

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

May 21, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:05 a.m. on Tuesday, May 21, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The meeting opened with invocation by Commissioner McClain 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 Michelle Stone, District 5; Vice-Chairman Kathy Bryant, District 2; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Carl Zalak, III, District 4. Also present were Clerk Gregory C. Harrell, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Angel Roussel, ACA Tracy Straub, and Executive Director of Internal Services Mike McCain. Commissioner Bryant out at 9:07 a.m. and immediately returned to her seat.

ANNOUNCEMENTS:

Chairman Stone addressed upcoming scheduled meetings as listed on the Commission Calendar (Item 13.2.1).

1. PROCLAMATIONS AND PRESENTATIONS:

Upon motion of Commissioner Bryant, seconded by Commissioner Zalak, the Board of County Commissioners (BCC) approved and/or ratified the following:

1.1. PRESENTATION - Recognition of Mickey Thomason, Park Manager, Marjorie Harris Carr Cross Florida Greenway (Presentation only)

Parks and Recreation Director Jim Couillard presented the following recommendation:

Description/Background: The Marion County Board of County Commissioners is recognizing Mickey Thomason, Park Manager, Marjorie Harris Carr Cross Florida Greenway, for his years of service to Marion County. Mr. Thomason is retiring from the Florida Department of Environmental Protection, Office of Greenways and Trails this summer. Over the years, Mr. Thomason has been one of the strongest partners in Marion County's success in ecotourism and environmental land management.

Budget/Impact: None.

Recommended Action: Presentation and Recognition of Mr. Thomason by the Marion County Board of County Commissioners.

Director Jim Couillard, Parks and Recreation, provided an overview of Mr. Thomason's many years of service relating to Greenways and Trails at the local, State and Federal

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levels. He noted Mr. Thomason's contributions to the Eco Tourism Sector and the positive future impacts made possible through his hard work and dedication.

Commissioner Zalak commented on Mr. Thomason's great air boat tours and how he would help others understand the importance of and the struggles relating to many of the waterways and trails in the County. He expressed appreciation to Mr. Thomason for the work he has done.

Commissioner Bryant commented on the many projects that she worked on with Mr. Thomason and the helicopter tour they took over the Rodman Dam. She noted Mr. Thomason's vast knowledge of the Greenways and stated he will truly be missed.

Chairman Stone expressed her appreciation to Mr. Thomason and wished him well in his retirement.

ACA Straub stated it has been a privilege to work with Mr. Thomason, noting he would always show you something beautiful in Marion County.

Mr. Thomason provided an overview of his education and work history, noting he feels very fortunate. He expressed appreciation to the Board, the staff and volunteers.

County Administrator Mounir Bouyounes presented Mr. Thomason with a plaque from the BCC, County staff and the Tourism Development Council (TDC).

1.2. PROCLAMATION - National Tourism Week - Loretta Shaffer, Tourist Development Director (Approval and Presentation)

The Board presented the Proclamation designating the week of May 19 through 25, 2024 as "National Travel and Tourism Week" to Tourist Development Director Loretta Shaffer and several representatives from the TDC.

Tourist Development Director Loretta Shaffer expressed appreciation to the Board for their support and leadership. She commented on upcoming projects and events, including the drone show to be held on the Fourth of July at Tuscawilla Park.

1.3. PROCLAMATION - Emergency Medical Services Week - Chief James Banta, Fire Chief (Approval and Presentation)

The Board presented the Proclamation designating the week of May 19 through 25, 2024 as "Emergency Medical Services Week: Honoring our Past, Forging our Future" to Fire Chief James Banta, Marion County Fire Rescue (MCFR), Deputy Chief Robert Kruger, Emergency Medical Services (EMS) and several representatives.

Deputy Chief Robert Kruger, EMS, commented on the progression of EMS over time. He stated he is honored and grateful to work with the members of EMS to ensure the community has the best possible resources available.

Chief Banta expressed his gratitude to the men and women of EMS for the service they provide to Marion County.

Chief Banta presented a brief update and video shown on the overhead screens relating to the bus rollover incident that took place on May 14, 2024, noting MCFR dispatched at approximately 6:37 a.m. He commented on the quick response time from Engine Number 12 (9 minutes from receipt of 9-1-1 call), noting that crew called in a Level 3 Mass Casualty Incident (MCI). Battalion 5 established incident command, which provides a mechanism for managing large incidents.

Chief Banta stated the first Battalion Chief and Lieutenant on scene did phenomenal jobs getting the process started, such as establishing a Triage Group, Transport Group and a Medical Group. He explained the triage process is a way to prioritize injuries using a color coding system; Green (walking wounded), Yellow (needs non-urgent medical care), Red

(significant medical injuries) and Black (deceased or determined will not survive). Chief Banta provided a summary of the agencies that responded, noting MCFR had 72 personnel on scene (20 Rescue vehicles, 6 Fire trucks and 13 Command vehicles). The Marion County Sheriff's Office (MCSO) responded with 16 Patrol Units, Emergency Management and Public Information Officers (PIO). The MCSO assisted on the scene and along with the Ocala Police Department (OPD), cleared intersections ahead of emergency vehicles. HCA Ocala provided 4 transport units, Advent Ocala ran concurrent 9-1-1 calls in the County and Marion County Public Schools provided a bus to transport walking wounded patients.

Chief Banta provided an overview of statistics relating to patient transports. He commented on a slide showing the collaboration between the multiple agencies working together, noting there was an individual on scene who was a Shands Care Flight Paramedic with a host of qualifications. This person identified himself, his qualifications and credentials and even though he does not work for MCFR, he was assigned to the Triage group where he helped manage triage for each one of the injured. This was a community coming together during a significant incident. Chief Banta provided an After Action Review of strengths identified and opportunities to improve on for future incidents. Some of the strengths that were recognized are: appropriate triage of patients, rapid notification to hospital systems, incident command implemented with very few challenges, critical patients arrived at HCA Ocala Hospital within the "Golden Hour", Interlocal Transport Agreements facilitated successful emergency system response and planning, and a buildup of resources and training. Some of the opportunities for improvement identified were: Communications, all agencies should be able to communicate seamlessly on the Marion County radio system, they should operate within a common computer aided dispatch (CAD) system and all EMS transport agencies should participate in joint training on a regular basis. He expressed that this was a very tragic event that resulted in significant positive outcomes because of the cooperation, collaboration and planning that has occurred in the community.

In response to Commissioner Bryant, Chief Banta advised that the week prior to this incident, there was a training event in the County. It was planned by Emergency Management along with the hospitals as a mass casualty drill, which was very similar to this incident. He stated during the tragedy, the stand-alone emergency rooms were able to take the pressure off of the main hospitals that were taking in the critical patients, noting they had just trained for this scenario during the mass casualty drill.

Commissioner Bryant commented on the need for the CAD system.

Commissioner Zalak expressed appreciation to MCFR and to the County's first responders for their quick response and for the exceptional job done during this event.

In response to Commissioner Bryant, Chief Banta advised that while the event was still going on, a plan was initiated to provide counseling and chaplain assistance to those working at the incident.

Commissioner Bryant expressed appreciation to all those who assisted with this tragedy and for doing an exceptional job.

Chairman Stone expressed her appreciation to Chief Banta for inviting her to attend the debrief meeting on May 17, 2024 along with all of the partners that were represented during the tragic event. She stated there was such professionalism, even in light of the events of that day, noting it was amazing to listen to the group recognize some of the gaps and then find ways to overcome them in the future. Chairman Stone advised that

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this is why we pray for protection over our community and first responders. She thanked Chief Banta for his leadership and for the amazing team he leads.

2. AGENDA ITEM PUBLIC COMMENTS: Reserved for comments related to items specifically listed on this agenda. Scheduled requests will be heard first and limited to five (5) minutes. Unscheduled requests will be limited to two (2) minutes. Citizens may contact Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or submit the request online at: www.marionfl.org.

Chairman Stone opened the floor to public comment.

Henry Munoz, Marion Oaks Boulevard, requested clarification on Item 7.11.1.

ACA Tracy Straub clarified that Item 7.11.1. is related to a property the County is acquiring for the extension of SW 49th Avenue. She advised that Duke Energy has an easement across the property, noting Duke Energy will have to subordinate the area that the County needs to use and they have agreed.

Joseph Walker, SE 54th Place, Ocklawaha, expressed concern with Item 7.11.11. relating to maintenance for the roads, drainage retention areas (DRAs) and easements in the Marion Center subdivision.

ACA Straub advised that Marion Center is a subdivision that requested County maintenance for the public roads and public and private drainage areas. Everything that was platted as part of the public system is now being turned over to the County. She stated repairs will be made using an escrow account established by the Developer, noting the roads and drainage areas are the County's to maintain.

Chairman Stone advised that public comment is now closed.

3. ADOPT THE FOLLOWING MINUTES: (3 sets)

3.1. January 10, 2024

3.2. January 16, 2024

3.3. January 22, 2024

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to adopt the meeting minutes of January 10, 16 and 22, 2024. The motion was unanimously approved by the Board (5-0).

4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:
NONE

5. CLERK OF THE CIRCUIT COURT:

5.1. Budget Amendment

Clerk Harrell advised that Item 5.1.4. is being withdrawn.

Chairman Stone stated Consent Agenda Item 7.9.9. coincides with Budget Amendment Resolution 5.1.11.

Commissioner Bryant stated she would like to move forward Consent Agenda Item 7.9.9. to be considered at the same time as the Board adopts the Budget Amendment Resolutions. It was the general consensus of the Board to concur.

Upon motion of Commissioner Bryant, seconded by Commissioner McClain, the Board adopted the following Budget Amendment Resolutions transferring funds and approving the coinciding Consent Agenda Items as presented by Clerk Harrell:

- 5.1.1.** 24-R-165 American Rescue Plan Local Fiscal Recovery Fund – Fiscal Recovery and Development - \$40,000
- 5.1.2.** 24-R-166 County Transportation Maintenance Fund - Transportation - \$365,000
- 5.1.3.** 24-R-167 Fire, Rescue and EMS Fund - Fire Rescue Services - \$78,694
- 5.1.4.** Fire, Rescue and EMS Fund - Fire Rescue Services - \$280,700 – was withdrawn by staff
- 5.1.5.** 24-R-168 General Fund - Animal Services - \$80,000
- 5.1.6.** 24-R-169 General Fund - Cooperative Extension Service - \$4,200
- 5.1.7.** 24-R-170 General Fund - Fleet Management - \$650,000
- 5.1.8.** 24-R-171 General Fund - Marion County Public Library System - \$291,055
- 5.1.9.a** 24-R-172 Continuum of Care Challenge Grant - \$157,245
- 5.1.9.b** 24-R-173 CDBG Cares Program – Grants and Aid – Other - \$505,729
- 5.1.9.c** 24-R-174 Continuum of Care Emerg Solutions – Grants and Aid – Other - \$13,552
- 5.1.10.** 24-R-175 Marion County Utility Fund - Utilities Management - \$50,000
- 5.1.11.** 24-R-176 Marion County Utility Fund - Utilities Capital Construction - \$26,000,000
- 5.1.12.** 24-R-177 Medical Examiner Fund - Medical Examiner - \$2,075
- 5.1.13.** 24-R-178 Parks and Recreation Fees Fund - Parks and Recreation Fees - \$100,000
- 5.1.14.** 24-R-179 Silver Springs Shores Special Tax District - Silver Springs Shores - \$60,000

(Ed. Note: CDBG is the acronym for Community Development Block Grant.)

