



Marion County Board of County Commissioners

Date: 1/2/2018

P&Z: 10/30/2017 **BCC Transmittal:** 11/21/2017 **BCC Adopt:** 1/16/18

Amendment No:
2017-L09

Type of Application
Large-Scale Comp Plan
Amendment

Request:
From: Rural Land
(Changed involuntarily from LDR in 2014 administratively by Growth Services)
To: Low Residential

Concurrent Zoning
PUD (2008 expired)

Parcel #/Acreage:
Parcel 36243-000-00/197.43

Owner:
Condores 7 LLC

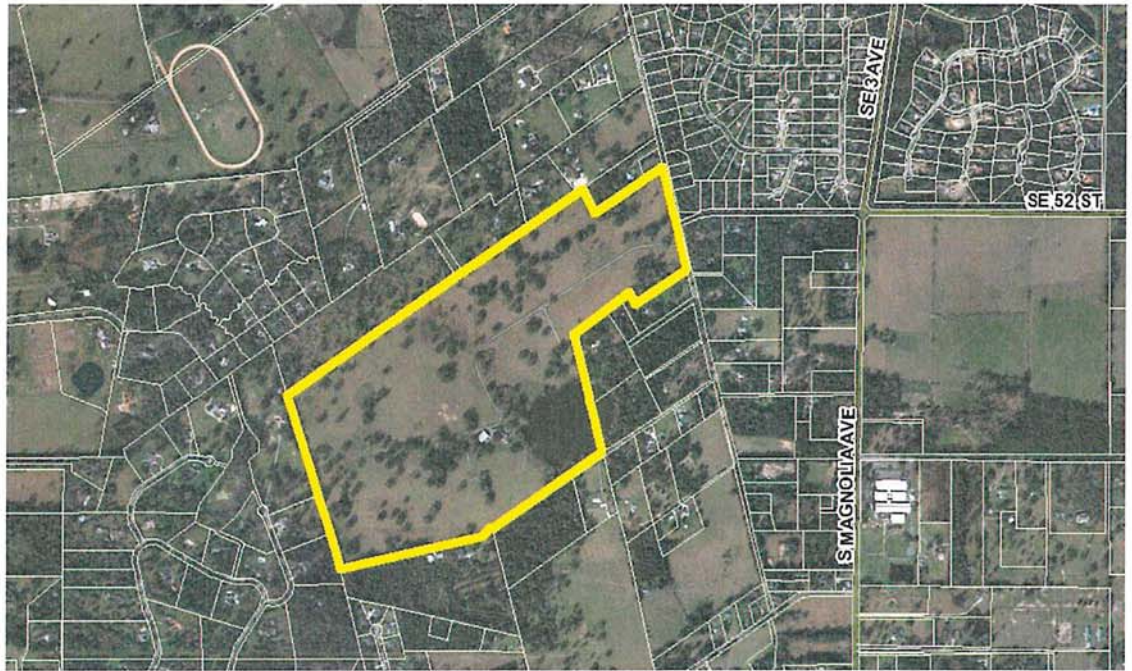
Applicant:
Marion County
Department of Growth Services in order to correct involuntary map change.

Location:
SW 7th Avenue Road,
Ocala

Existing Use:
Agriculture

Staff Recommendation
Approval

P&Z Recommendation
APPROVAL



RECOMMENDATIONS & HEARINGS HELD FOR THIS AMENDMENT

Action	Result
Staff Recommendation	APPROVAL
P&Z Recommendation	APPROVAL
BCC Transmittal	APPROVAL
BCC Adoption	TBD

Notice of Public Hearing
Property Owners within 300 feet of the subject property: 24
Written comments in opposition have been received from 5 of the 24 residents or 21% at the time of this report's distribution.

PROJECT INFORMATION

Request:
Land Use Map Correction on Parcel ID # 36243-000-00 from Rural Land to Low Density Residential

Gross Development Potential:

Residential	Non-Residential
197	n/a

Water/Sewer: Existing developer's agreement requires connection to water and sewer.

Environmental: Located in Primary Springs Protection Zone. Environmental assessment required as part of the development review process.

Transportation:
Potential for 1,539 daily trip generation at maximum density. Traffic impact report and concurrency review required during development review.

