

**MARION COUNTY ZONING COMMISSION
MEETING MINUTES
JUNE 29, 1998**

A regular meeting of the Marion County Zoning Commission was held on Monday, June 29, 1998 at 5:30 p.m. in the Board of County Commissioners' auditorium at 601 SE 25th Avenue, Ocala, Florida.

The following members were present: Clay Albright, Chairman; Branard Grant; Brian Mangram; Roxanne Mastrantonio; Howard Rohrbacher; Ray Fowler; and Alternate Member Tim Lafferty. Karl Heieck had an excused absence. Staff members present were: Jeff Fowler, Assistant County Attorney; Michael May, Zoning/Development Review Director; Bill Cobb, Zoning Site Planner; Jimmy Massey, Principle Planner; Chris Rison, Senior Planner; and Carol Pacheco, Secretary.

Mr. Albright called the meeting to order at 5:32 p.m. Mr. May read the Proof of Publication and Affidavit of Mailing and Posting of Notice. He advised that the meeting was properly advertized. All records pertaining to notice to property owners, all correspondence and other related information pertaining to individual Zoning Change and Special Use Permit requests are located in the Zoning/Development Review Department files for record purposes.

Mr. Albright led a moment of silent prayer and the Pledge of Allegiance. The secretary called the roll. Mr. Albright explained the procedure of the meeting to the audience. The actions of the Zoning Commission are advisory to the Board of County Commissioners which will meet on July 21, 1998 at 2:00 p.m.

Mr. Albright opened the public hearing on the Consent Agenda and explained the procedure to the audience. Mr. May announced the items recommended for the Consent Agenda. He asked if there was anyone in the audience who wished to speak in opposition to any of the items. Mr. Albright pulled Item No. 980710Z Nancy Steinmetz, from the Consent Agenda. Mr. Albright closed the public hearing on the Consent Agenda.

Motion was made by Mr. Rohrbacher, seconded by Mr. Mangram to recommend approval of the following five items on the Zoning Commission Consent Agenda because they were recommended for approval by the Planning Department, they had no written opposition within 300 feet, and there was no opposition in attendance at the Zoning Commission meeting:

- | | | | |
|----|----------|------------------------------|---------------------------|
| 1. | 980702Z | Albert & Gary Behn | R-1 to R-4 |
| 2. | 980703Z | Ricky & Karen Watson | R-1 & B-2 to R-4 |
| | | Frank & Frances Dietz | |
| 3. | 980704Z | James H. Hunt | R-3 to RAC |
| 4. | 980705SU | Wilfred & Elizabeth Fredette | Special Use Permit in A-1 |
| 5. | 980707Z | John Romano | R-1 to R-4 |

Motion carried by a vote of 7-0.

1. 980701Z Robert Corte was present to represent Kathryn Stone to request a Zoning Change from R-4 (Residential Mixed Use) to P-MH (Mobile Home Park) for the intended use of a mobile home park and any other use permitted in a P-MH zone.

Mr. Rison read the staff recommendation. Mr. May announced there was 11% written opposition within 300 feet, 2 of 17 property owners notified were opposed.

Mr. Corte explained that the State of Florida has changed the number of units that make a mobile home park. The Zoning Change will bring the mobile homes into compliance with state requirements. He presently has six units and could have a maximum of nine units with the Zoning Change. Mr. May explained that this is a non-conforming, grandfathered use. Mr. Corte will have to remove a unit or comply with the state and county by getting properly zoned.

Renee Monk, Tracy Barfield, Larry Raines, Loma Lynch, Joyce Carper, and Leslie Lynch spoke in opposition. Their reasons for opposition included: opposed to the number of mobile homes that would be allowed, will lose neighborhood unity with the turnover of people in a mobile home park, wear and tear on the dirt road, road becomes a lake during heavy rain, and they don't need additional mobile homes in this area.

Motion was made by Mrs. Mastrantonio, seconded by Mr. Rohrbacher, to disagree with staff findings and recommendation, and recommend denial of a Zoning Change from R-4 to P-MH for the intended use of a mobile home park and any other use permitted in a P-MH zone, based on the following findings of fact:

1. Is not compatible with the surrounding land uses.
2. Will adversely affect the public interest.

Motion to deny carried by a vote of 6-1 with Mr. Grant voting no.

2. 980706Z Sandy Durrence, attorney, was present to represent Forest and Ethel Ward to request a Zoning Change from R-1 (Single Family Dwelling) to R-4 (Residential Mixed Use) for the intended use of a manufactured home, and any other use permitted in an R-4 zone.

Mr. Rison read the staff recommendation. Mr. May announced there was 11% written opposition within 300 feet, 3 of 26 property owners notified were opposed.

Pat Opitz spoke in opposition. She said a mobile home would be a detriment to the site built homes in this area. She explained that she had appeared at previous public hearings in past years trying to prevent mobile homes from being allowed in this R-1 area. Tony Opitz said the mobile homes in this area were put in before or during the no zoning period in Marion County. James Kraemer said he does not want a mobile home to be placed in

the field across from his house. The approval of one mobile home will lead to the approval of others.

Ms. Durrence said that mobile homes are dotted through out this community. Her clients bought the property because they saw many mobile homes in the area and thought that they would be allowed to have one too. After they bought the property, they found out that the property was zoned R-1 and that they could not have a mobile home.

Motion was made by Mr. Rohrbacher, seconded by Mrs. Mastrantonio, to disagree with staff findings and recommendation, and recommend denial of a Zoning Change from R-1 to R-4 for the intended use of a manufactured home and any other use permitted in an R-4 zone, based on the following findings of fact:

1. Is not compatible with surrounding land uses.
2. Will adversely affect the public interest.

Motion to deny carried by a vote of 6-1 with Mr. Fowler voting no.

3. 980708Z Mrs. Mastrantonio declared a conflict of interest and left the platform. Lori Busch was present to request a Zoning Change from M-1 (Light Industrial) to M-2 (Heavy Industrial) for the intended use of a truck dealership and any other use permitted in an M-2 zone.

Mr. Rison read the staff recommendation. Mr. May announced there was no written opposition within 300 feet, 43 property owners were notified.

Mrs. Busch said that when the Land Development Code was adopted M-1 uses were severely limited. She said the proposed uses are truck sales, leasing and repair, distribution and warehousing. She distributed a hand-out and Mr. Rison passed out photographs to the Zoning Commission.

Mr. Mangram said he was concerned about granting an M-2 zoning classification in this area since the zoning stays with the land if it is sold, and is the most intense zoning classification the county has.

Motion was made by Mr. Fowler, seconded by Mr. Rohrbacher, to agree with staff findings and recommendation, and recommend denial of a Zoning Change from M-1 to M-2 for the intended use of a truck dealership and any other use permitted in an M-2 zone. Motion carried by a vote of 6-0. Mrs. Mastrantonio returned to the platform.

4. 980710Z Deborah Martohue, attorney, was present to represent Tom Grizzard, agent for Nancy Steinmetz, to request a Zoning Change from A-1 (General Agriculture) to R-E (Residential Estate) for the intended use of obtaining a Special Use Permit for a real estate

office, and any other use permitted in an R-E zone.

Mr. Rison read the staff recommendation. Mr. May announced there was no written opposition within 300 feet, nine property owners were notified. He read a letter dated June 29, 1998 from L. Hall Robertson, Jr., President of Stonecrest Management, Inc. regarding access to the parcel in question.

Jo Alice Hagle presented a petition with 39 names in opposition. She was opposed due to safety concerns such as location of the property on a decline of a hill, site visibility, and no turning lane. Assistant County Attorney Jeff Fowler said these concerns were not applicable to the Zoning Change but should be brought up during consideration of the Special Use Permit.

Motion was made by Mr. Fowler, seconded by Mr. Lafferty, to agree with staff findings and recommendation, and recommend approval of a Zoning Change from A-1 to R-E for the intended use of obtaining a Special Use Permit for a real estate office and any other use permitted in an R-E zone. Motion carried by a vote of 7-0.

Motion was made by Mr. Rohrbacher, seconded by Mr. Mangram, to add this item to Consent Agenda for the BCC meeting on July 21, 1998. Motion carried by a vote of 7-0.

5. 980711SU Deborah Martohue, attorney, was present to represent Tom Grizzard, agent for Nancy Steinmetz, to request a Special Use Permit in an R-E zone for the purpose of a real estate office.