5.2. Project Adjustment

- 5.2.1.** Transfer Project Funds and Amend the Capital Improvement Program - Infrastructure Surtax Capital Project Fund - \$26,000

The Board considered the following recommendation as presented by Executive Director Michael McCain, Administration:

Description/Background: STC073865 - Emerald Road Extension Infrastructure Surtax project requires a change order for additional design work. This change order will require a total of \$85,765, and the project only has \$60,000 available. \$26,000 will be transferred from STC073801 - NW 49th and 35th St Ph 2B Infrastructure Surtax project.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the transfer of project funds and amend the CIP.

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to approve the transfer of project funds and amend the Capital Improvement Program (CIP). The motion was unanimously approved by the Board (5-0).

5.3. Clerk of the Court Items

- 5.3.1.** Request Appointment of Two (2) Commissioners to Serve on the Value Adjustment Board (VAB) for 2024 and to appoint one of those Commissioners to serve as the Chair to the 2024 Value Adjustment Board per FS 194.015

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

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to appoint Commissioner Curry and Commissioner McClain to serve on the 2024 VAB, and for Commissioner Curry to serve as Chairman. The motion was unanimously approved (5-0).

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Chairman Bryant returned the gavel to Commissioner Stone who resumed the chair.
(Ed. Note: This matter was addressed later in the meeting.)

5.3.2. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 13775, 032742, 033762, 037591, 038795, 042421, 045716, 046231, 049608, 050089, 050676, 050678, 050871, 050873, 050882, 052090, 052144, 54308 and 54380

A motion was made by Commissioner McClain, seconded by Commissioner Zalak, to approve the Acquisition or Disposition of Property Forms for 13775, 032742, 033762, 037591, 038795, 042421, 045716, 046231, 049608, 050089, 050676, 050678, 050871, 050873, 050882, 052090, 052144, 54308 and 54380. The motion was unanimously approved (5-0)

5.3.1. Continued: Chairman Stone commented on the VAB, noting it is an important Board. She expressed her appreciation to Commissioners Curry and McClain for serving on the 2024 VAB.

7. CONSENT: A motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion unless desired by a Commissioner.

Chairman Stone advised that Agenda Item 7.8.1. is being pulled for further discussion.

Mr. Bouyounes stated that Agenda Item 7.11.12. is being pulled by staff to be brought back before the Board at a later date. He advised that Agenda Item 7.4.2. has a revised title, which has been provided to the Board for review.

Upon motion of Commissioner Bryant, seconded by Commissioner Zalak, the Board acted on the Consent Agenda as follows:

7.1. 9-1-1 Management:

7.1.1. Request Approval of an Interlocal Agreement between Alachua County, Alachua County Sheriff, and Marion County for the Provision of 9-1-1 Call Transfers and Routing (Budget Impact - None)

The Board accepted the following recommendation as presented by 9-1-1 Management Director Michelle Hirst:

Description/Background: This Interlocal Agreement formalizes participation in a mutual aid 9-1-1 System, aligning with the Empowering Marion for Success II Strategic Plan. This agreement will enhance the ability to manage emergency 9-1-1 call handling and accomplish interoperability, inter-agency communications, and system-wide emergency dispatching and response. The agreement shall take effect once executed and shall remain in effect unless otherwise terminated as defined by the agreement.

Attached for review is a draft Interlocal Agreement, which has been approved by Legal. Pending approval at today's meeting it will be submitted for Alachua County Sheriff signatures and upon return, it will be forwarded for the Clerk and Chairman's signatures.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Interlocal Agreement between Marion County, Alachua County, and the Alachua County Sheriff.

7.1.2. Interlocal Agreement for the Reimbursement of Ocala Police Department's Logging Recorder System Annual Maintenance Costs (Budget Impact - None)

The Board accepted the following recommendation as presented by 9-1-1 Management Director Hirst:

Description/Background: This interlocal agreement is for the reimbursement of the annual maintenance expenses for the logging recorder system located at the Ocala Police Department. As per the City of Ocala's request, 911 Management will cover the costs to Word Systems Technologies and subsequently seek reimbursement from the City on an annual basis.

Attached for review is a copy of the agreement, which has been approved by Legal. Upon approval by the Board at today's meeting, an Ocala signed original will be presented for the Clerk's and Chairman's signature.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Interlocal Agreement between Marion County and the City of Ocala.

7.2. Administration:

7.2.1. Request Ratification of Memorandum of Understanding for The Marion County Sexual Assault Center's Office on Violence Against Women (Budget Impact - None)

The Board accepted the following recommendation as presented by County Administrator Mounir Bouyounes, Administration:

Description/Background: The Marion County Sexual Assault Center is applying for the Office on Violence Against Women grant. On May 7 2024, letters were presented to the Board stating the center complies with each item listed and were signed by the County Administrator. Attached is the Memorandum of Understanding for the Florida Council Against Sexual Violence.

Budget/Impact: None.

Recommended Action: Motion to ratify the Memorandum of Understanding for The Marion County Sexual Assault Center's Office on Violence Against Women.

7.3. Animal Services:

7.3.1. Request Acceptance of a Pre-owned Golf Cart from Ethel "Sue" Hansen (Budget Impact - None)

The Board accepted the following recommendation as presented by Animal Services Director Kyra Lynch:

Description/Background: Ms. Hansen graciously donated a pre-owned golf cart to Animal Services.

This contribution is of substantial value and will make an impact on the department's operational efficiency. It will provide an easier way for staff to transport heavy supplies and bulk items as well as getting to the out buildings on our property quicker.

Budget/Impact: None.

Recommended Action: Motion to authorize the Board Chair to execute the acceptance letter.

7.4. Community Services:

7.4.1. Request Approval of First Amendment to Marion County Standard Professional Service Agreement New Construction Project Dated March 5, 2024 Between Marion County and Habitat for Humanity of Marion County, Inc. (Budget Impact - None)

The Board accepted the following recommendation as presented by Community Services Director Cheryl Martin:

Description/Background: On November 14, 2023, Habitat for Humanity of Marion County, Inc. (Habitat) submitted a proposal to Community Services for State Housing Initiative Partnership (SHIP) funding for the construction of six (6) single-family homes on six surplus properties designated for affordable housing per Resolution Number 22-R-252. This will provide families and individuals in Marion County with affordable housing options.

The County approved an Agreement on March 5, 2024, to construct the six (6) single-family homes on the surplus properties. It has been determined that one (1) of the properties (Parcel Number 8009-1265-06) conveyed pursuant to the Marion County Standard Professional Services Agreement, executed on March 5, 2024, is not zoned accordingly for residential.

- County shall receive from Habitat ownership of Parcel Number 8009-1265-06 by means of Release of Right of Reverter, RETURNED PROPERTY;
- Habitat shall receive from County ownership of Parcel Number 9037-1209-06, REPLACED PROPERTY.

Also, under Consent is a secondary agenda item from the County Engineer transferring 9037-1209-06 to Habitat.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute all necessary documentation associated with the First Amendment to Marion County Standard Professional Services Agreement between Marion County and Habitat for Humanity of Marion County, Inc.

7.4.2. Request Approval of Second Amendment to Marion County Standard Professional Services Agreement Continuum of Care FL-514 for Emergency Solutions Grant Cares Act Program Between Marion County and Saving Mercy Corporation (Budget Impact - Neutral, not to exceed \$144,162)

The Board accepted the following recommendation as presented by Community Services Director Martin:

Description/Background: Marion County administers grant funding on behalf of the Ocala/Marion Joint Office on Homelessness for the Continuum of Care (CoC) FL-514. Funding is awarded and received through the U.S. Department of Housing and Urban Development (HUD) and the Department of Children and Families (DCF) to include, but not limited to Emergency Solutions Grant (ESG), Challenge, and Temporary Assistance for Needy Families (TANF) grants. DCF has an approved Unified Contract with the Board of County Commissioners (BCC) to distribute the allocation of each funding source to homeless service organizations. On March 5, 2024 the BCC approved additional funding received by DCF in the amount of \$13,551.84 of additional ESG funding. This is the Second Amendment to the Agreement between Marion County and Saving Mercy Corporation that increases its agreement by \$13,551.84, for a total contract amount to \$144,161.74. This amendment must provide Homeless Prevention and Rapid Re-housing

Services for homeless families and persons. Saving Mercy has accomplished providing housing assistance to 125 households within the last year.

Budget/Impact: Neutral; not to exceed \$144,161.74.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Amended Marion County Standard Professional Services Agreement-ESG Grant between Marion County and Saving Mercy Corporation and all necessary documents associated with this agreement.

7.4.3. Request Approval of Marion County Community Services Preliminary Loan Commitment Agreement Letter for Construction and Florida Housing Financing Corporation Local Government Verification of Contribution Loan Form Between Marion County and Madison Oaks West, LLC Phase Two (2) (American Residential Communities, LLC) (Budget Impact - Neutral; not to exceed \$460,000)

The Board accepted the following recommendation as presented by Community Services Director Martin:

Description/Background: On April 17, 2024, Madison Oaks West, LLC applied to Community Services requesting funding to support Phase 2 of a multi-family affordable rental development at the West Oak development, formerly known as the Pine Oaks Golf Course, located in the City of Ocala. This preliminary commitment is contingent upon Madison Oaks West, LLC Phase 2, receiving an award from the Florida Housing Finance Corporation (FHFC) for its request for application, "RFA 2024-201 Housing Credit Financing for Affordable Housing Developments located in Medium and Small Counties." This tax credit is highly competitive and has multiple requirements that must be met to be considered for review by FHFC.

