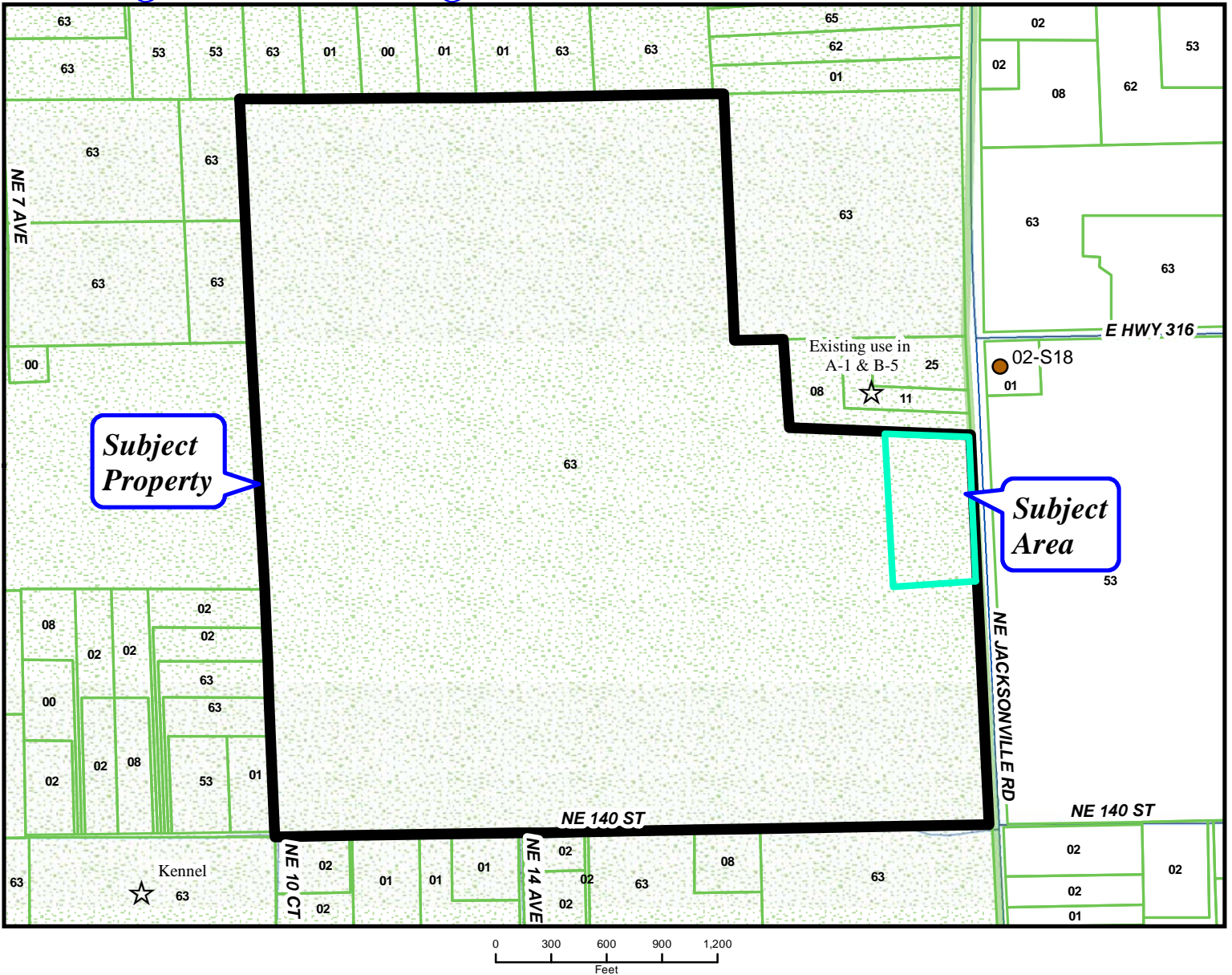




Area adjacent to the north of the subject property.

