Marion County Board of County Commissioners

Date: 4/30/2021 | **P&Z: 3/29/2021 BCC: 5/18/2021**

Item Number
210406Z

Type of Application
Rezoning

Request
From: B-4, Regional Business, to G-U, Government Use.

Concurrent Land Use Amendment:
None

Owner/Applicant
Bruce E. Oehlerking Trust, TR, Myra A Gresko Trust, Et AL, and Michael Oehlerking

Parcel #/Acreage
35341-001-00, 35341-001-20/10 ac portion of ±48.02 AC

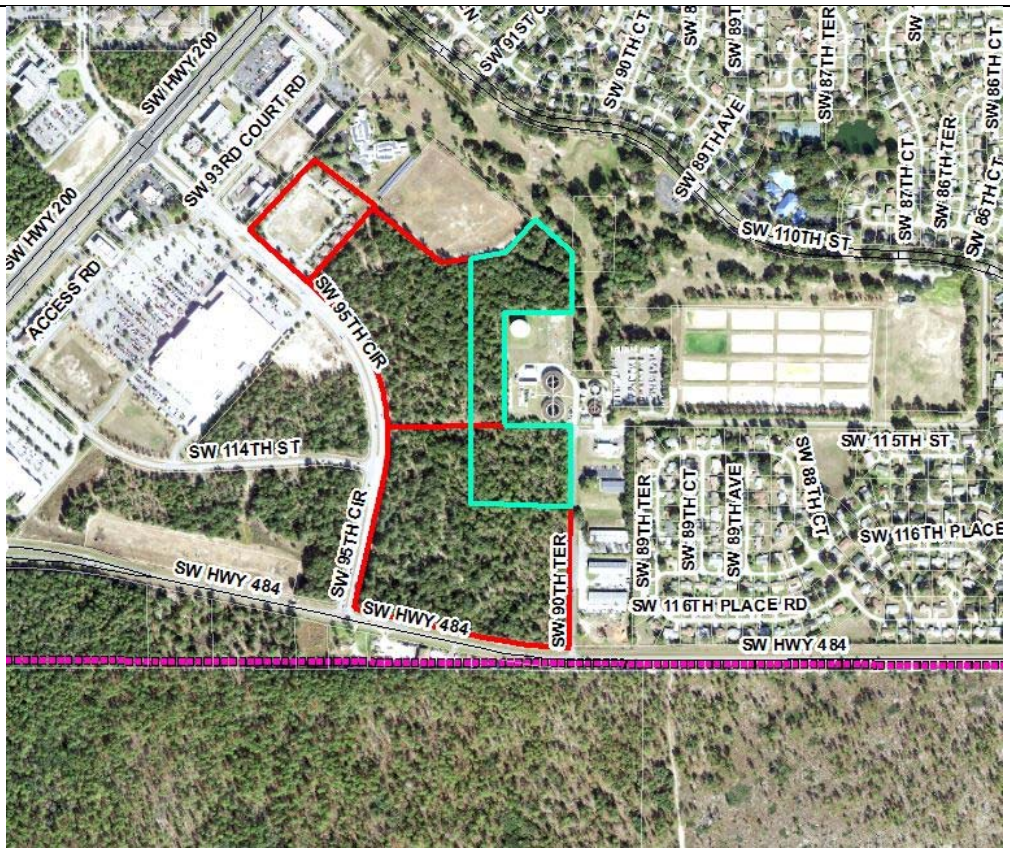
Future Land Use
Commercial

Staff Recommendation
Approval

P&Z Recommendation:
Approval
(ON CONSENT)

Project Planner
Kenneth Weyrauch,
Sr. Planner

AR: 26223



Item Summary

Staff is recommending **Approval** of a rezoning request from B-4, Regional Business, to G-U, Government Use on a 10-acre portion of 48.02 acres. The request was made in accordance with LDC Sec. 2.7.1, Zoning Change. Staff is recommending approval of the rezoning because the long-term intention of the property is to be a WWTP expansion that is operated by the County and the requested zoning is consistent with the Land Use and consistent with the area.

Public Notice

Notice of the public hearing was mailed to 8 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

Location

The property is located on SW HWY 484, on the west side of Oak Run.

Analysis

The subject property is a portion of Tracts 4 and 5 of the Marion Center plat for the urban commerce district at SR 200 and HWY 484. The request to change the zoning on the subject property to Government Use, and expand a waste water treatment plant would require a plat vacation and/or replat of subject property. The replat could join the subject property to Oak Run. This change would leave about 38 acres of commercial property in the remaining portions of tracts 4 and 5 of the Marion Center Plat.

Staff Comments

Planning and Zoning: A plat vacation and/or replat will be required.
There were no other concerns, Development Review Staff comments can be found at the end of the report.