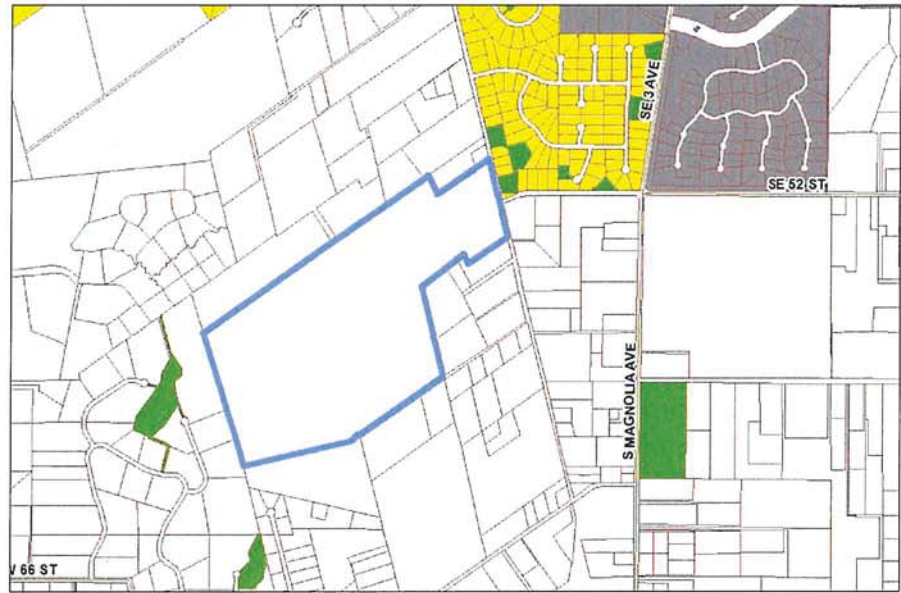
LOCATION

Subject property is located on the west side of SW 7th Avenue Road, location address 5270 SW 7th Avenue Road, Ocala.

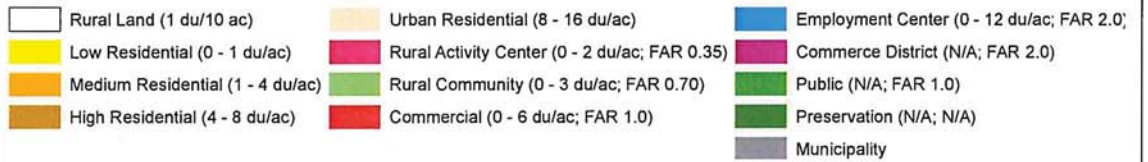
Project Planner
 Kevin A. Smith, AICP,
 Strategic Resources
 Project Manager/
 Sam Martsolf, GS
 Director