Pending the Board's approval, the County will provide a Marion County Community Services Preliminary Loan Commitment Agreement letter and a Florida Housing Finance Corporation Local Government Verification of Contribution Loan Form for Construction Financing to the developer for submission with its application to identify this project as a Local Government Area of Opportunity funding preference which will provide the application greater consideration. If Madison Oaks West, LLC Phase 2, is approved for tax credit funding, construction will begin shortly after receiving final approval from FHFC. The match funds will be from the FY 2024/25 State Housing Initiatives Partnership (SHIP) grant for \$460,000. It is anticipated that approximately 96 households will benefit from this development. County commitment is contingent upon the award of the tax credit application cycle. It will expire on May 20, 2025, based upon the award of the tax credit application or sooner if the tax credit application is denied.

Additionally, Phase 1 is nearing completion and consists of 4 apartment buildings (100, 200, 300, and 400) and a clubhouse. Building 100 and the Clubhouse have received its Certificate of Occupancy (CO) from the City of Ocala. Buildings 200, 300, and 400 are expected to be completed in the coming months, with residents moving in after receiving Certificates of Occupancy. All 96 units are reserved for income-eligible residents with some residents already moving into building 100 as of May 1st, 2024.

As a condition of this proposed future development, a Low-Income Housing Tax Credit application will be submitted to FHFC by Tuesday, July 9, 2024.

Budget/Impact: Neutral; not to exceed \$460,000.

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Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute all necessary documents associated with the Preliminary Loan Commitment Agreement for Construction Financing letter and Florida Housing Finance Corporation Local Government Verification of Contribution - Loan Form associated with Madison Oaks West, LLC Phase 2.

7.5. Development Review Committee:

7.5.1. Request Approval of a Final Plat/Replat for Mencia Residence A Hamlet Subdivision, Project Number 2023110103, Application Number 30906 (Budget Impact - None)

The Board accepted the following recommendation as presented by Building Safety Director Michael Savage, on behalf of the Development Review Committee (DRC):

Description/Background: This is a request to approve the Final Plat/Replat for Mencia Residence A Hamlet Subdivision. This is a replat of lots 6 and 7 of Autumn Downs as recorded in Plat Book 9, Pages 34 through 38.

This subdivision is located in the northeast portion of the County containing 1 lot and zero miles of road on approximately 7.14 acres.

This Final Plat/Replat was approved by the Development Review Committee on May 6, 2024.

Budget/Impact: None.

Recommended Action: Motion to approve the Final Plat/Replat for Mencia Residence A Hamlet Subdivision and authorize the Chair and Clerk to execute the same.

7.5.2. Request Approval of Waiver Request for Land Development Code 2.16.1.B(8)(g) - Agricultural Lot Split Establishment of County Municipal Services Benefit Unit for Cherry Ridge Farms, Parcel Number 07810-000-00, Application Number 31054 (for Agricultural Lot Split Application Number 31055) (Budget Impact - None)

The Board accepted the following recommendation as presented by Building Safety Director Savage, on behalf of the DRC:

Description/Background: Section 2.16.1.B(8)(g) of the Land Development Code (LDC) states a County Municipal Services Benefit Unit (MSBU) shall be established for the maintenance of the improvements created by this division prior to final approval and recordation. A waiver to this provision may only be granted by the Board upon review and recommendation by the Development Review Committee (DRC).

This agricultural lot split contains six lots and is located on approximately 120.00 acres in the northeast part of the County.

The applicant requested to allow an easement agreement that stipulates maintenance. DRC action on April 22, 2024 was to recommend approval.

Budget/Impact: None.

Recommended Action: Motion to approve the Agricultural Lot Split without the creation of a MSBU subject to providing the appropriate documentation that the property owners will provide maintenance.

7.6. Fire Rescue:

7.6.1. Request Approval of the Agreement for the Provision of Advanced Life Support Ambulance Standby Services for Music Concert Event between Rock the Country 2024 and Marion County, Florida (Budget Impact - Revenue Increase of \$64,275)

The Board accepted the following recommendation as presented by Fire Chief James Banta, MCFR:

Description/Background: Rock the Country (RTC) hosts multiple events across America each year. These events are of an elite caliber and of significant interest, which draws large crowds of people. RTC recognizes the dangers inherent in large crowds of people and animals, particularly at concert events, and seeks to have emergency medical services (EMS) on standby to provide for its spectators, guests, invitees, exhibitors, participants, vendors, and any other similarly situated persons. The County supports RTC's concern for the welfare of its attendees and wishes to obligate itself to perform standby EMS according to the terms and conditions specified in this agreement.

Budget/Impact: Revenue Increase of \$64,275.

Recommended Action: Motion to approve the Agreement for the Provision of Advanced Life Support Ambulance Standby Services for Music Concert Event between Rock the Country 2024 and Marion County, Florida.

7.7. Growth Services:

7.7.1. Request Approval of a Refund Escrow Account Remaining Balance (Budget Impact - None)

The Board accepted the following recommendation as presented by Growth Services Director Chuck Varadin:

Description/Background: On Top of the World Communities LLC (OTOW) has escrow account number 4903 for use to pay transportation impact fees on building permits. On April 12, 2024, the County received a proportionate share payment pursuant to the OTOW Amended and Restated Development Order (ARDO). Now that a transportation impact fee credit has been established due to their proportionate share obligation payment, the customer has requested a refund of the remaining balance of the escrow account in the amount of \$21,390.73. Refunds greater than \$10,000 require approval by the Board of County Commissioners.

Budget/Impact: None.

Recommended Action: Motion to approve refund to On Top of the World Communities LLC for remaining balance of escrow account number 4903 in the amount of \$21,390.73.

7.8. Parks and Recreation:

7.8.1. Tree Mitigation Payment - Aurora Oaks Phase 1 (Budget Impact - Revenue Generating \$190,970 to Tree Mitigation Fund)

The Board considered the following recommendation as presented by Parks and Recreation Director Jim Couillard:

Description/Background: The developer of Aurora Oaks Phase 1, located on SW 59th Street, Ocala, (PID#'s 35460-005-02, 35460-020-00, 35460-012-00-04, 35460- 015-00&01) has requested to pay in lieu of installing replacement trees which are required as part of the Marion County Land Development Code, Division

7 - Tree Protection and Replacement.

Section 6.7.10 of the Code provides the ability to make such payments to the County. The fee is determined on a case-by-case basis through public solicitation for bids and the per tree amount is based on: 1) wholesale cost of material, 2) cost of labor for installation, and 3) cost of maintenance for two years.

The developer requests to pay for 861 inches of tree mitigation. Public bids returned a price of \$221.80 per inch which results in a total mitigation fee of \$190,969.80. The developer has accepted this price.

The developer has also requested the option to install required replacement trees before the project is completed, if space is available. The developer's engineer will be required to provide a written certification stating the developer planted the specified inches of trees and provide plans showing the additional tree locations. Parks & Recreation Department staff would then verify the correct inches of trees were planted and that the location, method and tree type all meet Marion County Land Development Code requirements. The inches of trees planted would be applied to the tree mitigation payment and the developer would pay the remaining balance. The developer has agreed to make the tree mitigation payment based on the bid solicited for this project.

Funds will be deposited in to the Tree Mitigation Fund to be used by the Parks & Recreation Department for use on public property within the county.

Budget/Impact: (Revenue Generating: \$190,969.80 to Tree Mitigation Fund).

Recommended Action: Motion to accept payment and have funds deposited into the Tree Mitigation Fund.

In response to Commissioner Bryant, Mr. Couillard advised that part of Parks and Recreation and his role as the County's Landscape Architect is to review tree preservation and protection plans. Through that process if a commercial development cannot fit all of the replacement trees on their property, there is an option to pay in lieu of planting, by paying into the Tree Mitigation Fund. Those funds are used for planting trees on various public lands. He noted historically tree mitigation plan payments included the costs associated with procurement, transportation, installation, irrigation and maintenance of those trees for 2 years.

Commissioner Curry out at 10:02 a.m.

Mr. Couillard advised that this applicant has requested flexibility, to wait until the site is completed, then see if they can plant additional trees and reduce their payment into the Tree Mitigation Fund.

Commissioner Bryant questioned if staff have completed the process of updating the Land Development Code (LDC) by time this project is done, will the new parameters apply or will this project be grandfathered in under the current LDC parameters. Mr. Couillard advised that this project would be grandfathered in under the current LDC parameters.

In response to Commissioner Zalak, Mr. Couillard stated planting the trees required for mitigation does not typically involve the buffer. He advised this development is Aurora Oaks on SW 59th Street, and it is a Planned Unit Development (PUD).

General discussion ensued relating to the impact on the buffers for this development.

Commissioner Curry returned at 10:04 a.m.

Commissioner Zalak commented on making this exception without some kind of timeline. He questioned if the County is going to wait on payment until the developer knows if trees will fit, which could be 10 or more years in the future. Commissioner Zalak opined that an open ended agreement is probably not the best solution here.

Mr. Bouyounes advised that staff would like to pull this Item for clarification and bring it back to the Board at a later date.

General discussion ensued relating to when payment would be due for the Tree Mitigation Fund.

(Ed. Note: This Item is being pulled from the Agenda and will be brought back to the Board at a later date.)

7.9. Procurement Services:

7.9.1. Request Approval of Bid Award: 24B-229 Silver Springs Acres MSBU for Road Grading - John R. Finch Site and Road Construction, Inc., Ocala, FL (Budget Impact - Neutral; estimated annual expenditure of \$66,044 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Susan Olsen:

Description/Background: On behalf of the Marion County MSTU Department, Procurement advertised a bid for grading services for unpaved Marion County MSTU-maintained roadways. The work involves road grading four (4) times per year. Two (2) submittals were received; the tabulation is listed below:

Vendor - Location	Bid
John R. Finch Site & Road Construction, Inc. - Ocala, FL	\$3,950 Per Mile
Hartman Civil Construction Company- Ocala, FL	\$7,300 Per Mile

MSTU Director, Chad Wicker, recommends that John R. Finch Site and Road Construction, Inc. receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to John R. Finch Site and Road Construction, Inc. for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chair's signatures.

Budget/Impact: Neutral; expenditure of \$66,044. Funding is from LE605541-546131 (RM SS Acres MSBU Rd Maintenance Fund)

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and authorize the Chair and Clerk to execute the contract under 24B-229.

