

the applicant join the MSTU/MSBU assessment.

Commissioner Zalak expressed opposition to approval of the SUP.

Commissioner Bryant questioned if the Board could require the applicant to pay a higher assessment than those individuals with passenger vehicles. Mr. Minter advised that assessments are based on the benefit received and generally speaking, the County considers the benefit to the real property. He stated this is different and the challenge would be to determine how to portion or what would be the higher assessment rate. Mr. Minter noted the County could possibly spend a lot of funds for a consultant to give a determination.

Commissioner Zalak commented on the difficulty of the process staff is being asked to perform relating to this request.

Chairman Stone questioned how the applicant would be included in the assessment.

Commissioner Zalak addressed the staff time involved, noting it is probably not worth the amount of the assessment. He commented on the open Code Enforcement case relating to Mr. Castaneda's other property.

Mr. Bouyounes advised that there are 2 assessments in Marion Oaks, one for road paving and one for maintenance, so it will likely require 2 Ordinances.

Chairman Stone advised that there is currently a motion by Commissioner McClain and a second by Commissioner Curry.

The motion failed by a vote of 2-3 with Chairman Stone and Commissioners Bryant and Zalak dissenting.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to deny the SUP request but allow the applicant 30 days to find a new location to park his truck, disagreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is not compatible with surrounding land uses, is not consistent with the Comprehensive Plan and not adversely affect the public interest. The motion was approved by the Board by a vote of 4-1 with Commissioner McClain dissenting.

Commissioner Bryant advised that the Board would be willing to consider allowing the parking of the vehicle on the applicant's property if he is able to obtain legal access that does not come through Marion Oaks (SW 20th Avenue Road). She stated the Board is willing to waive the application fee and 1 year waiting period if Mr. Castaneda obtains the required access.

Commissioner Bryant out at 3:40 p.m.

15.2.2. 240505ZC - Hidden Little Lake Weir, LLC, Zoning Change from Mixed Residential (R-4) to Manufactured Housing Park (P-MH), 10.0 Acres, Parcel Account Number 45509-000-00, No Address Assigned

The Board considered a request by Hidden Little Lake Weir, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Residential Mixed Use (R-4) to Mobile Home Park (P-MH), for all permitted uses, on an approximate 10.0 Acre Parcel, on Parcel Account Number 45509-000-00, No Address Assigned.

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Bonner, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend approval with conditions of the Special Use Permit based on the following findings of fact:

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan

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3. Is compatible with the surrounding land uses

The Motion passed unanimously

Senior Planner Chris Rison, Growth Services, commented on the request for a zoning change from R-4 to P-MH. He advised that this is a standard zoning classification for Marion County and it not conditional.

Commissioner Bryant returned at 3:42 p.m.

Mr. Rison noted because of the single access point, the project will be limited to 49 dwelling units (du) unless the applicant obtained a waiver.

Mr. Rison commented on school demands relating to the proposed project, noting the applicant has stated they are proposing a 55-plus community. He reiterated that this is standard zoning without Conditions; however, the Board has mechanisms they can utilize such as a developer's agreement or requesting the applicant pursue a PUD application.

Mr. Rison provided an overview relating to buffers, noting the Type "B" and Type "D" buffers include a wall.

Commissioner Curry out at 3:45 p.m.

Mr. Rison advised that utilities services are available through Marion County Utilities.

Commissioner Curry returned at 3:47 p.m.

In response to Chairman Stone, Mr. Rison advised that this applicant has indicated this will be a rental site where the individual renters will own their home, similar to the Rolling Greens mobile home park off of Baseline Road. He clarified that staff's understanding is the applicant will be selling the package to individuals when they are arranging the lot lease and will choose their home as part of that package deal.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Zoning Change.

David Tillman, Tillman and Associates Engineering, LLC, SE 16th Avenue, presented a 2 page handout entitled, "Triple P Ventures" and a 1 page 11X17 handout entitled, "Concept Plan". He stated based on land use, this property would be allowed 80 du per acre (du/ac), noting it is currently zoned R-4. Mr. Tillman advised that mobile homes are allowed on this site right now. He noted the applicant could put 42 units on this site now without restrictions. Mr. Tillman referred to the concept plan and provided a breakdown of lots based on size. He commented on the amenities that are not required, but still provided by the applicant including a clubhouse and a pool. Mr. Tillman stated there is no limitation relating to age restriction; however, the applicant is proposing an age restricted community with double-wide mobile homes that will be for rent.