**Code Enforcement
 Actions On-site:** None.

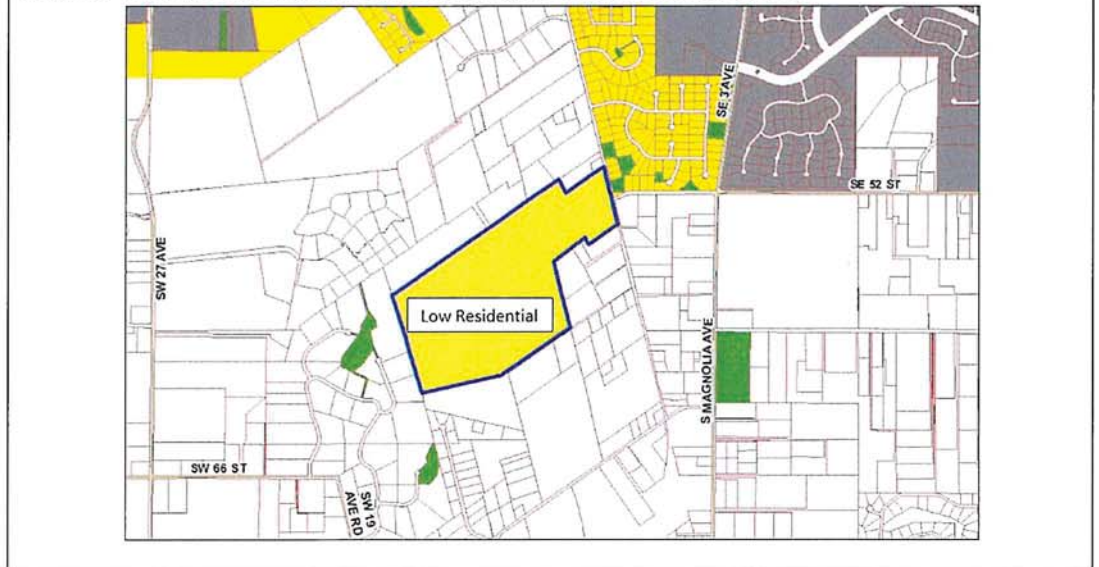
CURRENT FUTURE LAND USE DESIGNATION



FUTURE LAND USE DESIGNATION



PROPOSED FUTURE LAND USE DESIGNATION



CURRENT ZONING

Legend

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



PLANNING DIVISION ANALYSIS – FLUM AMENDMENT

BACKGROUND/EXISTING CONDITIONS

Prior to 2014, the subject property parcel, ID # 36243-000-00, was assigned Low Density Residential Land Use on the Comprehensive Plan Future Land Use Map which allows a maximum density of 1 du/1 acre. A developer's agreement was also approved consistent with the Low Density Land Use (9/16/2008, OR BK 05100, PG 1541-1552). The developer's agreement requires the provision of central water and sewer services.

In 2014, the Planning Department presented to the Board of County Commissioners significant revisions to the Comprehensive Plan and the Land Development Code, intended to both update those documents and to streamline the overall development approval process. The Board of County Commissioners approved those proposals by Ordinance No. 14-10, which proposals included amendments to the County-wide Future Land Use Map (FLUM). (In addition, it was the consensus of the Board to allow a six month timeframe for staff to reconsider land use amendments that were changed in the plan. See attached BCC minutes excerpt dated May 8, 2014).

Subsequently, it was discovered that the land use designation of Parcel I.D. #36243-000-00, an approximately 197.5+ acre parcel, was unintentionally and erroneously changed from Low Density Residential to Rural Land. The current owner of Parcel ID # 36243-000-00 was made aware of the erroneous land use designation before he purchased the property, but had received communication from County staff that the error would be corrected. In reliance on that communication, he completed his acquisition of the parcel, however, the land use designation has not yet been corrected. It was decided to immediately proceed with correction of the land use designation on the FLUM as to Parcel ID # 36243-000-00 from Rural Land to Low Density Residential.

After consultation with the County Attorney, it was determined that correction of the map error will require review and approval by the Board of County Commissioners using the normal procedures for FLUM amendments. This application, 17-L09, submitted by the Marion County Growth Services Department, provides for formal adoption of in accordance with large scale comprehensive plan amendment procedures set forth in Ch. 163 Florida Statutes.

