

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

January 13, 2025

**CALL TO ORDER:**

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Monday, January 13, 2025 at the Marion County Governmental Complex located in Ocala, Florida.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The meeting opened with invocation by Chairman Bryant and the Pledge of Allegiance to the Flag of our Country.

**9:00 AM ROLL CALL:**

Upon roll call the following members were present: Chairman Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, and Assistant County Administrator (ACA) Tracy Straub.

**1. PLANNING & ZONING AND DRC WAIVER REQUESTS - REQUEST PROOF OF PUBLICATION (AT 9:00 AM):**

Present Cover Documents from Planning and Zoning Commission past public hearing Deputy Clerk Mills-McAllister presented proof of publication of Legal ad No. 10882037 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on December 30, 2024. The Notice stated the Board will consider adopting an Ordinance approving Comprehensive Plan Amendment, zoning changes and Special Use Permits.

County Attorney Matthew G. Minter provided a brief overview of the process for today's zoning and Special Use Permit (SUP) hearings. He noted the applicant will be given an opportunity to give their initial presentation to the Board of County Commissioners (BCC) or they may wait until after public comment, at which time the applicant (or agent) will respond. If a speaker has questions for the applicant, they must address the BCC at the podium and the Board will then in turn direct those issues to the applicant for a response. Mr. Minter requested that everyone who will be testifying today to please stand and be sworn in en masse.

**1.1. Planning and Zoning Consent Items:**

Growth Services Director Chuck Varadin advised that the six (6) petitions listed on the Consent Agenda are recommended for approval by both the Planning Division and the P&Z Commission.

P&Z PUBLIC HEARING ON DECEMBER 30, 2024

Motion was made by Mr. Gaekwad and seconded by Mr. Behar to agree with staff's findings and recommendation, and recommend approval of the Consent Agenda items.

1. Will not adversely affect the public interest
2. Are consistent with the Marion County Comprehensive Plan
3. Are compatible with the surrounding land uses

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The Motion passed 7-0

Chairman Bryant advised that Agenda Item 1.1.2 is being pulled from Consent for individual consideration.

Chairman Bryant opened the floor to public comment.

There being none, Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve consent agenda items 1.1.1 and 1.1.3 through 1.1.6, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

The motion approved the Consent Agenda items as follows:

**1.1.1. 250102SU - Gavroche Fernandez, Special Use Permit to Increase the Maximum Number of Residents in An Assisted Living Facility from Six to Sixteen Residents in a Mixed Residential (R-4) Zone, 3.85 Acres, Parcel Account Number 21384-000-00, Site Address 3280 NW 16<sup>th</sup> Avenue, Ocala, FL 34475**

The Board adopted Resolution 25-R-01 granting a petition by Gavroche Fernandez, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for an assisted living facility (ALF) to increase from six (6) to sixteen (16) residents, in Mixed Residential (R-4) zone, on an approximate 3.85 Acre Parcel, on Parcel Account Number 21384-000-00, Site Address 3280 NW 16<sup>th</sup> Avenue, Ocala, FL 34475

Resolution 25-R-01 contains the following Conditions:

1. One of the existing paved and lined parking spaces must be converted for disabled permit parking.
2. The applicant must connect to central sewer services if required by the City of Ocala.
3. Any exterior lighting added will need to be placed in a way that does not illuminate off-site onto neighboring properties.
4. Construction of signage shall be permitted through the Building Department.
5. Future additions to impervious coverage shall require a major site plan review.
6. The special use permit shall run with Gavroche Fernandez. Should the property be sold or the ALF itself change ownership, a new special use permit shall be applied for.
7. The maximum number of ALF residents allowed by this special use permit shall be 16.

**1.1.3. 250104SU - Yohan Perez Hernandez and Lesli Cartagena, Special Use Permit to Allow for Parking of One Commercial Vehicle in General Agriculture (A-1) Zone, 3.50 Acres, Parcel Account Number 01745-001-01, Site Address 11250 NW 200<sup>th</sup> Street, Micanopy, FL 32667**

The Board adopted Resolution 25-R-02 granting a petition by Yohan Perez Hernandez & Lesli Cartagena, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for parking one (1) commercial semi-truck and one (1) commercial semi-truck trailer, in General Agriculture (A-1) zone, on an approximate 3.50 Acre Parcel, on Parcel Account Number 01745-001-01, Site Address 11250 NW 200<sup>th</sup>

Street, Micanopy, FL 32667

Resolution 25-R-02 contains the following Conditions:

1. Ingress/Egress shall continue to utilize NE 200<sup>th</sup> Street only.
2. The Applicant shall construct a commercial driveway apron that shall be permitted through the office of the county engineer.
3. All parking is contained on the subject parcel. The parking area for the commercial vehicle will be located to the rear of the property, on the north side adjacent to NW 200<sup>th</sup> Street.
4. The gate that was installed at the intersection of NW 200<sup>th</sup> Street and CR 329 shall be removed and fenced in. (Access of any type is not permitted at this point.)
5. No unloading or loading of materials/junk shall take place on the subject property.
6. No mechanical repairs or maintenance on the commercial vehicle(s) shall take place on site.
7. Lighting on the exterior of any accessory structure related to the commercial vehicles shall be placed in a way that is non-obtrusive and will not be pointed directly at residential units within this neighborhood.
8. There shall be no advertising signs on the subject property.
9. This special use permit runs with the owner and not the property. Any sale of the property will void this special use.
10. This special use permit will allow for one (1) commercial vehicle (tractor and trailer) with a weight of 16,000 pounds or more. If the following vehicle is replaced, the applicant shall notify the Marion County Planning Department immediately to record the new VIN as part of this SUP.
  - Tractor: 2015 Freightliner, VIN# 3AKJGLD55FSFP7086
11. The Special Use Permit shall expire on January 21 , 2030; however, it may be renewed administratively three times for up to 5 years each by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
  - There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the permit,
  - Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
  - The Growth Services Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

**1.1.4. 250105ZC - Greene Ventures, LLC, Zoning Change from Regional Business (B-4) to Mixed Residential (R-4), 0.25 Acres, Parcel Account Number 08385-000-00, Site Address 1875 NE 128<sup>th</sup> Place, Anthony, FL 32617**

The Board granted a petition by Greene Ventures, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Regional Business (B-4) to

Mixed Residential (R-4), for all permitted uses, on an approximate 0.25 Acre Parcel, on Parcel Account Number 08385-000-00, Site Address 1875 NE 128<sup>th</sup> Place, Anthony, FL 32617

**1.1.5. 250106ZC** - Christine Riley & 2020 Sunshine Holdings, LLC, Zoning Change from Community Business (B-2) and Mixed Residential (R-4) to General Agriculture (A-1), 18.73 Acre Tract, Parcel Account Numbers 03063-001-00, 03063-002-00, and 03079-002-00, Site Addresses 5592 NW 185<sup>th</sup> Street, Reddick, FL 32686, 18400 N US Highway 441, Reddick, FL 32686, and No Address Assigned

The Board granted a petition by Christine Riley & 2020 Sunshine Holdings, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) and Mixed Residential (R-4) to General Agriculture (A-1), for all permitted uses, on an approximate 18.73 Acre Tract, on Parcel Account Numbers 03063-001-00, 03063-002-00, and 03079-002-00, Site Address 5592 NW 185<sup>th</sup> Street, Reddick, FL 32686, 18400 N US Highway 441, Reddick, FL 32686, and No Address Assigned

**1.1.6. 250108ZC** - Lynn Padrica Wilson, Ricardo Wilson, and Leroy Wilson, Zoning Change from Light Industrial (M-1) Portion of the Property to General Agriculture (A-1), ±3.25 portion of a 9.0 Acre Parcel, Parcel Account Number 35838-000-00, Site Address 3050 SE 62<sup>nd</sup> Street, Ocala, FL 34480

The Board granted a petition by Lynn Padrica Wilson, Ricardo Wilson, & Leroy Wilson, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Light Industrial (M-1) portion of the property to General Agriculture (A-1), for all permitted uses, on an approximate ±3.25 portion of a 9.0 Acre Parcel, on Parcel Account Number 35838-000-00, Site Address 3050 SE 62<sup>nd</sup> Street, Ocala, FL 34480

**1.1.2. 250103SU** - Troy Mann and Dena Futch, Special Use Permit for the Construction of One 40' X 40' Enclosed Accessory Structure Without A Primary Structure for Storage in a Mixed Residential (R-4) Zone, 0.38 Acres, Parcel Account Number 1132-012-003, Site Address 21478 NE 136<sup>th</sup> Street, Salt Springs, FL 32134