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 Marion County Land Development Code and the surrounding area.

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 as Commercial. The subject property's request for G-U, Government Use, 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 proposed zoning change is consistent with the land uses in the surrounding area. The area is planned for commercial and residential use. These uses will require utilities and this area appears to be suitable for their location. This rezoning is an expansion of an existing site.

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

ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	High Density Residential	PUD Planned Unit Development	(38) Golf Course/Driving Range
South	Commercial	B-4 Regional Business	(54-59) Timber
East	Public High Density Residential	G-U Government Use PUD Planned Unit Development	(49) Storage/Junk Yard (86) County Property
West	Commercial	B-4 Regional Business	(54-59) Timber

Infrastructure

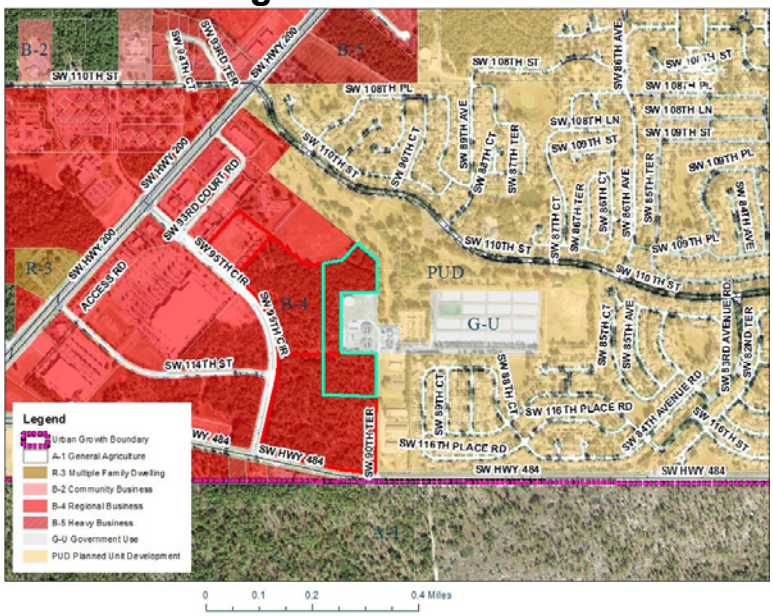
Access is from SW 90th TER.

Road	Classification	Maintenance	Existing Conditions			
			Surface	No. Lanes	R/W Min. Width	R/W Deficiency
SW 90th TER	Private Subdivision	Private	Paved	2	50’	0

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

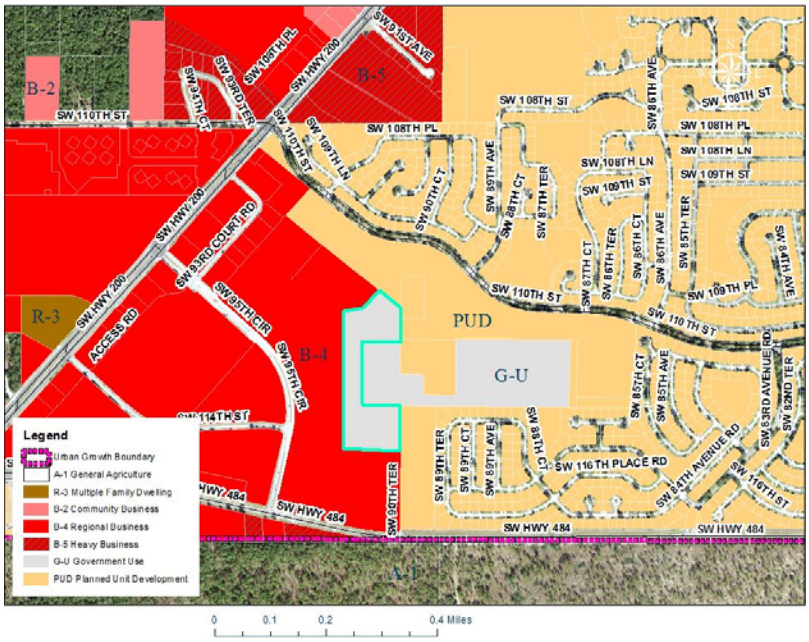
Utility	Service Area
Water	Marion County Utilities
Sewer	Marion County Utilities

