



Marion County Board of County Commissioners

Date: 5/4/2021

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

**Item Number
210512Z**

Type of Application
Rezoning

Request

Applicant requests the current zoning of R-1 be changed to R-2.

Owner/ Applicant

Flying Eagle Resources LLC

Agent

MacKay, David

Parcel #/Acreage

37515-000-11/35.07

Future Land Use

Medium Density Residential

Existing Zoning

R-1: Single Family Residential

Staff

Recommendation

Denial

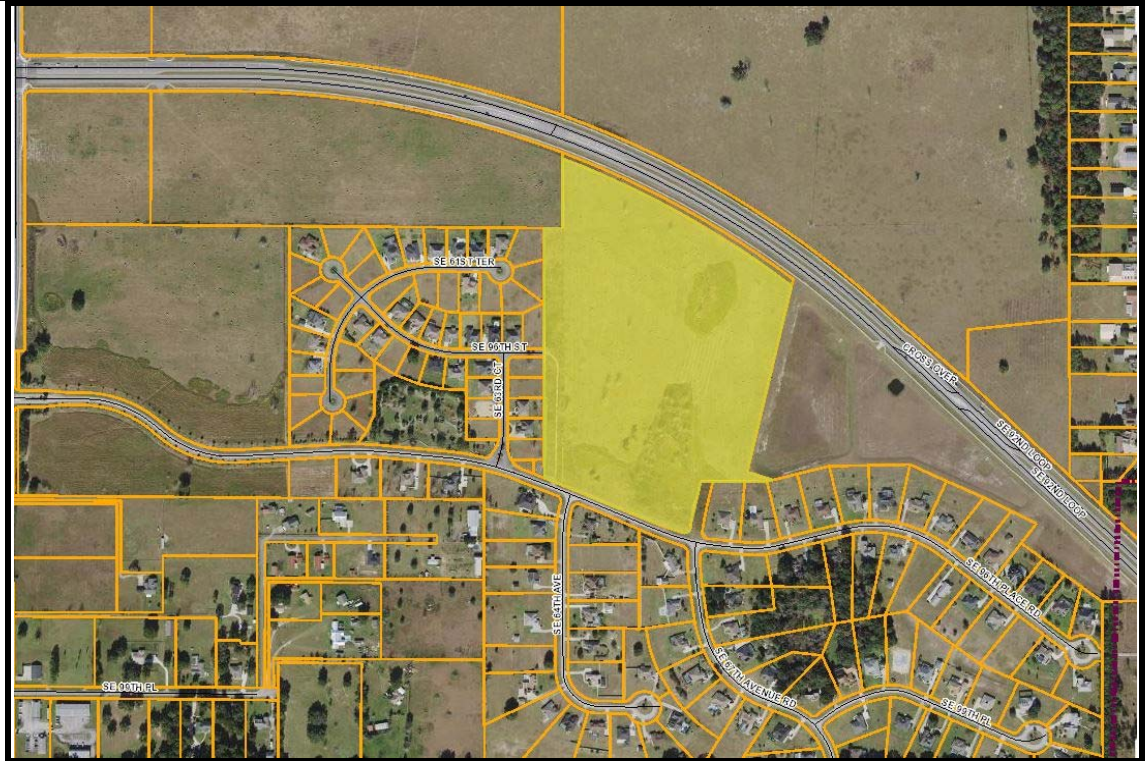
P&Z

Recommendation:

Denial

Project Planner

Kenneth Odom,
Transportation Planner



Item Summary

Staff is recommending **Denial** of the rezoning of this property from R-1: Single Family Residential to R-2: One & Two Family Dwelling.

Public Notice

Notice of public hearing was mailed to 33 property owners within 300 feet of the subject property. Letters were received from 13 of the 33 property owners within 300 feet (42%). 55 letters in opposition were received from property owners outside of 300 feet.

Location

The subject parcel is located generally northeast of the City of Belleview, south of Silver Springs Shores, east of SR 35, between SE 92nd Loop and SE 96th Place Road.

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

Additional Information

N/A

Comprehensive Plan Amendment:

N/A

Code Case: None

ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	Medium Density Residential	R-1 Single-Family Dwelling	(60-65) Grazing
South	Medium Density Residential	R-1 Single-Family Dwelling	(01) Improved Residential
East	Medium Density Residential	R-1 Single-Family Dwelling	(01) Improved Residential
West	Medium Density Residential	R-1 Single-Family Dwelling	(01) Improved Residential

Request

The applicant is requesting that the property be rezoned from R-1: Single Family Development to R-2: One and Two-Family Dwelling. The applicant is proposing to rezone the subject parcel in order to develop work force housing with two-family duplex style homes at four dwelling units per acre. Staff have discussed the additional considerations that are necessary when constructing two-family homes with the agent for the applicant.