Mr. Rison read the staff recommendation and modified Conditions 4 and 5. Mr. May announced there was 33% written opposition from property owners within 300 feet, 3 of 9 property owners were opposed. Mr. May reread the letter from Stonecrest Management, Inc. regarding access to the parcel being rezoned.

There was a discussion on the possibility of access through Stonecrest and a curb cut on SE 104th terrace.

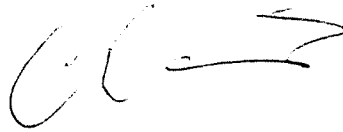
Jo Alice Hagle discussed the safety concerns and the danger of turning off US 441.

Motion was made by Mr. Rohrbacher, seconded by Mr. Mangram, to agree with staff findings and recommendation with modifications in Conditions 4 and 5, and recommend approval of a Special Use Permit for the purpose of a real estate office in an R-E zone. Motion carried by a vote of 6-1 with Mr. Albright voting no due to the generation of traffic at this location.

The Zoning Commission reviewed the minutes of the May 27, 1998 meeting. They were unanimously approved. Mr. Rohrbacher announced that this was his last meeting with the Zoning Commission since he will be working in Pensacola.

Mr. Albright adjourned the meeting at 7:25 p.m.

Signed:



CLAY ALBRIGHT, CHAIRMAN
MARION COUNTY ZONING COMMISSION

Attest:


CAROL J. PACHECO, SECRETARY

Attachment C
**Official Minutes of
MARION COUNTY
BOARD OF COUNTY COMMISSIONERS**

July 21, 1998

The Marion County Board of County Commissioners met in regular session in Commission chambers at 9:04 a.m. on Tuesday, July 21, 1998 at the Marion County Governmental Complex located in Ocala, Florida.

The meeting opened with invocation by Commissioner Townley, and the Pledge of Allegiance to the Flag of Our Country.

Upon roll call the following members were present: Chairman Randy Harris, District 4; Vice-Chairman Parnell Townley, District 3; Commissioner Larry Cretul, District 2; and Commissioner Steve F. Henning, District 5. Commissioner Judy D. Johnson, District 1, was attending the National Association of Counties meeting. Also present were Clerk David R. Ellspermann, Deputy Clerks Madeline Williamson and Miriam Pauley, County Administrator Jim Lowry, Assistant County Attorney Jeff Fowler, a representative of the Sheriff's Department, and members of the news media.

County Employees - The Board welcomed several new County employees who were observing the meeting.

Minutes - Upon motion of Commissioner Cretul, seconded by Commissioner Townley, the Board adopted meeting minutes of June 23, 24 (two sets), 25, 30, and July 1, 1998.

Budgets/Resolutions - Upon motion of Commissioner Henning, seconded by Commissioner Townley, the Board adopted the following Budget Amendment Resolutions:

1. 98-R-162 transferring \$50,000 within the General Fund for Fleet Management Department.
2. 98-R-163 transferring \$700 within the General Fund for Veterans Service Office.
3. 98-R-164 transferring \$2,650 within the General Fund for Facilities Management.
4. 98-R-165 transferring \$5,000 within the Fine & Forfeiture Fund for the Clerk of County Court. Resolutions 162 through 165 entitled: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS IN AND FOR MARION COUNTY, FLORIDA TO AMEND THE PRESENT FISCAL YEAR 1997-98 BUDGET.
5. 98-LE-6 transferring \$7,258 within the MSTU for Law Enforcement, Sheriff - Patrol & CID Department, and entitled: A RESOLUTION OF THE DISTRICT BOARD OF THE MSTU FOR LAW ENFORCEMENT OF MARION COUNTY, FLORIDA TO AMEND THE PRESENT FISCAL YEAR 1997-98 BUDGET.
6. 98-RLE-8 transferring \$990 within the Rainbow Lakes Estates MSD, Recreation Department, and entitled: A RESOLUTION OF THE DISTRICT BOARD OF RAINBOW LAKES ESTATES

MSD OF MARION COUNTY, FLORIDA TO AMEND THE PRESENT FISCAL YEAR 1997-98 BUDGET.

7. 98-MO-4 transferring \$1,350 within the Marion Oaks MSTU - Marion Oaks Community Resource Facility Department, and entitled: A RESOLUTION OF THE DISTRICT BOARD OF THE MARION OAKS MSTU OF MARION COUNTY, FLORIDA TO AMEND THE PRESENT FISCAL YEAR 1997-98 BUDGET.

Budgets/Clerk - Upon motion of Commissioner Henning, seconded by Commissioner Townley, the Board authorized the Chairman to execute Releases of Lien filed by the Public Defender for attorney's fees in State cases against the following defendants: Bontecou, Cook, Dickey, Doty (two), Griffis, Johnson, Labrecque, McCoy, Moody, Murray, Phillips, Platts, Reckner, Roberts, Robson (two), Segura, Southall, Vandergrift, Wells and Wesley.

Budgets/Clerk - Upon motion of Commissioner Townley, seconded by Commissioner Henning, the Board authorized the Chairman to execute Satisfactions of Judgment forms regarding State cases against the following defendants who have paid the judgments in full: Barner and O'Berry (two).

Contracts & Agreements/Audits - Upon motion of Commissioner Townley, seconded by Commissioner Henning, the Board acknowledged receipt of letter, dated June 29, 1998, from James M. Lane, Partner, Coopers & Lybrand, LLP, advising that the firm combined its business with Price Waterhouse LLP and would be known as PricewaterhouseCoopers LLP.

Commissioners/Property Appraiser - Upon motion of Commissioner Townley, seconded by Commissioner Henning, the following were appointed to the Marion County Value Adjustment Board for 1998: Commissioners Cretul, Townley and Henning.

The Clerk announced that the organizational meeting was scheduled on August 4, 1998.

Drainage/Ordinances - Upon motion of Commissioner Henning, seconded by Commissioner Cretul, the Board confirmed cancellation of public hearing concerning non-ad valorem stormwater service assessment and publication of a legal notice announcing cancellation.

Resolutions/Road Improvements - Upon motion of Commissioner Townley, seconded by Commissioner Henning, the Board adopted Resolutions 98-R-166 and 98-R-167 scheduling public hearings on Wednesday, August 26, 1998 to consider establishing road assessment projects in Winding Waters - Phase II and Winding Waters - First Addition.

Insurance - Upon motion of Commissioner Townley, seconded by Commissioner Cretul, the Board accepted recommendation of Risk Management Director Baker to approve out-of-court settlement in case of Steven and Heidi DeJoy vs. Marion County in the amount of \$138,300 to be paid from the liability self insurance fund.

Contracts & Agreements/County Property - The County Administrator presented the following memo from Planning/Property Management Director Ganoë regarding acquisition of the Poppa Jay's, Inc. parcel located contiguous to the Veterans Memorial Park:

Description/Background: On June 2, 1998, the Board directed staff to begin negotiations with Poppa Jay's, Inc., for possible purchase of property adjacent to the Veterans Memorial Park. Based on an appraisal, staff feels the value of the parcel is approximately \$95,000. After several attempts to negotiate an acceptable purchase price, as a final attempt, a proposed Agreement for Sale and Purchase in the amount of \$95,000 was presented to Poppa Jay's, Inc. for consideration. As you can see from the attached copy of that agreement, Poppa Jay's has refused that amount and has amended the agreement to indicate a selling price of \$120,000. An amendment to the agreement related to documentary stamps as proposed by Poppa Jay's would not be acceptable as the stamps must be paid by the non-exempt party. The proposed amendment related to the conveyance by Special Warranty Deed would also be a concern.

Budget Impact: None at this time.

Recommended Action:

One of the following:

- a. Motion to approve the attached Agreement with appropriate amendments.
or
- b. Motion to reject the attached Agreement for Sale and Purchase.

Upon motion of Commissioner Townley, seconded by Commissioner Cretul, the Board accepted the recommendation to reject the Agreement.

Mr. Lowry noted the Poppa Jay's parcel may not be needed if the adjacent store was acquired for the library. Upon motion of Commissioner Townley, seconded by Commissioner Henning, the Board agreed to entertain an offer of \$100,000.

