



MARION COUNTY GROWTH SERVICES

Date: 4/30/2021

P&Z: 4/26/2021 BCC: 5/18/2021

Item/Case Number
210503Z

[CDP-AR# 26364]

Type of Application
Rezoning

Rezoning Request:

From: Conditional B-5
(Heavy Business) (86-R-131).

To: RC-1 (Rural Commercial).

Owner:

Thi Nguyen Revocable
Living Trust, Thi Nguyen,
TR.

Applicant:

W. James Gooding III, Esq.

Parcel #/Acreage:

Part of 41523-000-00 /
±11.67 acres of an overall
±18 acre parcel.

Future Land Use:

Rural Land.

Zoning History: Case
No. 5-869-21; 1986-R-131.

Location: 2601 SE Hwy
484.

Staff Recommendation:
Approval.

P&Z Recommendation:
Approval (ON
CONSENT)

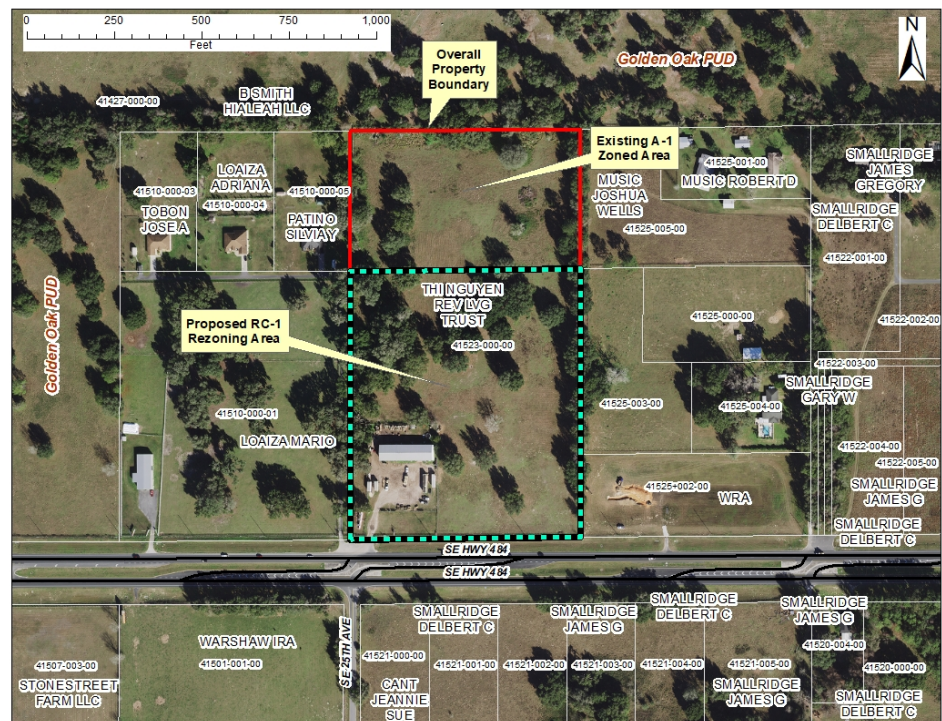
Project Planner

Christopher Rison,
Senior Planner

Code Enforcement

Action:

No active case, however
Code Enforcement
identified improper



Item Summary

Staff is recommending **Approval** for a rezoning from Conditional B-5 (Heavy Commercial) to RC-1 (Rural Commercial) on ±11.67 acres of a larger ± 18 acre parcel, in accordance with Marion County Land Development Code (LDC), Article 2, Division 7, *Zoning Change*.

Public Notice

Notice of public hearing was mailed to eleven (11) property owners within 300 feet of the overall subject property.

Location

The site is located at 2601 SE Hwy 484, on the north side of SE Hwy 484 west of the Bellevue Heights Estates area. There has been no written opposition at the time of this reports distribution.

Request/Background

The overall site totals ±18 acres, with the southern ±11.67 acres fronting on Hwy 484 currently zoned Conditional B-5 with the northern ±6.33 acres zoned A-1 (General Agriculture). The site does not have a Commercial future land use designation and is was not historically authorized or approved for commercial development and is ineligible for general commercial development as that would be inconsistent with the Comprehensive Plan. In response to a number of similarly situated properties, Marion County initiated the RC-1 zoning classification as a potential option for such properties, wherein some commercial uses related to agricultural and rural uses would be permissible. The applicant is requesting an RC-1 zoning in order to accommodate a nursery and landscape contractor's yard that are permitted uses in the RC-1 zone.

development and use of the site without property zoning, site plan, and building permit approvals; prompting the owner/applicant to submit this application.

Policy 2.1.16: Rural Land (RL)

This land use designation is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses. The base density shall be (1) dwelling unit per ten (10) gross acres, and the designation is a Rural Area land use. The following special provisions shall apply for new development not meeting the base density, as further defined in the LDC:

1. Family Division,
2. Cluster Density Bonus,
3. Hamlets.

LDC Section 4.2.23. – Rural Commercial (RC-1)

classification: Intended to provide for agricultural related commercial uses that would be appropriate on Rural Lands not located in a Rural Activity Center. All undeveloped commercial parcels located in the Rural Lands shall rezone to this reclassification prior to applying for development approval.