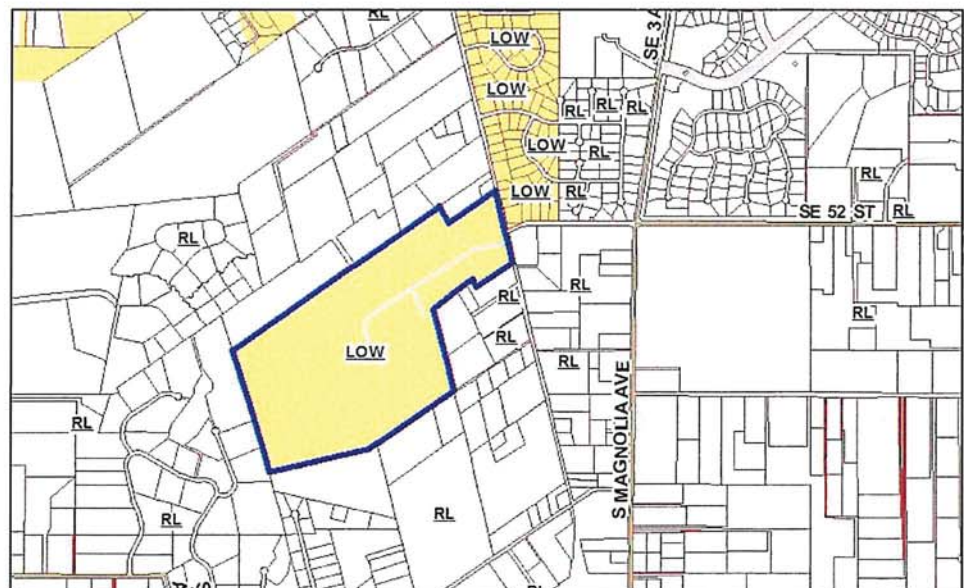
Associated Planned Unit Development














A Planned Unit Development (PUD) was previously approved for the subject property at a density of 1 du/acre (197 units) but has since expired (080117Z, 11/18/2008, Douglas Estates PUD). A new PUD approval is needed in order to develop this property. An associated rezoning application for PUD has been presented to the Growth Services Department with a density of 1 du/3.5 acres (56 units) and will be processed immediately following the land use amendment approval.

Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning	Existing Use per MCPA Property Code
N	Rural Land, Public, Low Residential	Agriculture	Agriculture, Multifamily Residential
S	Rural Land	A-1 General Agriculture	Agriculture, Single Family Residential
E	Rural Land	A-1 General Agriculture	Vacant Residential, Single Family Residential, Institutional
W	Rural Land	A-1 General Agriculture, R-1 Single Family Residential	Single Family Residential, Agriculture

PROPOSED DEVELOPMENT CONTEXT

Historic (pre-2014) Future Land Use



 Rural Land (1 du/10 ac)	 Urban Residential (8 - 16 du/ac)	 Employment Center (0 - 12 du/ac; FAR 2.0)
 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)
		 Municipality

PUBLIC FACILITIES AND SERVICES

Environmental: Soils on site include Blitchton sand, 2 to 5 percent slope; Lochloosa fine sand, 0-5 percent slope, and Flemington loamy sand, 2 to 5 percent slope. None of the soil types are classified as prime farmland. The site is not located within the Environmentally Sensitive Overlay Zone (ESOV) established in the Marion County Land Development Code. The site is within the Primary Springs Protection Zone. An Environmental Assessment for Listed Species, along with stormwater and floodplain analysis, is required for all development proposals which will address how any such factors will be managed consistent with local, state, and federal requirements.

School Facilities: Under the proposed Low Residential land use, the site could develop a maximum of 197 residential units. Using the average student per dwelling unit rates from the Marion County School Board, the site could potentially generate 31 elementary students, 15 middle, and 18 high school students, or a total of 64 students. Should a development be considered that would provide residential use, school concurrency would be addressed as part of the development review process.

Public Safety: The site is located in the Shady Fire Rescue District. The nearest fire station is Shady Station #16 approximately 1.4 miles to the south on S. Magnolia Ave. Hospital facilities are located 2.8 miles north in the City of Ocala. The Marion County SO multi-district office is located at the intersection of SE 80th St. and S Hwy. 441, a distance of 2.1 miles. Public safety service response times will vary based on whether the response units are at the stations or on the road, and service may also be provided by other surrounding facilities under inter-local service delivery options. Final conformance with all public safety needs will be coordinated with any site development proposals as part of the development review processes.

Potable Water & Sanitary Sewer: A portion of the site is within the City of Ocala Service utility service area. The site is presently subject to the developer's agreement approved in 2008 which requires connection to central water and sewer services. Projected flows area shown below.

Water & Sewer Capacity - Maximum Demand in Gallons Per Day (GPD)

Utility Service LOS Standard*		Existing FLU	Proposed FLU	Net Change
Residential Units		19	197.43	178.43
Non-residential Acres		0	0	0
<i>Water Demand GPD (PWE Policy 1.1.1)</i>				
Residential Units	150 GPD/person per unit	6,840	71,075	64,235
Non-residential	2,750 gpd/ac	-	-	-
<i>Sewer Demand GPD (SSE Policy 1.1.1)</i>				
Residential Units	110 GPD/person/unit	5,016	52,122	47,106
Non-residential	2,000 gpd/ac	-	-	-

*Level of Service standard in adopted Comprehensive Plan.