Comprehensive Plan/Resolutions - Upon motion of Commissioner Henning, seconded by Commissioner Townley, the Board adopted Resolution 98-R-169 establishing an Evaluation and Appraisal Report Public Participation Process requiring hearings to be held by the Planning Commission and Board.

Contracts & Agreements/Transportation - Upon motion of Commissioner Townley, seconded by Commissioner Henning, the Board accepted recommendation of the Planning Department staff to direct the County Attorney's Office to prepare a transportation impact fee credit agreement with Olympia Development Group, Inc. in the amount of \$26,078.83.

Contracts & Agreements/Landfills - Solid Waste Administrator Allen F. Ellison presented information regarding comparative costs associated with solid waste/environmental engineering consultant services. Chairman Harris recommended advertising for requests for proposals. Commissioner Henning stated he supported the competitive bid process. County Administrator Lowry commented on

procedures associated with negotiating a fee with a professional engineer. He noted the cost of services provided by Jones, Edmunds & Associates, Inc., (JEA) the current consultants, were in line with other firms. The Chairman stated he had no objection to the job being done by JEA, but was concerned with continuing contracts with the firm.

David Keough, JEA, commented on the existing agreement and the State law relating to the competitive negotiations act. He stated the firm worked for one-third of the counties in Florida.

After further discussion the Board asked Mr. Ellison for additional information. Mr. Lowry stated he would place the matter on the August 4, 1998 agenda.

Contracts & Agreements/Landfills - Upon motion of Commissioner Henning, seconded by Commissioner Townley, the Board accepted recommendation of the Utility Team to proceed with scope of engineering services by Jones, Edmunds & Associates, Inc. associated with the leachate/waste water pipeline project at a cost of \$40,850.70.

Contracts & Agreements/Landfills - Upon motion of Commissioner Townley, seconded by Commissioner Cretul, the Board accepted recommendation of the Solid Waste Administrator to proceed with scope of services submitted by Jones, Edmunds & Associates, Inc. associated with modifications to the leachate recirculation pump station at Baseline Landfill at cost not to exceed \$6,265.14 in preparation for the leachate pipeline/sanitary sewerage force main.

Bridges/County Property - At the request of Commissioner Townley the Board deferred action on declaring the Sharpes Ferry Bridge Tender's house property as surplus.

Contracts & Agreements/Subdivisions - Upon motion of Commissioner Cretul, seconded by Commissioner Townley, the Board authorized execution of Developer's Agreement with Southern Multicapital Corporation regarding construction of SW 49th Avenue. The maximum budget impact would be \$62,918.40 from the District 4 impact fee revenue.

Drainage/Grants/Road Maintenance - A memo was received from Community Services Director Rusciolelli advising that the County was eligible to apply for a \$350,000 Community Development Block Grant (CDBG) for El Nino related disasters which benefit low and moderate income persons. She advised that Angie Brewer and Associates was preparing a grant application for funds to purchase land/homes in Florida Highlands for drainage retention and to construct a main roadway with drainage improvements. She stated the improvements would prevent future flooding and allow emergency vehicles access. Ms. Rusciolelli stated the consultant application fee was \$5,000 and could be deducted from Administration funds if the grant was funded. She requested the Board authorize preparation and submission of the CDBG Disaster Grant Application.

Commissioner Henning moved to approve the request; the motion was seconded by Commissioner Cretul and discussion ensued.

Ms. Rusciolelli responded to inquiries regarding the prioritization and selection process, preparation of the application, developing the scope of work and a door-to-door survey to be performed at a later date. Commissioner Henning stated he wanted to confirm that everyone was made aware of the availability of the grant and was given an opportunity to apply. Ms. Rusciolelli stated the application deadline was August 3, 1998. Planning/Property Management Director Ganoe stated that if the County worked on the roads it could be an indication the County was accepting them. The Chairman stated that assuming responsibility for the roads was a major concern.

Commissioner Henning withdrew the motion; which died. Commissioner Henning commented on drainage problems in Simonton Farms. Chairman Harris discussed drainage problems in Boardman. Commissioner Townley stated this was a case where the Board could improve the quality of life and benefit citizens. Ms. Rusciolelli stated the funds could be used exclusively to correct drainage.

Districts - Upon motion of Commissioner Townley, seconded by Commissioner Henning, the Board ratified the Chairman's execution of an order terminating the state of emergency pertaining to discharge of fireworks and outdoor burning due to extensive rain.

Communications/Utilities - The Board requested Mr. Lowry schedule a workshop to discuss cable television regulations.

Airports/Contracts & Agreements/Purchasing - Upon motion of Commissioner Townley, seconded by Commissioner Cretul, the Board authorized the Chairman to execute standard agreement with R.F.M. Construction for installation of above-ground fuel farm at the Dunnellon Airport. It was noted that RFP 98R-68 was awarded to the company on June 23, 1998.

Advisory Committees - The Deputy Clerk presented Proof of Publication of a display advertisement published in the Star Banner newspaper on June 21, 1998 announcing that the Board was accepting applications for vacancies on the following volunteer advisory boards: Board of Adjustment, Lake Tropicana MSTU Advisory Council, Land Development Regulation Commission, License Review Board/Construction Board of Adjustment and Appeals, Marion Oaks MSTU Advisory Council, Parks & Environmental Lands Acquisition Advisory Committee, Planning Commission, Silver Springs Shores Fire Services Advisory Committee, Zoning Commission, and Silver Springs Shores Special Tax District Advisory Council.

Advisory Committees/Zoning - Upon motion of Commissioner Townley, seconded by Commissioner Henning, the Board appointed Gerald Weinstein to serve the remainder of an unexpired term on the Board of Adjustment as an alternate member.

Advisory Committees/Districts - Upon motion of Commissioner

Henning, seconded by Commissioner Townley, the Board appointed John W. Palmer to serve the remainder of an unexpired term on the Lake Tropicana MSTU Advisory Council.

Advisory Committees/Zoning - Upon motion of Commissioner Henning, seconded by Commissioner Townley, the Board appointed John E. Martin, Terry Thompson and Roger W. Fowler to full member positions on the Land Development Regulation Commission.

Advisory Committees/Licenses & Permits - It was noted that applicants to the License Review Board/Construction Board of Adjustment and Appeals were appointed to other advisory boards earlier in the meeting. Mr. Lowry stated the two vacancies would be re-advertised.

Advisory Committees/Districts - Staff advised that no applications were received for appointment to fill a vacancy on the Marion Oaks MSTU Advisory Council.

Advisory Committees/Parks & Recreation - Upon motion of Commissioner Henning, seconded by Commissioner Townley, the Board appointed Kenneth R. Lowe to fill the remainder of an unexpired term on the Parks & Environmental Lands Acquisition Advisory Committee.

Advisory Committees/Comprehensive Plan - Upon motion of Commissioner Cretul, seconded by Commissioner Henning, the Board re-appointed Harry MacLeod, Jr. to the Planning Commission.

Upon motion of Commissioner Townley, seconded by Commissioner Henning, the Board re-appointed Harold B. Jones to the Planning Commission.

Upon motion of Commissioner Henning, seconded by Commissioner Townley, the Board appointed John E. Martin, Raymond Popejoy as full members and Daniel E. Brooks as an alternate member of the Planning Commission.

Advisory Committees/Districts - It was noted that no applications were received for two vacancies on the Silver Springs Shores Fire Services Advisory Committee.

Advisory Committees/Zoning - Upon motion of Commissioner Cretul, seconded by Commissioner Henning, the Board appointed Tim Lafferty to full member status on the Zoning Commission.

Upon motion of Commissioner Cretul, seconded by Commissioner Henning, the Board re-appointed Roxanne Mastrantonio, and appointed W. Gene Scroggie and S. Wesley Herren as members of the Zoning Commission.

Upon motion of Commissioner Henning, seconded by Commissioner Townley, the Board appointed Kenneth L. Buschman as an alternate member of the Zoning Commission.

Upon motion of Commissioner Cretul, seconded by Commissioner Henning, the Board acted on the Consent Agenda for the County Attorney item 10, A, Development Review Committee items 10, B, 1, 2 and 3, Engineering Department items 10, C, 1, 2 and 3, Community

Services item 10, D, and Purchasing Department items 10, E, 1, 2 and 3, as follows:

Budgets/Road Construction - 10, A - The Board accepted recommendation received from Robert E. Landt, foreclosure attorney, for settlement of Lien No. 45029 from Rita Maes. It was noted the offer was to pay \$2,500 in settlement of the assessment lien.