Further, a nursery is also a permitted use in the A-1 zone that encompasses the northern portion of the overall property.

The site includes a permit-exempted agricultural pole barn (established ±2003) as the site has historically been subject to an agricultural property tax exemption. In December 2020, Growth Services and Building Services staff were advised of improper use of the site and structure to sell hay, feed, etc. not produced on-site in a structure that was not properly permitted for a commercial business. In response, this Rezoning Application has been submitted to request a zoning classification that may accommodate the previously considered use and resolve the land use designation and zoning inconsistency.

The site is surrounded by ag tracts, many with residences and some vacant in agricultural use. The eastern parcel along NW 1st Street includes a residence (1978:988 SF) and the western parcel is vacant. East of the on-site residence is a vacant R-2 lot within the Ocala Ridge Subdivision. South/east of the parcels is the vacant B-2 lot owned in common by the owner. The following table lists the future land use, zoning, and current use of the surrounding properties.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning	Existing Use per Appraiser Property Code
N	Medium Residential	PUD (Planned Unit Development)	Golden Oak PUD (20171107Z)
S	Rural Land	A-1 (General Agriculture)	Single-family Residences and Vacant ag tracts
E	Rural Land	A-1 (General Agriculture)	Vacant ag tracts & Hwy 484 DRA
W	Rural Land	Conditional B-5 (1986-R-131)	Vacant - Ag Building in 2003 (potential similar use/building violations)

The requested RC-1 zoning establish a zoning classification consistent with the site's Rural land use designation, eliminating the consistency conflict while also eliminating the Conditional B-5 zoning, and allow for compatible uses across the owners' overall property holding.

Infrastructure

Parcel access is potentially in place from SE Hwy 484. The Office of the County Engineer Traffic Division notes the RC-1 zoning's limited range of uses will limit the potential trip generation from the site. Formal development for commercial use of the site will require suitable site planning, along with driveway improvements and parking. Depending on the methods of development and studies, if necessary, additional improvements and/or right-of-way may be required to comply with LDC provisions.

TABLE 2. SURROUNDING ROADWAY CONDITIONS						
Road	Class.	Maint.	Existing Conditions			
			Surface	No. Lanes	R/W Width	R/W Deficiency
SE Hwy 484	Arterial	County	Paved	4	±185'	±15'

The parcel is outside the Urban Growth Boundary and in the County-wide Secondary Springs Protection Zone. The site is within Marion County Utilities' Service Area. Final connection requirements will be determined with any development proposal.

TABLE 3: UTILITY SERVICES	
Utility	Service Area
Water	Marion County Utilities (SW Regional WTP)
Sewer	Marion County Utilities (SW Regional WRP)

Analysis

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

- 1. Granting the proposed zoning change will not adversely affect the public interest.** The subject property consists of ± 11.67 acres of a ± 18 acre site. The requested RC-1 zoning will eliminate a historic area of Conditional B-5 zoning, resolve consistency of the site's zoning with its Rural Land use designation, and establish a zoning class that may compliment the remainder of the site's existing A-1 zoning. Development of the site for permissible commercial uses will be required to comply with LDC regulations for commercial uses, including access, parking, and land use buffers, etc. Granting the rezoning will not adversely affect the public interest.
- 2. The proposed zoning change is consistent with the current Comprehensive Plan.** The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates the site as Rural Land. Rezoning the site to RC-1 (Rural Community 1) will be consistent with the intensity of use of the Rural Land designation and eliminate an area of Conditional B-5 zoning as B-5 is ordinarily an intense Urban Area zoning classification. Development of the site will be subject to compliance with current LDC and state requirements (e.g., water, sewer, access, etc.) and granting the rezoning will be consistent with the Comprehensive Plan.
- 3. The proposed zoning change is compatible with land uses in the surrounding area.** Adjoining properties are typically agricultural tracts that are vacant, with one adjoining tract being a SE Hwy 484 drainage retention area (DRA). Site development will be required to provide land use buffers along roadways and to adjoining properties, increasing buffer requirements should site be occupied by residential homes at the time commercial development is initiated. The proposed RC-1 zoning will be compatible with land uses in the surrounding area.