7.9.2. Request Approval of Change Order 6 to Purchase Order 2100589: 18Q-197-CA-01 Emerald Road Extension (SE 92nd Loop to Florida Northern RR) - Davis Dinkins Engineering, P.A., Ocala, FL (Budget Impact - Neutral; additional expenditure not to exceed to \$13,730 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On January 15, 2019, the Board approved a contract with Davis Dinkins Engineering, P.A. to provide a Preliminary Engineering Report (PER) and conceptual plans for a new two-lane section of Emerald Road, connecting CR 464 (Maricamp Road) to SE 92nd Loop. During the design process, the County received an FDOT State Funded Grant Agreement (SFGA) for construction. The grant stipulates that Plan and Quantity Tabulations undergo a thorough review by the department at the 60% completion state. This entails addressing departmental feedback, implementing necessary revisions, and integrating the quantity tabulation sheet into the plan set. The resulting Change

Order, being presented today, requests to add \$13,730 to the Purchase Order and extends the design contract to May 31, 2024.

The Change Order, proposal, and fee schedule are attached for review. Pending approval at today's meeting, the Change Order will be presented to the Chairman for signatures.

Budget/Impact: Neutral; additional expenditure not to exceed \$13,730. Funding comes from VJ738541-563220 - Infrastructure Surtax Capital Project Fund.

Recommended Action: Motion to approve the Change Order, allow staff to process, and authorize the Chairman and Clerk to execute Change Order 6 to PO 2100589.

7.9.3. Request Approval of Contract Amendment and Contract Termination: 24B-084 Marion County Drainage Retention (DRA) Mowing - Pure Cuts and Lawn Maintenance, LLC, Ocala, FL and Sulter Precision Cuts, LLC, Ocala, FL (Budget Impact - None)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On March 19, 2024, the Board approved three (3) contracts for countywide drainage retention area (DRA) mowing with Sulter Precision Cuts, LLC, Pure Cuts & Lawn Maintenance, LLC, and Silver Star Landscape, LLC. However, due to financial constraints, Sulter Precision Cuts, LLC, finds itself unable to meet the contract requirements for Area V-B and has requested termination of its obligations with the county. To ensure uninterrupted mowing cycles, the Office of the County Engineer proposes engaging the lowest bidder, Pure Cuts & Lawn Maintenance, LLC, for Area V-B.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to Pure Cuts & Lawn Maintenance, LLC for signatures. Upon return, it will be forwarded to the County Attorney, Clerk, and Chairman for signatures.

Budget/Impact: None; this carries no budget impact. The annual expenditure shall not exceed approved Fiscal Year budget amounts and shall be based on contracted acreage unit pricing without being brought back to the board.

Recommended Action: Motion to approve the contract amendment with Pure Cuts & Lawn Maintenance, LLC and allow staff to issue the contract, and upon approval by Legal, authorize the Chairman and Clerk to execute the contract amendment with Pure Cuts & Lawn Maintenance LLC under 24B-084-CA-01. Motion to approve the contract termination with Sulter Precision Cuts, LLC.

7.9.4. Request Approval of Eighth and Ninth Contract Amendment: 17P-058, Enterprise Resource Planning System and Software - Tyler Technologies, Yarmouth, ME (Budget Impact - Neutral; total expenditure of \$33,567 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: At its December 5, 2017 meeting, the Board approved a contract with Tyler Technologies (Tyler) for an Enterprise Resource Planning (ERP) system. Today we are presenting two (2) contract amendments, see descriptions below:

17P-058-CA-08:

This Tyler Payments module is an integrated, cloud-based solution that makes it easy for the public sector to accept payments both online and over the counter for

bills, fees, tickets, and fines. It manages all aspects of merchant services, including onboarding, shopping cart, check-out, fee handling, and receipts.

17P-058-CA-09:

This Tyler Resident Access Project Management module will provide a one-stop portal for citizens to pay county fees such as the following: Utility bills, Building fees, Ambulance fees, Fire Rescue bills, and Animal fees and donations.

In addition to requesting the approval of the above contract amendments, Procurement Services also requests approval for County Administrator, Mounir Bouyounes, to have signature authority for specific items that fall under the Tyler ERP master service agreement originally signed by the Board and when the expenditure is less than \$50,000 annually. Items that require review and approval by County Legal will continue to follow the same process. This proposal aims to streamline the approval process for this contract, making it more efficient, as demonstrated by the example of the ninth contract amendment above which has an expenditure of \$9,600.

Attached for review is the eighth contract amendment reviewed by Information Technology and approved by Legal; Pending approval at today's meeting, the original will be presented for the Chair's signature.

Also attached for review is the ninth contract amendment, in the form of a quote. This has been reviewed and approved by Information Technology only as there are no terms associated. Pending approval at today's meeting, the original will be presented for the Chair's signature.

Budget/Impact: Neutral; combined expenditure of \$33,567 as approved in FY 2023-24 budget.

Funding for 17P-058-CA-08 is from multiple lines, see attached department breakdown

Funding for 17P-058-CA-09 is from line AA174516-531109 (\$9,600) (General Fund)

Recommended Action: Motion to approve and authorize Chair to execute the eighth and ninth contract amendments with Tyler Technologies, Inc. under 17P-058 and motion to approve the County Administrator, Mounir Bouyounes, to have signature authority for items that fall under the Tyler ERP master service agreement, originally signed by the Board, when the expenditure is less than \$50,000.

7.9.5. Request Approval of Second Contract Amendment: 22P-173-CA-02, Silver Springs Shores Phase II Septic to Sewer Project - Wharton-Smith, Inc., Sanford, FL (Budget Impact - Neutral; expenditure not to exceed \$25,696,865 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Marion County Utilities (MCU), a Request for Proposals (RFP) was advertised to the four (4) pre-qualified Progressive Design-Build (PDB) Teams for Silver Springs Shores Phase II Septic to Sewer Project, which is one (1) of the six (6) PDB utility projects being funded with the American Rescue Plan Act (ARPA) Grant. Wharton-Smith, Inc. (WS) was the firm recommended by the Selection Committee and met with the negotiations team to discuss timeline and scope of work for the design portion of the project. WS

negotiated the design portion of the project (Task 1), which has recently been completed and the negotiations team met once again to negotiate a timeline and guaranteed maximum price (GMP) for construction of this project (Task 2). This project encompasses approximately 500 lots in the Silver Springs Shores community. Task 2 work will include the construction of approximately 31,300 linear feet (LF) of gravity sewer; 152 manholes; 6,200 LF of force main; two (2) lift stations; 34,200 LF of water main; and 81,250 square yards (SY) of asphalt roadway reconstruction throughout the project area. The estimated timeline substantial completion of the construction is 639 calendar days with an additional 91 calendar days for final completion.

Attached for review is a draft contract amendment. Pending approval at today's meeting, it will be forwarded to WS for execution as written, and upon return, will be processed for signatures from the County Attorney, Clerk, and Chair.

Budget/Impact: Neutral; expenditure not to exceed \$25,696,865 for work related to the construction of the project. Funding is from: FF449536-563102 - UTCEXT004B - \$25,696,865 (American Rescue Plan).

Recommended Action: Motion to approve and allow staff to issue, and, upon return by Legal, authorize the Chair and Clerk to execute the Second Contract Amendment with Wharton-Smith, Inc., under Request for Proposals (RFP) 22P-173.

7.9.6. Request Approval of Selection Committee Recommendation: 16Q-052 Marion Oaks Manor Extension (SW 49th Avenue to CR 475) - Tillman and Associates Engineering, LLC, Ocala, FL (Budget Impact - Neutral; additional expenditure of \$473,130 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On May 3, 2016, the Board approved negotiations to be entered with Tillman and Associates Engineering, LLC for the development of a Preliminary Engineering Report (PER) that is to support the development and design of the SW 49th Avenue corridor through Marion Oaks. This PER for Marion Oaks Manor Extension (from Marion Oaks Manor to CR 475) is a continuation of the SW 49th Avenue corridor improvements. The initial Request for Qualifications (RFQ) was released in 2016. The two highest-ranking firms withdrew leaving the 3rd firm, Tillman and Associates as the selected firm. Negotiations and contracting with Tillman were not finalized due to changes in roadway construction priorities, with the Marion Oaks Manor Extension segment being pushed back. Recent direction from the Board has brought this project forward. This PER, and subsequent design, will continue the 4-laning of the SW 49th Avenue corridor to improve traffic congestion through southwest Marion County.

Steven Cohoon, P.E., County Engineer, supports the Selection Committee's recommendation to contract with Tillman and Associates Engineering, LLC.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to Tillman and Associates Engineering, LLC for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; expenditure of \$473,130. Funding comes from GA771541-563511 - Impact Fee – East District and GB772541-563512 - Impact Fee - West District.

Recommended Action: Motion to approve the recommendation and allow staff to issue the contract, upon approval by Legal, authorize the Chairman and Clerk to execute the contract with Tillman and Associates Engineering, LLC under 16Q-052.

7.9.7. Request Approval of Selection Committee Recommendation: 24Q-053 Marion County Vulnerability Assessment (Including Some Municipalities) - Halff Associates, Inc., Tavares, FL (Budget Impact - Neutral; expenditure not to exceed \$418,500 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a Request for Qualifications (RFQ) to contract with a qualified and experienced firm to provide professional engineering and consulting services for a comprehensive Vulnerability Assessment pursuant to Florida State Statute 380.093. The work to be performed involves a variety of technical and graphical activities for assessing the vulnerability of critical infrastructure and will include public outreach and stakeholder engagement. Marion County has received Resilient Florida Program funding for this assessment. Three (3) submittals were received, evaluated, and scored by the Selection Committee comprised of Christine Vrabic, Mike Bates, Joshua Kramer, Jared Peltz, and Thomas Futch. The three firms were short-listed in accordance with Florida State Statute 287.055, with Halff Associates, Inc. ranking the highest per the tabulation below:

Firm - Location	Rank	Score
Halff Associates, Inc. - Tavares, FL	1	273
Jones Edmunds & Associates, Inc. - Alachua, FL	2	272
Kimley-Horn and Associates, Inc. - Ocala, FL	3	271

Steven Cohoon, P.E., County Engineer, supports the Selection Committee recommendation to award to Halff Associates, Inc. Attached for review is a draft of the contract. Pending approval at today's meeting, it will be sent to Halff Associates, Inc. for signatures and upon return, the contract will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; expenditure not to exceed \$418,500. Funding comes from EK430538-534105 - STM0081MA - Stormwater Program.

Recommended Action: Motion to approve the recommendation and allow staff to issue the contract, and upon approval by Legal, authorize the Chairman and Clerk to execute the contract with Halff Associates, Inc. under 24Q-053.

7.9.8. Request Approval of Task Order for Civil/Site Engineers for Miscellaneous Projects: 23Q-087-TO-18, Cedar Hills Water Distribution System - Ardurra Group, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$82,066 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On June 6, 2023 the Board of County Commissioners approved contracts with 10 engineering firms to provide various civil/site-related engineering services for the County. Firms are selected based on area of specialty and equitable distribution of work among all firms in accordance with §287.055 Consultant's Competitive Negotiation Act (CCNA).

