



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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**PLANNING & ZONING SECTION
STAFF REPORT**

Hearing Dates:	BCC Date 1: 10/15/2024	Proposed BCC Date 2: 11/5/2024
Case Number	24-03DA	
CDP-AR	31997	
Type of Case	Developer's Agreement (processed in conformance with Chapter 163, F.S. regarding Development Agreements)	
Owner	140 MHC, LLC.	
Applicant	W. James Gooding, III, Esq. Gooding & Batsel, PLLC.	
Street Address/Site Location	No Assigned Address; ±125' north of SE 140 th Place, between SE 92 nd Court and SE 93 rd Terrace; future SE 93 rd Court.	
Parcel Number(s)	45509-000-00	
Property Size	±10 acres	
Future Land Use	High Residential (HR)	
Existing Zoning Classification	Manufactured Housing Park (P-MH)	
Overlays Zones & Special Areas	Outside the Urban Growth Boundary (UGB) but within the SE Hwy 441 Urban Area, In the County-wide Secondary Springs Protection Zone (SSPZ), Marion County Utilities Service Area	
Staff Recommendation Hearing 1	No action; review and provide direction to staff; and conform second public hearing date for 11/5/24 at 10:00 a.m.	
Staff Recommendation Hearing 2	TBD	
Project Planner	Christopher D. Rison, AICP	
Related Cases	240505ZC, Hidden Little Lake Weir, LLC	

I. ITEM SUMMARY

James E. Gooding, III, Esq. as agent for 140 MHC, LLC. (successors to Hidden Little Lake Weir, LLC.), submitted a proposed Developer's Agreement (Agreement) to related to ± 10 acres identified Parcel Identification Number (PID) 45509-000-00; no address is currently assigned to the parcel, and the legal description is contained within proposed Agreement (Attachment A). The proposed Agreement is intended to establish development and design requirements for the parcel that was rezoned from Single Family Dwelling (R-1) to Manufactured Housing Park (P-MH) under Rezoning Application 240505ZC on May 21, 2024, Ordinance No. 24-15 (See Attachment B).

II. STAFF SUMMARY RECOMMENDATION

Staff recommends the Board conduct a public hearing regarding the Agreement, by providing discussion and direction to staff regarding the Agreement, and motion to confirm the second (2nd) public hearing regarding the Agreement for Tuesday, November 5, 2024, at 10:00 a.m.

Figure 1
General Location Map



**Figure 2
Aerial Map**



III. NOTICE OF PUBLIC HEARING

Consistent with Chapter 163.3225(2)(a), F.S., notice of public hearing was mailed to all property owners (70 owners) within 300 feet of the subject property on October 5, 2024. Consistent with Chapter 163.3225(2)(a) and LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on October 8, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

IV. ANALYSIS

On May 21, 2024, the Board approved Rezoning Application 240505ZC, Hidden Little Lake Weir, LLC., granting a Manufactured Housing Park (P-MH) zoning for PID 45509-000-00, that is a ±10 acre property surrounded by the Del Webb Spruce Creek Country Club and Little Lake Weir Subdivision projects (See Attachments C and D). With the proposed rezoning request, the applicant proposed, and the Board concurred with, providing a Developer's Agreement to establish development and design standards for the anticipated manufactured housing park project. Staff has also attached the applicant's initial letter of intent regarding the project and the concept plan illustration provided at the May 21, 2024, hearing; however, the concept plan is not identified as an exhibit to the Agreement.

The Agreement addresses the many of the items raised with consideration of the zoning request consistent with the Board's discussion. The Agreement provides for an age-restriction for persons 55 and older per State and Federal requirements, the community's ownership and rental operation, buffers, access maintenance, type/size of units, amenities, and providing for project review, with a 30-year Agreement duration consistent with the then discussion.

The maximum number of units was a staff and community concern due to the site's limited access (a single dead-end roadway stub-out) and Land Development Code (LDC) requirements for a second access for residential developments of 50 units or more. The Agreement inadvertently omitted a limit of 49 units for the project and the applicant's attorney will revise the Agreement for the final consideration to include the limit. Further, the developer's obligation to maintain the dead-end roadway stub-out is listed in the Agreement, but does not provide specific details. Following discussion with the County Engineer, the applicant's attorney will revise the Agreement for the final consideration to provide greater detail on addressing maintenance of the dead-end roadway stub-out.

Table A below identifies each section of the Agreement, and provides staff's remarks regarding the Agreement sections.

Table A. Modification and Current Development Agreement Comparison & Remarks		
Section	PROVISION	STAFF REMARKS, DISCUSSION, RECOMMENDATIONS
1	Development of Property	No objection.
2	Manufactured Home Community Requirements:	
2.1	Age restricted for persons 55 and older, subject to State & Federal provisions.	Consistent with Board direction on May 21, 2024; No objection. <i>Does not specify maximum of 49 units. Applicant will revise Agreement for the final consideration to include the limit.</i>
2.2	Project shall be land lease/lot rental operation with Property owned by single entity, and sites individually leased.	Consistent with Board direction on May 21, 2024; No objection.
2.3	Type-E Buffer N/E/W; min 5' wide, 4 shade trees, double-staggered hedgerow (min 6' in 3 years)	Consistent with Board direction on May 21, 2024; No objection.
2.4	Maintain stub-out roadway from Little Lake Weir Sub.	<i>Identifies maintenance requirement, but without detail. Applicant will revise Agreement for the final consideration to provide for added detail for maintenance, to be acceptable to the County Engineer.</i>
2.5	Minimum manufactured home standards: 1. Shall be "double-wide" (at a minimum). 2. Minimum 1,300 square feet (SF). 3. All homes "new" constructed within preceding calendar/model year of installation with appeal process.	Consistent with Board direction on May 21, 2024; No objection.

Table A. Modification and Current Development Agreement Comparison & Remarks		
Section	PROVISION	STAFF REMARKS, DISCUSSION, RECOMMENDATIONS
2.6	Minimum amenities and standards: 1. Clubhouse at least 1,200 SF 2. Pool at least 1,000 SF with decking no less than 6' wide surrounding the pool; ADA compliant. 3. Dog park with shade pavilion and benches.	Consistent with Board direction on May 21, 2024; No objection.
2.7	DRC may not grant waivers from preceding requirements absent an amendment to this Agreement.	Consistent with Board direction on May 21, 2024; No objection.
3	Other Development	No objection.
4	Duration	30 years; No objection.
5	Amendment	No objection.
6	Notices	No objection.
7	Remedies	No objection.
8	Attorney's Fees	No objection.
9	Successors and Assigns	No objection.
10	Severability Clause	No objection.
11	Waiver	No objection.
12	Construction of Agreement	No objection.
13	Entire Understanding	No objection.
14	Amendments	No objection.

V. STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners:

- A. Receive public comment,
- B. Provide direction to staff (if any), and
- C. Motion to confirm the second public hearing to consider the Agreement for Tuesday, November 5, 2024, at 10:00 a.m.

VI. BOARD OF COUNTY COMMISSIONERS ACTION #1 – 10/15/2024

TBD

VII. BOARD OF COUNTY COMMISSIONERS ACTION #2 – 11/5/2024

TBD

VIII. LIST OF ATTACHMENTS

- A. County Attorney LRM Review Request.
- B. Proposed Development Agreement.
- C. May 21, 2024 BCC Minutes Excerpt.
- D. May 21, 2024 Approved Rezoning Ordinance and Staff Report.
- E. Applicant's original Letter of Intent regarding the proposed project.
- F. Concept Illustration Handout from D. Tillman 5/21/2024.