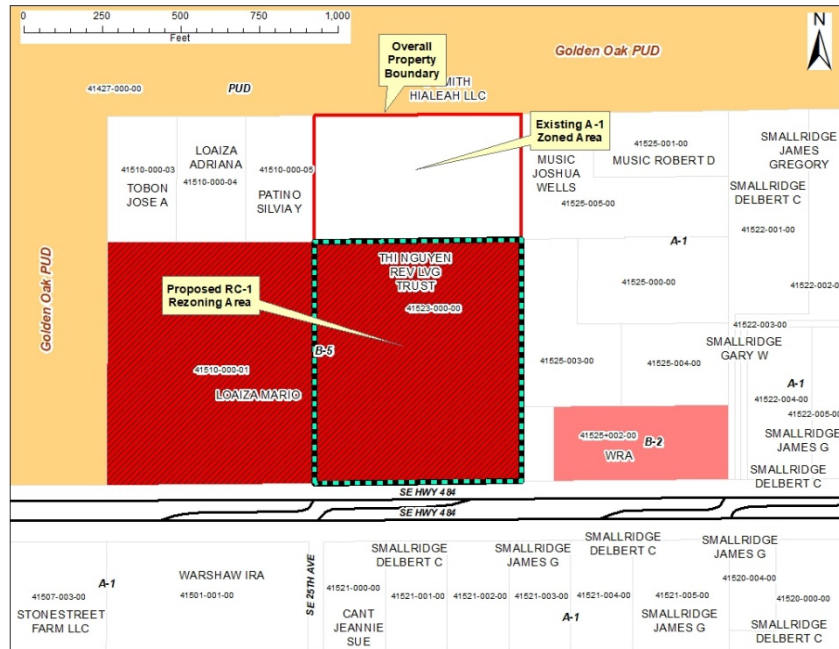
STAFF RECOMMENDATION: APPROVAL

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL(ON CONSENT)