A significant concern for the proposed development that is proposed to be constructed is that setbacks must be maintained for all structures just as in any other type of zoning. Multi-family homes are two homes joined by at least one common wall. Two owners for two dwelling units contained in one building does not adhere to the Land Development Code because share of a common wall does not observe required setbacks if each owner is intended to also own the land associated with each dwelling unit. It can be handled in one of two ways. 1) The development is not subdivided into separate parcels which would necessitate that the entire property is managed through a commercial entity or a Home Owner's Association or 2) One owner would be required to purchase two dwelling units, contained in one building. If two dwelling units are marketed to individual owners, the duplex buildings could be located on individual parcels where setbacks could be observed.

After correspondence with the applicant, it has been determined that duplex homes are intended to be marketed to individual owners who will own both units in each individual building. This would allow for one structure to be located on one parcel which would allow for observance of setbacks. However, this arrangement would culminate in one of two outcomes. 1) Individual owners

living in one dwelling unit and renting the other, or 2) the individual owners would be renting both individual dwelling units.

Analysis

In reaching its decision, the Board of County Commissioners will find:

- a. **Granting the proposed Zoning change will adversely affect the public interest.** Single family homes already exist to the west and south in the Golf Park–Unit 1 development and to the west in the Fountains at Golf Park development. Single family homes are also planned for the R-1 zoned parcel to the north of the subject parcel which is also owned by Golf Park LLC. While multi-family housing is needed within Marion County, a duplex style development to provide work force housing, which would include rentals properties, is not consistent with the R-1: Single Family Residential development that has already been established in the immediate area. The proposed rezoning could adversely affect the public interest.
- b. **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 this property as Medium Density Residential. The proposed rezoning is consistent with the Comprehensive Plan.
- c. **The proposed Zoning Change is not compatible with land uses in the surrounding area.** The site is Medium Density Residential surrounded by Medium Density Residential with some High Density Residential to the northwest. The proposed residential zoning is consistent with Medium Density Residential, but construction of Two-Family Dwellings, which would necessitate at least some the dwelling units to be marketed as work force rental properties, is not compatible with established land uses that already exist in the area.

Utilities

The subject parcel lies within the water and sewer service area of the City of Belleview. Any development of the subject parcel will be required to hook up those services. The subject parcel lies within the service area of Duke Energy Company.

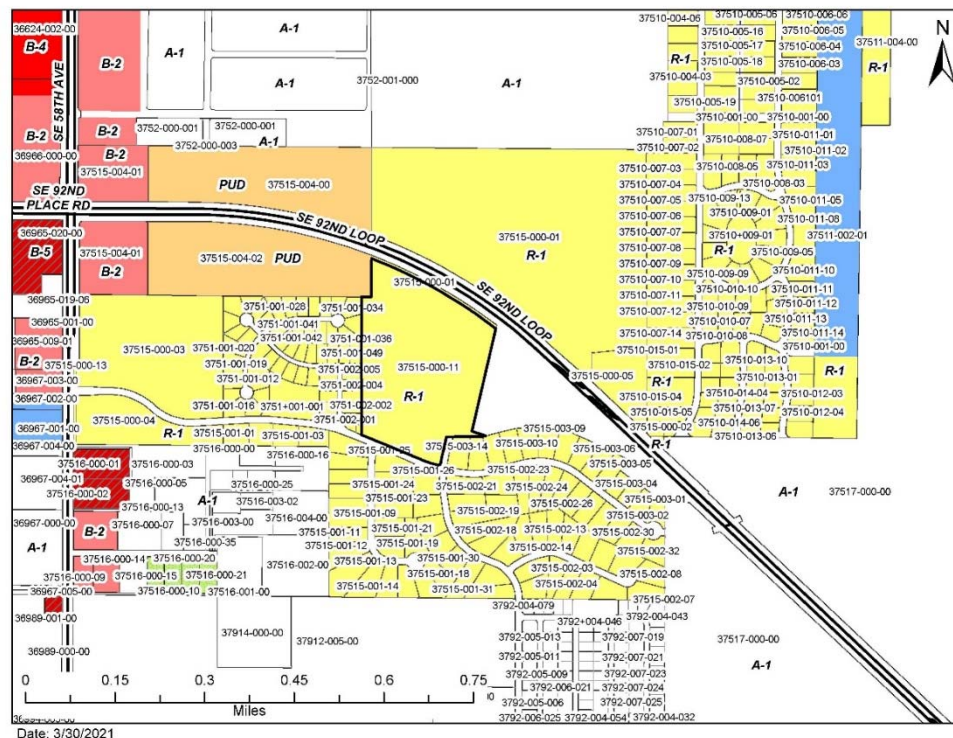
Staff Recommendation:

Denial

The proposed R-2: One and Two Family Dwelling is not compatible with the surrounding R-1: Single Family Residential

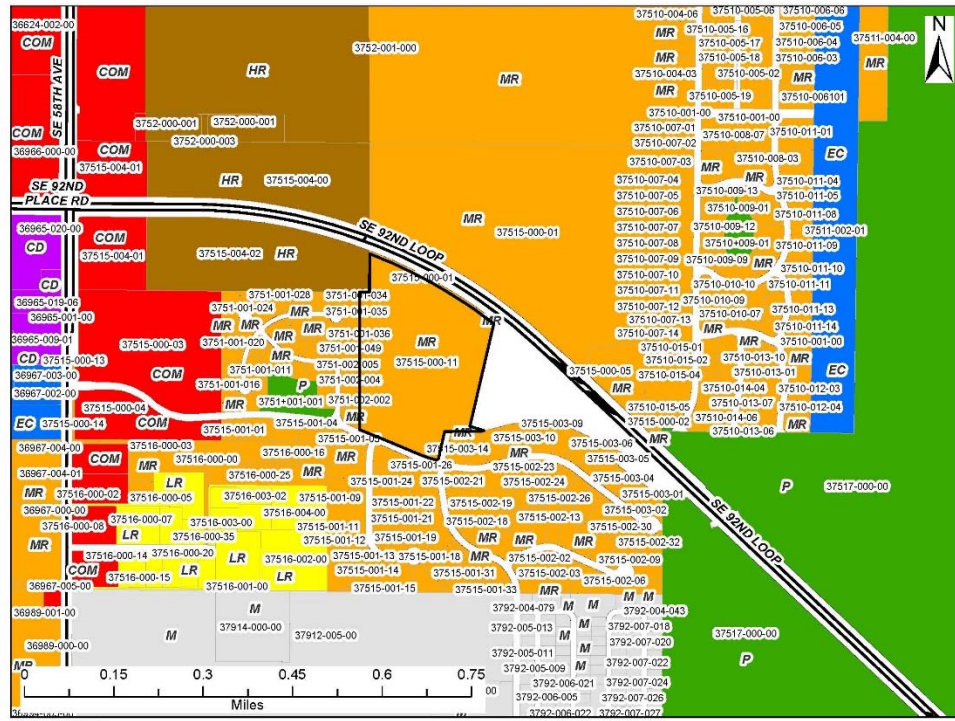
Zoning

R-1: Single Family Residential surrounded by R:1 Single Family Residential and some PUD to the northwest.



Land Use

Applicant's parcel is designated as Medium Density Residential and is surrounded by Medium Density Residential with some High Density Residential to the northwest.



Photos



Golf Park-Unit 1: South of the Subject Parcel
Golf Park-Unit 1: East of the Subject Parcel