Ardurra Group, Inc. was selected for engineering design and construction phase services for the extension of Marion County water distribution system piping to facilitate the abandonment of the existing Cedar Hills Water Treatment Plant to eliminate water mains within alleys that are smaller than code requirements and difficult to maintain. The project will improve fire services within the area.

A copy of Ardurra Group, Inc. proposal is attached for review and will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; project cost is \$82,066. Funding is from the Capital Improvement Projects (ZF448536-563102), Project Code UTC000137

Recommended Action: Motion to approve recommendation and authorize staff to issue purchase order for Ardurra Group, Inc. under 23Q-087-TO-18.

7.9.9. Request Approval of Task Order for Program Management Services for the American Rescue Plan Act Grant Projects: 21Q-227-TO-14 Phase II of Silver Springs Shores Septic to Sewer Construction Phase Services - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$269,055 as approved in the American Rescue Plan Act budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: At its October 5, 2021 meeting, the Board approved a contract with Kimley-Horn and Associates, Inc. (KHA), for program management services pertaining to the implementation of multiple utility projects through 2026 under the American Rescue Plan Act (ARPA) and grant funding under the program. Under this task order, KHA will provide a continuation of program management during construction to include construction administration, inspection, and ARPA compliance review and coordination for phase II of the Silver Springs Shores Septic to Sewer Construction project.

A copy of KHA's proposal, including the scope of work, is attached for review and will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; expenditure of \$269,055. Funding from line FF449536-563102 (American Rescue Plan - SLFRF). Project Code UTCEXT004B.

Recommended Action: Motion to approve and authorize staff to issue Purchase Order to Kimley-Horn and Associates, Inc. under Task Order 21Q-227-TO-14.

(Ed. Note: This item was approved with Item 5.1.11., Budget Amendment Resolution 24-R-176).

7.10. Tourist Development:

7.10.1. Request Approval of Tourist Development Council Funding Request for Ocala Mountain Bike Association, Inc. for Santos Fat Tire Festival (Budget Impact - Neutral; expenditure of up to \$25,000 approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Tourist Development Director Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the Santos Fat Tire Festival hosted by Ocala Mountain Bike Association, Inc. was held March 8, 2024 - March 10, 2024 at Santos Trailhead. This event was recommended for funding by the TDC at their regularly scheduled meeting on March 28, 2024.

Santos Fat Tire Festival March \$25,000

Budget/Impact: Neutral; expenditure of up to \$25,000 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chairman and Clerk to execute the attached funding agreement.

7.10.2. Request Approval of Tourist Development Council Funding Request for Florida Swimming Pool Association for FSPA High School Invitational Swimming and Diving Meet (Budget Impact - Neutral; expenditure of up to \$6,300 approved in the FY 2023-24 budget) The Board accepted the following recommendation as presented by Tourist Development Director Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the FSPA High School Invitational Swimming and Diving Meet hosted by Florida Swimming Pool Association to be held September 27-28, 2024 at the Florida Aquatics Swimming and Training (FAST). This event was recommended for funding by the TDC at their regularly scheduled meeting on April 25, 2024.

FSPA High School Invitational Swimming and Diving Meet \$6,300

Budget/Impact: Neutral; expenditure of up to \$6,300 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chair and Clerk to execute the attached funding agreement.

7.10.3. Request Approval of Tourist Development Council Funding Request for CSF Aquatics, LLC for the Florida Swimming Senior Championship for 2024, 2025, and 2026 (Budget Impact - Neutral; expenditure of \$60,000 total, \$20,000 per year as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Tourist Development Director Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2024, 2025 and 2026 Florida Swimming Senior Spring Championship to be held July 18-21, 2024; July 17-20, 2025 and July 16-19, 2026 at Florida Aquatics Swimming and Training (FAST). This event was recommended for funding by the

TDC at their regularly scheduled meeting on April 25, 2024. The TDC recommends funding this event for 2024, 2025, and 2026.

Florida Swimming Senior Spring Championship \$20,000 per year

Budget/Impact: Neutral; expenditure of \$20,000 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request, make findings that the event has as one of its main purposes the attraction of tourists and that the funding program promotes tourism in the State of Florida, and authorize the Chair and Clerk to execute attached funding agreement.

7.10.4. Request Approval of Tourist Development Council Funding Request for CSF Aquatics, LLC for the Florida Swimming FLAGS Championship for 2024, 2025, and 2026 (Budget Impact - Neutral; expenditure of \$90,000 total, \$30,000 per year as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Tourist Development Director Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the 2024, 2025 and 2026 Florida Swimming FLAGS Championship to be held July 11-14, 2024; July 10-13, 2025 and July 9-14, 2026 at Florida Aquatics Swimming and Training (FAST). This event was recommended for funding by the TDC at their regularly scheduled meeting on April 25, 2024. The TDC recommends funding this event for 2024, 2025, and 2026.

Florida Swimming FLAGS Championship \$30,000 per year

Budget/Impact: Neutral; expenditure of \$30,000 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request, make findings that the event has as one of its main purposes the attraction of tourists and that the funding program promotes tourism in the State of Florida, and authorize the Chair and Clerk to execute attached funding agreement.

7.10.5. Request Approval of Revised Marketing Assistance Funding Program Guidelines (Budget Impact - None)

The Board accepted the following recommendation as presented by Tourist Development Director Shaffer:

Description/Background: Throughout the first year of the implementation of the Marketing Assistance Funding Program, Tourist Development staff made note of areas of opportunity to remove ambiguity and improve customer service delivery. As a result, key revisions were proposed to the Tourist Development Council (TDC) at their regularly scheduled April 25th meeting and the TDC approved the revised guidelines for recommendation to the Board of County Commissioners. Tourist Development staff worked with the County Attorney's office to ensure compliance with Florida Statute 125.0104.

Budget/Impact: None.

Recommended Action: Motion to approve revised Marketing Assistance Funding Program Guidelines, as presented.

7.11. Transportation - County Engineer:

7.11.1. Request Approval of a Subordination Agreement Between Marion County and Duke Energy in Association with the Road Improvement Project for SW 49th Avenue - Segment F and Parcel 8009-0000-05 (Budget Impact - None)

The Board accepted the following recommendation as presented by County Engineer Steven Cohoon, Office of the County Engineer (OCE):

Description/Background: This is a request to approve a Subordination Agreement between Marion County and Duke Energy in association with the Road Improvement Project for SW 49th Avenue - Segment F (from Marion Oaks Manor north to SW 142nd Place Road). Duke Energy has interest in lands (parcel 8009-0000-05, Tract "T-5", block 1186 of plat book O, pages 164-193), originally recorded in Official Records Book 2800, Page 504, that have been determined necessary for this project and has agreed to subordinate this interest to Marion County.

Budget/Impact: None.

Recommended Action: Motion to approve Subordination Agreement and authorize Chair and Clerk to execute the same.

7.11.2. Request to Approve a Corrective Deed for Parcel Number 2002-061-014 (Budget Impact - None)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve a corrective deed for parcel number 2002-061-014, previously recorded in 2004. The legal description was originally recorded as Rainbow Park, Unit 2, Block 51, Lot 14. The correct description is Rainbow Park, Unit 2, Block 61, Lot 14.

This request is from the title company as this error was discovered during the sale of the subject property.

Budget/Impact: None.

Recommended Action: Motion to approve corrective deed and authorize Chair and Clerk to execute the same.

7.11.3. Request Approval of a Grant of General Utility Easement between Ocala South Logistics 1, LLC and Marion County for a Portion of Parcel 41205-011-01 (Budget Impact - None)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve a Grant of General Utility Easement between Ocala South Logistics 1, LLC and Marion County for a Portion of Parcel 41205-011-01. This additional easement is associated with development review AR 29075 and is a requirement of Marion County Utilities to include the hydrant that was installed outside the right-of-way.

Budget/Impact: None.

Recommended Action: Motion to approve the Grant of General Utility Easement and authorize the Chair and Clerk to execute the same.

7.11.4. Request Approval of a Florida Department of Transportation State-Funded Grant Agreement and Supporting Resolution for the NW 49th Street Project from NW 70th Avenue (CR 225A) to NW 44th Avenue FPN: 453201-1-34-01 (Budget Impact - Revenue; grant of up to \$1,000,000)

The Board accepted the following recommendation to adopt Resolution 24-R-180 as presented by County Engineer Cohoon, OCE:

Description/Background: Marion County received a 2023 legislative appropriation for the NW 49th Street project from NW 70th Avenue (CR 225A) to NW 44th Avenue. This State-Funded Grant Agreement and Resolution authorizes reimbursement of up to \$1,000,000 for right-of-way acquisition costs associated with this project. The project involves constructing a new 4-lane road from NW 70th Avenue west to where it meets the existing NW 49th Street; the existing section of NW 49th Street (approximately 0.5 miles) is to be widened from 2-lanes to 4-lanes the remainder of the length to NW 44th Avenue.

Budget/Impact: Revenue. This project is programmed in the current County Transportation Improvement Plan and is identified in the adopted FY 2024 Line Item Budget. TIP60800F and STC073811 - Funds1292 and 3031 - Cost Centers 772 and 738.

Recommended Action: Motion to approve the attached Agreement and Resolution and authorize the Chairman and Clerk to execute the same.

Resolution 24-R-180 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION STATE-FUNDED GRANT AGREEMENT, AND AUTHORIZING THE CHAIR AND CLERK TO EXECUTE SAME; PROVIDING AN EFFECTIVE DATE.

7.11.5. Request Approval of a Purchase Agreement Associated with the SW 49th Avenue - Segment F Road Improvement Project for Parcel 8009-1186-06 (Budget Impact - Neutral; expenditure of \$40,000 as approved in the in FY 2023-24 budget)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$40,000 plus closing costs for parcel 8009-1186-06 associated with the SW 49th Avenue - Segment F Road Improvement Project (from Marion Oaks Manor north to SW 142nd Place Road). This unimproved residential parcel consists of approximately 0.26 acres.

There is a cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings and staff recommends approval.

Budget/Impact: Neutral; expenditure of \$40,000 plus closing costs (Cost Center 738 - Infrastructure Tax Transportation - STC073813-VJ738541-561301).

Recommended Action: Motion to approve the Purchase Agreement and authorize the Chair and Clerk to execute the same.