The Board considered a petition by Troy Mann & Dena Futch, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for the construction of a 40' x 40' enclosed structure for storage on a vacant parcel, in Mixed Residential (R-4) zone, on an approximate 0.38 Acre Parcel, on Parcel Account Number 1132-012-003, Site Address 21478 NE 136<sup>th</sup> Street, Salt Springs, FL 32134

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. The Special Permit is limited to one (1) barn with size limitation of 40'L x 40'W x 20'H. The uses for this barn are to store owner's personal boat, vehicles, and items as an accessory use to the owner's primary residence located on 21461 NE 136<sup>th</sup> St, Salt Springs.
2. To accommodate the possibility of constructing a primary structure on the site in the future, the proposed storage structure shall be positioned at the rear of the property, leaving space at the front for a primary house.
3. If utilities are to be altered, changed, or added, coordinate with Marion Utilities for review and permits.
4. If water and sewer are to be added, it will require permits through the

- Department of Health in Marion County.
5. Applicant is to maintain a minimal 5-foot no-touch buffer around the north, south, and southeast perimeter of the property on which the barn is situated, as these boundaries border residential properties between adjacent properties.
  6. No signs or exterior lighting on the property.
  7. The site shall be developed and operated consistent with the submitted site plan and the conditions as provided with this approval.
  8. The nonconforming use shall not be expanded.
  9. The Special Use Permit is granted for the storage structure on the subject parcel. The allowance for the structure is limited to the specific barn submitted by the applicant under this special use permit.
  10. The Special Use Permit shall run with the Owner, Troy Mann and Dena Futch, and the subject property.
  11. In the event of a change of ownership of the subject property and/or the primary residence on 21461 NE 136<sup>th</sup> St, Salt Springs, the Special Use Permit shall be terminated upon the change of ownership of the parcels.
  12. The Special Use Permit shall expire on January 13th, 2030; however, it may be renewed administratively three times for up to 5 years each by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
    - There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
    - Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
    - The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

Commissioner Zalak commented on previous applications with an accessory structure across the street, noting there was a Condition stating the architecture has to match the house.

Deputy Director Ken Weyrauch, Growth Services, advised that there is no such Condition included; however, if the applicant is agreeable it can be added.

Troy Mann, NE 136<sup>th</sup> Street, Salt Springs, advised that he is adding a 40' X 40' accessory structure for storage, noting he owns a large offshore boat , utility task vehicles (UTVs), lawn mowers and tools. He stated he had already picked the color of the building, which has a metal roof and vertical siding and a different color trim around. Mr. Mann advised that his home is yellow, and he has not seen a yellow metal building. He opined that the building has neutral colors and looks nice. Mr. Mann commented on possibly moving the structure in the future.

Chairman Bryant opened the floor to public comment.

There being none, Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to adopt Resolution 25-R-03 approving the Special Use Permit request with Conditions 1 through

13, as amended, agreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 25-R-03 contained the following Conditions:

1. The Special Permit is limited to one (1) enclosed structure for storage with size limitation of 40'L x 40 'W x 20'H. The uses for this accessory structure are to store owner's personal boat, vehicles, and items as an accessory use to the owner's primary residence located on 21461 NE 136<sup>th</sup> St, Salt Springs.
2. To accommodate the possibility of constructing a primary structure on the site in the future, the proposed storage structure shall be positioned at the rear of the property, leaving space at the front for a primary house.
3. The architectural style of the structure, including its color and design, should align as closely as possible with the primary residence across the street.
4. If utilities are to be altered, changed, or added, coordinate with Marion County Utilities for review and permits.
5. If water and sewer are to be added, it will require permits through the Department of Health in Marion County.
6. Applicant is to maintain a minimal 5-foot no-touch buffer around the north, south, and southeast perimeter of the property on which the accessory structure is situated, as these boundaries border residential properties between adjacent properties.
7. No signs or exterior lighting on the property.
8. The site shall be developed and operated consistent with the submitted site plan and the conditions as provided with this approval.
9. The nonconforming use shall not be expanded.
10. The Special Use Permit is granted for the storage structure on the subject parcel. The allowance for the structure is limited to the specific structure submitted by the applicant under this special use permit.
11. The Special Use Permit shall run with the Owners, Troy Mann and Dena Futch, not the subject property.
12. In the event of a change of ownership of the subject property and/or the primary residence on 21461 NE 136<sup>th</sup> St, Salt Springs, the Special Use Permit shall be terminated upon the change of ownership of the parcels.
13. The Special Use Permit shall expire on January 13<sup>th</sup>, 2030; however, it may be renewed administratively three times for up to 5 years each by a written instrument signed and issued by the Growth Services Director ( or position equivalent to the Growth Services Director at that time), unless:
  - There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
  - Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
  - The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through

the Special Use Permit review process (or review process equivalent at that time).

## **1.2. Planning and Zoning Items for Individual Consideration:**

### **1.2.1. Request to Rescind Zoning Case 241210ZP, GPK Ocala One, LLC, Rezoning from General Agriculture (A-1) to Planned Unit Development, and Authorize Staff to Accept a Resubmittal of the Zoning Case Application Waiving the Application Fee**

The Board considered the following recommendation as presented by Growth Services Deputy Director Ken Weyrauch:

Description/Background: This agenda item presents to the Board of County Commissioners a basis to rescind zoning case 241210ZP, GPK Ocala One, LLC, rezoning from General Agriculture (A-1) to Planned Unit Development (PUD) on a ±39.36-acre property site, located west of Unit 25 Silver Springs Shores, on Chestnut Rd for the purposes of 158 detached single-family residential units. The subject property is located within the Urban Growth Boundary (UGB), the Silver Springs Shores urban area, and the Silver Springs Primary Springs Protection Overlay Zone. The Board's December 17, 2024 approval of the PUD with that density was based upon inaccurate information regarding the underlying land use designation for the parcel. At the time of that hearing, the rezoning application, the staff report, and even the Comprehensive Plan Future Land Use Map showed a designation of High Residential Land Use, when in fact the designation was Medium Residential.

The Planning and Zoning Commission had recommended approval with Conditions as was recommended by staff during their regular meeting on November 25, 2024. The item was then heard by the Board of County Commissioners (BCC) on December 17, 2024 and approved for 158 units with Conditions. Following the BCC Public Hearing, Ms. Maureen Merrick, an adjoining property owner, questioned the validity of the land use designation of the subject property. In response, staff researched the issue and it was determined that the parcel has a Medium Residential Land Use instead of the High Residential Land Use that was used during the analysis of the zoning change. The error related back to a prior request for a land use amendment. In 2016, there was a Large-Scale Land Use Amendment request to change the land use from Low Residential to High Residential (16L-02). However, after considering public input, that request was transmitted to the State for a land use amendment from Low Residential to Medium Residential, and at the subsequent adoption hearing, the Board approved the land use amendment to Medium Residential (Ordinance No. 16-22). Following that, when staff prepared updates to the Future Land Use Map, the parcel was incorrectly shown as High Residential. As a result of the research to verify the correct land use designation for the parcel based on Ordinance No. 16-22, the land use designation for the parcel has now been corrected on the Future Land Use Map as Medium Residential.

Because the Board's deliberations on the application relied on the inaccurate information regarding the land use designation for the parcel, staff is bringing this matter back to the Board so that the Board can decide to rescind its approval of the application that was based on inaccurate information. This will leave the application as though it has not yet been acted on. However, because the applicant may need to modify their application and plan based on the Medium Residential

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land use designation, staff proposed that if the applicant wants to submit a revised application, that would be presented to the Planning and Zoning Commission, and then to the BCC. In that case, staff would send out new notifications for those hearings. Staff recommends that the application fees for a revised application for a residential zoning project be waived if such application is provided within six months.

Budget/Impact: None.

Recommended Action: Motion to rescind the Board's December 17, 2024 approval of this zoning change application, authorize staff to accept a resubmittal of the zoning change application based on a Medium Residential Land Use designation and waive the application fee.

Growth Services Director Chuck Varadin advised that this Item was a rezoning from General Agriculture (A-1) to Planned Unit Development (PUD) for GPK Ocala One, LLC, which was originally heard on December 17, 2024. He requested staff be authorized to accept a resubmittal of the application for the April cycle and waive the application fee. Mr. Varadin stated the Board's decision was based on inaccurate information relating to the underlying land use, noting the supporting documents reflected the parcel was High Residential rather than Medium Residential. In 2016, there was a Large-Scale Land Use Amendment request to change the land use from Low Residential to High Residential (16L-02). However, after considering public input, that request was transmitted to the State for a land use amendment from Low Residential to Medium Residential, and at the subsequent adoption hearing, the Board approved the land use amendment to Medium Residential (Ordinance No. 16-22). Following that, when staff prepared updates to the Future Land Use Map, the parcel was incorrectly shown as High Residential. He advised that this action would leave the application as if a decision has not been made. Mr. Varadin stated staff want to allow the applicant time to modify the application and plan prior to bringing the matter back before the Board.