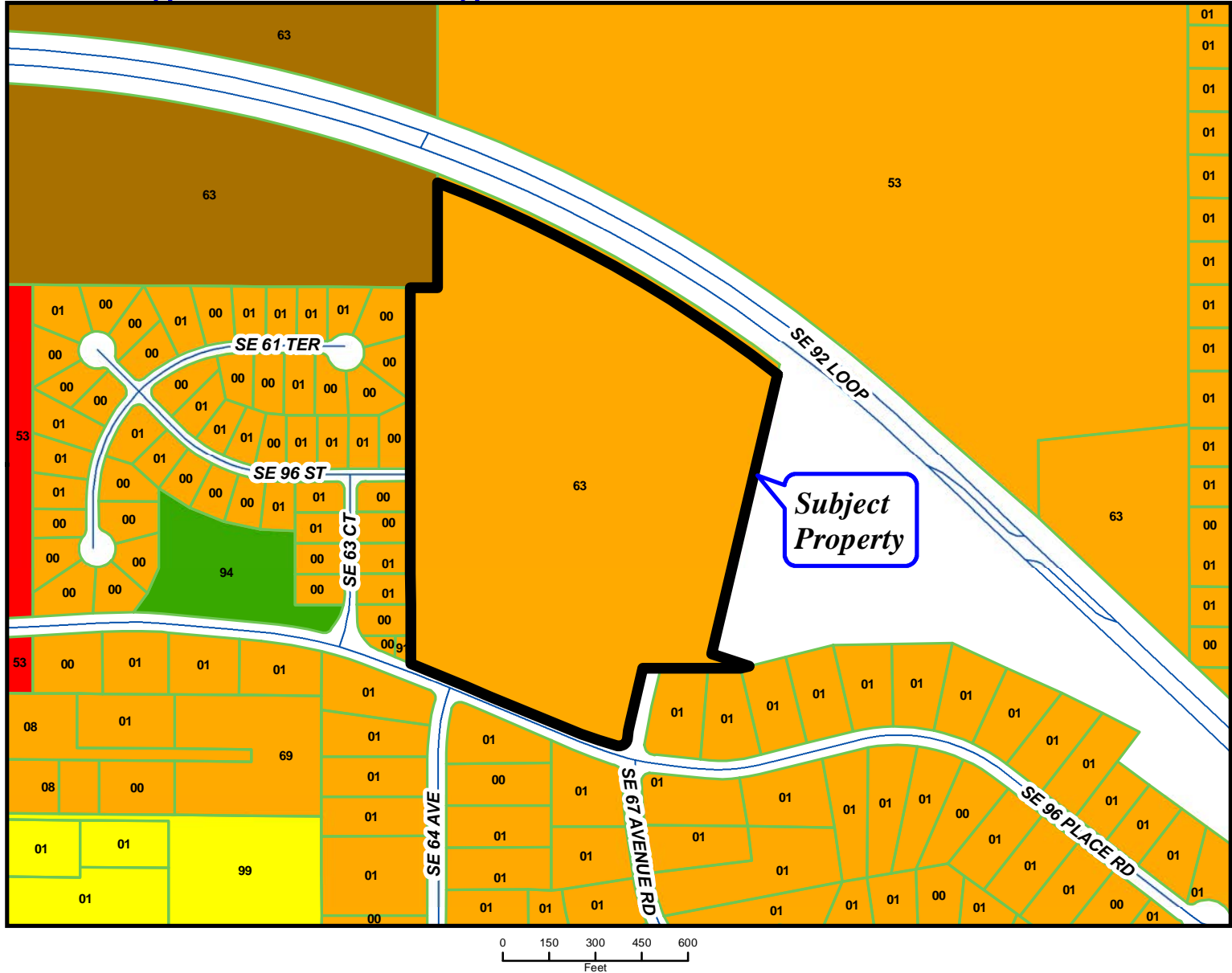
Aerial: 210512Z




0 150 300 450 600
Feet



Existing Land Use Designation 210512Z



Use per MC Property Appraiser		OWNER(S): Flying Eagle Resources, LLC, - c/o Ursula Henning	
01	Single Family Res	AGENT: David L. MacKay, Attorney	
50-69/99	Agricultural		
00/10/40/70	Vacant	PARCEL(S): 37515-000-11	
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 Services ■ Planning & Zoning

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

AR#: 26365

PA#: 37515-000-11

APPLICATION FOR REZONING

Application No.: #2105123

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 R-1

to R-2, for the intended use of:

residential development - 140 units

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

Parcel account number(s): 37515-000-11

Property dimensions: per deed

Total acreage: 35.07

35.95 PA needs.

Directions: East on Maricamp Rd. South on Baseline Rd. turn left at SE 92nd Place Rd. Property is on the left approx. one-half mile to vacant

land across from SE 64th Avenue

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

Flying Eagle Resources, LLC

Property owner name (please print)

150 SE 2nd Ave., STE 304

Mailing address

Miami, FL 33131-1507

City, state, zip code

786-3252149

Phone number (please include area code)

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.