7.11.6. Request Approval of a Purchase Agreement Associated with the SW 49th Avenue Segment F Road Improvement Project for Parcel 8009-1186-01 (Budget Impact - Neutral; expenditure of \$60,000 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$60,000 plus closing cost for parcel 8009-1186-01 associated with the SW 49th Avenue - Segment F Road Improvement Project (from Marion Oaks Manor north to SW 142nd Place Road). This unimproved residential parcel consists of approximately 0.25 acres.

The negotiated agreement is inclusive of any and all cost associated with this transaction. There is cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$60,000 plus closing cost (STC073813-VJ738541-561301)

Recommended Action: Motion to approve the Purchase Agreement and authorize the Chair and Clerk to execute the same.

7.11.7. Request Approval of a Purchase Agreement Association with the NW 49th Street Phase 3A/B and NW Hwy 225A Road Project for Parcel 1304-057-009 (Budget Impact - Neutral; expenditure of \$60,000 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$60,000 plus closing cost for parcel 1304-057-009 associated with the NW 49th Street Phase 3A/B Road Project (from NW HWY 225A to NW 44th Avenue). This unimproved residential parcel consists of approximately 0.25 acres. The negotiated agreement is inclusive of any and all cost associated with this transaction. There is cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$60,000 plus closing cost (STC073811-VJ738541-561301).

Recommended Action: Motion to approve the Purchase Agreement and authorize the Chair and Clerk to execute the same.

7.11.8. Request Approval of a Purchase Agreement Associated with the NW/SW 80th Avenue and W Highway 40 Intersection Road Improvement Project for a Portion of Parcel 2107-007-000 (Budget Impact - Neutral; expenditure of \$89,348 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$89,347.41 plus closing cost for a portion of parcel 2107-007-000 associated with the NW/SW 80th Avenue and Hwy 40 (1500' North of W HWY 40 to 1300' South of W HWY 40) Intersection Road Improvement Project. This is a partial take acquisition of a residential lot consisting of 0.14 acres. This agreement also includes a 15' wide Temporary Construction Easement consisting of 0.04 acres.

The negotiated purchase price includes attorney fees. There is cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings and staff recommends approval.

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Budget/Impact: Neutral; expenditure of \$89,347.41 plus closing cost (STC073868-VJ738541-561301).

Recommended Action: Motion to approve the Purchase Agreement and authorize the Chair and Clerk to execute the same.

7.11.9. Request Approval to Declare Parcel 9037-1209-06 as Surplus and Authorize Staff to Proceed with the Donation to Habitat for Humanity of Marion County, Inc. (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 24-R-181 as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to declare parcel 9037-1209-06 as surplus and approve a Resolution and a Statute 125 Deed from Marion County to Habitat for Humanity of Marion County, Inc., a Florida Not for Profit Corporation.

This request is associated with an Application for Conveyance or Lease of County Owned Property submitted by Habitat for Humanity of Marion County, Inc. The application is pursuant to provisions in Chapter 125.38 FS which provide that the Board may convey specific property to the United States, any department or agency thereof, or to a not for profit corporation organized for the purposes of promoting community interest and welfare.

Additionally, parcel 9037-1209-06 has been identified as appropriate use for affordable housing as established on the inventory list adopted by the Board of County Commissioners on June 21, 2022 via Resolution 22-R-252. With today's approval, this parcel will be deeded from Marion County to Habitat for Humanity of Marion County, Inc. to construct affordable housing.

Budget/Impact: None.

Recommended Action: Motion to approve the request to declare parcel 9037-1209-06 as surplus, authorize staff to proceed with the donation, and authorize the Chair and Clerk to execute the Resolution and Statute 125 Deed.

Resolution 24-R-181 is entitled:

A RESOLUTION AUTHORIZING THE CONVEYANCE OF
CERTAIN REAL PROPERTY TO
HABITAT FOR HUMANITY OF MARION COUNTY, INC.,
A FLORIDA NOT FOR PROFIT CORPORATION AND
SETTING THE PRICE THEREOF.

7.11.10. Request to Approve "Agreement with Regard to Marion Center (Arnold)" between Marion County and Patsy Arnold (Budget Impact - None)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve "Agreement with Regard to Marion Center (Arnold)" between Marion County and Patsy Arnold. On July 6, 2022, the Board of County Commissioners approved "Agreement with Regard to Marion Center," between Marion County and Myra A. Gresko, Bruce E. Oehlerking, and Michael Oehlerking, Both Agreements satisfy obligations for the Water and Wastewater Agreement, as recorded in OR Book 4120, Page 245, Public Records of Marion County, Florida.

Both Agreements were reached as part of a Purchase Agreement with Addendum for a portion of Tracts 4 and 5 of the Marion Center subdivision (Plat Book 9, Pages

39 - 43) for Marion County Utilities' use as the future Oak Run Waste Water Treatment Plant (WWTP). That Purchase Agreement was approved by the Board February 17, 2022. However, the closing on the property became contingent upon reaching agreement with Patsy Arnold. Patsy Arnold owns a portion of Tract 4 and approval of today's agreement will satisfy her mortgage and any encumbrances on her title.

With approval of this agreement and maintenance acceptance the publicly dedicated portions of the Marion Center plat (as provided for under a separate agenda item), the closing of the WWTP parcel will be finalized.

Budget/Impact: None.

Recommended Action: Motion to approve Agreement and authorize Chair and Clerk to execute the same.

7.11.11. Request Acceptance of the Public Streets, Roads, Easements, and Drainage Retention Areas in Marion Center Subdivision for County Maintenance (Budget Impact - None)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: The Final Plat for Marion Center was originally approved by the Board on October 18, 2005 as recorded in Plat Book 9, Pages 39 through 43. The streets, roads, easements, and drainage retention areas (DRAs) as shown on the plat of Marion Center were dedicated for the perpetual use of the public but not previously accepted for maintenance. (A portion of Tract 5 within the subdivision was later replatted as Oehlerking-CFUS as recorded in Plat Book 15, Pages 85-86 and is not part of this request. Oehlerking-CFUS contains no publicly dedicated roads or drainage retention areas.)

On October 18, 2005, Marion County entered into a Subdivision Maintenance Agreement with Escrow Agent as recorded in OR Book 04227, Pages 1956 - 1961 outlining obligations of the parties regarding subdivision improvements.

On July 6, 2022, Marion County executed an Agreement with Myra A. Gresko, Bruce E. Oehlerking, and Michael Oehlerking, providing for the conveyance to the County a portion of Tracts 4 and 5 of Marion Center. This agreement was not recorded because of outstanding issues, one of which being that an additional party, Patsy Arnold, also held interest in a portion of Tract 4 and was not a signer on the July 6, 2022 agreement. In a separate agenda item during today's Board meeting, an agreement with Patsy Arnold is being presented for the Board's consideration. Section 2.2. of both agreements read "The County has accepted the ownership of, and the obligation to maintain all street, roads and drainage facilities as set forth on the Plat of the Subdivision or set forth in the Subdivision Maintenance Agreement".

In accordance with the Agreements, the Office of the County Engineer recommends the following for acceptance into the Marion County Maintained Road System:

Roads:

SW 95th Circle from SW Hwy 200 to SW Hwy 484

SW 114th Street from SW Hwy 200 to SW 95th Circle

DRA Parcels:

35341+000-06 (Tract 6)

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35341+000-07 (Tract 7)

Budget/Impact: None in current budget (FY 2023-24)

Recommended Action: Motion to accept and record associated agreements for the above listed roads (including rights-of-way) and drainage facilities for County maintenance effective May 21, 2024 in accordance with the Agreement in Regard to Marion Center and to release Developer from obligations under the Subdivision Maintenance Agreement with Escrow Agent. Any remaining escrow funds shall be retained by the County.

7.11.12. Request Approval of the Proposed 5-Year Transportation Improvement Program (Budget Impact - None)

The following recommendation by County Engineer Cohoon, OCE, was withdrawn:

Description/Background: The Marion County Transportation Improvement Program (TIP) lists the anticipated projects throughout Marion County for the next five years. Types of projects are Capacity, Rehabilitation, Intersections and other miscellaneous maintenance such as guardrail, sidewalks, striping, etc. Activities undertaken on these projects can include preliminary engineering, survey, design, right-of-way acquisition, and construction.

The TIP is revised annually prior to the budget. Each year the project cost and timing are updated as appropriate. The five-year timeframe is also revised to reflect the addition of the new fiscal year and all the new projects for that year.

Budget/Impact: None on current FY 2024 budget; projects and activities listed on the attached Transportation Improvement Program are for future years.

Recommended Action: Motion to approve the proposed 2024/25 to 2028/29 Marion County Transportation Improvement Program.

(Ed. Note: This Item is being pulled by staff, to be brought back before the Board at a later date.)

7.11.13. Request Approval of the Proposed 5-Year Stormwater Implementation Program (Budget Impact - None)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: The Stormwater Implementation Program (SIP) is a five-year planning tool used to assist the Stormwater Program in meeting requirements as outlined in the County's Phase II National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Generic Permit. The Stormwater Program will implement a variety of structural and non-structural projects including public education and outreach, stormwater retrofit projects, and the watershed management program as it relates to NPDES permit requirements, Total Maximum Daily Loads (TMDLs), and flooding issues.

The SIP is revised annually prior to the start of the budget process, and the project cost and timing are updated as appropriate. The five-year timeframe is also revised to reflect the addition of the new fiscal year and the new projects for that year. All capital level projects from the SIP are incorporated into the County's Capital Improvement Program (CIP).

Budget/Impact: None on current FY 2024 budget; projects and activities listed on the attached Stormwater Implementation Program are for future years.

Recommended Action: Motion to approve the proposed 2024/25 - 2028/29 Stormwater Implementation Program.

7.11.14. Request Approval of an Indemnification Agreement Between Adena GC Holdings, LLC and Marion County for the Proposed Adena Golf and Country Club Phase One, Application Number 29959 (Budget Impact - None)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request seeking approval of an Indemnification Agreement associated with Land Development Code Section 2.18.4.E, which allows for up to 10% of the total lots to be constructed in a subdivision prior to recording the Final Plat. The five (5) conditions outlined in the proposed Indemnification Agreement have been met and the County Attorney's office has approved the proposed agreement for Adena Golf and Country Club Phase One Subdivision. This will allow up to 10 individual building permits to be issued prior to Final Plat approval.

This subdivision is located in the northwest portion of the County and contains 202 lots and 19 tracts on 477.27 acres with 4.16 miles of private easements.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Indemnification Agreement between Adena GC Holdings, LLC and Marion County for the proposed Adena Golf and Country Club Phase One Subdivision and authorize the Chair and Clerk to execute the same.