*Aerial: 211015Z*



# Existing Land Use Designation 211015Z



<b>Use per MC Property Appraiser</b>		<b>OWNER(S): Elmer Wayne Cates Trust/Southeast Trust Company, LLC. - William Woods</b>
01	Single Family Res	
50-69/99	Agricultural	<b>AGENT: MG Property and Investments, LLC. – Nathan R. Garcia</b>
00/10/40/70	Vacant	
71	Church	<b>PARCEL(S): 07700-000-00</b>
02	Mobile Home	
06-07/11-39	Commercial	 <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> 
41-49	Industrial	
83-98	Public	
82	Recreation	
03-05/08	Multi-Family	
77	Club/Lodge/Union Hall	

<b>Legend</b>		
• All Amendments	Rural Land (1 du/10 ac)	Urban Residential (8 - 16 du/ac)
<b>Policy 1.20</b>	Low Residential (0 - 1 du/ac)	Rural Activity Center (0 - 2 du/ac; FAR 0.35)
	Medium Residential (1 - 4 du/ac)	Rural Community (0 - 3 du/ac; FAR 0.70)
	High Residential (4 - 8 du/ac)	Commercial (0 - 6 du/ac; FAR 1.0)
	Farmland Preservation Area	Public (N/A; FAR 1.0)
	Environmentally Sensitive Overlay Zone (ESOZ)	Preservation (N/A; N/A)
		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

# 2110153

AR#: 27214

PA#: 07700-000-00, 07700-001-00 and 07731-000-00

APPLICATION FOR REZONING

Application No.: 2110153

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-2 (Community Business)

to A-1 (General Agriculture), for the intended use of:

Agriculture

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

Parcel account number(s): part of 07700-000-00 (division of boundary adjustment in progress 07700-000-00, 07700-001-00, 07731-000-00) "Portion of" 8.50 ac

Property dimensions: Irregular Total acreage: 308.00 ac. ✓ 306.77 ac but only 8.5+ acres needs rezone

Directions: North on Jax Rd thru Hwy 329. Property is located on the West side of Jax Rd just South of the Hwy 316 (East) and Jax Rd Intersection

See attached form 8.50 ac "Portion of"

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

1/0 Southeast Trust Company, LLC as Trustee of the Elmer Wayne Cates Trust

Property owner name (please print)

PO Box 2405

Mailing address

Ocala, FL 3471

City, state, zip code

(352) 622-1188

Phone number (please include area code)

Signature: Willie R. Woods, President

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.

Nathan R. Garcia c/o: MG Propert Investments LLC

Applicant or agent name (please print)

1553 E. Fort King Street

Mailing address

Ocala, FL 34471

City, state, zip code

(352) 401-3755

Phone number (please include area code)

Signature: [Handwritten Signature]

FOR OFFICE USE ONLY

RECEIVED BY: KW DATE: 8-10-21 ZONING MAP NO.:

Rev. 07/02/2019

Proj. # 2006070032 "Meeting Needs by Exceeding Expectations"

Sec. 16-13-22



2110152



**Legend**

- Urban Growth Boundary
- Streets
- Parcels
- Zoning Classification**
- A-1
- A-2
- A-3
- RC-1
- B-1
- B-2
- B-3
- B-4
- B-5
- G-U
- RI
- I-C
- M-1
- M-2

1: 8,291

1 in = 0.13 Miles



**Notes**

0.3 0 0.13 0.3 Miles

Projected Coordinate System: NAD\_1983\_StatePlane\_Florida\_West\_FIPS\_0902\_Feet

Created online at: <http://maps.marioncountyfl.org/Interactivemap/>

This map was produced using a self-service Interactive mapping system available on the Marion County website. All GIS features provided in the interactive mapping system 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 further details related to the GIS features, please contact the appropriate department or constitutional office.