EXPANDED AREIAL



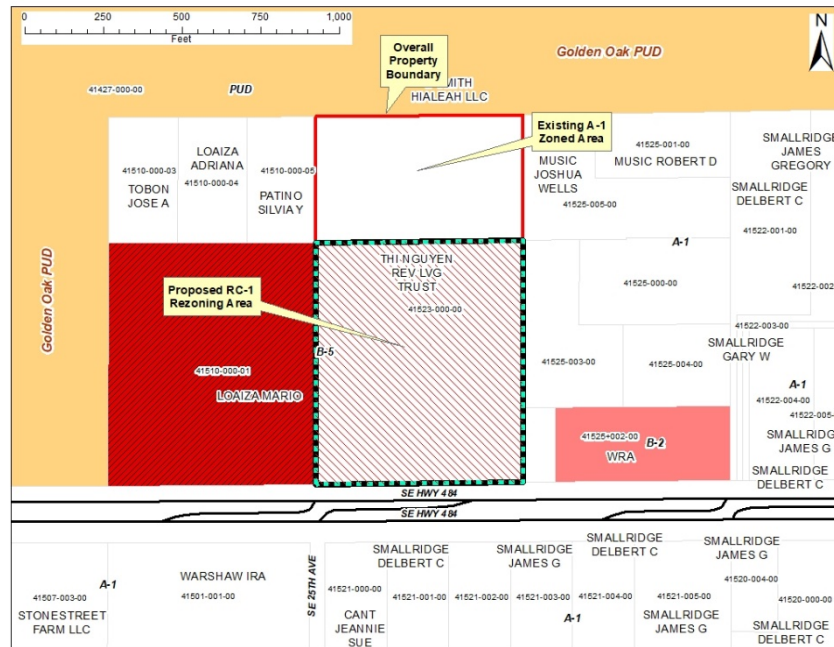
CURRENT ZONING



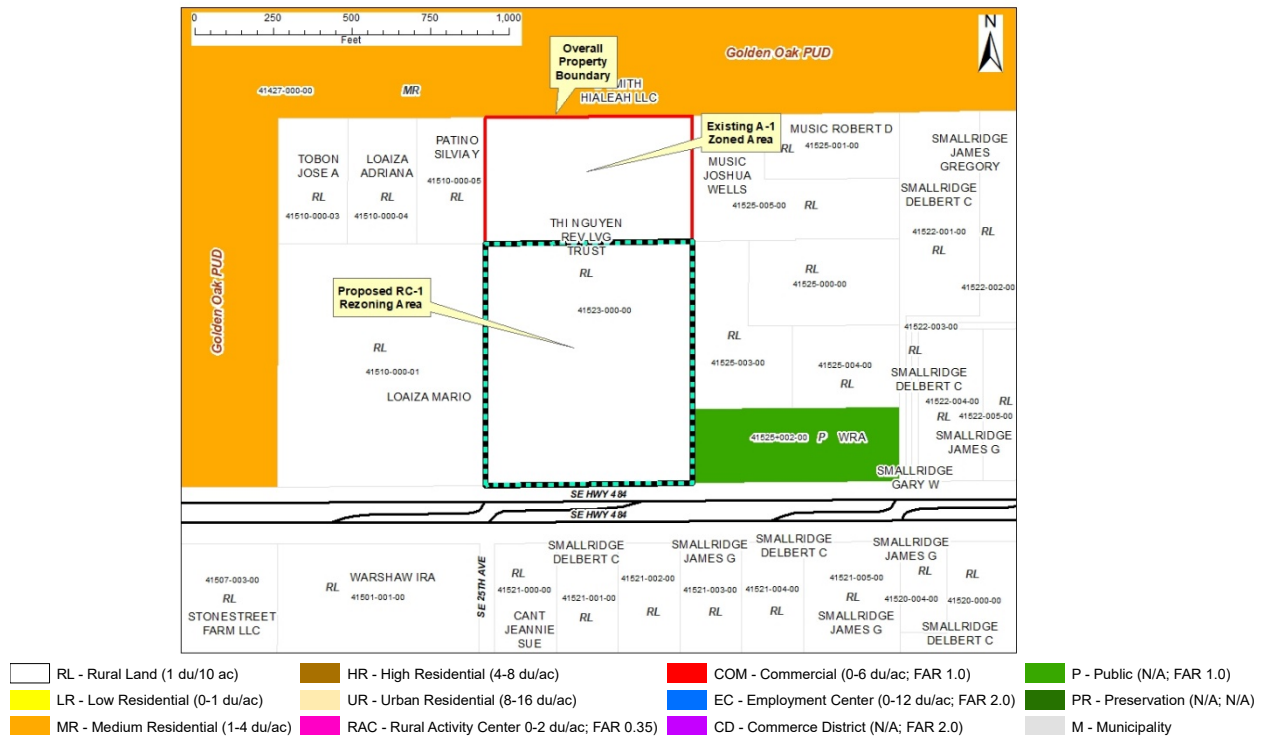
ZONING DISTRICT

A-1 General Agriculture	R-3 Multiple Family Dwelling	R-O Residential Office	RI Rural Industrial
A-2 Improved Agriculture	R-4 Residential Mixed Use	B-1 Neighborhood Business	M-1 Light Industrial
A-3 Residential Agricultural Estate	MH Manufactured Housing	B-2 Community Business	M-2 Heavy Industrial
RR-1 Rural Residential	P-MH Mobile Home Park	B-3 Specialty Business	I-C Industrial Complex
R-E Residential Estate	P-RV Recreational Vehicle Park	B-4 Regional Business	G-U Government Use
R-1 Single-Family Dwelling	RR Recreational Resort	B-5 Heavy Business	R-PUD Residential Planned Unit Development
R-2 One-and Two-Family Dwelling	RAC Rural Activity Center	RC-1 Rural Commercial	PUD Planned Unit Development