Subdivisions - 10, B, 1 - Accepted recommendations of the Development Review Committee regarding the following waivers of the Land Development Code for Forty-One Sixty Subdivision:

- a. Section 8.2.5.a(2) (d) Section and 1/4 Section line roads.
DRC RECOMMENDATION: Recommend the Board grant waiver since there is a road further west to serve as a north/south route.
- b. Section 8.2.5(4) Block Perimeter.
DRC RECOMMENDATION: Recommend the Board grant waiver to allow project as designed.
- c. 8.2.4.3 Cross Sections.
DRC RECOMMENDATION: Recommend the Board deny waiver since the design does not include Curb & Gutter.
- d. 8.2.7. Water Supply System and e. 8.2.8. Sanitary Sewer Facilities.
DRC RECOMMENDATION: Recommend the Board grant waiver since the Circuit Court order allows this usage.
- f. 8.2.9.e(3) Stormwater Drainage Design.
DRC RECOMMENDATION: Recommend the Board grant waiver based on unanimous vote of the Committee.

Subdivisions - 10, B, 2 - Accepted recommendation of the Development Review Committee to grant waivers of the Land Development Code requested by Denning's Collision Center of Sections 8.2.9e(6), fencing around a drainage retention area, 8.2.5.a(1)d, sidewalks, 8.2.5a(12) (b), minimum driveway spacing, and 8.2.6.c, parking areas.

Contracts & Agreements/Subdivisions/Utilities - 10, B, 3 - Accepted recommendation of the Development Review Committee to grant waiver of the Utility Manual 3.2.(a)(1) for wastewater improvements to allow temporary use of septic tanks until such time as sewer system was available, with conditions, and to execute the Developer's Agreement for The Village of Ascot Heath.

Contracts & Agreements/Subdivisions - 10, C, 1 - Accepted recommendation of the Engineering Department regarding Turnberry at Spruce Creek Golf & Country Club, as follows:

Recommend the Board accept construction of roads and drainage facilities for Turnberry at Spruce Creek Golf & Country Club Subdivision. Since this is a private road subdivision, the Developer or his designee will be responsible for improvements; therefore, release Developer from obligation under Improvement Agreement dated March 3, 1998. However, the surety bond retained by Marion County as assurance for improvement agreement will be retained by Marion County for other phases of Spruce Creek.

Project Developer: Del Webb's Spruce Creek Communities, Inc., an Arizona Corporation.

Contracts & Agreements/Subdivisions - 10, C, 2 - Accepted recommendation of the Engineering Department regarding Spyglass Hill at Spruce Creek Golf & Country Club, as follows:

Recommend the Board accept construction of roads and drainage facilities for Spyglass Hill at Spruce Creek Golf & Country Club Subdivision. Since this is a private road subdivision, the Developer or his designee will be responsible for improvements; therefore, release Developer from obligation under Improvement Agreement dated June 2, 1998. However, the surety bond retained by Marion County as assurance for improvement agreement will be retained by Marion County as assurance for other phases of Spruce Creek.

Project Developer: Del Webb's Spruce Creek Communities, Inc., an Arizona Corporation.

Contracts & Agreements/Subdivisions - 10, C, 3 - Accepted recommendation of the Engineering Department regarding Marion Oaks Unit 12 Subdivision, as follows:

Recommend the Board accept construction of roads and drainage facilities for Replat of Tract "D", Marion Oaks Unit 12 Subdivision. Release Developer from further obligation under Improvement Agreement dated December 16, 1997, and authorize Chairman to execute letter to Developer and Bank stating same. Additionally, also authorize Chairman to execute Maintenance Agreement for commencement of Developer's maintenance period. Project Developer: The Deltona Corporation, a Delaware Corporation.

Contracts & Agreements/Grants - 10, D - Accepted recommendation of Community Services Director Evelyn Rusciolelli regarding the local mitigation strategy contract modification with the Department of Community Affairs (DCA), as follows:

Description/Background: The Department of Community Affairs has decided to modify the first deliverable date by extending it from June 30, 1998 to October 31, 1998. DCA has just now been able to process the initial Mitigation Strategy Contracts with counties and realizes that Counties and Cities will need additional time to negotiate subcontracts.

Recommended Action: Board acceptance and approval of Modification #1 of the Local Mitigation Strategy Contract with DCA.

Contracts & Agreements/Road Improvements - 10, E, 1 - Awarded Bid 98B-080 to Art Walker Construction, Inc. regarding the 1997/98 Road Improvement Program in Rainbow Lakes Estates, and authorized execution of the Standard Fixed Price Agreement.

Contracts & Agreements/Southeastern Livestock Pavilion - 10, E, 2, (a) - Approved Change Order No. 4 to Agreement with Beeline Development for additional steel reinforced ballards at each exterior support column regarding the Southeastern Livestock Pavilion arena roof over project. The Change Order increased the contract sum by \$7,900.

Contracts & Agreements/Southeastern Livestock Pavilion - 10, E, 2, (b) - Approved Change Order No. 5 to Agreement with Beeline Development for installation of ridge vents to existing arena roof

at Southeastern Livestock Pavilion. The Change Order increased the contract sum by \$12,750.

Purchasing - 10, E, 3 - Approved Purchase Orders over \$10,000 as listed on schedule dated today.

Comprehensive Plan - Upon motion of Commissioner Townley, seconded by Commissioner Cretul, the Board approved request of the Planning Department and Planning Commission to schedule public workshops regarding the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan on August 24, October 21, and November 18, 1998 at 9:00 a.m.

Ordinances/Transportation - Upon motion of Commissioner Cretul, seconded by Commissioner Henning, the Board approved request of the Planning/Property Management Director to schedule a workshop on September 10, 1998 at 9:00 a.m. to discuss Transportation Impact Fee Ordinance 97-33 as well as related issues.

Comprehensive Plan - Upon motion of Commissioner Cretul, seconded by Commissioner Henning, the Board scheduled a public hearing on September 8, 1998 at 9:00 a.m. to consider the 1998 2nd Cycle Large Scale Comprehensive Plan Amendments for transmittal to the Department of Community Affairs for review. The hearing was requested by Planning/Property Management Director Ganoë.

Licenses & Permits/Zoning - The Board scheduled a workshop requested by Building Department Director Jim McClain to discuss requirements for mobile home under-skirting on September 10, 1998 at 10:00 a.m.

Municipalities - The Board asked the County Administrator to confirm Tuesday, August 11, 1998 to meet in joint session with the Belleview City Commission.

Commissioners/Road Improvements - The Board scheduled ribbon cutting ceremonies in Pinehurst and Pinehurst 1st Addition regarding the road assessment project on August 19, 1998 at 10:00 a.m.

Commissioners/Projects & Programs - The Board deferred action on request of Mary O'Quinn, Board Liaison, State Department of Children & Families for an appointee to the Nominations Qualification Review Committee.

Communications/Projects & Programs - A letter was received from Bonnie M. Young, Atlanta Regional Office, U.S. Department of Commerce, Bureau of the Census, asking whether the Board planned to organize a Complete Count Committee. Assistant Administrator Ed Smith advised that creating the Committee was not necessary and that County staff could handle the work. It was the general consensus of the Board that a Committee was not necessary.

There was a recess at 10:31 a.m.

The meeting reconvened at 10:50 a.m. with all members present, except Commissioner Johnson.

Districts/Ordinances - Deputy Clerk Williamson presented Proof

of Publication #120662, Notice of Intent to Adopt Ordinance, published in the Star Banner newspaper on July 10, 1998 announcing that the Board would consider amending the code relating to the Boardman Municipal Service Taxing Unit for Street Lighting.

Assistant County Attorney Fowler stated the proposed ordinance would change the definition of a parcel. There being no public comment, upon motion of Commissioner Henning, seconded by Commissioner Cretul, the Board adopted Ordinance 98-24, entitled:

AN ORDINANCE OF MARION COUNTY, FLORIDA, RELATING TO THE BOARDMAN MUNICIPAL SERVICE TAXING UNIT FOR STREET LIGHTING; AMENDING SUBSECTION 12-494(c) OF THE MARION COUNTY CODE; PROVIDING A DEFINITION OF PARCEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE AND PROVIDING AN EFFECTIVE DATE.