Mr. Minter commented on the process for rescinding an Ordinance, noting the Board is not able to just simply vote to rescind an Ordinance. He advised that he is requesting the Board authorize staff to move forward with the process, whereby the application will go through the P&Z and back before the Board to adopt an Ordinance to repeal this matter. Mr. Minter recommended these actions to occur at the next available P&Z and BCC meetings. He stated the error was not discovered until after the Board meeting, noting had it been caught that same day there could have been a motion to reconsider that day. Mr. Minter clarified that this Item was not included in the Ordinance that was transmitted to the Secretary of State's office. He advised that he is requesting Chairman Bryant sign the Ordinance provided today so it may be filed with the Secretary of State's office, providing an Ordinance number to use for the repeal.

In response to Chairman Bryant, Mr. Minter advised that the Board should address this as if it were a Walk-on Item.

Jimmy Gooding, SE 36<sup>th</sup> Avenue, attorney on behalf of the applicant, stated the repeal cannot be heard today and must go through the same process as a rezoning request. He opined that there should not be any testimony today. Mr. Gooding clarified that nothing could happen relating to this Item until it is heard by P&Z and again by the BCC. He expressed concern relating to allowing public comment. Mr. Gooding advised that the client is accommodating and agrees with the procedure as explained by Mr. Minter. He stated the applicant plans to turn in the revised plans by the deadline.

In response to Commissioner Zalak, Mr. Minter advised that he is asking the Board to



modify the language from, “request to rescind” to “request to process an amendment to repeal”.

Mr. Gooding clarified that the applicant will not be required to submit another application fee. Chairman Bryant concurred.

Chairman Bryant opened the floor to public comment.

Maureen Merrick, Juniper Road, commented on the importance of the applicant and staff performing their due diligence, noting there should be a second review or paper trail. She opined that the Board should have had the right information.

Grant Merrick, Juniper Road, addressed the traffic study, which showed Medium Density. David Jones, SE 84<sup>th</sup> Lane Road, commented on traffic concerns on Juniper Road relating to the start and end of the school day and on 80<sup>th</sup> Street, and a lack of compatibility of the project to the north, south and west.

Mr. Minter stated there is no application before the Board today, noting the Board is not taking action on the merits of any application today.

Bryan Buescher, NW 166<sup>th</sup> Avenue, High Springs, stated this application has faults relating to the geological studies.

Chairman Bryant advised that public comment is now closed.

In response to Chairman Bryant, Mr. Minter advised that staff are requesting Board direction relating to processing a new application for an Ordinance to repeal the December 17, 2024 Ordinance. It was the general consensus of the Board to move forward, noting this action has been withdrawn for today due to procedural process. The matter will be reconsidered at the March 17/18 Board meeting.

Chairman Bryant questioned if the applicant wants the appeal and new application to be heard simultaneously.

David Tillman, Tillman and Associates, LLC, SE 16<sup>th</sup> Avenue, advised that the applicant will not necessarily make the application for January, noting the repeal may come through a month ahead of the application for rezoning.

Chairman Bryant requested staff keep the Merricks updated as to how this matter is moving through the process.

Mr. Tillman advised that if his client instructs him to make the application by January, it will be done.

Mr. Minter commented on the new application that will be coming in, noting the Board should follow the quasi-judicial procedure and not have any ex-parte communication.

Chairman Bryant advised that Item 1.2.8 will be heard at this time.

**1.2.8. 240409ZP - Sabana Farms LLC, Master Plan Approval for Planned Unit Development for a Proposed Maximum of 205 Single-Family Home Sites, on 47.28 Acres, Parcel Account Number, 13709-001-01, No Address Assigned**

The Board considered the following recommendation as presented by Growth Services Deputy Director Ken Weyrauch:

Description/Background: Tillman and Associates Engineering, LLC, on behalf of the landowners, Sabana Owner LLC, have filed a request for Board of County Commissioner approval of the Master Plan for the Planned Unit Development (PUD) Sabana Farms that was approved on April 17, 2024. The project is on a 47.28 +/- acre property and includes a total of 205 single family residential units with amenities. The project is located inside of the Urban Growth Boundary (UGB) and the Secondary Springs Protection Zone. Non-residential use areas are not proposed under this PUD.

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Budget/Impact: None.

Recommended Action: Staff recommends approval.

Deputy Director Ken Weyrauch, Growth Services, provided a brief overview of the PUD Master Plan request. He advised that the applicant completed their obligations and met the requirements of the Master Plan from Staff's standpoint.

David Tillman, Tillman and Associates, LLC, SE 16<sup>th</sup> Avenue, commented on the process whereby he and his client were able to meet with Commissioner Zalak to review the amenities proposed in the Master Plan. He opined that having a Board liaison assigned in these instances is helpful.

In response to Chairman Bryant, Mr. Tillman stated this development is not currently planned to be gated; however, there is a possibility it could happen.

Mr. Tillman advised that there is a 15 foot Type C buffer, noting the design of the overall project was intended to create as much separation as it can from the development to the south. He stated the westerly buffer is a 15 foot modified Type C buffer, which is adjacent to Ocala Preserve.

Chairman Bryant opened the floor to public comment.

Kenneth Brakefield, NW 35<sup>th</sup> Street, expressed concern relating to pedestrian foot traffic through Quail Meadow.

John Linsky, NW 35<sup>th</sup> Street, commented on efforts by Quail Meadow to privatize their roads and gate the community. He expressed concern relating to the boundary integrity and requested the developer discuss the type of buffer they will implement with the Quail Meadow Board.

Chairman Bryant advised that those things were discussed in the PUD approval, noting there are Conditions of that approval to keep the integrity of that northern boundary in place.

Chairman Bryant advised that public comment is now closed.

Mr. Tillman stated the fence that is in place now will remain and maintain the integrity of the boundary between Sabana Farms and Quail Meadow.

In response to Chairman Bryant, Mr. Tillman provided an overview relating to a Type C buffer. He advised that there are like fences on the south and west boundaries. Mr. Tillman stated the fencing is a no horse fence, approximately 4 feet tall. There will be no opaque fencing.

Commissioner Zalak expressed appreciation towards the applicant for taking time to meet and review the amenities, noting they did a good job.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to approve the Master Plan request. The motion was unanimously approved by the Board (5-0).

Commissioner Zalak out at 9:55 a.m.

**1.2.2. 250101SU - Juan Manuel Rodriguez and Joselyn Lendor, Special Use Permit to Allow for Parking of Six Commercial Semi-Trucks and Six Semi-Truck Trailers in General Agriculture (A-1) and Residential Agriculture Estate (A-3) Zones, 26.26 Acre Tract, Parcel Account Numbers 3496-003-011 and 35300-107-00, Site Address 10640 SW 121<sup>st</sup> Avenue Road, Dunnellon, FL 34432**

The Board considered a petition by Juan Rodriguez & Joselyn Lendor, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for parking of six (6) commercial semi-trucks and six (6) semi-truck trailers, in General Agriculture (A-1) & Residential Agriculture Estate (A-3) zone, on an approximate 26.50

Acre Tract, on Parcel Account Numbers 3496-003-011 and 35300-107-00, Site Address 10640 SW 121<sup>st</sup> Avenue Road, Dunnellon, FL 34432

P&Z PUBLIC HEARING ON DECEMBER 30, 2024

250101SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Fisher, to agree with staff's findings and recommendation, and recommend denial of the SUP based on the following findings of fact:

1. Will adversely affect the public interest
2. Is not consistent with the Marion County Comprehensive Plan
3. Is not compatible with the surrounding land uses

The Motion passed unanimously 7-0.

Transportation Planner Ken Odom commented on the SUP request to allow for parking a combination of six (6) commercial semi-trucks and six (6) semi-truck trailers, in A-1 & A-3 zones.

Commissioner Zalak returned at 9:57 a.m.

Mr. Odom advised that the applicant has requested to reduce the number to four tractor-trailer combinations at this time rather than after a six-month period. He stated there were a number of disabled and disassembled vehicles during site visits. Code Enforcement staff had a discussion with the applicants advising the vehicles need to be removed, noting they have started moving some of these items to auction at this time.