David L. MacKay, Attorney

Applicant or agent name (please print)

2801 SW College Rd. STE 9

Mailing address

Ocala, FL 34474

City, state, zip code

352-237-3800

Phone number (please include area code)

Signature

RECEIVED BY: EM DATE: 3/3/2021

FOR OFFICE USE ONLY

ZONING MAP NO.:

235

Rev. 01/11/2021

med. density
cell 37547-6338

Prj. 2014 04 0026
AR 26365

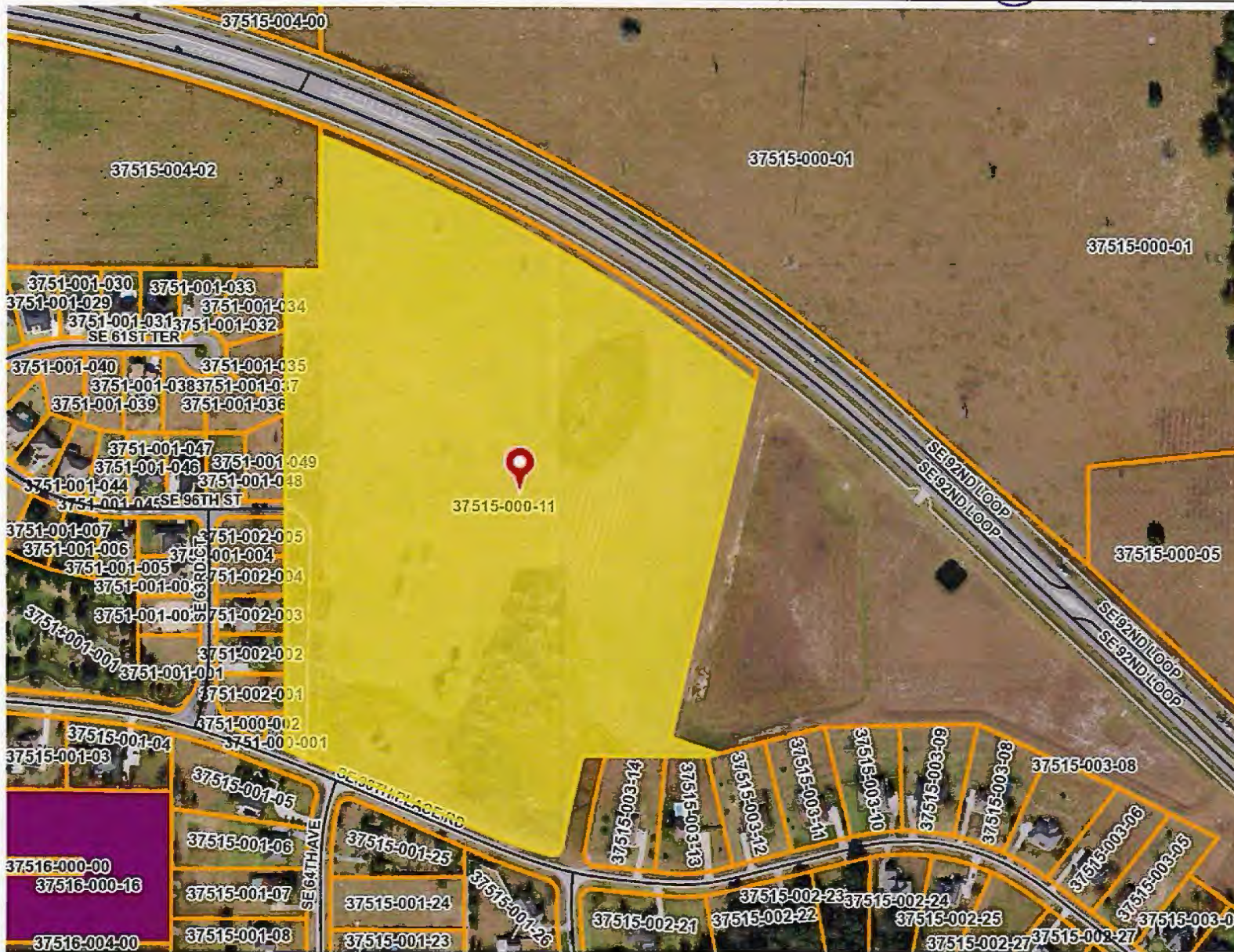
Empowering Marion for Success

www.marioncountyfl.org

Sec. 19-16-23



#2105123



Legend

- Urban Growth Boundary
- Address Search Results
- Streets
- Parcels
- Environmentally Sensitive Ove
- Family Divisions
- Municipalities
- Marion County

1: 4,571

1 in = 0.07 Miles



Notes

0.1 0 0.07 0.1 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