Contracts & Agreements/Resolutions/Subdivisions - The Deputy Clerk presented Proof of Publication of a display advertisement published in the Star Banner newspaper on July 5, 1998 regarding the Oak Run development. The Notice stated the Board would consider a request from Development and Construction Corporation of America (DECCA) for a determination of whether proposed changes to the original Oak Run Development of Regional Impact (DRI) Development Order would constitute a substantial deviation.

Assistant County Attorney MacNamara stated that DECCA's representatives were requesting adoption of a resolution finding that the Oak Run DRI Eleventh Notice of Proposed Change was a non-substantial deviation and amending the DRI Development Order. Commissioner Cretul noted that the Department of Community Affairs had no objection to the changes. The Planning Department submitted a memo recommending approval.

Jack Sullivan, Planner with Carlton-Fields in Tallahassee, agent for DECCA, appeared to review the proposed changes and improvements to SR 200 which were necessary in order to proceed with Phase III. Bruce Day, Withlacoochee Regional Planning Council, stated the agency had no objection to the changes.

There being no opposition, upon motion of Commissioner Cretul, seconded by Commissioner Townley, the Board adopted Resolution 98-R-170, entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE AMENDED DEVELOPMENT ORDER FOR THE OAK RUN DEVELOPMENT OF REGIONAL IMPACT, PROVIDING AN EFFECTIVE DATE.

Budgets/Projects & Programs - Lori Hornby, President of the Ocala/Marion County Chamber of Commerce, appeared to present a pamphlet with a request for \$10,000 to purchase additional equipment for the Motion Picture Television Commission of Marion County.

The pamphlet contained a list of Film Commission projects from February 1996 through June 1998 that had a \$442,526 economic impact on the County. It also included information on utilization of the

funds: \$5,000 for a graphic arts quality computer with scanner, \$1,000 for digital camera, \$1,300 for software to research potential projects, and \$2,700 for Web page development and hosting.

Ms. Hornby advised that \$4,000 was budgeted by the City of Ocala and \$7,000 of in-kind services by the Chamber. She stated the return on the County's investment would be tremendous.

Commissioner Henning asked whether the County's Information Systems Department could assist. County Administrator Lowry stated it could provide in-kind services. He stated that personal computers were donated to the Chamber of Commerce. Ms. Hornby stated the Chamber would accept money or equipment if it fit their needs. Commissioners Henning and Townley stated no objection to an in-kind contribution. Commissioner Townley stated he did not support a \$10,000 allocation.

Upon motion of Commissioner Henning, seconded by Commissioner Cretul, the Board directed staff provide in-kind services requested by the Chamber of Commerce for the Ocala/Marion County Film Commission. Clerk Ellspermann stated the equipment would remain on County inventory.

Drainage - J. Frank Dinardi, SW 80th Street and 475, appeared to discuss an on-going water runoff problem onto his property from the County right of way. He presented photographs showing his property to be under water. Mr. Dinardi stated that both he and the County have expended funds to correct the situation, but they were not successful. He stated he was advised by the County Engineer that a drainage retention area was the only solution.

County Engineer Bob Titterington stated the County needed to purchase two to three acres of a five acre site across the street. Commissioner Cretul stated the whole intersection experienced drainage problems, and noted that 80th Street was a slag road. In response to inquiry by Chairman Harris, Mr. Titterington stated there were approximately twenty similar situations in the County. It was the general consensus of the Board that staff determine the price of the five acre parcel and present a proposal to correct the problem.

Parks & Recreation/Resolutions/Southeastern Livestock Pavilion
- Chairman Harris requested the Board amend the resolution establishing fees for County parks and facilities by deleting the requirement that a percentage of revenue from the sale of alcoholic beverages be paid to the County.

Upon motion of Commissioner Cretul, seconded by Commissioner Henning, the Board adopted Resolution 98-R-171 establishing Park fees with new language in Section 1, A, 10, w, as follows:

w. Concession Rights 10% of gross sales
No charge will be derived from the sale of alcoholic beverages.

Landfills - Commissioner Townley asked Allen Ellison, Solid

Waste Administrator, to submit a recommendation on how to address the problem of charging property owners in gated communities, who do not pay the per parcel assessment and want to dispose of items at the recycling centers.

County Employees/Roads, Miscellaneous - The following members of the CQI (Continuous Quality Improvement) Team known as the Blade Runners appeared: Leader Ken Stoldt, Members Danny Beauchamp, Doug Pearsall, Thomas Riley and Raymond Huff, and Facilitator Marcia Zabor. Mr. Stoldt advised that the group was assigned the task of reducing maintenance cost of roadways by addressing sod on the right of way. He and the other members gave an overview beginning with road contractor and County Road Department complaints, condition of Bermuda sod, information received from Professor Miller of the University of Florida, and the cost of various grasses.

Mr. Stoldt stated the Team recommended using Roadside Bermuda where possible, on a trial basis for one year. The County Administrator stated that Roadside Bermuda would be used, but staff wanted the flexibility to use Bahia sod in sandy areas. The Board had no objection. Mr. Stoldt noted it was easier to maintain Roadside Bermuda sod.

There was a recess at 11:44 a.m.

The meeting reconvened at 2:01 p.m. with all members present, except Commissioner Johnson.

Ordinances/Zoning - Deputy Clerk Pauley presented Proof of Publication #122944, Notice of Intention to Consider Adoption of an Ordinance, published in the Star Banner newspaper on July 12, 1998. The Notice stated the Board would consider adopting an ordinance granting zoning changes and Special Use Permits.

Zoning/Development Review Director Michael May, Site Planner Bill Cobb, Senior Planner Chris Rison, and Planner Jimmy Massey were present.

Chairman Harris announced that both the Planning Department and Zoning Commission recommended approval of petitions 1 through 5, and based on the lack of signatures on the sign-up sheets, there would be no public comment. He announced that petition 6 was withdrawn from the Consent Agenda. The Chairman announced the zoning petition names and numbers 1 through 5, and that they would be considered on the Consent Agenda.

There being no public comment, upon motion of Commissioner Henning, seconded by Commissioner Townley, the Board approved the Consent Agenda, petitions 1 through 5, based on staff findings and recommendations that the proposed uses would not adversely affect the public interest, were consistent with the Comprehensive Plan and were compatible with the surrounding land uses, as follows:

Zoning - 1. (Zoning Commission 980702Z) - The Board approved a petition by Albert Behn and Gary Behn, 608 2nd Street NE, Hampton,

IA, requesting a Zoning Change of the Marion County Land Development Code, Article 5, from R-1 (Single Family Dwelling) to R-4 (Residential Mixed Use) for the intended use of a mobile home, and any other use permitted in an R-4 zone, on Parcel No. 3500-006-062.

Zoning - 2. (Z. C. 980703Z) - The Board approved a petition by Ricky and Karen Watson, 8459 NW 10th Terrace, Ocala, FL, and Frank and Frances Dietz, 8397 NW 13th Court, Ocala, FL, requesting a Zoning Change of the Marion County Land Development Code, Article 5, from R-1 (Single Family Dwelling) and B-2 (Community Business) to R-4 (Residential Mixed Use) for the intended use of manufactured homes, and any other use permitted in an R-4 zone, on Parcel Nos. 1462-005-004, 1462-005-005, 1461-001-016, 1461-005-011, and 1461-010-004.

Zoning - 3. (Z. C. 980704Z) - The Board approved a petition by James Hunt, P. O. Box 24431, St. Simons Island, GA, requesting a Zoning Change of the Marion County Land Development Code, Article 5, from R-3 (Multiple Family Dwelling) to RAC (Rural Activity Center), for the intended use of any uses allowed in an RAC zone, on Parcel No. 5069-412-000.