It was noted that Growth Services Department staff and the P&Z Commission recommend denial of the Special Use Permit. If the Board grants the SUP, staff recommends the following Conditions:

1. Commercial vehicle ingress/egress shall only utilize the access point on NW 121<sup>st</sup> Avenue Road that currently exists on the applicant's property, not the easement on the south side of the applicant's property.
2. The Applicant shall construct a commercial driveway apron that will be permitted through the Office of the County Engineer.
3. All tractor-trailer parking will be contained on parcel 35300-107-00.
4. Six tractor-trailer combinations may be parked on site for the first active six-months of the SUP. The number will be reduced to four tractor-trailer combinations by the end of that six-month period.
5. All disabled tractor-trailer combinations will be removed from the property within thirty days of the approval of the SUP.
6. All disassembled tractor-trailer combinations and tractor-trailer parts will be removed from the property within thirty days of the approval of the SUP.
7. Loaded vehicles and storage of commercial freight is not permitted on the subject parcels at any time.
8. No mechanical repairs or maintenance on the commercial vehicle(s) shall take place onsite.
9. In the event that a home is constructed on PID 3496-003-012, the applicant shall construct an eight-foot opaque fence on the western and southern boundaries of the applicant's parcel adjacent to that land.
10. Lighting on the exterior of any accessory structure related to the commercial vehicles shall be placed in a way that is non-obtrusive and will not be pointed directly at residential units within this neighborhood.
11. There shall be no advertising signs on the subject property.

12. This special use permit will allow for six (6) tractor-trailer vehicle combinations with a weight of 16,000 pounds or more for the first six months. After the first six month, the applicant shall only be permitted to operate four (4) tractor-trailer vehicle combinations with a weight of 16,000 pounds or more. The first six vehicle combinations permitted vehicles shall only include:

- 2013 Peterbilt, VIN# 1XPHDP9X3DD193242
- 2014 Freightliner, VIN# 3AKJGLDV9ESFW0368
- 2011 Peterbilt, VIN# 1XPHD49X8BD125062
- 2012 Peterbilt, VIN# 1XPHD49X4CD134388
- 2014 Peterbilt, VIN# 1XPWSP9X9ED250861
- To Be Determined

13. The Special Use Permit shall expire on January 21, 2030.

Daniel Perez, SE 59<sup>th</sup> Street, advised that he will be interpreting for Juan Manuel Rodriguez, SW 121<sup>st</sup> Avenue Road, Dunnellon. Mr. Perez stated the applicant is requesting to park 4 commercial semi-trucks on their property, noting the vehicles would operate during specified hours (7:00 AM until 6:00 PM) with a minimal disruption to the area. Mr. Perez advised that the applicant has over 30 trucks on the road, and they are not coming to the location to park. He stated when the applicant originally moved here they brought a lot of trucks and parts. They have been waiting for Copart truck auction to open, which occurred this week. Mr. Perez advised that the trucks are being taken to be sold off (cabs, chassis, etc.). He commented on delivery vehicles, noting the applicant's trucks do not cause any more damage to roadways. Mr. Perez stated these trucks will not be making deliveries and the applicant is not running a logistics center out of this property. He advised that the operation would allow drivers to park their vehicle when they are taking time off.

Mr. Perez advised that the property was purchased in June and the applicant began moving vehicles onsite in August, noting from August through November it was hectic. He advised that the applicant had 3 properties in Miami and the equipment on those sites had to go somewhere until the auction house opened. Mr. Perez stated the applicant is committed to and has begun to move the equipment offsite. He commented on pollution, noting these vehicles are inspected by the Department of Transportation (DOT) annually, can be pulled over on the road, go through the scale houses and are checked everywhere they go when crossing State lines. Mr. Perez advised that pesticides are being used throughout the community and lead to contamination; however, the applicant's trucks do not leak fuel or oil and are not contaminating this property.

Mr. Perez stated despite the complaints depicted on the map seen on the overhead screens, other neighbors have no opposition to the operation at this location. He clarified that the applicant will not be loading and unloading trucks or performing service on the vehicles at this location. Mr. Perez expressed concern relating to drones flying over the 30 acre property, noting he is willing to provide access for the purpose of inspections.

In response to Chairman Bryant, Mr. Perez advised that the applicant is requesting to park 4 trucks and trailers on the property. He stated the trucks are flatbeds not refrigerated, they will be on the road for 4 to 6 weeks, and there will be a maximum of 4 trucks onsite at any time, noting they will be the same 4 trucks.

Commissioner Stone questioned if the parking area is buffered and fenced off. Mr. Odom advised that the parking area has a light buffer on the west side and not much to the south

side. There is a 3 or 4 board fence. He stated there is a Condition requiring an 8 foot fence, which is typical with any kind of Commercial adjacency when there are heavy vehicles.

In response to Chairman Bryant, Mr. Odom advised that the parcel where the applicant is proposing parking the vehicles is approximately 2.5 acres. He stated the adjacent parcel does not have a primary structure. Mr. Odom advised that the parcel to the east of the easement has a homesteaded property.

Commissioner Stone commented on an electronic mail (email) relating to the easement and a possible dispute. Mr. Odom stated staff is unaware of a dispute; however, the property owners on both sides of the easement have submitted letters of opposition.

In response to Chairman Bryant, Mr. Odom advised that the easement is recorded.

Mr. Odom stated there is a Condition that the easement is not to be used if the Alternate Conditions of Approval were offered, noting the applicant would need to utilize access off their main driveway to provide relief for the property owner to the south.

Commissioner Curry questioned if the applicant has another location to park the vehicles in the event the request is not granted. Mr. Perez advised that another property would need to be located.

In response to Commissioner Curry, Mr. Perez stated in Miami there was a lot where Commercial vehicles could be parked. He stated they checked and saw there could be up to 2 Commercial vehicles on the property, so they moved the equipment here until they could send it to auction and then they requested the SUP. Mr. Perez advised that there are a total of 18 trucks in his fleet; 4 are owned by the applicant and the others are independently owned.

Chairman Bryant questioned if this request came about as the result of a Code Enforcement complaint prior to applying for the SUP. Mr. Odom stated it did, noting semi-trucks are allowed on agricultural properties as long as there is an agricultural endeavor in use on that property. The use being requested today is only permitted by SUP.

Commissioner Stone out at 10:19 a.m.

Chairman Bryant opened the floor to public comment.

Richard Thompson, County Road (CR) 137, Wellborn, stated he lives in an agricultural community in north Florida (owns vacant parcel with the easement).

Commissioner Stone returned at 10:20 a.m.

Mr. Thompson expressed concern relating to maintenance occurring on the property, trees being trimmed and dumped on his property, tractor-trailers traversing his property, and property values.

Jeannie Dunn, SW 109<sup>th</sup> Place, commented on the applicant continuing to operate his business out of the property for 6 months after knowing he was out of compliance, the water supply, onsite vehicle maintenance, noise, hours of operation, safety, onsite loading, being forced off the road by semi-trucks returning to the applicant's property, damage to the roads and a drainage culvert.

Julio Cardoso, Sherbrook Avenue, Davenport, advised that he is Mr. Rodriguez's agent. In response to Chairman Bryant, Mr. Cardoso confirmed that he was the real estate agent who helped Mr. Rodriguez with this transaction.

Mr. Cardoso stated the previous owner of the property had tractors and other equipment onsite, which he saw firsthand. He expressed support for the project.

Chairman Bryant advised that she is also a real estate agent, noting as Mr. Rodriguez's agent, he should have checked the zoning to see what was allowed to happen on the property prior to encouraging the applicant to move forward with the sale.

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Albert Rodriguez, SW 121<sup>st</sup> Avenue Road, Dunnellon, commented on claims about when and where the applicant's vehicles are operating. He expressed support for the SUP request.

Sylvia Nunez, SW 121<sup>st</sup> Avenue Road, Dunnellon, addressed her concerns relating to discrimination relating to a minority family and urged the Board to approve the SUP.

Albert Rodriguez advised that he is going to interpret for Danyer Rodriguez, SW 113<sup>th</sup> Place. He commented on the need for truck drivers and the goods they transport and urged the Board to approve the SUP request.

Mr. Perez stated he will interpret for Joel Velasquez, SW 85<sup>th</sup> Court, who expressed support for the SUP request.

Yanisleidy Parrado, Bahia Trace Loop, commented on the hard work and dedication of truck drivers and urged the Board to approve the SUP request.

Leandro Taveras did not appear when called upon to speak.

Mark Johnson, SW 107<sup>th</sup> Street Road, Dunnellon, expressed concern relating to the condition of roads in the area, delivery and mail trucks, and setting a precedent with this SUP. He urged the Board to deny the request.

Cynthia Niciecki, SW 121<sup>st</sup> Avenue Road, Dunnellon, commented on the agricultural nature of the community, pollution, noise, access, and quality of life. She urged the Board to deny the SUP request.