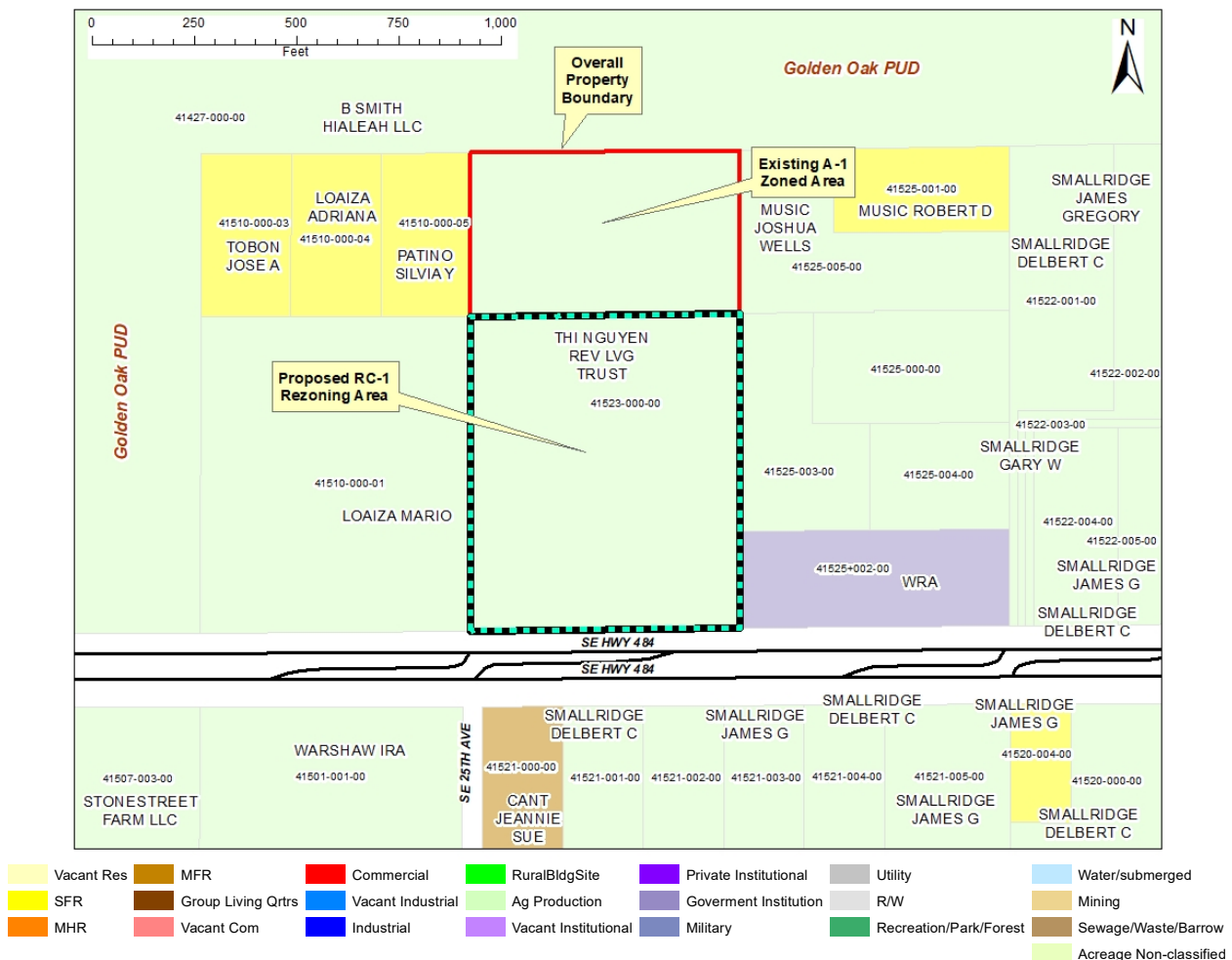
PROPOSED ZONING



CURRENT FUTURE LAND USE DESIGNATION



EXISTING USE PER MARION COUNTY PROPERTY APPRAISER PROPERTY CODE



Aerial: 210503Z




0 100 200 300 400
Feet



Existing Land Use Designation 210503Z



Use per MC Property Appraiser		OWNER(S): Thi Nguyen Revocable Living Trust - c/o Thi Nguyen, TR
01	Single Family Res	AGENT: W. James Gooding III, Esq.
50-69/99	Agricultural	
00/10/40/70	Vacant	PARCEL(S): 41523-000-00
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

2105033

AR#: 26364

PA#: 41523-000-00

APPLICATION FOR ZONING CHANGE

Application No.: 2105033

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 RC-1, for the intended use of a plant nursery, landscape's contractor's yard and other permitted uses.

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

Parcel account number(s): 41523-000-00

Property dimensions: ~770' (N-S) x ~660' (E-W) Total acreage: 11.67 (out of total 18 acres) ✓

Directions: See attached.

Situa: 2601 SE Hwy 484, Belleview, FL

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

Thi Nguyen as Trustee of the Thi Nguyen Revocable Living Trust, w/d/t 3/28/01

Property owner name (please print)

401 SE 80th Street

Mailing address

Ocala, FL 34480

City, state, zip code

(352) 895-6409

Phone number (please include area code)

Email address: thi.v.nguyen@lmco.com

Signature

W. James Gooding III, Esq.

Applicant or agent name (please print)

1531 SE 36th Avenue

Mailing address

Ocala, FL 34471

City, state, zip code

(352) 867-7707

Phone number (please include area code)

Email address: jgooding@ocalalaw.com

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.

RECEIVED BY

CPR

LAND USE:

RURAL

FOR OFFICE USE ONLY
DATE: 3/2/21

ZONING:

B-5 (+ A-1)

"C-2" - 5-869-21

86-2-131

Rev. 07/02/2019
ZONING MAP NO.:

201

SEC/TWP/RGE:

10, 17, 22

POJ. 201110030

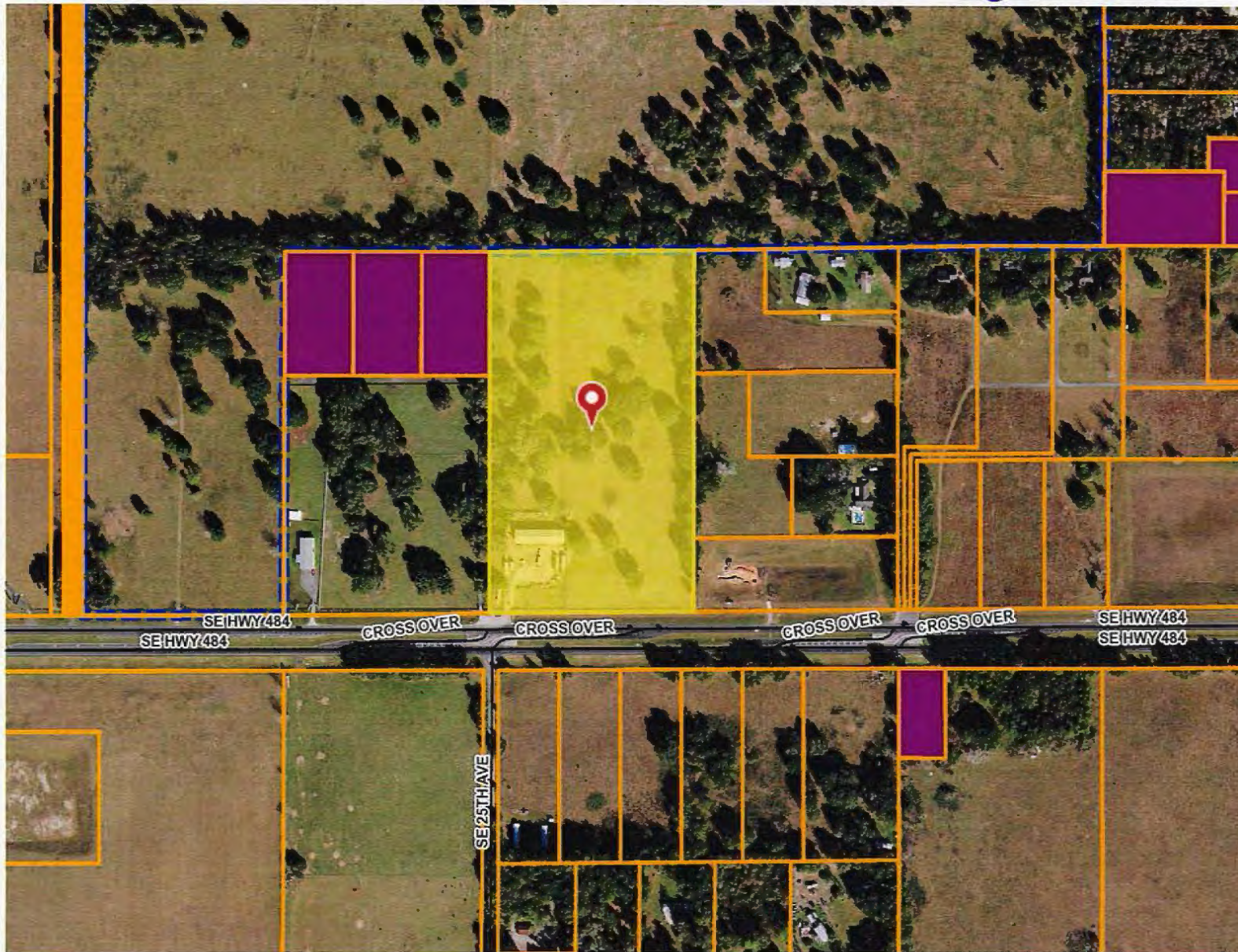
AR 26364

Sec. 10-17-22

"Meeting Needs by Exceeding Expectations"



2105033



Legend

- Urban Growth Boundary
- Address Search Results
- Streets
- Parcels
- Environmentally Sensitive Over
- Family Divisions
- Zoning Changes
 - Reasonable Accommodations
 - Special Use
 - Variance
 - Zoning Special Use
 - Zoning
- Municipalities
- Marion County

1: 5,835

1 in = 0.09 Miles



Notes

0.2 0 0.09 0.2 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

Created By:

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: 3/4/2021



Legend

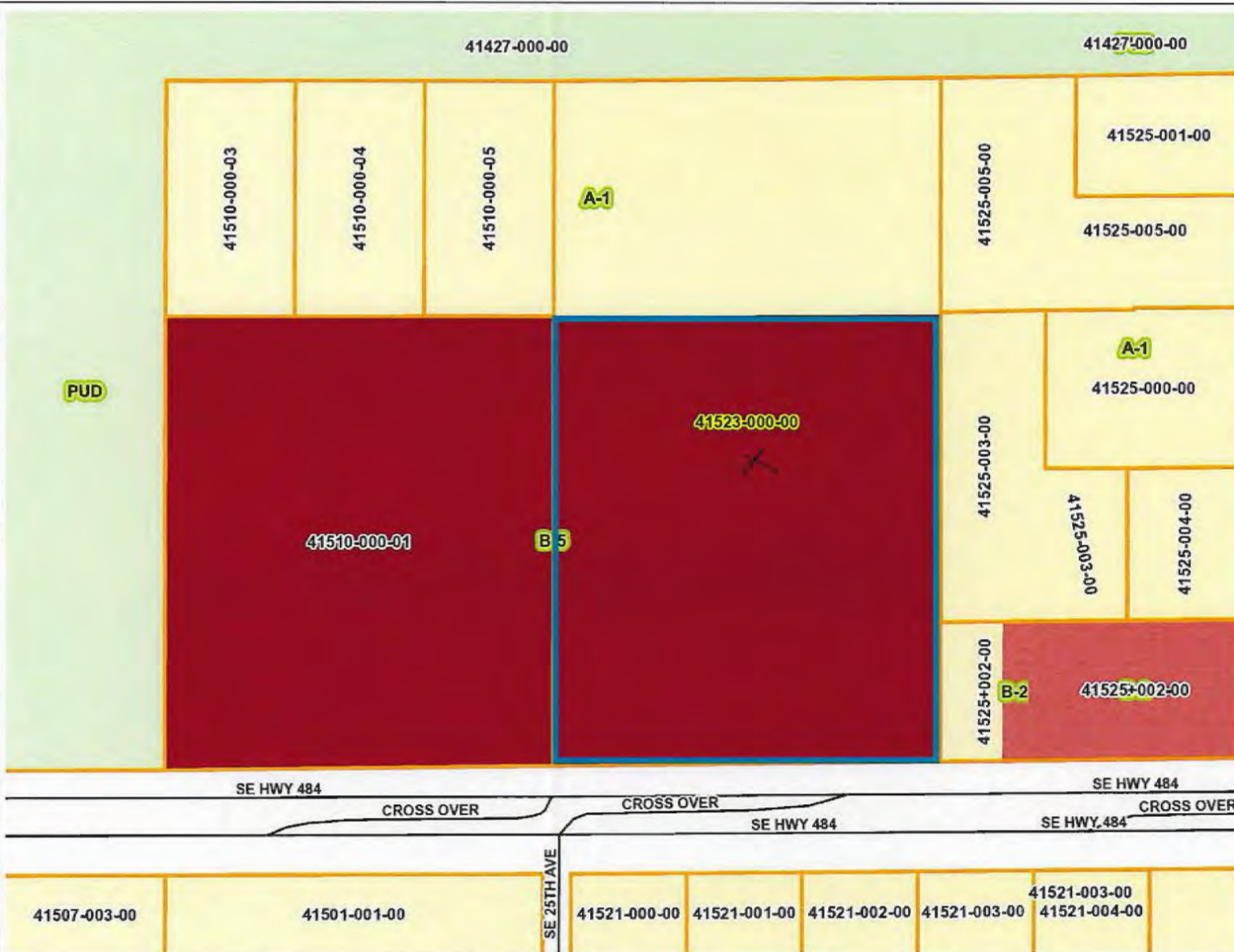
- Urban Growth Boundary
- Address Search Results
- Streets
- Parcels
- Zoning Classification**
 - A-1
 - A-2
 - A-3
 - RC-1
 - B-1
 - B-2
 - B-3
 - B-4
 - B-5
 - G-U
 - RI
 - I-C
 - M-1