Zoning - 4. (Z. C. 980705SU) - The Board adopted Resolution 98-R-172 granting a petition by Wilfred and Elizabeth Fredette, 910 East Hwy. 318, Citra, FL, for a Special Use Permit of the Marion County Land Development Code, Section 5.3, for the purpose of an aviary for birds in an A-1 (General Agriculture) zone on Parcel No. 03567-002-02. The Resolution contained the following conditions:

1. The site shall be developed and operated consistent with the submitted conceptual site plan and the conditions as provided with this approval.
2. All aviary birds shall be maintained inside the on-site barn (hereafter aviary barn).
3. The owner/operator of the aviary operation shall reside on-site.
4. All doors and windows for the aviary barn shall be kept closed between the hours of 8:00 p.m. and 8:00 a.m., and during feeding times for the birds.
5. All bird sales shall be wholesale, and no retail sales may occur on-site.
6. Access for the aviary operation shall use the site flag lot access connection to CR 318.
7. The aviary barn shall be locked to control access when the owner/operator is not on-site.
8. The applicant shall provide a paved apron (e.g., concrete or asphalt) at the CR 318 access point, including obtaining any necessary jurisdictional agency permits (e.g., Marion County Driveway/Right-of-Way Permit, Building Permit, etc.).
9. All material (e.g. feed, etc.) and bird shipments and deliveries for the aviary operation shall occur between the hours of 8:00 a.m. and 6:00 p.m.

10. No exterior lighting provided on-site shall be elevated more than 15' above ground level.
11. A low-level berm shall be provided to ensure that bird droppings/feces removed/washed out of the aviary barn do not flow directly off-site onto adjacent property at any time.
12. The applicant shall obtain and maintain all appropriate jurisdictional agency licenses for the aviary operation (e.g., Florida Game and Fresh Water Fish Commission), and provide a copy of all current operating permits to the Zoning Department.
13. In the event the subject property is ever split or subdivided, this Special Use Permit shall terminate, and all aviary operation birds shall be removed within (30) calendar days of the division/subdivision. Birds maintained as private pets may be maintained on-site consistent with the applicable LDC Sections.

Zoning - 5. (Z. C. 980707Z) - The Board approved a petition by John W. Romano, 10835 SW 38th Drive, Davie, FL, requesting a Zoning Change of the Marion County Land Development Code, Article 5, from R-1 (Single Family Dwelling) to R-4 (Residential Mixed Use) for the intended use of mobile homes, and any other use permitted in an R-4 zone, on Parcel No. 3500-005-065.

Zoning - 6. (Z. C. 980710Z) - The Board considered a petition by Nancy Steinmetz, P. O. Box 217, Lady Lake, FL, requesting a Zoning Change of the Marion County Land Development Code, Article 5, from A-1 (General Agriculture) to RE (Residential Estate) for the intended use of a real estate office, and any use permitted in a RE zone, on Parcel No. 48503-001-01.

Located: US 441 South past SR 42. Site is SE corner of US 441 and East Orbit Road.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 0 OF 9 = 0%

ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Fowler, seconded by Mr. Lafferty, to agree with staff findings and recommendation, and recommend approval of a Zoning Change from A-1 to R-E for the intended use of a real estate office and any other use permitted in an R-E zone. Motion carried by a vote of 7-0.

Senior Planner Rison stated that based on analysis and findings, staff recommended approval of rezoning from A-1 to R-E.

Attorney Deborah Martohue appeared for the petitioner. She stated there was lengthy discussion at the Zoning Commission hearing regarding a Special Use Permit. Ms. Martohue stated the discussion should be limited to the rezoning issue at this time.

Attorney Chester Trow appeared for Jo Hagle, owner of several parcels north of the proposed site to be rezoned R-E and who resided within 300 feet. He pointed out there was no other R-E zones in the area and would be "spot zoning" if approved. Mr. Trow stated the parcel was not large enough for R-E uses. He stated the petitioner was trying to create a business zone in a residential area. Mr. Trow stated customers would create a traffic hazard turning left across SE 104th Terrace, which intersected into Bridle

Trail Estates Subdivision. He submitted excerpts from the recorded deed restrictions which prohibited a manufactured building and advertising signs for the real estate office.

In response to inquiry by Commissioner Cretul, Mr. May advised that the minimum size for R-E zoning was one unit per acre. He stated the subject property was a parcel of record and R-E was the only zoning available. He stated a Special Use Permit would allow use as an office building. Commissioner Henning agreed that a Special Use Permit would create a minimal impact on the neighborhood, but asked why the petitioner wanted to change the A-1 property. He questioned whether staff addressed the traffic issue in the recommendation. Mr. May stated the traffic was not addressed by the Zoning Commission. Commissioner Cretul asked whether there were deed restrictions in the subdivision. Mr. May stated the deed restrictions prohibited manufactured homes.

Charles Vollmar, SE 172nd Lane, President of the Board of Directors of the Property Owners Association, stated the deed restrictions were recorded in the public records and prohibited mobile homes on the parcel. He stated members of the association opposed rezoning.

Henry Bednars, SE 101 Avenue Road, Bridlewood Estates resident, stated he opposed rezoning to R-E due to the existing traffic into the subdivision. He stated a business would create a hazard in the residential area.

Ms. Martohue stated the intent was to develop a commercial use in the area.

In response to inquiry by Commissioner Henning as to the impact on the road if rezoning was approved, Planner Massey advised that staff had reviewed the conceptual plan and there would be traffic accessing from SE 104th Terrace onto 441. He projected the impact would be a minimal due to the proposed use of a real estate sales office.

Commissioner Townley asked whether a pending Comprehensive Plan amendment near this area related to the rezoning. Mr. Massey stated there may be difficulty with the pending amendment due to Department of Community Affairs considering traffic on 441. He stated traffic could exceed the desired level of service.

Ms. Martohue suggested that a condition on the Special Use Permit limit the use to an office, exempting a medical office.

Mr. Trow pointed out that if the request was granted, the R-E parcel could not be used for residential purposes in the future.

Commissioner Townley made a motion, seconded by Commissioner Henning, to approve rezoning from A-1 to R-E based on staff and Zoning Commission findings and recommendation that the proposed use would not adversely affect the public interest, was consistent with the Comprehensive Plan and was compatible with the surrounding land uses.

Tom Grizzard, West North Boulevard, Leesburg, stated the intent was to put a branch real estate office on the site. He stated that a Comprehensive Plan amendment was not requested due to the extensive time involved with processing an amendment. Ms. Martohue stated that R-E zoning would be more compatible with the Orange Blossom Hills Subdivision and Stonecrest PUD. Commissioner Henning asked whether 1/2 acre was large enough for a sales office. Mr. May stated that it would be close and the Land Development Code required 35% of the area be designated for parking. He stated that staff would review the site plan and the size of the building may need to be reduced to comply with the Code. Commissioner Henning stated that conditions on the Special Use Permit could protect the area and use of the parcel. Mr. Rison noted the parcel was on an arterial road, which was 441.

Ms. Martohue stated that Ms. Hagle, the primary objector to the rezoning, lived in a mobile home. She stated there were deed restrictions on the adjacent property. Mr. May stated the Land Development Code would require a DCA designed home to be placed on the site for an office.

Jo Alice Hagle, SE 104th Terrace, confirmed that she had lived in a mobile home on her parcel for the past twenty-five years. She stated she had purchased other properties and built a real estate office on 441 during those years. Ms. Hagle stated that she would not object to rezoning if the Board could restrict use to a real estate sales office. She advised that her office was on the corner of 441 and 42. Ms. Hagle stated another concern was past problems with drainage in Stonecrest. Mr. May stated that a site plan review by staff would address driveway concerns and water flow issues.

Mr. Grizzard stated the property was under a Contract for Sale, contingent upon rezoning to R-E. Ms. Martohue stated the current tax value of the A-1 property was \$12,000. Commissioner Townley stated the assessed value would increase if rezoning was approved. Commissioner Henning stated that conditions on the Special Use Permit would protect the area. Chairman Harris stated that R-E was not the correct zoning; however the Special Use Permit would address conditions for the use in that area.

The Board approved the motion to grant R-E zoning.

The Board agreed to consider the petition for a Special Use Permit at this time.

Zoning - 8. (Z. C. 980711SU) - The Board considered a petition by Nancy Steinmetz, P. O. Box 217, Lady Lake, FL, requesting a Special Use Permit of the Marion County Land Development Code, Section 5.3, for the purpose of a real estate office in an RE zone, on Parcel No. 48503-001-01.

Located: South on US 441/27 past SR 42. SE corner of intersection of US 441 and East Orbit Road.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 3 of 9 = 33%

ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Rohrbacher, seconded by Mr. Mangram, to agree with staff findings and recommendation with modifications in Conditions 4 and 5, and recommend approval of a Special Use Permit for the purpose of a real estate office in an R-E zone. Motion carried by a vote of 6-1 with Mr. Albright voting no due to the generation of traffic at this location.