Enyd Marcos, NW 165<sup>th</sup> Street, Citra, commented on racism and expressed support for the SUP request.

Angelina Rodriguez, SW 121<sup>st</sup> Avenue Road, expressed concern relating to claims made by neighbors, and requested the Board grant the SUP request.

Emily Martinsen, SW 26<sup>th</sup> Street, advised that she is a healthcare provider and an expert witness in the State of Florida. She commented on prejudice, individuals trying to earn a living, freedom, roads, vehicle appearance, and constructive resolution. Ms. Martinsen stated she is in support of the SUP request.

Chairman Bryant advised that public comment is now closed.

In response to Chairman Bryant, Mr. Perez stated there were forklifts onsite that were rented and used for the move from Miami. He advised that in the beginning the applicant did have vehicles coming on to the site at 2 or 3 a.m. and there was a beeping noise when backing up the vehicles. Mr. Perez stated currently there has not been a truck in and out since January 6, 2025, and that vehicle will likely be leaving this week. He advised that trucks would not enter and exit the property between 6:00 p.m. and 7:00 a.m. Mr. Perez addressed a comment relating to a mechanic being onsite, noting the vehicle was for sale and the buyer brought a mechanic. He stated the applicant is agreeable to using their entrance rather than the easement.

Chairman Bryant advised that Mr. Rodriguez was given terrible guidance when he purchased his property relating to what he can and cannot do at the location. She stated the situation is unfortunate, noting real estate agents know what they are supposed to do and how to assist an individual with due diligence. Chairman Bryant advised that asking a property owner what they have been doing for years cannot be relied upon.

Commissioner Stone addressed comments regarding racism, noting the Board will make appropriate decisions based on what is appropriate for the neighborhood. She commented on the bad guidance the applicant received from his realtor, noting the Board is supportive of entrepreneurial efforts especially those delivering good and services the community needs. Commissioner Stone stated there are many locations throughout the County that will allow individuals to conduct business with the appropriate zoning.

Commissioner Curry advised that his father-in-law drove a truck for 45 years and he very much respects individuals in this industry; however, this is a land use issue.

Commissioner Zalak expressed appreciation towards Mr. Rodriguez for the work he is doing, noting he is in the trucking and carting business also. He stated he had to park his trucks on a piece of B-5 Commercial property because that is where the use is allowed. Commissioner Zalak advised that this is not about anything other than the fact that the applicant is illegally using his piece of property and asking the Board for a SUP in an area where it is not a good fit and where the roads do not support the effort.

Commissioner McClain opined that he would like to see Mr. Rodriguez keep his family and business here in this community, but this piece of property is not appropriate for his business.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to deny the SUP request to allow (for parking of six commercial semi-trucks and six semi-truck trailers in A-1 and A-3 Zones, agreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the proposed use is not compatible with surrounding land uses, is not consistent with the Comprehensive Plan and will adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Chairman Bryant advised Mr. Rodriguez that perhaps Mr. Perez can help him find a local agent to help him find an appropriate location for his business. Otherwise, she will be happy to put him in touch with somebody that may be able to assist.

Mr. Minter stated sometimes in these cases when the vehicles are onsite the Board allows the applicant a certain amount of time to make alternate arrangements. It was the general consensus of the Board to allow the applicant 60 days to find another location to park the vehicles before any Code Enforcement actions begin. She requested Mr. Perez relay the information to Mr. Rodriguez.

Mr. Perez stated 1 tractor will stay on the property, noting the applicant is in the process of having the tags changed from Commercial to regular. He stated it will be used to pull the applicant's fifth wheel campers as well as their horse and cattle trailer.

In response to Chairman Bryant, Mr. Odom advised that the applicant is within his right to do so providing it is not being used for Commercial purposes. If it is registered for private use the applicant is allowed to have it on the property.

**1.2.3. 25-S01 - 8640 SE 73 LLC., Small-Scale Land Use Change from Low Residential (LR) to Employment Center (EC), 4.42 Acres, Parcel Account Number 3564-023-000, Site Address 8640 SW 73<sup>rd</sup> Avenue, Ocala, FL 34476 (APPLICANT REQUESTS CONTINUATION)**

The Board considered a petition by 8640 SE 73 LLC, for a Land Use Change, Articles 2 and 3, of the Marion County Land Development Code, from Low Residential (LR) to Employment Center (EC), on an approximate 4.42 Acre Parcel, on Parcel Account Number 3564-023-000, Site Address 8640 SW 73<sup>rd</sup> Avenue, Ocala, FL 34476

**P&Z PUBLIC HEARING ON DECEMBER 30, 2024**

Motion was made by Mr. Kroitor, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend denial of the requested Small Scale Land Use Amendment based on the following findings of fact:

1. Will adversely affect the public interest
2. Is not consistent with the Marion County Comprehensive Plan
3. Is not compatible with the surrounding land uses

January 13, 2025

The Motion passed unanimously, 7-0.

Senior Planner Chris Rison advised that the next 2 items for consideration (1.2.3 and 1.2.4) will be addressed together. He stated the applicant is requesting a continuance.

It was noted that Growth Services Department staff and the P&Z Commission recommend denial of the Small Scale Comprehensive Plan Amendment request.

Paolo Mastroserio, Mastroserio Engineering, SE 32<sup>nd</sup> Place, apologized to residents of Green Turf Acres, noting if the continuance is granted, their time will have been wasted today. He stated after hearing from residents at the P&Z Commission meeting and reviewing the staff report, the applicant felt they could provide some benefit to the surrounding community and are requesting an opportunity to meet with those individuals at a community meeting in an attempt to come to some sort of agreement between the parties. Mr. Mastroserio requested the matter be continued.

Austin Dailey, Klein and Klein, LLC, SE 11<sup>th</sup> Avenue, stated if the matter is continued, he will engage.

In response to Chairman Bryant, Mr. Rison advised that if these items are continued, the new date would be April 14 or 15, 2025.

Commissioner Zalak commented on the continuance process, noting there is activity occurring on the property that should not be, based on Code Enforcement. He expressed opposition to allowing that activity to continue in the interim.

Chairman Bryant opened the floor to public comment.

Barbara Speer, SW 73<sup>rd</sup> Avenue, commented on the applicant's current operation, permitting, buffers, roads, rural life and lack of compatibility.

Chairman Bryant questioned if the Board is willing to give the continuance or if they prefer to hear this case today.

Commissioner Curry stated almost everyone that has requested a continuance has been allowed one. He advised that if the Board is going to change direction, it should not happen on the spot today.

Commissioner Stone stated she agrees with Commissioner Curry and questioned if the matter can be heard prior to April since a full day has been set aside to hear zoning cases. Commissioner Zalak opined that these cases should all be heard as 1 rather than 4 (Items 1.2.3 through 1.2.6).

Chairman Bryant advised that applications for land use and zoning changes have to be moved separately; however, as far as an Item is concerned this could be 4 in 1.

Ms. Straub stated it can be done. She advised that there are 8 Items scheduled for March, with a repeal coming back as the 9<sup>th</sup> Item.

Chairman Bryant stated this can be Item 10 and could come back in March.

Mr. Varadin advised that the Item can come back in March.

Commissioner McClain concurred with Commissioner Curry, noting if the change in policy is going to be made it should not happen today.

Chairman Bryant stated the Board will be granting the continuance until March; however, those in attendance today will be given the opportunity to give public comment.

Commissioner Stone advised that she will not forget the testimony given today.

Chairman Bryant stated individuals can also send an email to the Board.

Ms. Straub advised that March 17 and 18 are half days relating to zoning cases and requested the Board pick a date certain to continue this matter. Chairman Bryant stated staff should make that determination and requested staff obtain email addresses from each of the individuals present today to ensure they are notified as to which day the continuance will occur.



Janet Barber, SW 73<sup>rd</sup> Avenue, expressed opposition to the land use and zoning change request, noting the rural nature of the area and a lack of compatibility.

Tom Worthington, SW 73<sup>rd</sup> Avenue, stated the applicant requested to continue this matter in order to meet with residents; however, he is confident that will not happen. He advised that he is against the continuance.

Jolene Weeks, SW 86<sup>th</sup> Lane, commented on the rural nature of the neighborhood, traffic concerns relating to the trucks delivering mobile homes to the location and the applicant's mowing company blocking the road, citations and Code Enforcement.

Commissioner Stone questioned why the Board cannot enact a cease and desist until the matter comes back before the Board in March.

Commissioner Zalak stated the applicant has the right to go through the Code Enforcement process, noting individuals stop receiving citations once they make application.