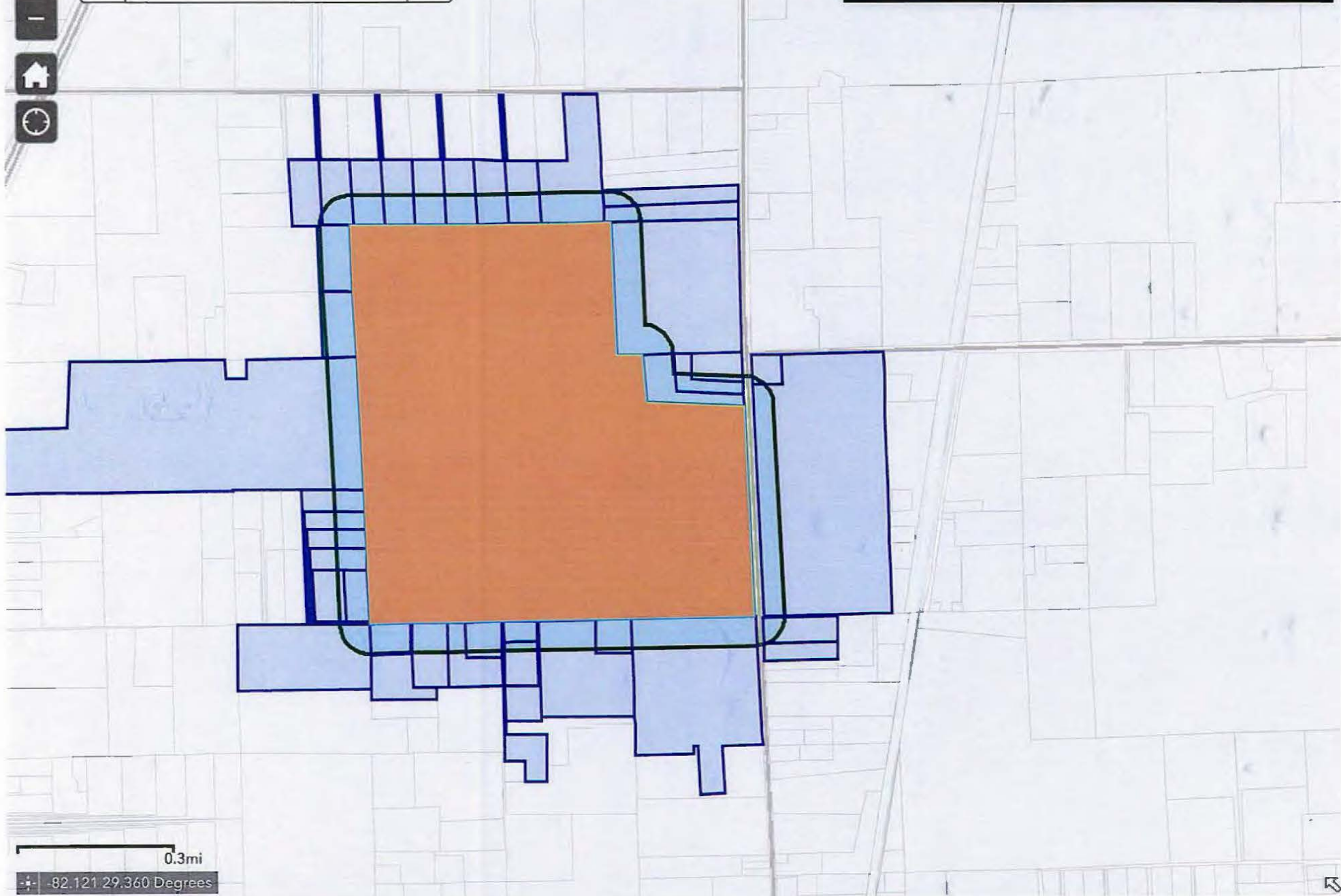
Creation Date: 7/29/2021





▼ #211015Z - CATES TRUST X 🔍

Public Notification ⌵ ✕



0.3mi  
-82.121 29.360 Degrees