Note: assume 2.4 persons per unit.

As indicated in the table above, the proposed density allowed under Low Density Residential land use could result in an increased water demand of 64,235 gpd for water and 47,106 gpd for sewer. Connections to utility services will be evaluated at the time the site develops. Marion County has established standards governing when design and construction for facility expansions are initiated, and participation by the final developer through development agreements and/or partnerships are permitted by the Marion County Land Development Code.

Stormwater/Drainage Some FEMA Flood zone areas are found on portions of the site. The applicant will be required to satisfy the stormwater criteria in the Land Development Code including compensation for any work within the flood zone area. All proposed development is required to hold stormwater on-site, up to and including a 100-year storm event, along with other site specific conditions in compliance with the County's Land Development Regulations in order to address on-site flooding issues and any concerns off-site.

Recreation: Recreation facilities are not expected to be impacted by the proposed amendment; however, Marion County has ample Federal, State, and County owned lands available for recreational activity and exceeds the currently established LOS standard.

Solid Waste: LOS is 6.2 pounds per person per day (Solid Waste Element, Policy 1.1.2). This amendment does not adversely impact the County's LOS for solid waste as the County has identified and arranged for short-term and long-term disposal needs. The County continues to use the Baseline Landfill until 2020 when it is projected to close. A long-term contract reserving capacity with a private landfill in Sumter County is in place for use when determined necessary by the County. Further, the County continues to pursue recycling opportunities and other avenues to address solid waste needs based on existing and projected conditions.

Transportation: Amendment 17-L09 was analyzed using the Marion County Impact Fee Schedule and the Institute of Transportation Engineers Trip Generation Handbook, 9th Edition.

AMENDMENT TRIP GENERATION

Scenario	Acres	Future Land Use	Potential Maximum Development (DU)	Daily Trips	PM Peak Hour Trips
<i>Existing</i>	197.4	Rural Land	20	154	13
<i>Proposed</i>	197.4	Low Residential	197	1,539	133

Note: Trip generation rates from Marion County Impact Fee Report, June 12, 2015.

A review of the 2016 Traffic Counts Manual prepared by the Ocala/Marion Transportation Planning Organization, indicates no existing traffic count stations located near the subject property. If approved, and through subsequent application processes, development proposals associated with this application will be subject to further transportation impact review and approval under the County’s Land Development Code including concurrency review.

STAFF RECOMMENDATION

Growth Services recommends **APPROVAL** of **CPA 17-L09** for the proposed Future Land Use Map Amendment on the following basis:

1. The granting of the amendment will not adversely affect the public interest.
2. The proposed amendment is compatible with land uses in the surrounding area.
3. The proposed amendment is consistent with Chapter 163, Florida Statutes and the Marion County Comprehensive Plan

PLANNING & ZONING COMMISSION RECOMMENDATION – October 30, 2017:

The Planning & Zoning Commission recommends **APPROVAL** of **CPA 17-L09** for the proposed Future Land Use Map Amendment on the following basis:

BOARD OF COUNTY COMMISSIONERS – TRANSMITTAL – November 21, 2017:

The Board of County Commissioners acted to **APPROVAL** the transmittal of **CPA 17-L09** for the proposed Future Land Use Map Amendment to the Florida Department of Economic Opportunity for *expedited agency review* on the following basis:

REVIEW AGENCY COMMENTS:

NO COMMENTS

BOARD OF COUNTY COMMISSIONERS – ADOPTION – TBD:

The Board of County Commissioners [] Future Land Use Map Amendment **CPA 17-L09** _____ on the following basis:

BCC Minutes May 8, 2014 - excerpt

Comprehensive Plan – Chairman Zalak stated the Board would now address Mr. Gooding's land use designation request regarding the Leeward property.

Commissioner McClain questioned if the BCC agreed with a lesser density land use designation for the property would it change any procedure at the State level. Mr. Stubbs advised that the State would still have 31 days (after transmittal) to comment on the proposed Comprehensive Plan, noting he did not think the amended designation request would change their opinion.

Chairman Zalak suggested that as the Comprehensive Plan was released, the BCC may want to take a six month window of time to consider any amendments that may be needed or requested by property owners.