Mark Raisch, SW 74<sup>th</sup> Court, expressed opposition to the project and questioned why it is being allowed to continue.

Chairman Bryant advised that there is a process the Board individuals can participate in when requesting land use or zoning changes. She stated the Board will discuss whether or not the applicant will continue to do business during the time the Board is waiting for them to come back with their application.

Dale Barber, SW 73<sup>rd</sup> Avenue, commented on the rural nature of the community, noting the applicant is not utilizing S.R. 200 to bring in the mobile homes, they are using SW 83<sup>rd</sup> Place and blocking the entire neighborhood. He addressed compatibility issues relating to the requests.

Stacey Raisch, SW 74<sup>th</sup> Court, advised that she is a realtor and provided a copy of the listing that shows the property is zoned A-1, noting there are realtor remarks relating to the possibly of changing the zoning to Commercial. She stated there is other property to the east of the applicant's eastern property that is roughly the same size, zoned Commercial, and for sale.

Les Boileau, SW 86<sup>th</sup> Lane, expressed opposition to the land use and zoning change requests.

Lisa Melendy, SW 74<sup>th</sup> Court, commented on individuals doing their due diligence when purchasing property.

Marie Selcer, SW 73<sup>rd</sup> Avenue, commented on the installation of a privacy fence intended to block the trailers along the side of her, the applicant contacting her twice in an attempt to purchase her property, and litter.

Chairman Bryant advised that public comment is now closed.

In response to Chairman Bryant, Mr. Minter advised that generally speaking, local governments have discretion on when and how to enforce regulations. He stated the practice the County has had relating to pending Code Enforcement actions where the County lets somebody come in for an attempt to make it a legal operation, which has been a longstanding practice as a general rule. Mr. Minter advised that it is not set in stone, noting if the Board wants to ask Code Enforcement staff to initiate or reactivate the enforcement action, they can do that. He stated it would not mean much in the space of a month due to the timeframe associated with the Code Enforcement process. Mr. Minter advised that the Board could advise the applicant that if they want any hope whatsoever of having any approval, they need to stop any activity that is violating County codes between now and when the matter comes back before the Board. He stated if the applicant does not cease, it will be a quick hearing on that day.

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In response to Commissioner Curry, Mr. Mastroserio advised that the residents do not seem to be willing to listen to the applicant. He is unsure if they will meet with him.

Commissioner Stone stated she tries to come into these hearings very open-minded; however, she does not feel that the applicant will be able to overcome the objections.

Mr. Mastroserio advised that the applicant is requesting to meet with staff in addition to neighboring residents.

Commissioner Zalak commented on previous denials relating to continuances.

Chairman Bryant stated the Board does its homework and knows what the case looks like before it comes in and then they do more due diligence when the applicants present their request and when the public gives comment. She stated what she is hearing is even if the applicant can get a meeting with the neighbors and meet with staff, she is unsure if there is any chance of this passing. Chairman Bryant advised that Mr. Mastroserio may want to speak with his client to discuss the cost of hiring legal counsel, his costs, and the costs to come back before the Board just to get a denial. She stated the applicant may want to consider withdrawing his request completely.

In response to Chairman Bryant, Mr. Mastroserio advised that his client is ready to withdraw.

Chairman Bryant stated the withdraw means that regarding all four applications (1.2.3, 1.2.4, 1.2.5, and 1.2.6) the applicant will have to cease the operation.

Matt Bennett, Florida Modular Homes, NW 50<sup>th</sup> Avenue, commented on the B-2 zoning, noting he intends to continue selling modular homes on that piece of property, noting he is withdrawing the request for B-4 zoning.

In response to Chairman Bryant, Mr. Rison advised that there is a provision for a model home center for both site-built and modular homes or manufactured homes. The B-4 zoning is required for the manufactured homes. He clarified that to have a model home center for site-built or modular structures, the applicant needs a site plan, and the units would be accordingly locked down/built on that property as if they were structures built on the property.

Chairman Bryant stated the applicant cannot bring in, set up and sell manufactured homes under B-2 zoning. She clarified that the applicant could build a site-built/modular home as a model and sell that type of model, but not that specific one used as the model. Mr. Bennett requested he be allowed to confer with his representatives.

Chairman Bryant requested Mr. Mastroserio educate his client relating to what would occur should he receive a denial.

(Ed Note: The Deputy Clerk did not receive a copy of the listing Ms. Raisch presented.)

It was noted for the record that this item was readdressed later in the meeting.

**1.2.4. 250109ZC - 8640 SE 73 LLC., Zoning Change from General Agriculture (A-1) to Regional Business (B-4), 4.42 Acres, Parcel Account Number 3564-023-000, Site Address 8640 SW 73<sup>rd</sup> Avenue, Ocala, FL 34476 (APPLICANT REQUESTS CONTINUATION)**

The Board considered a petition by 8640 SE 73 LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Regional Business (B-4), for all permitted uses, on an approximate 4.42 Acre Parcel, on Parcel Account Number 3564-023-000, Site Address 8640 SW 73<sup>rd</sup> Avenue, Ocala, FL 34476

P&Z PUBLIC HEARING ON DECEMBER 30, 2024

Motion was made by Mr. Kroitor, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend denial of the requested Zoning Change based on the following findings of fact:

1. Will adversely affect the public interest
2. Is not consistent with the Marion County Comprehensive Plan
3. Is not compatible with the surrounding land uses

The Motion passed unanimously, 7-0.

It was noted that Growth Services Department staff and the P&Z Commission recommend denial of the rezoning request.

It was noted for the record that this matter was addressed with Agenda Item 1.2.3.

It was noted for the record that this item was readdressed later in the meeting.

**1.2.5. 25-S02 - North Pointe Mobile Home Sales, LLC., Small-Scale Land Use Change from Commercial (COM) to Employment Center (EC), 2.26 Acres, Parcel Account Number 3564-032-000, Site Address 7265 SW Highway 200, Ocala, FL 34476 (APPLICANT REQUESTS CONTINUATION)**

The Board considered a petition by North Pointe Mobile Home Sales, LLC, for a Land Use Change, Articles 2 and 3, of the Marion County Land Development Code, from Commercial (COM) to Employment Center (EC), on an approximate 2.26 Acre Parcel, on Parcel Account Number 3564-032-000, Site Address 7265 SW Highway 200, Ocala, FL 34476

P&Z PUBLIC HEARING ON DECEMBER 30, 2024

Motion was made by Mr. Behar, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend denial of the requested Small Scale Land Use Amendment based on the following findings of fact:

1. Will adversely affect the public interest
2. Is not consistent with the Marion County Comprehensive Plan
3. Is not compatible with the surrounding land uses

The Motion passed unanimously, 7-0.

Senior Planner Chris Rison advised that the next 2 items for consideration (1.2.5 and 1.2.6) will be addressed together. He provided a brief overview of the Small Scale Comprehensive Plan Amendment and rezoning request.

It was noted that Growth Services Department staff and the P&Z Commission recommend denial of the Small Scale Comprehensive Plan Amendment request.

Chairman Bryant opened the floor to public comment.

There being none, Chairman Bryant advised that public comment is now closed.

It was noted for the record that this matter was addressed with Agenda Item 1.2.3.

It was noted for the record that this item was readdressed later in the meeting.

**1.2.6. 250110ZC - North Pointe Mobile Home Sales, LLC., Zoning Change from Community Business (B-2) to Regional Business (B-4), 2.26 Acres, Parcel Account Number 3564-032-000, Site Address 7265 SW Highway 200, Ocala, FL 34476 (APPLICANT REQUESTS CONTINUATION)**

The Board considered a petition by North Pointe Mobile Home Sales, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) to Regional Business (B-4), for all permitted uses, on an approximate 2.26 Acre Parcel, on Parcel Account Number 3564-032-000, Site Address 7265 SW Highway 200, Ocala, FL 34476

January 13, 2025

**P&Z PUBLIC HEARING ON DECEMBER 30, 2024**

Motion was made by Mr. Behar, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend denial of the requested Small Scale Land Use Amendment based on the following findings of fact:

1. Will adversely affect the public interest
2. Is not consistent with the Marion County Comprehensive Plan
3. Is not compatible with the surrounding land uses

The Motion passed unanimously, 7-0.

It was noted that Growth Services Department staff and the P&Z Commission recommend denial of the rezoning request.

It was noted for the record that this matter was addressed with Agenda Item 1.2.3.

It was noted for the record that this item was readdressed later in the meeting.