Mr. Tillman opined that a Type "A" buffer is not required here, noting this is not a multi-family product just because the units are for rent. He advised of existing buffers and stated the applicants is proposing a Type "E" buffer for the project.

In response to Chairman Stone, Mr. Tillman stated there will be paved parking areas on each individual lot but there will not be covered parking.

Ohad Peri, South Longport Circle, Delray Beach, stated the intention is to develop a premium manufactured housing community with a 55-plus age restriction, containing only brand new manufactured homes. He advised that carports will be offered to tenants that want them, noting the tenants will own the homes, but the developer will own the land and lease it to those tenants. The applicant will provide landscaping and amenities, and this will be a well maintained community.

In response to Chairman Stone, Mr. Peri advised that there will be streetlighting and multiple models individuals can choose.

Mr. Tillman stated the units will be secured via tie-downs. He stated decking would be

personalized by the owner.

Commissioner McClain questioned if golf carts will be permitted. Mr. Tillman advised that he is unsure if it would be accessible through the other communities, noting there is a golf cart path that runs through this region all the way over to The Villages. He stated it would have to be determined if it is connected and would only be allowed if it is legal.

Commissioner Curry questioned the length of the lease or agreement relating to the land. Mr. Peri advised that the lease is renewable annually; however, homeowners are able to stay as long as they want providing that they pay the lease.

In response to Chairman Stone, Mr. Peri stated a similar community is being built in Belleview.

Chairman Stone opened the floor to public comment.

Jim Houtz, SE 84th Court, Summerfield, did not appear when called upon to speak.

Katherine Matulis, SE 97th Terrace Road, Summerfield, did not appear when called upon to speak.

Daniel Ditunno, SE 91st Terrace Road, Summerfield, provided an overview of his experience as a former member of the Port St. Lucie Planning and Zoning Board. He expressed concern relating to traffic, the environment, water supply, sewer, etc.

Laura Labreski, SE 92nd Court Road, Summerfield, commented on the location of the access to the proposed project, the number of du/ac, the aquifer, sinkholes, and the lease option relating to the land.

Commissioner Bryant noted this property is zoned R-4 and the developer already has the right to put 8 du/ac under the density, but because of the Land Development Code (LDC) restrictions relating to 2 access points, 49 units is the normal limitation unless the applicant obtains waivers for more.

Janice Wade, SE 134th Street, Summerfield, stated Mr. Peri is not the property owner, and has offered to purchase this property contingent on approval today. She requested the Board take steps to ensure the applicant does what he says.

Chairman Stone advised that public comment is now closed.

Mr. Tillmans advised that the project will be on centralized water and sewer, noting the small amount of water that will be utilized compared to the golf course in the neighboring subdivision. He stated it is not uncommon for offer relating to property to be contingent upon the zoning, noting this is an opportunity to put restrictions on a piece of property to limit the use as the applicant is willing to enter into a developer's agreement. Mr. Tillman commented on the applicant's willingness to make this community age restricted. He advised that the access does not come through Del Webb Spruce Creek, and the 42 units he spoke of is what will fit right now with the straight zoning and no age restrictions.

In response to Chairman Stone, Mr. Tillman stated the access will be on SE 140th Place.

Chairman Stone questioned how the mobile homeowners on the property will pay the rent. Mr. Peri stated it will be a monthly fee for the land lease at a reasonable rate. He advised that people seldom move their mobile homes anymore after they have been set up. If a tenant leaves the community, they will need to find a buyer for their home and that buyer needs to get approved by the Board of the community. Mr. Peri stated a background check will be performed on every new buyer and the actual transaction relating to the sale of the home will be between the seller and approved buyer. He stated the access on SW 140th Place is what will be used, and it will be improved. Mr. Peri advised that part of the lease fee will be used for lawn maintenance and the public areas.

Chairman Stone questioned if the large trees in the buffer area will be salvageable. Mr. Tillman advised they will. He stated if a Type "A" buffer was required, the project would

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be reduced by 7 units to a total of 42. Mr. Tillman stated if the Type "A" buffer was required, he would recommend to the owner to withdraw the request and move the project forward without any of the restrictions they currently agree to implement. He commented on existing buffers and the design of the site, which limits the number of units adjacent to homes in the neighboring subdivision.

In response to Chairman Stone, Mr. Tillman advised there is a 35 ft. tract to the north and east that separates this project from Spruce Creek. The west side of the project boundary is where the RV and boat storage for spruce Creek is located.

Chairman Stone noted there are a lot of plantings on the south side, which does not border Spruce Creek.