Current Zoning



Marion County Zoning Map

Proposed Zoning

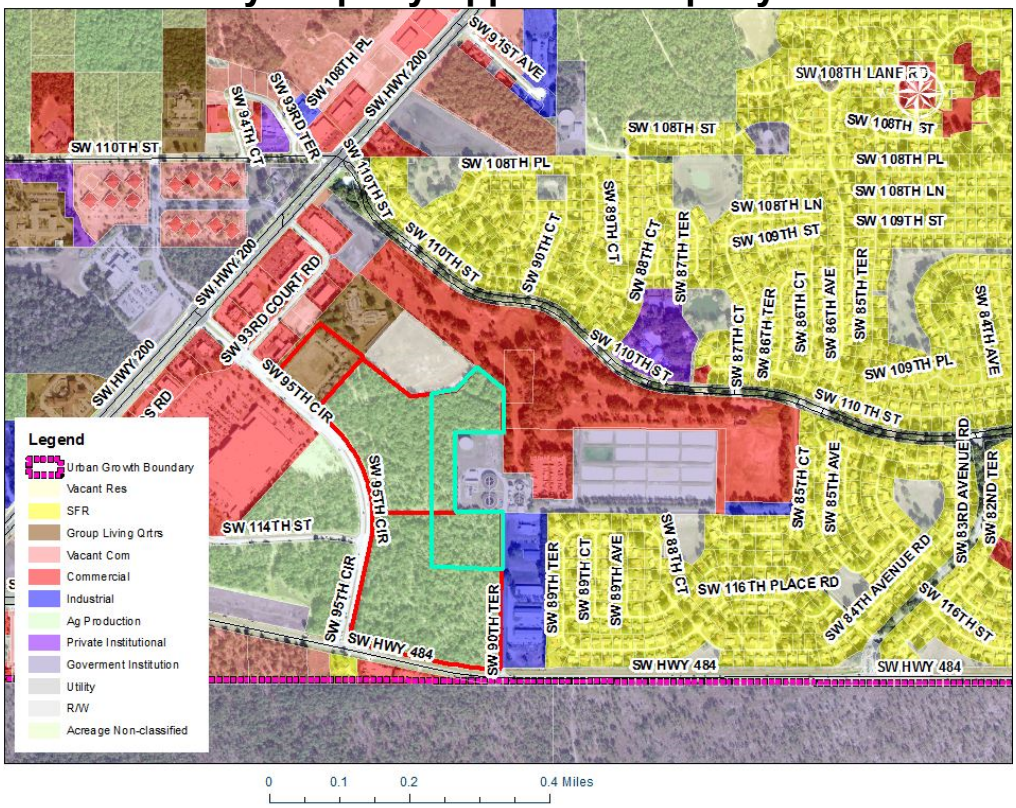


Proposed Zoning for the subject property

Future Land Use

Existing Land Use of the subject property and surrounding area.

Marion County Property Appraiser Property Use Codes



The subject property is vacant and undeveloped.

Staff Recommendation: Approval

Pictures of the area below.

Access to the existing WWTP and subject property.

Western half of the subject property from SW 95th Circle.

Looking east on HWY 484 from the access point.

Looking west on HWY 484 from the access point.