**1.2.7. 241211ZP - Todd Rudniansyn, Manager for Highway 27 West, LLC., Rezoning Request for Planned Unit Development Amendment for the Longleaf Park Planned Unit Development (fka Quail Preserve PUD) to Allow for the Project to Connect to the City of Ocala Utilities in Lieu of Marion County Utilities, 11.37 Acre Portion of an 18.98 Acre Parcel, Parcel Account Number 21602-000-00, No Address Assigned, Immediately West of the Quail Meadow Subdivision**

The Board considered a request by Highway 27 West, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, to amend the existing Planned Unit Development (PUD) to allow for the project to connect to the City of Ocala Utilities in lieu of Marion County Utilities, on an approximate 11.37 Acre Portion of an 18.98 Acre Parcel, on Parcel Account Number 21602-000-00, No Address Assigned

**P&Z PUBLIC HEARING ON DECEMBER 30, 2024**

Motion was made by Mr. Fisher, seconded by Mr. Heller, to disagree with staff's findings and recommendation, and recommend approval of the requested PUD based on the following findings of fact:

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

The Motion passed 5-2 with Messers Lord and Behar dissenting.

Chairman Bryant passed the gavel to Commissioner Zalak who assumed the chair.

Commissioner Bryant out at 11:48 a.m.

Senior Planner Chris Rison, Growth Services, provided a brief overview of the request to amend an existing PUD.

Commissioner Bryant returned at 11:50 a.m.

Chairman Zalak returned the gavel to Commissioner Bryant who resumed the chair.

Mr. Rison advised that this site is located in the unincorporated County and is not within any territorial agreement that the County has, noting the agreement with the City of Ocala has expired. He stated Marion County's Code of Ordinances says the applicant needs to connect to the County.

Mr. Rison commented on a possible issue relating to annexation occurring whereby lots in this subdivision would be required to cross through Quail Meadows to get to the location; however, Quail Meadow is now a private subdivision.

It was noted that Growth Services Department staff recommend denial of the request to connect to City of Ocala utilities, noting the applicant has an alternative proposal to add a Condition to the existing Conditions. The P&Z Commission recommends approval of

the request; however, they did not include a recommendation to include the new/additional Condition 7 proposed by the applicant's attorney.

Commissioner Zalak questioned how many exceptions have already been made relating to this piece of property. Mr. Rison advised that there were design allowances for the applicant's lot sizes, there are buffer standards that must be met, and on the SE corner of their project there was a larger lot that was required to match up to the lot designated as a green space location. He stated there was a waiver for the Farm Credit Building to allow them to connect to the City of Ocala water and sewer system due to the location of the water line.

In response to Commissioner Stone, Commissioner Zalak stated during the PUD approval, the applicant had Commercial up front, noting the applicant should have had to provide access off of U.S. 27. He opined that if the applicant wanted to connect to the City of Ocala water and sewer, annex the property eventually, or create an enclave they should have been told to go through the City of Ocala's Planning process. Commissioner Zalak stated this applicant was given cross-access exception roughly a month ago.

Jimmy Gooding, Gooding and Batsel, PLLC, SE 36<sup>th</sup> Avenue, on behalf of the applicant, commented on the burdens placed on this project that were not placed on others. He advised that in terms of access the applicant requested access through roads that were publicly dedicated; however, the residents of Quail Meadow were opposed. Mr. Gooding stated the Board requested the applicant work with those residents to obtain a resolution, which was accomplished. He advised that the applicant provided Quail Meadow with funds that assisted in their effort to close off the public streets. Mr. Gooding stated the applicant designed the corner lot to be more compatible with Quail Meadow's existing development pattern than the original proposal.

Mr. Gooding advised that the language relating to water and sewer connections was not included in the development Conditions; however, it was included in the plan they submitted.

Commissioner Zalak questioned if the neighboring community connected to the City of Ocala water and sewer, would it at some point create an enclave. He stated the Board is already allowing a neighboring property to connect to the City of Ocala utilities.

Mr. Gooding commented on the cost associated with the connections, noting the applicant can connect through gravity to the City's system unless they can secure the easements they are working with Utilities Director Tony Cunningham to obtain. He clarified that if the applicant cannot get those easements they would have to build a force main and lift station to connect to the County system at a cost of approximately \$579,000.00. The cost to connect to the City of Ocala's system would be roughly \$189,000.00.

Mr. Gooding commented on the Marion County Code of Ordinances (COO) Section 19-154 relating to prohibition of service extension by municipalities without an Interlocal Agreement (ILA), which states: "No further municipal water and sewer services shall be extended into the unincorporated area of the county until the execution of a territorial agreement by that respective municipality with the county." He opined that this language sounds inconsistent with Chapter 180, Florida Statutes (FS), also it is inconsistent with the County's practice of allowing individuals to connect, and it is inconsistent with the rest of the Ordinances that talk about proximity to municipal sewer lines including the City of Ocala. Mr. Gooding advised that there is no prohibition on reverse enclaves.

In response to Commissioner Zalak, Mr. Gooding stated a property has to be contiguous to be annexed into the City of Ocala. He provided a brief history of utilities and property annexation in the area. Mr. Gooding advised that his client will be passing out a

chronology, noting he has been speaking with both developers of surrounding properties for more than 3 years to no avail. He stated Todd Rudniansyn still wants to go to the County for service. Mr. Gooding advised that The Spires has a system that does not require anybody to connect to it; however, they are no longer answering the applicant/owner's phone calls. He stated Forestar to the north spoke to the applicant/owner several years ago and then said they would wait to see what happens with the zoning, but since then, they have been non-responsive. Mr. Gooding advised that Forestar is owned by D.R. Horton, noting they have been contacted and keep referring the matter to Forestar who has not been responsive. He stated if the applicant can get an easement to facilitate access to a manhole located on the Forestar property, they will connect to Marion County utilities; however, if the cannot obtain the easement, they could connect to the City of Ocala's utilities. Mr. Gooding commented on his proposed Condition 7, noting there is language that caps the cost the applicant could be required to pay for an easement. He proposed a revision to Condition 7, paragraph 2, and requested the Board allow the applicant to attempt to get an easement within 30 days and place a call to the developer and request the easement on behalf of the applicant. Mr. Gooding commented on previous agreements that included language relating to granting future easements to connect to the County system, noting he cannot locate that language relating to Ocala Preserve. He reiterated his request to cap the cost of the easement at a reasonable figure, allow the applicant 3 months, add the language requiring periodic updates be provided to the County's Utilities Department

In response to Mr. Gooding, Chairman Bryant stated the applicant is requesting 90 days to obtain the easement, 30 day updates, and assistance from the County to encourage securing the easement.

Utilities Director Tony Cunningham stated when a development comes in, staff determines if the project is within its territory (this project is), if there are available utilities (there are utilities available), and the COO, Section 19-154 includes language that the utilities cannot be extended from a municipality without an ILA, which is expired at this time. He advised that the challenge facing the applicant is that the connection will occur in one of two ways: 1) gravity sewer (often less expensive); and 2) a lift station and a force main. Mr. Cunningham stated the challenge relating to the gravity sewer connection is the property rights to the west, noting staff has worked with the applicant and reached out to Forestar to request they work with the applicant to look at an easement on that property. He advised that if the applicant and property owner to the west cannot work it out, this project is still within the County's service territory, there is no ILA with the City of Ocala, and so it is still his recommendation that the applicant be required to connect to Marion County Utilities.

In response to Chairman Bryant, Mr. Cunningham stated he reached out to Forestar on Friday afternoon and has not heard back at this time.

Chairman Bryant advised that the best thing to do is allow the applicant the 90 days. If nothing gets done in that timeframe, the applicant can come back before the Board to decide whether the applicant will connect to the City of Ocala or Marion County utilities.

Mr. Minter commented on FS 180.02, which deals with powers of municipalities, provides that any municipality may extend its corporate powers for the accomplishment of this Chapter. They have Statutory authority to extend their utilities as provided in that Chapter. He referred to Subsection 3, noting a lot of municipal agencies think they can do anything with that, but actually it says, requiring businesses in this extraterritorial area to connect when available any sewerage system, alternative water supply system, reclaim water,

aquifer storage and recovery and desalination. He stated what is not included in that is potable water, so the Statute does not authorize a municipality to extend potable water systems, it does apply to sewer and reuse systems.

Mr. Minter advised that if the County had to litigate the matter and tried to say you cannot prohibit the City from extending their sewer lines, the Statute would probably trump that action.

Chairman Bryant stated the applicant is not asking the City of Ocala to extend their sewer lines, they are requesting to run their lines to connect to the City.

Mr. Minter advised that the Statute authorizes the City to create this zone.