1: 3,059

1 in = 0.05 Miles



Notes



0.1 0 0.05 0.1 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

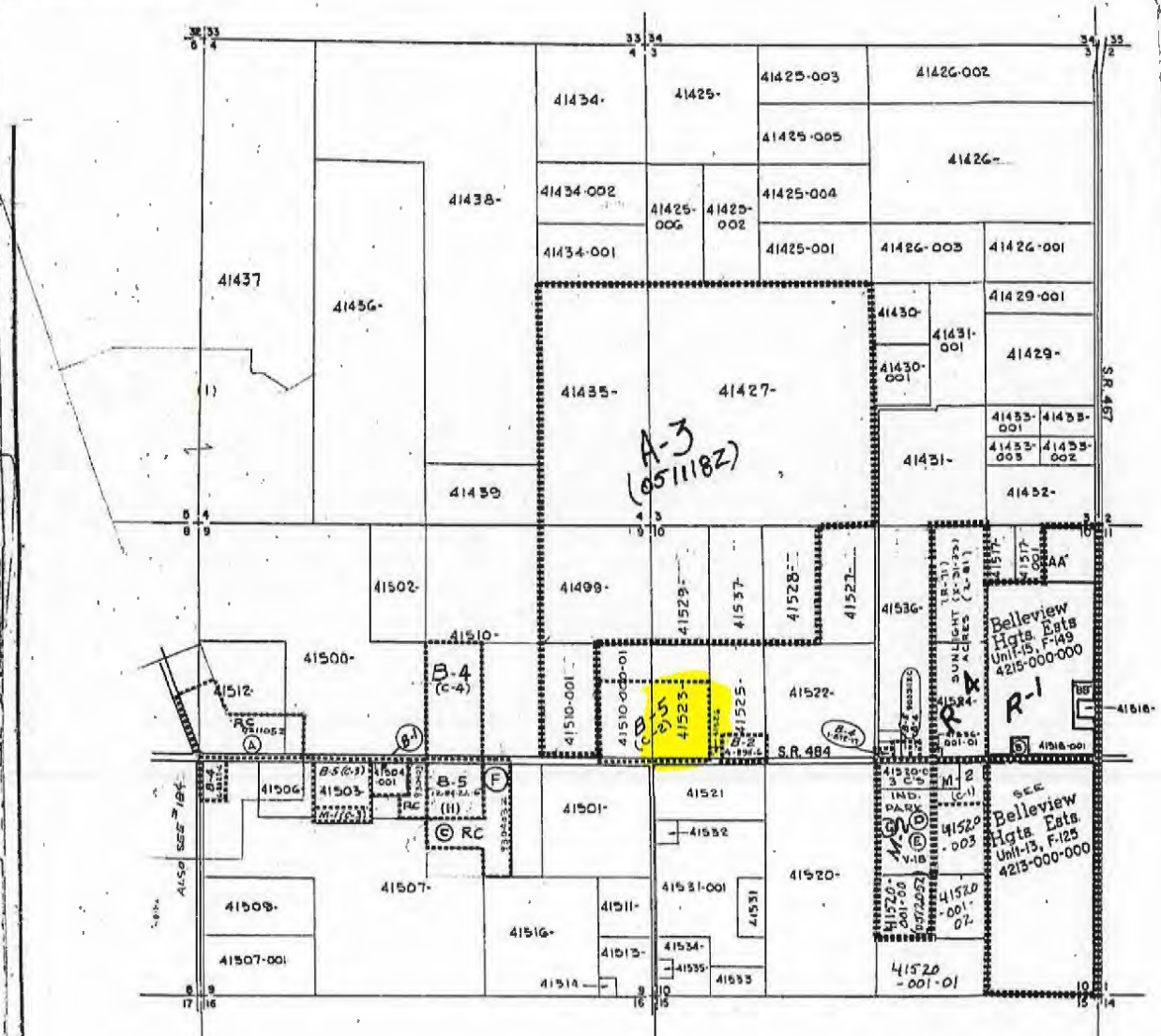
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Creation Date: 3/4/2021