Development Review Comments Letter

OEHLERKING & GRESKO PROPERTY (OAK RUN WWTP EXPANSION)
ZO SUP #26223

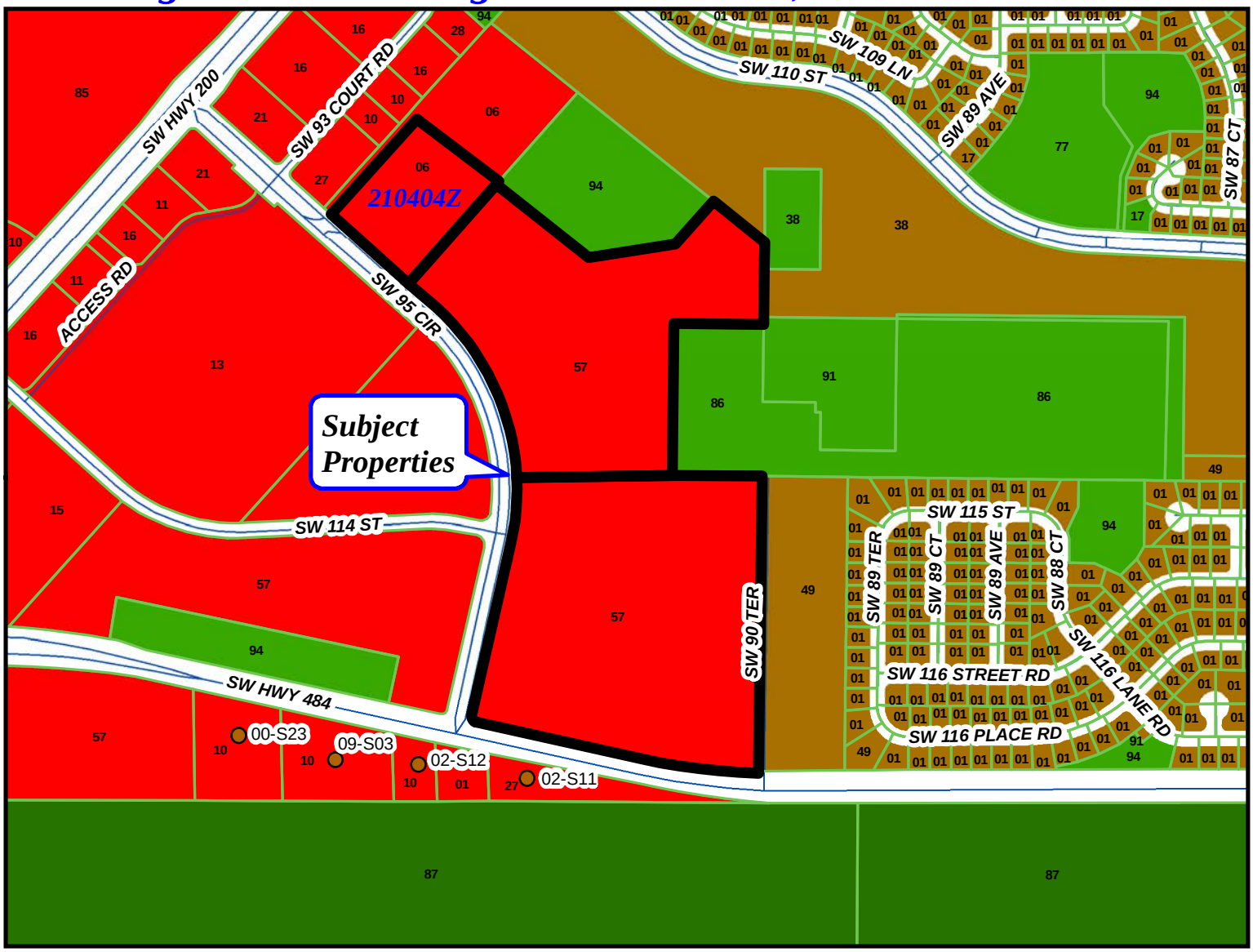
ID	DESCRIPTION	REMARK	DEPT
1	Special Use Permit with Rezoning (non-PUD)	Approved	911
2	Special Use Permit with Rezoning (non-PUD)	n/a	DOH
3	Special Use Permit with Rezoning (non-PUD)	INFO. Stormwater is not opposed to the Zoning Change and SUP for the WWTP.	ENGDRN
4	Special Use Permit with Rezoning (non-PUD)	The proposed rezoning and SUP to allow for expansion of the existing wastewater treatment plant will not generate a significant amount of new traffic.	ENGTRF
5	Special Use Permit with Rezoning (non-PUD)	no comments	ENRAA
6	Special Use Permit with Rezoning (non-PUD)	N/A	FRMSH
7	Special Use Permit with Rezoning (non-PUD)	no comments	LSCAPE
8	Special Use Permit with Rezoning (non-PUD)	Plat vacation and/or replat appears necessary to address conformance issues with the historic Oak Run plat of record. [PB X, PG 99]	LUCURR
9	Special Use Permit with Rezoning (non-PUD)	APPROVED - based on the conceptual plan, subject to structure placement changes within the designated 30' buffer.	UTIL
10	Special Use Permit with Rezoning (non-PUD)	Property will need the GU zoning first. The plat will need to be vacated and either left as acreage or re-platted as part of Oak Run. (Oak Run has many issues with their current platting and those need to be fixed sometime in the future). There are current buffers and easements in the plat that will need to be resolved through the plat vacation and possible re-plat.	ZONE

Aerial: 210406Z, 210407SU

N

0 150 300 450 600
Feet

Existing Land Use Designation 210406Z, 210407SU



Use per MC Property Appraiser	
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): Bruce E. Oehlerking, Trust – Myra A Gresko Trust ET AL – Michael Oehlerking

AGENT: Tillman & Associates Engineering, LLC. - David Tillman

PARCEL(S): 35341-001-00, 35341-001-20

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.

N

Legend

- All Amendments
- **Policy 1.20** ☆
- Rural Land (1 du/10 ac)
- Low Residential (0 - 1 du/ac)
- Medium Residential (1 - 4 du/ac)
- High Residential (4 - 8 du/ac)
- Farmland Preservation Area
- Urban Residential (8 - 16 du/ac)
- Rural Activity Center (0 - 2 du/ac; FAR 0.35)
- Rural Community (0 - 3 du/ac; FAR 0.70)
- Commercial (0 - 6 du/ac; FAR 1.0)
- Environmentally Sensitive Overlay Zone (ESOZ)
- Employment Center (0 - 12 du/ac; FAR 2.0)
- Commerce District (N/A; FAR 2.0)
- Public (N/A; FAR 1.0)
- 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

Marion County FLORIDA

2104062

AR # 26223

PA#s: 35341-001-00 and 35341-001-20 (w/ 210407SU)

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 (Regional Business) to GU (Government Use), for the intended use of:

Expansion of existing WWTP by SUP.