Mr. Tillman stated a Type "E" buffer is also planned for the west side and will likely contain viburnum along with ornamental trees selected by a landscape architect, noting the applicant understands those plantings must be maintained in perpetuity.

A motion was made by Commissioner McClain, seconded by Commissioner Bryant, to approve the zoning change from R-4 to P-MH including a Developer's Agreement containing the age restriction and a Type "E" buffer on the north, east and west sides.

Commissioner Zalak stated he cannot support the proposed project, noting the Developer's Agreement can be changed and the applicant can request waivers. He commented on the benefits of requiring a PUD.

In response to Commissioner Bryant, Mr. Tillman stated the PUD language would be the same as the Developer's Agreement and the Developer's Agreement would have to come back through the public process if it were changed. He advised that the only difference is that the Developer's Agreement would not have to go back before the P&Z Commission. Commissioner Zalak stated the neighbors do not get noticed.

Mr. Tillman advised that staff could choose to notify neighbors at that time if the Developer's Agreement ever came back through.

Mr. Rison provided a comparison relating to the processes for Chapter 163 Development Agreements and Developer's Agreements related to Comprehensive Plan Amendments/rezoning cases.

In response to Chairman Stone, Mr. Rison stated this Developer's Agreement would be a conditional agreement that would be signed by all the parties, recorded and need to be observed. There is typically a 30 year time frame on Developer's Agreements. He advised that any amendments to the Developer's Agreement would have to go back through a process similar to a rezoning case with 2 public hearings. Mr. Rison stated PUDs have a 5 year window to act, otherwise it expires.

Commissioner Bryant questioned if there can be language added to the Developer's agreement to change the timeframe to 50 years, as well as any requests to change the agreement must come back before the Board.

Mr. Minter opined that modifying the timeframe to 50 years could be an issue.

Commissioner Bryant stated any requested changes be treated as a zoning request and come back before this or any future Boards, and there will be no DRC waivers issued for anything put in place today.

Mr. Rison requested clarification relating to the stub street that comes out from Little Lake Weir subdivision, as well as if the units must be owner occupied or they can be rentals.

Mr. Tillman advised that the applicant has no objections maintaining the stub-out roadway, noting there is no reason to prevent homeowners in the proposed community from renting those units.

It was the general consensus of the Board not to require the units to be owner occupied.

In response to Chairman Stone, Mr. Tillman stated there are no current plans to gate this community; however, he does not want to give up the right to gate it in the future.

Mr. Bouyounes questioned if the zoning will be effective when the Developer's Agreement is approved.

Commissioner McClain stated the zoning is conditional on getting the Developer's Agreement.

Mr. Tillman advised that the applicant accepts that Condition.

In response to Mr. Tillman, Mr. Minter stated the agreement itself can require noticing the same as a regular zoning item.

Commissioner Bryant clarified that if the applicant wants to make any changes, they must come back before the Board and will be required to conduct the same noticing as any other zoning case.

General discussion ensued relating to Chapter 163 Developers Agreements.

Chairman Stone advised that there is currently a motion by Commissioner McClain and a second by Commissioner Bryant, to approve the zoning change from R-4 to P-MH conditional on the execution of the Developer's Agreement including age restriction, a Type "E" buffer on the north, east and west sides, and maintaining the stub-out roadway, agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion was unanimously approved by the Board (4-1) with Commissioner Zalak dissenting.

Commissioner Zalak out at 4:41 p.m.

There was a recess at 4:42 p.m.

The meeting reconvened at 4:50 p.m. with all members present.

15.2.3. 240506ZP - A. Saldarriaga Trust, and Whitehill of Ocala, LLC, Zoning Change from Community Business (B-2) to Planned Unit Development for Multiple-Use Development Including 30 Dwelling Units (1.625 Acres) and Commercial Use (7.1 Acres), 8.76 Acre Tract, Parcel Account Numbers Numerous (3501-200-018, 019, 020, 021, 022 and 023; 3501-200-034, 035, 036, 037, 038, 039 and 040), No Address Assigned

The Board considered a petition by A. Saldarriaga Trust, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) to Planned Unit Development (PUD), for mixed-use commercial and 30-unit multifamily residential, on an approximate 8.76 Acre Tract, on Numerous Parcel Account Numbers, No Address Assigned.

P&Z PUBLIC HEARING ON APRIL 23, 2024

Motion was made by Mr. Kroter, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend approval with conditions of the Special Use Permit 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 unanimously.

Senior Planner Cindy Chen, Growth Services, commented on the request for a zoning change from B-2 to PUD.