MARION COUNTY, FLORIDA

(C-1) - 1-5611D (BGR-14)
(C-2) - 3-569-21 (BGR-131)
(C-3) - 4-5713-23 (BGR-73)
(C-4) - 9011021C (90R-86)

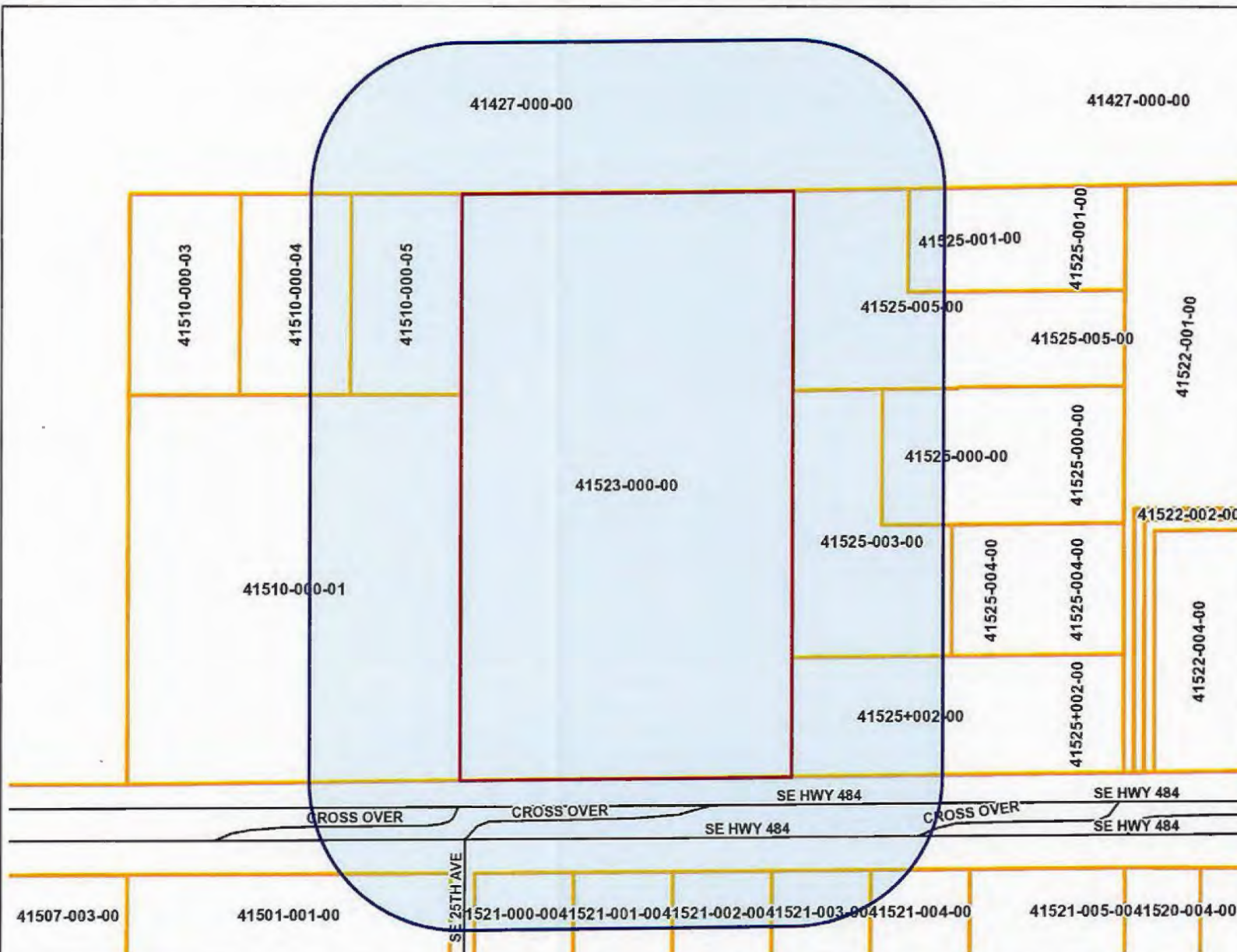


BB Bellevue Hgts. Eats., Unit-20 Replot, G-32, 4215-000-000

201
201

SHEET UPDATED:

JUL '13



Legend

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

1: 3,563

1 in = 0.06 Miles



Notes

C/O: THI NGUYEN, TR
AGENT: W. JAMES GOODING III, ESQ

0.1 0 0.06 0.1 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

Created By: dp

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Creation Date: 3/15/2021