7.11.15. Request Approval of Developer's Agreement for Proportionate Share of Roadway Improvements for CR 42 C-Store, Application Number 29798 (Budget Impact - Revenue; addition of \$26,379)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: The Developer (SRPG Summerfield, LLC) proposed a gas/convenience store in the SW corner of US 301 at CR 42. The traffic study for this project identified the need for offsite roadway improvements. Specifically, a 450 ft eastbound right turn lane is needed at the intersection of US 301 at CR 42. The agreement specifies that the Developer shall pay 12.3% of the cost to design and construct this turn lane improvement. The 12.3% proportionate share equates to \$26,378.70.

The County Attorney's office has reviewed and approved the Developer's Agreement with Proportionate Share in the amount of \$26,378.70.

Budget/Impact: Revenue; addition of \$26,378.70.

Recommended Action: Motion to approve the attached Developer's Agreement and to authorize the Chair and Clerk to execute the same.

7.11.16. Request Approval of the Release of a Subdivision Improvement Agreement with Surety Bond Associated with Stone Creek by Del Webb Saratoga Phase 2 and 3 (Phase 3) (Budget Impact - None)

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve the Release of a Subdivision Improvement Agreement with Surety Bond associated with Stone Creek by Del Webb Saratoga Phase 2 and 3 (Phase 3). The improvements were inspected on May 6, 2024 and a Certification of Satisfactory Completion letter was sent to the Developer. The release will be recorded in the Public Record for proper satisfaction of the surety bond.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Release and to authorize the Chair and Clerk to execute the same.

7.12. Utilities:

7.12.1. Request Approval of Water Main Extension Connection Agreement WME-001-S between WJHFL, LLC and Marion County Utilities (Budget Impact - Neutral; \$25,546 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Utilities Director Jody Kirkman:

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400-feet from the parcel's closest corner to the public water main. In this case, the property owner is required to connect to the public water main provided by Marion County Utilities (MCU) and would be required to install the water main across the entire parcel's frontage and end the system at the farthest end of the property. The County has the necessary funding in place to extend the water main beyond the property owner's 13-foot obligation to the end of the connection point and this agreement only assesses the property owner's pro-rata share of the water main extension obligation.

In accordance with Resolution No. 21-R-381, approved by the BOCC on August 17, 2021, the developer/property owner only pays the pro-rata share of the project based upon the MCU contractor's low bid price for the utility work. The 178-foot water main extension will serve the property owner's parcel and creates a benefit for one (1) additional parcel along the route of the water main extension.

County has established the construction cost ("Total Cost") as \$26,246.00, which includes the \$700 design fee for the project, using its best available information at the time of this Agreement. The differential between the Total Cost and all Shares' obligation cost of \$10,000.00 would place the County's sole expense for materials beyond Owner's obligation at \$16,246.00. The Share cost for each connected parcel shall be \$5,000.00. County shall collect any Benefitting Parcel Share prior to its connection to the System.

Budget/Impact: Neutral; Construction cost is \$25,546, plus up to 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-001-S and authorize staff to issue a purchase order for T&C Underground under 22P-146.

7.12.2. Request Approval of Water Main Extension Connection Agreement WME-002 between Chinchilla Projects, LLC and Marion County Utilities (Budget Impact - Neutral; \$39,512 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Utilities Director Kirkman:

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400 feet from the parcel's closest corner to the public water main. In this case, the property owner is required to connect to the public water main provided by Marion County Utilities (MCU) and would be required to install 324 feet of the water main across the entire parcel's frontage and end the system at the farthest end of the property. The water main extension will serve the property owner's parcel and create a benefit for four (4) additional parcels along the route of the water main extension; the pro-rata share per parcel cost is \$7,442.40 based upon the total project costs of \$39,512, less the \$3,000 fire hydrant assembly stub, plus the \$700 design fee for the project. The Owner's total project cost is \$37,212.00.

Budget/Impact: Neutral; Construction cost is \$39,512, plus up to 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-002 and authorize staff to issue a purchase order for T&C Underground under 22P-146.

7.12.3. Request Approval of Water Main Extension Connection Agreement WME-005 between Lot 18 SW 131st PI Land Trust and Marion County Utilities (Budget Impact - Neutral; \$29,428 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Utilities Director Kirkman:

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400-feet from the parcel's closest corner to the public water main. In this case, the property owner is required to connect to the public water main provided by Marion County Utilities (MCU) and would be required to install 306 feet of water main across the entire parcel's frontage and end the system at the farthest end of the property. The water main extension will serve the property owner's parcel and create a benefit for one (1) additional parcel along the route of the water main extension; the pro-rata share of per parcel cost is \$15,063.75, which includes the \$700 design fee for the project.

Budget/Impact: Neutral; Construction cost is \$29,427.50, plus up to 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-005 and authorize staff to issue a purchase order for T&C Underground under 22P-146.

7.12.4. Request Approval of Water Main Extension Connection Agreement WME-016-S between Southern Impression Homes, LLC and Marion County Utilities (Budget Impact - Neutral; \$65,216 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Utilities Director Kirkman:

Description/Background: In accordance with Land Development Code section 6.14.2, developers (property owners) are required to connect to public utilities if the property is within connection distance. For a single-family residence, the connection distance is 400-feet from the parcel's closest corner to the public water main. In this case, the property owner is required to connect to the public water main provided by Marion County Utilities (MCU) and would be required to install the water main across the entire parcel's frontage and end the system at the farthest end of the property. County has the necessary funding in place to extend water main and has elected to only assess Owner its share of the extension obligation due to County's desire to 'close a loop' and improve the System hydraulics within the project.

In accordance with Resolution No. 21-R-381, approved by the BOCC on August 17, 2021, the developer/property owner only pays the pro-rata share of the project based upon the MCU contractor's low bid price for the utility work. The 566-foot water main extension will serve the property owner's parcel and creates a benefit for twelve (12) additional parcels along the route of the water main extension; the pro-rata share or per parcel cost for the project is \$4,401.23.

County has established the total project cost as \$65,916.00 ("Total Cost"), which includes the \$700 design fee for the project, using its best available information at the time of this Agreement. The project cost, less the county obligation (fire hydrant assembly) is \$57,216.00. The differential between the Total Cost and the county obligation is \$8,700.00.

Budget/Impact: Neutral; Construction cost is \$65,216, plus up to 10% contingency in accordance with the Procurement Manual. Funding is from ZF448536-563102 with project code UTC000094.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Water Main Extension Connection Agreement WME-016-S and authorize staff to issue a purchase order for T&C Underground under 22P-146.

Chairman Stone noted it is the ten o'clock hour. She advised that the Board will continue with the Agenda Items after the public hearing is concluded.

6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am: Public participation is encouraged. When prompted, please step up to the podium and state your name and address for the record. Please limit your comments to the specific issue being addressed.

6.1. PUBLIC HEARING to Consider Modifying and Amending Ordinance Number 2022-43 to Include the In-House Water Main Extension Program

Utilities Director Jody Kirkman presented the following recommendation:

Description/Background: On October 18, 2022, the Board approved Ordinance Number 2022-43 relating to the water line extension within Marion County Utility Service Area. The Ordinance adopted Division 5 of Chapter 19, Article III of the Marion County Code of Ordinances entitled Short Water Line Extension Program. The Board approved the establishment of the In-House Utilities Construction Crew on April 5, 2023, which requires the modification and amendment to the Ordinance

to include adding the In-House Water Line Extension Program, provide revisions to support the In-House Water Line Extension Program, define project requirements, add water line extensions cost sharing, and establish the program service areas.

Budget/Impact: None.

Recommended Action: Motion to modify and amend Ordinance number 2022-43 to include the In-House Water Main Extension Program.

Deputy Clerk Windberg presented Proof of Publication Legal ad No. 10090781 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on May 10, 2024. The Notice states the Board will consider the adoption of an Ordinance Pertaining to the Marion County Code.

Mr. Kirkman presented a brief overview of the history of Ordinance 22-43, noting it was approved by the BCC on October 18, 2022 relating to Water Line Extensions within the Marion County Utility Service Area. Ordinance 22-43 adopted Division 5 of Chapter 19; Article III of the Marion County Code of Ordinances entitled, "Short Water Line Extension Program". On April 5, 2023 the Board approved the establishment of the in-house Utilities construction crew and the request was to modify the Ordinance to provide an avenue to collect funds associated with the new water lines (pro rata shares). The proposed modifications being requested today are: Division 5 – Add In-House Water Line Extension Program; Section 3 – Provide revisions to support the In-House Water Line Extension Program; Section 4 – Define project requirements and prioritization; Section 5 – Add In-House Water Line Extensions Cost Sharing; and Section 6 – Add In-House Water Line Extensions Program Service Area, which provides for the establishment of the In-House Water Line Extensions Program service area and would be established by separate Resolution. Mr. Kirkman stated the Board will establish by Resolution a one-time capital connection fee for residential lots participating in the program. These capital connection fees will be reinvested in the program to help pay costs of the water line extension program. It is anticipated that the capital connection fee will be determined by apportioning the actual cost of the water line extension among all lots to be served by the water line extension on a pro rata basis. Additionally, each benefitting lot will be responsible for the cost of all on-site facilities as defined in Section 19-122. The Capital Connection Fee means a fee that will be determined by apportioning the actual cost of the water line extension among all lots to be served by the water line extension on a pro rata basis and is not part of the water capital charge as defined in Section 19-187 for water and wastewater capital charges.

Commissioner Zalak questioned Section 19.215(a) relating to Marion County Utilities (MCU) providing the upfront funding associated with the water line. Mr. Kirkman advised that MCU has budgeted for some of the extensions, noting a dollar amount was established for the in-house crew, and that program is funded to start. As people connect, money will be reinvested into the program and whoever benefits from the line will pay their pro rata share of the project costs.

In response to Commissioner Zalak, Mr. Kirkman advised that there is no mandatory connection for water. Staff will notify the property owners about the construction and notify existing homes when the lines will be ready so they can connect if they choose. He noted new construction homes are required to connect to the water line.

Commissioner Zalak commented on the previous language in Ordinance 22-43, section 19.216, which states "each applicant agrees that the full pro rata cost of the water line extension shall constitute as a lien against its property, which the County may foreclose

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in the event the applicant fails to fulfill its obligations under the program". The new proposed language states "each property owner will need to understand they will be responsible for the funding of the pro rata share of the water line extension". He questioned why this change was made in the language.