Commissioner Bryant clarified that the six month timeframe would be for property owners included in the County's proposed land use designation changes that did not want the change.

County Attorney Minter expressed concern that a situation could occur where a proposal could be brought before the Board at the last minute that, in all fairness, should have involved staff analysis/evaluation prior to BCC action.

General discussion ensued.

Book T, Page 433

May 8, 2014

→ It was the general consensus of the Board to allow a six month timeframe for staff to reconsider land use designation amendments that were changed in the proposed Comprehensive Plan.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to grant the land use designation change from Commerce District to Employment Center on Parcel Numbers 37511-002-00 and 37511-002-01. The motion was unanimously approved by the Board (5-0).



View looking west at subject property from SW 7th Ave. Road.



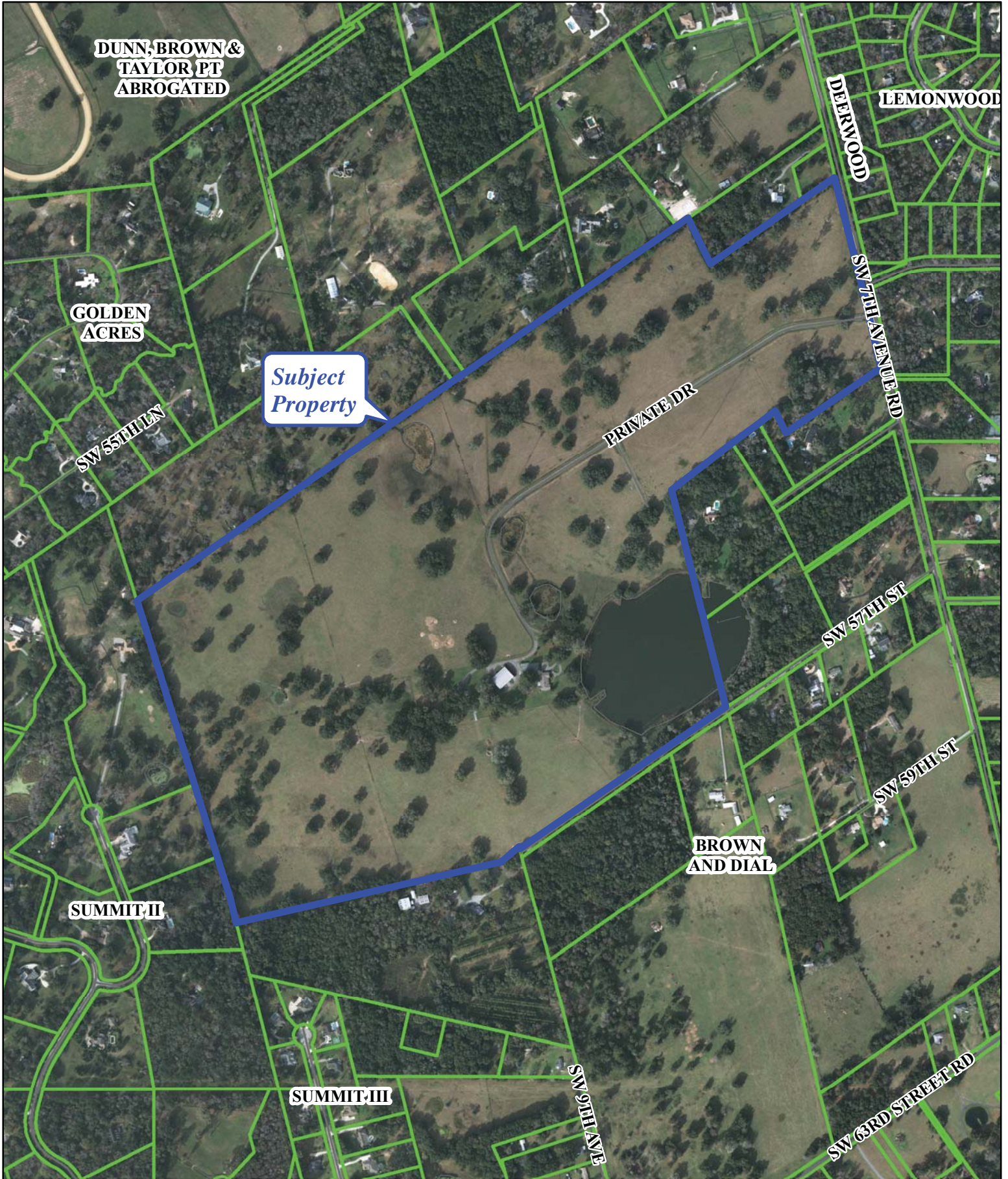
View looking south on SW 7th Ave. Road.