Planner Rison stated that based on analysis and findings, staff recommended approval of a Special Use Permit for a professional office in an R-E zone with the following conditions:

1. The site shall be developed and operated consistent with the submitted conceptual site plan and the conditions as provided with this approval.
2. Development of the site shall be limited to one, single-story, professional office structure.
3. The site's driveway shall connect to SE 104th Terrace for access. No direct access shall be obtained from US 441.
4. In the event the site comes under joint ownership with the adjacent property to the south and east (currently Stonecrest DRI), the site shall obtain access from that adjoining property and the driveway connection to SE 104th Terrace shall be terminated and closed.
5. A land use buffer, consistent with FLUE Policy 1.11 and LDC Section 8.2.10.I(4), shall be provided along the site's northern border shared with the adjacent residential lot in the Orange Blossom Hills Subdivision. When, and if, the driveway connection to SE 104th Terrace is terminated and closed as required in the prior condition, the land use buffer shall be extended west to US 441, although extension of the land use buffer shall be adjusted to comply with site distance requirements for the US 441/SE 104th Terrace intersection.
6. An evergreen hedgerow, a minimum of 18" high at the time of planting, shall be established along the site's US 441 frontage, between US 441 and any on-site improvements (e.g., driveway, parking lot, building, etc.). The hedgerow shall be maintained consistent with vegetation planting requirements of LDC Section 8.2.10.
7. No site lighting shall be placed higher than 15' above ground level, and the lighting shall be prohibited from casting direct light off-site.
8. The site's refuse container(s) (e.g., dumpster, garbage can, etc.) shall be located a minimum of 25' from any property line and shall be enclosed by a privacy fence or wall, of a sufficient height to shield the container(s) from view by the surrounding properties. The enclosure shall include a gate or similar access control which also shields the container(s) from view by the surrounding properties.

In response to inquiry by Chairman Harris, Mr. Rison stated the Land Development Code required buffering of twenty-five feet with berms and fencing. Site Planner Bill Cobb stated the code provided that the trees should reach a height of eight feet within three years of planting. Assistant County Attorney Jeff Fowler advised that a condition on the Special Use Permit could require a site-built office on the site.

Chairman Harris out at 3:08 p.m.; Vice-Chairman Townley assumed the chair.

Mr. May suggested that a condition for a site-built structure be included on the Special Use Permit. Mr. Fowler suggested changing condition #2 to the following: Development of the site shall be limited to one, single-story site-built real estate office structure. Mr. Trow stated it would prohibit a prefabricated structure.

Chairman Harris returned at 3:10 p.m. and assumed the chair.

Ms. Martohue stated she was not aware of the Deed Restrictions in Bridle Trails Estates Subdivision before the hearing, and requested the Board not add a specific condition requiring a site-built structure. Ms. Martohue stated condition #2 should not be changed. She suggested that consideration be made to changing the condition for a professional office, which would exempt medical offices. Ms. Martohue stated the proposed use as a real estate office would be consistent with the area, but the Special Use Permit could allow another business in the future with low impact on traffic, such as an insurance agency, in the event the real estate venture did not succeed. Commissioner Henning stated concern with protecting other residents' investments. Mr. May stated the Land Development Code did not specify uses that a Special Use Permit would allow in R-E. In response to inquiry by Mr. Fowler as to revised condition #2 for the Special Use Permit, Mr. Trow stated that Ms. Hagle would accept the revision to allow one, single-story site-built real estate office structure.

Commissioner Henning made a motion, seconded by Commissioner Townley, to adopt Resolution 98-R-173 granting the Special Use Permit with staff conditions based on findings and recommendation that the proposed use would not adversely affect the public interest, was consistent with the Comprehensive Plan and was compatible with the surrounding land uses with Condition #2 amended to the following:

2. Development of the site shall be limited to one, single-story site-built real estate office structure.

Ms. Martohue accepted the change to condition #2. The motion was approved by the Board.

Zoning - 7. (Z. C. 980708Z) - The Board considered a petition by Lori J. Busch, Bradley Busch, Trustee, and G. Shepard Dozier, Trustee, 5881 NW 80th Av. Rd., Ocala, FL, requesting a Zoning Change of the Marion County Land Development Code, Article 5, from M-1 (Light Industrial) to M-2 (Heavy Industrial) for the intended use of a truck dealership and any use permitted in an M-2 zone, on Parcel Nos. 22900-000-00, 22900-001-00, 22900-002-00, and 22900-003-00.

Located: SR 40 West. Property is on north side one mile west of I-75 (200 ft. West of NW 52nd Av. stoplight).

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 0 of 43 = 0%

ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Fowler, seconded by Mr. Rohrbacher, to agree with staff findings and recommendation, and recommend denial of a Zoning Change from M-1 to M-2 for the intended use of a truck dealership and any other use permitted in an M-2 zone. Motion carried by a vote of 6-0. Mrs. Mastrantonio had declared a conflict of interest.

Planner Rison stated that based on analysis and findings, staff recommended denial of rezoning from M-1 to M-2 based on the intended use not being compatible with the surrounding land uses. He presented photographs showing the Ocala International Commerce Park and Ocala Airport Commerce Center that had similar uses. Mr. Rison presented a copy of a letter received from the City of Ocala, dated July 9, 1998, supporting the staff recommendation for denial of the request based on M-2 zoning not being consistent with the surrounding uses.

Lori Busch, petitioner, stated a packet of information regarding the request was submitted to the Commissioner's Office, which suggested they inspect the subject property. She stated the parcel contained 8.9 acres, was near the I-75 industrial area on Highway 40, noting its proximity to the K-Mart Distribution Center, Federal Express, Airport, Ocala Airport Commerce Center, Ocala International Commerce Center, E-One, Hughes and a future parts warehouse. Ms. Busch stated there was no opposition from the residents in the Ocala Ridge Subdivision. She stated there was a need for the services in the area, which would include truck sales, leasing, repairs and a distribution and warehousing center. Ms. Busch stated there were other M-2 uses in the area.

Commissioner Henning asked why staff recommended denial of the request and why the road had been four-laned if not for trucking uses. Mr. Rison stated that M-2 was the highest and most intense zoning classification and staff was concerned the proposed use may not continue in the future, but the adjacent subdivision could continue to develop. Commissioner Henning stated there was no opposition received from the adjacent property owners. Mr. Rison advised that staff determined the highest and best use of the property would not be M-2 zoning, which would allow other uses that might be offensive to the area. He noted the parcel was just beyond the point where the four-lane merged on SR40.

Mr. May stated light manufacturing uses and manufacturing uses were separated in the Land Development Code due to traffic generated. Chairman Harris questioned why a request for a Comprehensive Plan amendment was not submitted. Ms. Busch advised that an amendment was a long, tedious process. Chairman Harris asked how long it would take to amend the Land Development Code to allow the proposed uses by Special Use Permit. Commissioner Henning stated M-1 and M-2 zoning were different categories for the City of Ocala and the County. Mr. May advised the City was now in the process of amending its Code as to M-1 uses. Commissioner

Henning stated the City was the only objector to rezoning to M-2. He stated the City would require the property to be annexed if the owner requested water and sewer services. Chairman Harris questioned whether the petitioner was willing to return in two months to request a Special Use Permit. Ms. Busch stated that she would submit a petition requesting a Special Use Permit. Commissioner Cretul stated there should be no objection to that request from the adjacent property owners. Chairman Harris stated he had no objection to allowing the trucking business, but was concerned with intense uses allowed by M-2 zoning. Mr. Rison stated that M-2 would allow manufacturing businesses for cars or boats. Mr. May stated the Airport Commerce Center allowed mixed uses. Ms. Busch stated that her next step would be to approach the City regarding the issue of water and sewer services to the parcel.

Commissioner Townley made a motion, seconded by Commissioner Cretul, to disagree with staff and the Zoning Commission and to approve rezoning from M-1 to M-2. Commissioner Henning questioned where staff would propose a trucking business. Mr. Rison stated a parcel farther down SR40 near SW 60th Avenue and the airport was available. Commissioner Henning stated the issue of requesting a Special Use Permit to protect the neighborhood should be addressed. Mr. May stated that staff would need direction as to conditions to include on the Special Use Permit to fit the M-1 zoning classification. Chairman Harris stated directions could be given at a later time. He suggested the petitioner wait until staff could process a Special Use Permit. Ms. Busch requested the rezoning request from M-1 to M-2 be withdrawn. Mr. May stated that due to deadlines for preparing notices it would be three months before they would schedule the petition for consideration. Commissioner Townley withdrew the motion.