Mr. Bouyounes stated the entire conversation relates to the sewer connection, noting the County does not want the developer to incur any additional costs. He opined that staff should work with the developer to secure the easement, which will be in the best interest of the County and the developer. Mr. Bouyounes stated the County's waterline is at the applicant's property line and it is ready for service. He encouraged the Board to keep the water connection with the County.

Mr. Gooding advised that the applicant is fine with connecting to the County's water; however, the City of Ocala measures sewer charges based on water usage. He stated he is unsure if the applicant can obtain a separate meter. Mr. Gooding commented on the 90 day period to work the matter out, but requested guidance relating to the amount the Board expects the applicant to spend.

Commissioner Zalak opined that at the end of the day the applicant should connect to the County sewer. He stated if the County tries to work out a deal because of some exorbitant cost, the County should do some kind of bulk purchase from the City of Ocala and still run through its system before allowing it to go to the City due to the inevitability of an enclave.

Todd Rudnianyn, East Fort King Street, commented on Planned Service Areas (PSAs), noting this is why they are needed in areas with a lot of parcels that are out for development. He opined that if this area were a PSA there would likely be water and sewer stubbed out to where the County sees potential future development. Mr. Rudnianyn advised that the existing roadway infrastructure was in place, so they connected, in addition to reducing the density from the maximum of high density residential to allow something more compatible with Quail Meadow to the east and Ocala Preserve to the west. He stated this is a transitional density between the two. Mr. Rudnianyn advised that the density makes putting in high, expensive water and sewer infrastructure onerous if not cost-prohibitive. He stated the opportunity to connect to the City of Ocala will allow him to talk with the other entities without fear of extortion.

In response to Chairman Bryant, Mr. Rudnianyn advised that historically when a neighbor has needed an easement and it did not hurt someone, they have just given it to them. He stated they threw out the figure of \$5,000.00 to cover expenses, noting Tract B where it is located is a buffer tract with a sidewalk going through it to get to the manhole. Mr. Rudnianyn noted there have been no conversations with Forestar in several years so he is unsure of the position of the individuals he will be dealing with relating to the project. He advised that his preference is to connect to Forestar at manhole 18 or 19. Mr. Rudnianyn stated if he is allowed to do that, Neighborhood Storage would allow a private pump to get that access over to Forestar.

Mr. Bouyounes requested the Board allow staff to get more engaged from the County side to see how they can assist.

Chairman Bryant advised that the Board will expect an update in 30 days,

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A motion was made by Commissioner McClain, seconded by Commissioner Stone to continue this Item to April 14, 2025. The motion passed unanimously (5-0).

Commissioner McClain withdrew his motion.

Commissioner Stone withdrew her second.

Chairman Bryant opened the floor to public comment.

There being none, Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner McClain, seconded by Commissioner Stone to continue this Item to April 14, 2025. The motion passed unanimously (5-0).

**Items 1.2.3, 1.2.4, 1.2.5 and 1.2.6 (CONTINUED)**

Mr. Mastroserio advised that the applicant is requesting a continuance and the opportunity to meet with staff and hopefully the residents. He noted the applicant has the only non-commercial property in that corridor and is requesting a continuance for both parcels.

Commissioner Zalak stated since the applicant is requesting a continuance on both parcels, he is requesting the County continue the Code Enforcement on the agricultural piece and then have the debate about the Commercial piece of the request.

Mr. Rison advised that the Code Enforcement case was closed on the agricultural property due to the houses being moved.

In response to Commissioner Zalak, Mr. Rison stated everything is clear now and as of staff's last inspection, there were no mobile homes on the property.

Chairman Bryant advised the applicant not to place any homes on the property, noting only the B-2 property can have structures. She clarified that the applicant has not been operating how he is supposed to and urged him to use caution.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to continue all items associated with both properties to March 17, 2025. The motion passed 4-1 with Commissioner Zalak dissenting.

In response to Commissioner Stone, Mr. Rison stated the applicant can have a modular model on the B-2 property that meets the State of Florida Building Code definition, noting that certification comes from the State.

Commissioner Zalak questioned how many modular models the applicant can have.

Mr. Rison advised that he does not know due to the lack of a major site plan, which is one of the applicant's violations.

In response to Chairman Bryant, Mr. Bennett stated there are a total of 10 homes on the property: 6 modular and 4 manufactured. The 6 modulares are Department of Community Affairs (DCA) State of Florida approved homes. He advised that the homes were set up and he obtained a building permit and had temporary power, noting the Building Department said because of his zoning they pulled the meter after it passed inspection. Mr. Bennett stated they are complete homes ready for walk-through. He advised that the plan was to sell and move the structure, which he was unaware he could not operate that way. Mr. Bennett advised that the business plan will now have to be changed.

Mr. Mastroserio stated there was a conceptual plan for a site plan years ago.

Mr. Rison clarified that the permit issued was an electric permit for a 400 ampere (amp) service, not permits for establishing the structures on the site. He stated the power has been pulled for that amp service due to the lack of permits for the structures along with that site plan.

Chairman Bryant reiterated that the applicant is not allowed to have any homes on the agricultural property and relating to the B-2 the applicant knows they cannot have any



manufactured homes and will be working to have them cleared from the site prior to coming back before the Board in March, 2025.

### **1.3. Adoption of Ordinance**

The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Growth Services Director Charles Varadin and Deputy Clerk Mills-McAllister regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to adopt Ordinance 25-01 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0).

Ordinance 25-01 is entitled:

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

Commissioner Zalak commented on continuances, noting he is not in favor of making decisions based on past prejudice or past practices. He stated as the Board considers these zoning cases they do so on an individual basis. Commissioner Zalak advised that there are sometimes extreme circumstances; however, the applicant should be incumbent to come with a plan and be able to present it based on a reasonable time limit. He noted in instances of extenuating circumstances he has always been fine with accommodating the parties on either side.

Chairman Bryant questioned if a reasonable policy would be that if the Agenda has been published, unless it is an extenuating circumstance, there should be no continuances moving forward.

Commissioner Zalak opined that it should be considered on an individual basis.

Commissioner McClain stated there can be a policy going forward. He advised that making decisions about what individuals can and cannot do with their property is one of the most burdensome tasks for the Board. He stated he wants individuals to be afforded the opportunity to request to do what they want with their property, noting the Board should at least hear them out.

Commissioner Zalak stated once an individual makes an application, they have put a burden on those property owners around that piece of property as well, to show up at a meeting. He opined that both parties have an obligation to ensure they are ready to present at the time it is scheduled.

Commissioner McClain advised that the people of Marion County through their local government have put a burden on a property owner by telling them what they can and cannot do with their property, noting those individuals should be afforded every opportunity to request to change something.

Chairman Bryant stated nobody is talking about taking the opportunity away from anyone being able to make an application to change the use of their property. She advised that the discussion for now relates to setting a policy when it comes to continuances. Chairman Bryant reiterated that once the Agenda has been published, unless there is an extreme circumstance, the Board does not want to consider granting a continuance. She

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clarified that she is not saying the Board will not consider it, but they do not want to if there is not an extreme circumstance.

Commissioner Curry stated if there is a compelling reason to continue a case, he is willing to consider the continuance; however, it is not guaranteed.

Commissioner McClain advised that he disagrees, noting if an applicant has a reason to propose to the Board why they should be able to rezone something if it benefits them (waiting for legal counsel or an expert witness), they should be allowed to do it at least one time.

In response to Chairman Bryant, Mr. Weyrauch stated it takes 77 days to move through the process once an individual comes to the office and makes application.

Chairman Bryant opined that individuals should know what they are going to do within that timeframe.

Commissioner McClain commented on the length of time between the P&Z Commission hearing and the BCC hearing.

Chairman Bryant advised that the majority of individuals coming in have representation that know what is required. She opined that it puts the public in an unfair position when they take time off to show up at a public hearing to give testimony and then the applicant requests a continuance.

Commissioner McClain opined that the public is not burdened as much as the property owner.

Commissioner Zalak commented on using the period between the P&Z Commission hearing and the BCC hearing dates. He questioned the advertising period, noting the State law should be changed relating to the requirements for advertising.

In response to Commissioner Zalak, Mr. Weyrauch stated after the P&Z Commission hearing it is typically less than a week when staff begin to send out everything.

Commissioner Zalak commented on that timeframe (roughly 5 business days) being utilized to allow an applicant to request a continuance, otherwise they need to be ready to move forward.

Chairman Bryant opined that staff should be allowed to put it all together and bring the matter back before the Board for discussion at the next Board meeting during Commission comments.

There being no further business to come before the Board, the meeting thereupon adjourned at 12:40 p.m.

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Kathy Bryant, Chairman

Attest:

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Gregory C. Harrell, Clerk