**View looking east at parcel on the east side
of SW 7th Ave. Road.**



**View looking west at subject property
from SW 57th Street.**



Subject Property

DUNN, BROWN &
TAYLOR, PT
ABROGATED

GOLDEN
ACRES

SW 55TH LN

PRIVATE DR

DEERWOOD

LEMONWOOD

SW 7TH AVENUE RD

SW 57TH ST

SW 59TH ST

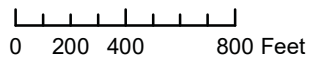
BROWN
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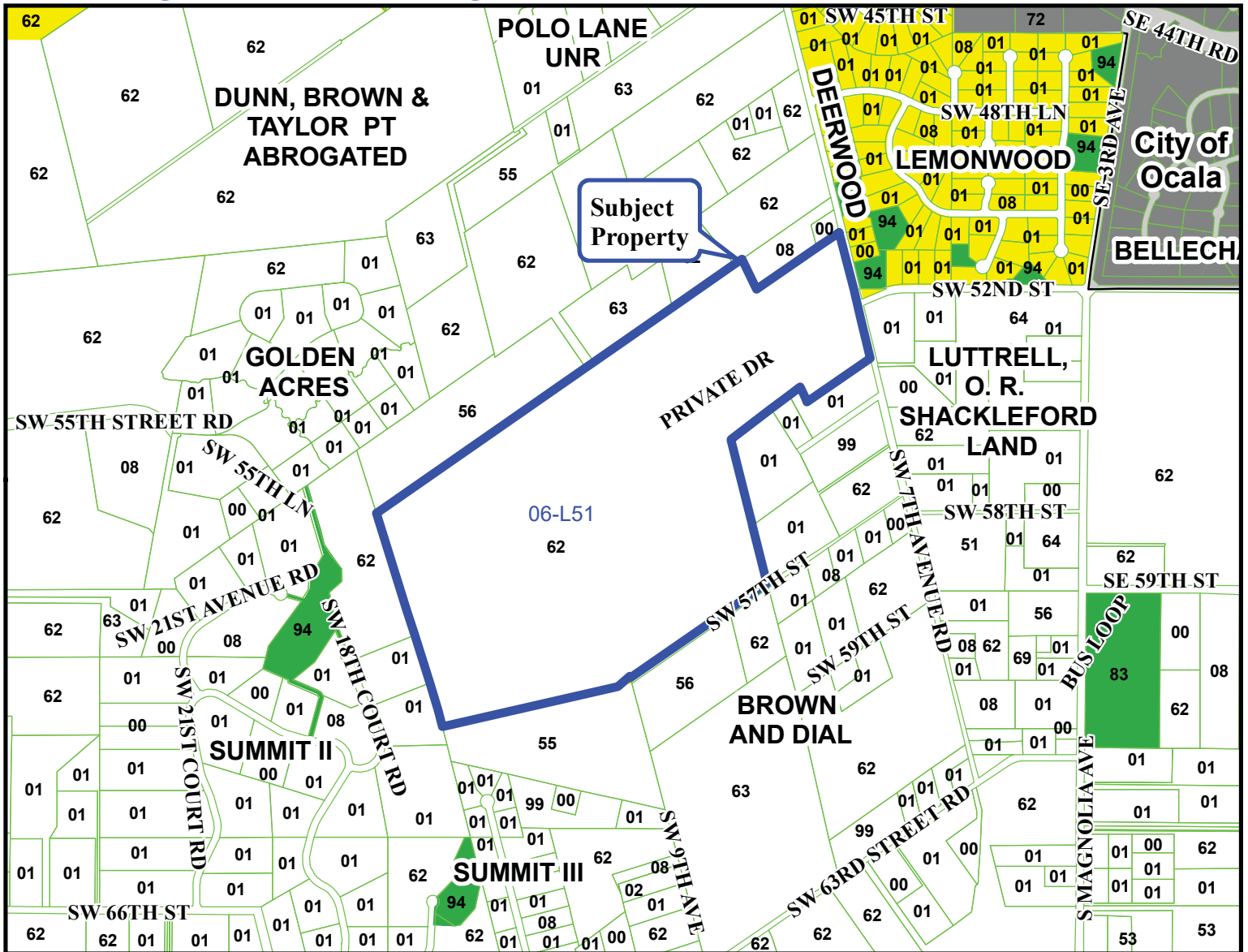
SUMMIT II