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

Parcel account number(s): Portion of 35341-001-00 & 35341-001-20

Property dimensions: _____ **Total acreage:** 10.0 ac "Portion of" 48.02 ac.

Directions: Take SR 200 SW to CR 484; turn L to SW 90th Terrace; turn L to subject property on L

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

Bruce Oehlerking E Trust/ Myra Grzesko Trust ET AL/Michael Oeclerking	Tillman & Associates Engineering, LLC
Property owner name (please print)	**Applicant or agent name (please print)**
155 Ashton Lane	1720 SE 16th Avenue, Bldg 100
Mailing address	**Mailing address**
Crystal Lake, IL 60014	Ocala, FL 34479
City, state, zip code	**City, state, zip code**
847-337-2702	352-387-4540
Phone number (please include area code)	**Phone number (please include area code)**
Bruce E Oehlerking Trustee	
Signature	**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: DM DATE: 2/3/21 ZONING MAP NO.: 114

project 2021020079
AR 26223

Meeting Needs by Exceeding Expectations

www.marioncountyfl.org

MAP TITLE

#210403 and #210407 SU

2/4/2021, 10:42:58 AM

1:9,028

0 0.075 0.15 0.3 mi

0 0.1 0.2 0.4 km

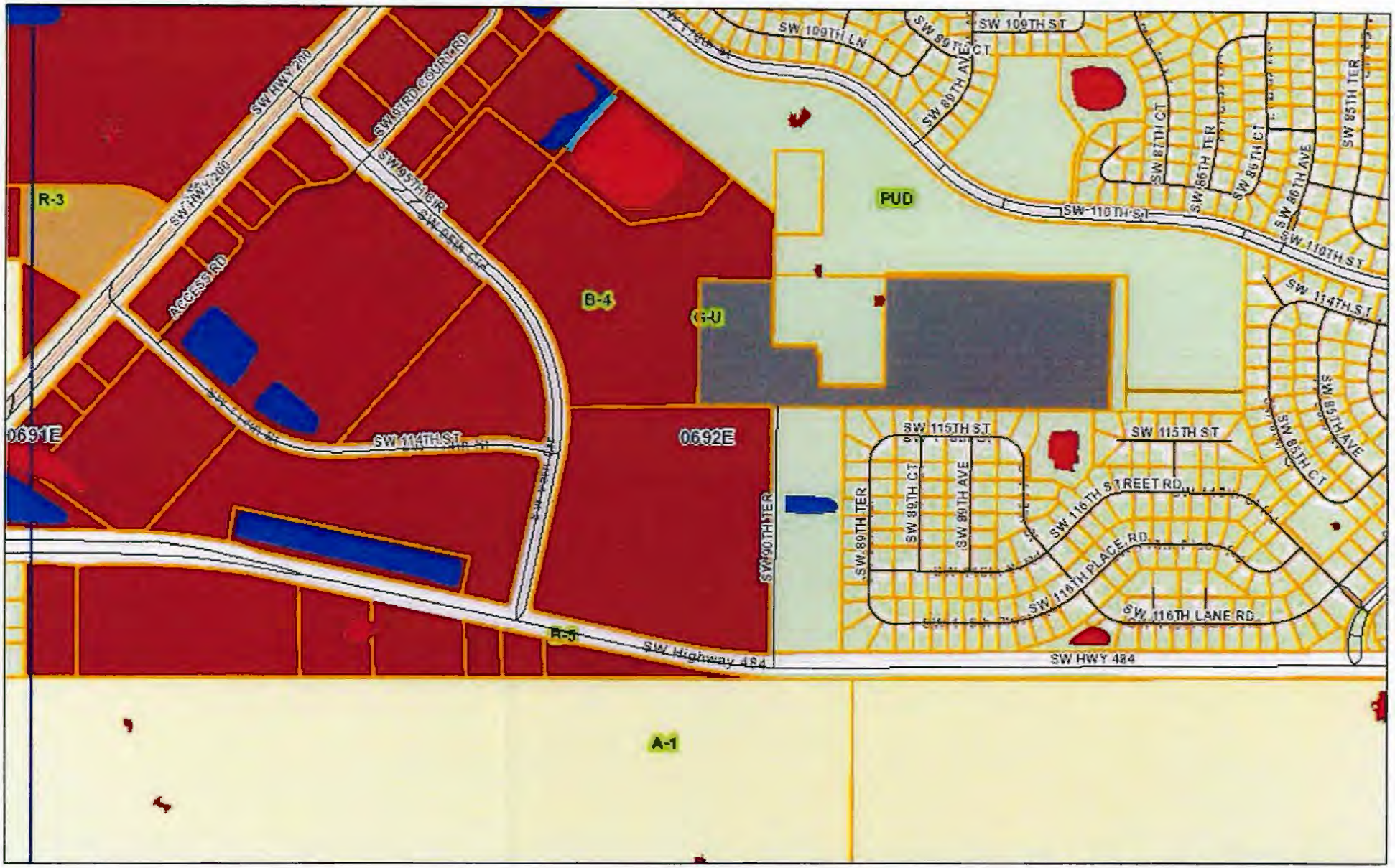
- 2008 FIRM Panel
- Transitional Flood Prone Areas
- Flood Prone Areas
- Parcel Boundary
- Municipalities
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Marion County IT/GIS, E911, and Office of the County Engineer
Marion County School Board