Commissioner Henning made a motion, seconded by Commissioner Townley, to waive the filing fee for a Special Use Permit under the M-1 zoning classification. The Board approved the motion.

Zoning - 9. (Z. C. 980706Z) - The Board considered a petition by Forest and Ethel Ward, 15 N. Union Street, Apt. 1, Easton, PA, requesting a Zoning Change of the Marion County Land Development Code, Article 5, from R-1 (Single Family Dwelling) to R-4 (Residential Mixed Use) for the intended use of a mobile home, and any other use permitted in an R-4 zone, on Parcel No. 45909-01-011.

Located: 441 South to Sunset Harbor Road, turn right. Go to Timucuan Road, turn left. Second road on left is SE 105th Court, turn left. Go to SE 145th Place and turn left. Follow around horseshoe (SE 105th AV) past mobile home of the Lambs, which is number 10573. Property is adjacent to the Lambs on the left side of the road.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 3 of 26 = 11%

ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Rohrbacher, seconded by Mrs. Mastrantonio, to disagree with staff findings and recommendation, and recommend denial of a

Zoning Change from R-1 to R-4 for the intended use of a manufactured home and any other use permitted in an R-4 zone, based on the following findings of fact:

1. Is not compatible with surrounding land uses.
2. Will adversely affect the public interest.

Motion to deny carried by a vote of 6-1 with Mr. Fowler voting no.

Planner Rison stated that based on analysis and findings, staff recommended approval of rezoning from R-1 to R-4.

Patricia Opitz, SE 145th Street, Summerfield, presented a letter, dated July 21, 1998, opposing the rezoning and photographs and map showing the assessed property values of adjacent homes and property. She stated that she lived within 300 feet of the proposed parcel and was not notified. Ms. Opitz stated residents were trying to preserve the R-1 zoning. She stated the Board should accept the recommendation of the Zoning Commission to deny the request so that additional mobile homes could not be placed on the four lots.

Bob Maxwell, SE 107th Terrace, stated that his parcel was beyond the 300 feet radius, but he opposed the rezoning. He stated the property was zoned R-1 when he purchased on Little Lake Weir and should not be changed. Mr. Maxwell stated the present property owners were trying to maintain the assessed property values.

Commissioner Henning made a motion, seconded by Commissioner Townley, to deny rezoning from R-1 to R-4 based on the Zoning Commission recommendation that the proposed use was not compatible with the surrounding land uses and would adversely affect the public interest. Mr. May pointed out that he could rezone the delineated areas for mobile homes if the Board directed him to proceed. The Board agreed to have Mr. May submit a recommendation on the lots that would be involved. The Board approved the motion to deny rezoning from R-1 to R-4.

Zoning - 10. (Z. C. 980701Z) - The Board considered a petition by Kathryn Stone, 19151 SE 135th Court, Lot 25, Dunnellon, FL, requesting a Zoning Change of the Marion County Land Development Code, Article 5, from R-4 (Residential Mixed Use) to P-MH (Mobile Home Park) for the intended use of a mobile home park, and any other use permitted in a P-MH zone, on Parcel No. 3582-253-000.

Located: From 441 South turn east on SE 52nd Street. Go south on SE 30th Court and west on SE 59th Street.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 2 OF 17 = 11%

ZONING COMMISSION RECOMMENDATION: Motion was made by Mrs. Mastrantonio, seconded by Mr. Rohrbacher, to disagree with staff findings and recommendation, and recommend denial of a Zoning Change from R-4 to P-MH for the intended use of a mobile home park and any other use permitted in a P-MH zone, based on the following findings of fact:

1. Is not compatible with the surrounding land uses.
2. Will adversely affect the public interest.

Motion to deny carried by a vote of 6-1 with Mr. Grant voting no.

Planner Rison stated that based on analysis and findings, staff recommended approval of rezoning from R-4 to P-MH.

Robert Corte, SE 59th Street, stated he was exercising a Lease Option to purchase the property from Kathryn Stone and was requesting the zoning change to P-MH to comply with State and County regulations for a mobile home park. Mr. Corte stated the neighbors feared he would install twenty mobile home units, but he could not do so without water and sewer availability. He stated the maximum that would be installed would be nine units and that he would continue to reside in a double-wide unit and rent eight units. Mr. Corte stated he wanted to upgrade the property and replace some of the older mobile homes and to expand the park. He presented a letter from the Property Appraiser, dated July 20, 1998, regarding assessed values.

Mr. May stated the 2.15 acre parcel was zoned R-4, but was not considered a mobile home park. He stated the existing mobile homes were a non-conforming use of the lands. Mr. May stated that if two units were removed the owner would come into conformance as to land use or he could request a rezoning to P-MH, which would put him into compliance with the State. He stated the non-conforming use was created when rezoning was put in place. Mr. Corte stated that due to cost it was not feasible to install a water treatment plant.

Larry Reams, SE 59th Street, stated that he lived adjacent to the property, which had not been upgraded during the four years that Mr. Corte had been there. He stated he opposed rezoning to P-MH.

Ruth Lynch, SE 59th Street, presented a letter, dated July 21, 1998, stating the reasons she opposed the rezoning. She stated Mr. Corte had not shown any responsibility for upgrading the area since he began operating the park.

Renee' Monk, SE 59th Place, stated she lived adjacent to the park and opposed rezoning based on concerns with the children coming from the park to her property and getting hurt. She stated she was concerned with future expansion of the mobile home park.

Leslie Lynch, SE 59th Street, stated he opposed the rezoning. He suggested another location on the North side of the property for a mobile home park.

Mr. Corte stated that when he agreed to purchase the property he thought it was already a mobile home park, until the State notified him differently. He stated this investment was for a future retirement income. Mr. Corte stated that improvements should be allowed and suggested the Board limit the number of units on the site to nine. He stated that most of the mobile homes were already on the property when he purchased his unit. Mr. Corte stated that he could replace existing units, but could not expand

without rezoning and State approval.

Commissioner Cretul asked what the petitioner needed to do to come into compliance with the State and County. Mr. May stated that two units would need to be removed for State compliance and be rezoned to P-MH for County compliance. He stated the existing well system had already been improved. Commissioner Townley stated objection to allowing ten units.

Commissioner Townley made a motion to accept the Zoning Commission recommendation and denied rezoning from R-4 to P-MH based on the findings that the proposed use was not compatible with the surrounding land uses and would adversely affect the public interest. The motion was seconded by Commissioner Henning and approved by the Board.

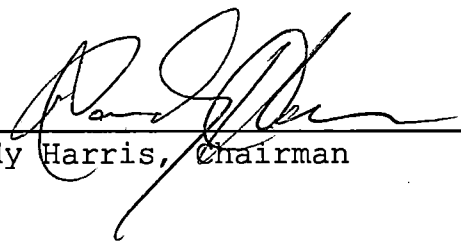
Ordinances/Zoning - Deputy Clerk Pauley presented Affidavits of Mailing and Posting of Notices received from Zoning/Development Review Director Michael E. May and Deputy Clerk M. Williamson regarding petitions for rezoning and Special Use Permits heard earlier in the public hearing.

Upon motion of Commissioner Cretul, seconded by Commissioner Townley, the Board adopted Ordinance 98-25 changing the Marion County Zoning Map pursuant to petitions heard earlier in the public hearing and entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL USE PERMIT PETITIONS AND AUTHORIZING IDENTIFICATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.


Ordinances/Roads, Miscellaneous - Assistant County Attorney noted the Scenic Roads Master Plan public hearing to consider adoption of the Plan was scheduled for Wednesday, August 6, 1998, at 1:30 p.m. He questioned whether the Board wanted to authorize advertising the public hearing. Commissioner Henning stated the public hearing should be advertised. Mr. MacNamara suggested a small display ad. The Board agreed.

There being no further business to come before the Board, the meeting thereupon recessed at 4:46 p.m., to Wednesday, July 22, 1998 at 1:00 p.m.



Randy Harris, Chairman

Attest:



David R. Ellspermann, Clerk