SUMMIT III



SW 9TH AVE

SW 63RD STREET RD





1 inch = 1,320 feet

Use per MC Property Appraiser		OWNER: CONDORES 7 LLC			
01	Single Family Res	AGENT: MARION COUNTY GROWTH SER. - SAM MARTSOFF, DIR.			
50-69/99	Agricultural				
00/10/40/70	Vacant				
71	Church	PARCEL(S): 36243-000-00			
02	Mobile Home				
06-07/11-39	Commercial	 <p>The information shown hereon is compiled from the best available sources and for use by the County offices only. This data should not be used for surveying or land transfer of any type.</p> 			
41-49	Industrial				
83-98	Public				
82	Recreation				
03-05/08	Multi-Family				
77	Club/Lodge/Union Hall				
				Legend	
☆ Policy 1.20	<ul style="list-style-type: none"> All Amendments Rural Land (1 du/10 ac) Low Residential (0 - 1 du/ac) Medium Residential (1 - 4 du/ac) High Residential (4 - 8 du/ac) 			<ul style="list-style-type: none"> 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) 	<ul style="list-style-type: none"> 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 Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

**MARION COUNTY APPLICATION FORM FOR LARGE- AND SMALL-SCALE
COMPREHENSIVE PLAN AMENDMENTS**

Staff Use Only: Case # 17- L09

PLEASE CHECK THE APPROPRIATE APPLICATION TYPE BELOW:	
LARGE-SCALE MAP AMENDMENT <input checked="" type="checkbox"/>	SMALL-SCALE MAP AMENDMENT _____
TEXT AMENDMENT _____	TEXT AMENDMENT _____ <i>(Text amendment must be associated with submitted small-scale map amendment)</i>

REQUIRED DOCUMENTS TO ATTACH TO APPLICATION (add additional pages if necessary):

- 1) Certified legal description with a boundary sketch signed by a Florida registered surveyor for the specific property proposed to be amended. Certified legal description must include the acreage.
- 2) Copy of the most recent deed covering the property included within the proposed amendment.
- 3) Notarized owner affidavit(s) – see third page of this form.
- 4) Application fee – cash or check made payable to “Marion County Board of County Commissioners.”
- 5) Additional information, including proposed text amendment language, necessary to complete application.

(NOTE: If applying for text amendment only, skip filling out the rest of the form except for applicant and/or authorized agent contact information requested on this page.)

Marion County Tax Roll Parcel Number(s) Involved	Parcel Section, Township, Range (S-T-R)	Acreage of Parcel(s)	Current Future Land Use Category	Proposed Future Land Use Category
36243-000-00		197.43 Acres	Rural Land	Low Residential

CONTACT INFORMATION (NAME, ADDRESS, PHONE NUMBER, FAX AND EMAIL)		
Property owner/applicant		Authorized agent (if not the owner/applicant)
Condores 7, LLC. 9637 NW Hwy 225A Ocala FL 34482 352-732-7750	H. Randolph Klein Klein & Klein, LLC. 40 SE 11th Ave. Ocala FL 34471 352-732-7754	Marion County Growth Services Samuel Martsolf 2710 E. Silver Springs Blvd. Ocala FL 34470

Staff Use Only: Application Complete – Yes Received: Date ___/___/___ Time ___:___ a.m. / p.m. **Page 1 of 3**

“Meeting Needs by Exceeding Expectations”