MAP AUTHOR

pping system are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not for use as legal descriptions. For confirmation of details related to the GIS features, please contact the appropriate department or constitutional office.

MAP TITLE



2/4/2021, 10:41:51 AM

- 2008 FIRM Panel
- Transitional Flood Prone Areas
- Flood Prone Areas
- Parcel Boundary

1:9,028

0 0.075 0.15 0.3 mi

0 0.1 0.2 0.4 km

Marion County IT/GIS, E911, and Office of the County Engineer
Marion County Planning and Zoning Division in the Growth Services

MAP AUTHOR

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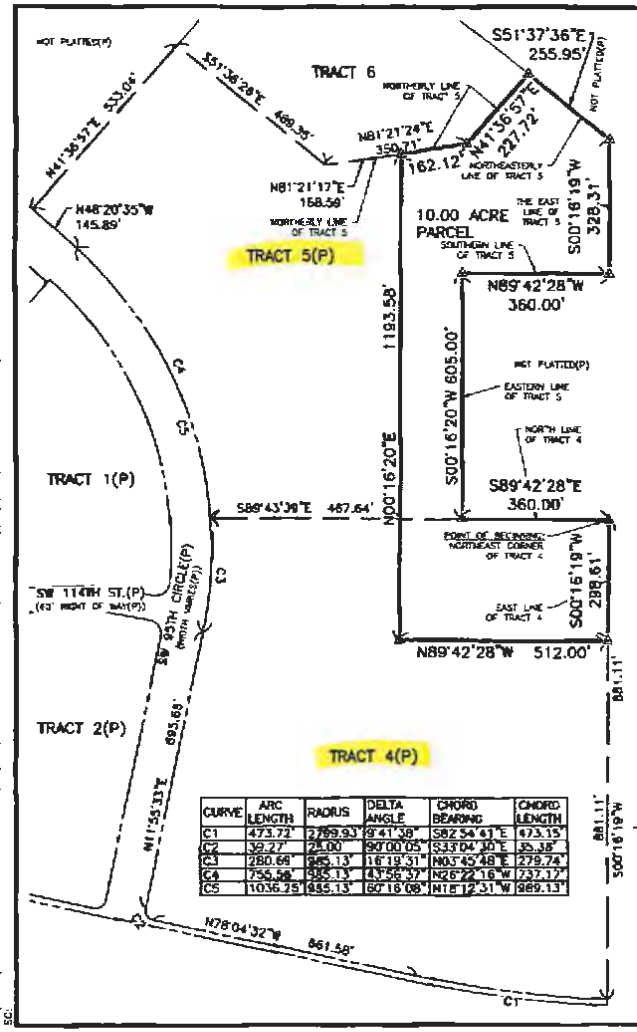
MAINTENANCE STORAGE
PARKING AREA
DRIVEWAY
RECLAIM STORAGE TANK
BIO-SOLIDS
CLARIFIER
CLARIFIER
BIOS
BIOS
BIOS
BIOS
BIOS
BIOS
30' BUFFER



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	473.72'	2789.93'	9°41'38"	S82°54'41"E	473.15'
C2	39.27'	25.00'	90°00'05"	S33°04'30"E	35.38'
C3	280.66'	985.13'	16°19'31"	N03°45'48"E	279.74'
C4	755.58'	985.13'	43°56'37"	N26°22'16"W	737.17'
C5	1036.75'	985.13'	60°16'08"	N18°12'31"W	989.13'

DESCRIPTION:

DESCRIPTION

A PORTION OF TRACTS 4 & 5, MARION CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 39, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA. ALL LANDS LYING WITHIN SECTION 35, TOWNSHIP 16 SOUTH, RANGE 20 EAST, MARION COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, BEGIN AT THE NORTHEAST CORNER OF TRACT 4, MARION CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 39, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE S00°16'19"W ALONG THE EAST LINE OF SAID TRACT 4, 298.61 FEET; THENCE N89°42'28"W, 512.00 FEET; THENCE N00°16'20"E, 1193.58 FEET TO A POINT ON THE NORTHERLY LINE OF TRACT 5; THENCE N81°21'24"E ALONG SAID NORTHERLY LINE, 162.12 FEET; THENCE CONTINUE ALONG SAID NORTHERLY LINE N41°36'57"E, 227.72 FEET TO THE NORTHEASTERLY LINE OF TRACT 5; THENCE S51°37'36"E, ALONG SAID NORTHEASTERLY LINE 255.95 FEET TO THE EAST LINE OF TRACT 5; THENCE S00°16'19"W ALONG SAID EAST LINE OF TRACT 5, 328.31 FEET TO A SOUTHERN LINE OF TRACT 5; THENCE N89°42'28"W ALONG SAID SOUTHERN LINE OF TRACT 5, 360.00 FEET TO AN EASTERN LINE OF TRACT 5; THENCE S00°16'20"W ALONG SAID EASTERN LINE OF TRACT 5, 605.00 FEET TO A POINT ON THE NORTH LINE OF AFORESAID TRACT 4; THENCE S89°42'28"E ALONG SAID NORTH LINE OF TRACT 4, 360.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 435,600 SQUARE FEET (10.00 ACRES), MORE OR LESS.

NOTES:

1. THIS DRAWING REPRESENTS A SKETCH AND DESCRIPTION AND DOES NOT REPRESENT A CURRENT OR COMPLETE BOUNDARY SURVEY BY THIS FIRM. IT IS BASED ON MARION CENTER PLAT AS RECORDED IN PLAT BOOK 9, PAGE 39, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.
2. NOTE: THE DESCRIBED PARCEL DOES NOT HAVE ACCESS TO A PUBLIC RIGHT OF WAY
3. LINE WORK AND BEARINGS SHOWN HEREON ARE BASED ON THE MARION CENTER PLAT, AND RECORDED IN THE PUBLIC RECORDS OF MARION COUNTY PLAT BOOK 9, PAGE 39. FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT).
4. THE REMAINDER OF THE ORIGINAL PARENT TRACT IS NOT DELINEATED HEREON.
5. COPIES OF THIS SKETCH AND DESCRIPTION ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER LISTED HEREON.
6. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT WE HAVE MADE A SKETCH AND DESCRIPTION, AS SHOWN HEREON, THAT IT IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION THEREOF; AND THAT THIS SKETCH AND PLAT CONFORM WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATE SIGNED: _____

HAROLD B. PETERS
PROFESSIONAL SURVEYOR & MAPPER 6301
STATE OF FLORIDA (FOR THE FIRM LB6748)

LEGEND:

- ⊕ = DESCRIPTIVE POINT
- L# = LINE NUMBER (SEE TABLE)
- O.R.B. = OFFICIAL RECORD BOOK
- PG. = PAGE
- (P) = PER PLAT
- ST. = STREET
- = DESCRIPTION LINES
- = PARCEL LINE
- = LOT LINE
- = RIGHT OF WAY LINE

250 0 125 250

1 inch = 250 feet

SKETCH AND DESCRIPTION FOR MARION COUNTY UTILITY DEPARTMENT

GPI

GPI Geospatial, Inc.
3051 E. LIVINGSTON STREET, SUITE 300
ORLANDO, FL. 32803 (407) 851-7880
(LICENSED BUSINESS NO 6748)

SECTION 35, TOWNSHIP 16 SOUTH, RANGE 20 EAST, MARION COUNTY, FLORIDA

DRAWN BY: M.T.E.	DATE OF SURVEY: N/A	SCALE: 1" = 250'
CHECKED BY: H.B.P.	REVISIONS:	F.B./PG.: N/A
JOB#: GED-2019066.10		FILE #: 3N/XXXX
COGO FILE: OAKRUNS&D.CRD		SHEET
DRAWING FILE: OAKRUNS&D.DWG		1 OF 1

D:\0052\2019088.10 MCUD_Oak Run Property Expansion-Sketch & Description\08_Mapping\CAD\OakRunSkD.DWG By: mestmon Tab: 11X17 LTScale: 1 CimScale 1 PSLTScale: 1 8/27/2021
SE:

OWNER: OEHLERKING BRUCE E TRUST
DATE: AUGUST 26, 2020

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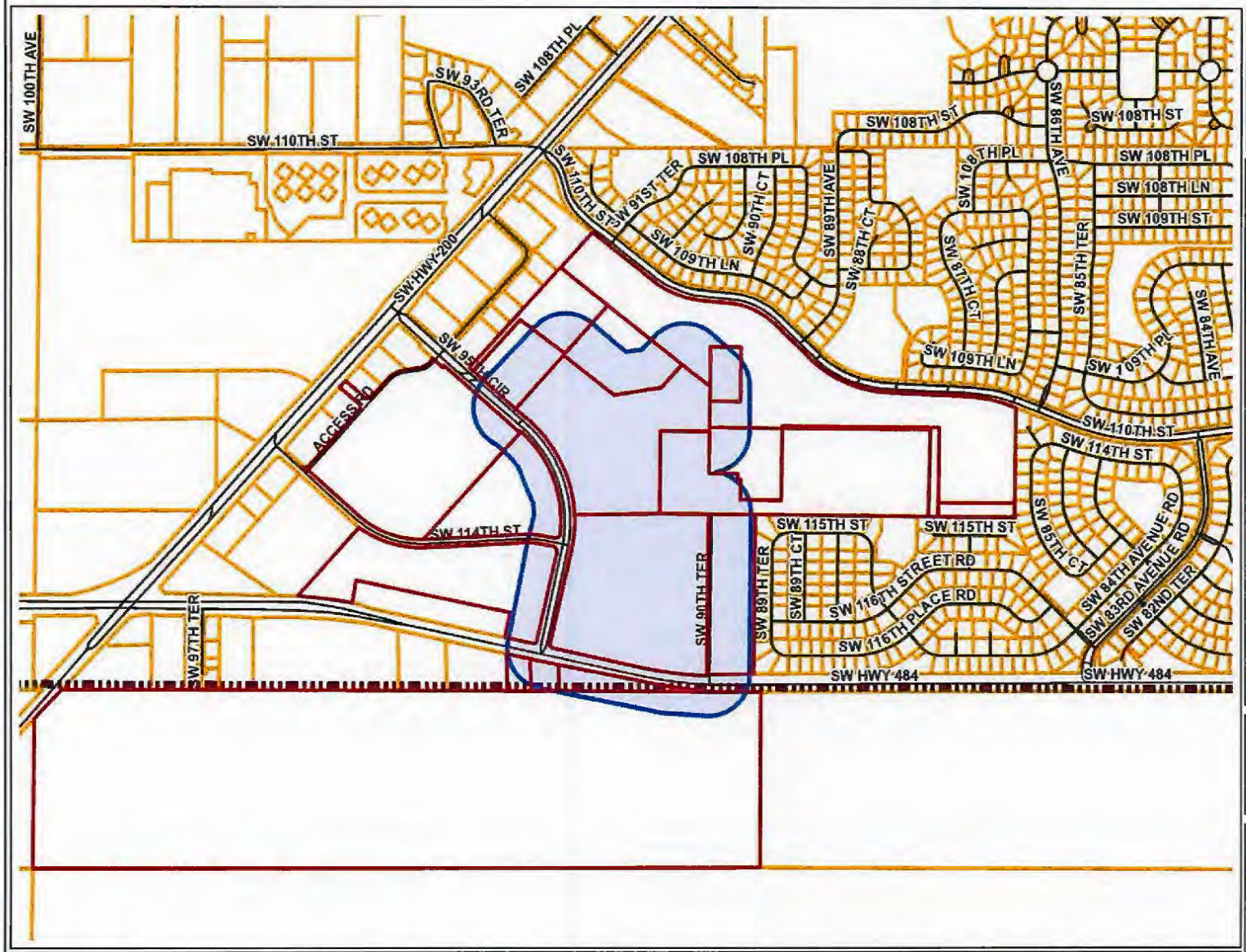
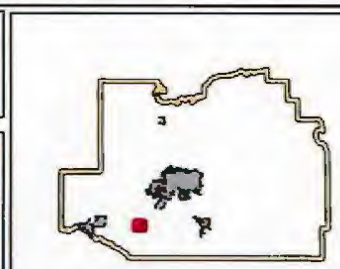
CONTAINING 435,600 SQUARE FEET (10.00 ACRES), MORE OR LESS.

of 48.02ac

Marion County | Growth Services Viewer

210406Z & 210407SU - OEHERKING - GRESKO TRUST





Legend

- Urban Growth Boundary
- Streets
- Parcels
- Municipalities
- Marion County

1: 12,882

1 in = 0.20 Miles

Notes

c/o:
AGENT: TILLMAN & ASSOC. ENG., LLC

0.4 0 0.20 0.4 Miles

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.

Creation Date: 2/11/2021