Mr. Kirkman advised that when Ordinance 22-43 was established it was for the Short Water Line Extension (SWL) program and it was by application only. If someone applied and was accepted for the SWL program and the design and build were done, if the applicant does not build, that language allowed Utilities to collect what had been put in by lien. This does not apply with the In-House Water Line program; it would apply if the SWL program was reinstated. He noted the SWL program was created for American Rescue Plan Act (ARPA) funding.

Chairman Stone stated under the ARPA funded SWL program property owners were required to connect, it is not mandatory to connect under the In-House program, it is solely by choice. Mr. Kirkman stated there is not an application process with the In-House program, the areas are defined by Utilities staff who will continue to decide where the program moves. Chairman Stone stated this is why there is no need for the County to file a lien against the property since there is no requirement to connect.

Commissioner Zalak commented on the proposed language, which states the property owner will need to understand that they will be responsible for the funding their full pro rata costs of the water line extension, which can ultimately constitute a lien against their property. He questioned why the County would not automatically file a lien.

Chairman Stone reiterated it is because they are not required to connect to the water line extension (it was required under the ARPA program).

Mr. Kirkman clarified the term application in the new language is relating to making application for utility service.

General discussion ensued.

Chairman Stone opened the floor to public comment.

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

In response to Commissioner Zalak, Mr. Minter commented on the proposed Ordinance language. He questioned the need for the phrase; "Each property owner will need to understand that they will be responsible for funding", noting this should be phrased "Each property owner will be responsible for funding".

General discussion ensued relating to filing liens.

Commissioner Zalak questioned if the County files a lien at the time a property owner makes an application to connect. Mr. Kirkman advised that the County does not file a lien unless the property owner stops paying for the service.

A motion was made by Commissioner Bryant, and seconded by Commissioner Zalak, to modify and amend Ordinance number 22-43 to include the In-House Water Main Extension Program. The motion was unanimously approved by the Board (5-0).

Ordinance 24-13 is entitled:

AN ORDINANCE OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE III OF THE MARION COUNTY CODE OF ORDINANCES RELATING TO WATER AND SEWERS; AMENDING CHAPTER 2, ARTICLE III, DIVISION 5 OF THE MARION CODE RELATING TO SHORT WATER LINE EXTENSION PROGRAM; AMENDING CHAPTER 19, ARTICLE III, SECTION 19-215 OF THE MARION CODE TO MODIFY AND INCLUDE THE IN-HOUSE WATER LINE EXTENSION PROGRAM AND REVISE SUBSECTIONS;

AMENDING CHAPTER 2, ARTICLE III, SECTION 19-216 OF THE MARION CODE TO MODIFY AND INCLUDE IN-HOUSE WATER MAIN EXTENSION PROJECT REQUIREMENTS AND REVISE SUBSECTIONS; AMENDING CHAPTER 2, ARTICLE III, SECTION 19-217 OF THE MARION CODE TO MODIFY AND INCLUDE IN-HOUSE WATER MAIN EXTENSION COST SHARE REQUIREMENTS AND REVISE SUBSECTIONS; AMENDING CHAPTER 2, ARTICLE III, SECTION 19-218 OF THE MARION CODE TO MODIFY AND INCLUDE THE ESTABLISHMENT OF THE IN-HOUSE WATER MAIN EXTENSION PROGRAM SERVICE AREA AND REVISE SUBSECTIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

(Ed. Note: Corrected Ordinance 24-13, amending section 19.216(a)(1) was filed with the State on May 30, 2024.)

8. COUNTY ATTORNEY:

8.1 Walk-On: Land Use Litigation: Final Summary Judgment Granted to Marion County in AZ Ocala Ranch, LLC and Marion Mitigation, LLC v. Marion County

County Attorney Matthew G. Minter presented the following recommendation:

Description/Background: The Honorable Gary L. Sanders, Circuit Court Judge, on May 20, 2024, entered his ORDER GRANTING DEFENDANT'S MOTION FOR FINAL SUMMARY JUDGMENT and entered FINAL JUDGMENT for Marion County. A copy of the Order is attached hereto. This land use litigation related to the Board's July 18, 2017 denial of AZ Ocala Ranch's ("AZ") concurrent applications for a large-scale comprehensive land use amendment and a rezoning to develop a 3,470-acre mixed use development that would have included 5,891 residential units, plus commercial and other uses, on the AZ property at the far western extent of SR 200 in Marion County, almost at the Withlacoochee River.

AZ filed a lawsuit challenging the Board's denials, that has gone through several iterations and lasted almost six and a half years. In County III, the lawsuit asserted a claim under the Bert J. Harris, Jr., Private Property Rights Act, seeking damages against the County of at least \$20,280,000. In February 2023, the Court had denied AZ's Motion for Partial Summary Judgment on the Bert Harris claim. The County then filed its Motion for Final Summary Judgment (the subject of this Order) as to all three counts of the lawsuit on July 26, 2023, which was heard by the Court on March 13, 2024.

As stated above, the Court has now ruled in favor of Marion County on all three counts. The Court's order was in agreement with the position advocated by the County.

It is possible that AZ may file post-judgment motions. Alternatively, AZ has 30 days to file a Notice of Appeal if they choose to appeal Judge Sanders' opinion with the Fifth District Court of Appeal.

Budget/Impact: None.

Recommended Action: For informational purposes only.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to consider the Walk-On Item. The motion was unanimously approved by the Board (5-0). County Attorney Minter advised that after almost 7 years of a \$20,000,000.00 cloud hanging over Marion County in the case of AZ Ocala Ranch, LLC v. Marion County, on

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May 20, 2024 the Court issued Final Summary Judgement in favor of the County concluding that the plaintiffs take away nothing from their lawsuit. He stated this lawsuit was related to the Board's decision on July 18, 2017 to deny the concurrent land use application and request for Planned Unit Development (PUD) zoning on the AZ property approximately 3,470 acre parcel at the far western extent of State Road 200 close to the Withlacoochee River. This development tract (3,470 acre) would have been one and one half (1.5) times the size of the main University of Florida campus. Mr. Minter advised that the land owner was unhappy with the Board's decision, noting the County and AZ went through 2 dispute resolution mediations that were not productive for either of the parties. AZ filed a 5-count lawsuit that was dismissed in 2018 after the County filed a motion for Summary Judgment. The existing complaint was a count under Florida Statute (FS) 163.3215, claiming that the Board's denial was inconsistent with the Comprehensive Plan, and Count 2 claimed the Board's denial of the Plan Amendment was arbitrary and capricious and should have been reversed. Their complaint also contained a claim for damages under the Bert J. Harris, Jr. Private Property Rights Protection Act, claiming the Board's denial of their applications unduly restricted their property use resulting in at least \$20,200,000.00 in damages, which would have been subject to an accrual of pre-judgment interest over the 7 years since the lawsuit was filed. He noted one year ago AZ moved for partial summary judgment on the damages claim, which the Court denied. The County motioned for final summary judgment on all counts, and following the hearing in March 2024, the Court entered a thorough 21-page order. It is possible for the plaintiff to file a post-hearing motion, but they would have to show either new evidence or new case law. This leaves the possibility for the plaintiff to file within 30 days (from the judgment) a Notice of Appeal with the 5th District Court of Appeals. Mr. Minter commented on the order Judge Sanders produced, noting the County would have good standing if the plaintiff filed an appeal.

Commissioner Zalak stated the BCC has a lot of authority when it comes to land use. This project would have resulted in over 3,000 acres being developed outside of the Urban Growth Boundary (UGB), with 30,000 more trips on State Road 200 than occur today that will not happen now because this development was not approved. He advised of arbitrary claims that were made against the BCC, noting the Board stood on the authority it has to make the best decision for the community. Commissioner Zalak expressed his appreciation to Mr. Minter and the Board.

Chairman Stone expressed her appreciation to Mr. Minter for doing such a great job and for representing the Board and County so well.

Mr. Minter commented on litigations such as this one are like a chess match and ultimately the outcome is in God's hands.

9. COUNTY ADMINISTRATOR: NONE.

10. COMMITTEE ITEMS:

10.1. Board of Adjustment - Request Appointment of One (1) Full Member for a Full Term Ending May 2027

Executive Assistant Gennifer Medina, Commission Office, presented the following recommendation:

Description/Background: The Board of Adjustment has one member whose term expires at the end of May 2024. The incumbent is eligible for reappointment and

has applied accordingly. No other applications were received during the advertised period.

- Ernest Hemschot (Incumbent) - Retired Attorney

Budget/Impact: None.

Recommended Action: Motion to reappoint Mr. Ernest Hemschot as full member of the Board of Adjustment for a full new term, ending May 2027.

Clerk Harrell advised that Mr. Ernest Hemschot received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to reappoint Mr. Ernest Hemschot as full member of the Board of Adjustment for a full new term, ending May 2027. The motion was unanimously approved by the Board (5-0).

10.2. Value Adjustment Board - Request Appointment of One (1) Full Citizen Member, for Full Term Ending May 2025

Executive Assistant Medina, Commission Office, presented the following recommendation:

Description/Background: The Value Adjustment Board needs to appoint a Citizen Member for the 24/25 cycle. The incumbent will not seek reappointment. One (1) application was received during the advertisement period.

- Lee Black (New) - Federal Employee

Budget/Impact: None.

Recommended Action: Motion to appoint Mr. Lee Black to the Value Adjustment Board as the Citizen Member for the 24/25 cycle.

Clerk Harrell advised that Mr. Lee Black received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to appoint Mr. Lee Black to the Value Adjustment Board as the Citizen Member for the 24/25 cycle. The motion was unanimously approved by the Board (5-0).

10.3. WellFlorida Council - Request Appointment of One (1) Full, Purchaser/Consumer Member for a Full Term, Ending May 2026

Executive Assistant Medina, Commission Office, presented the following recommendation:

Description/Background: The term of the incumbent purchaser/consumer member of the WellFlorida Council expires at the end of May 2024. During the advertisement period, two applications were received, one of which is from the incumbent.

- Jennifer Martinez (Incumbent)
Executive Director for Marion Senior Services, Inc.
- Cynthia Nuce (New)
Licensed Clinical Social Worker

Budget/Impact: None.

Recommended Action: Motion to appoint one applicant to the WellFlorida Council as the Purchaser / Consumer Member for a full term ending May 2026.

Clerk Harrell advised that Ms. Jennifer Martinez received the appropriate votes.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to appoint Ms. Jennifer Martinez to the WellFlorida Council as the Purchaser/Consumer Member for a full term ending May 2026. The motion was unanimously approved by the Board (5-0).

11. NOTATION FOR ACTION:

11.1. Request Approval to Schedule and Advertise a Public Hearing for the Adoption of the Resolution for Deer Path North Municipal Service Benefit Unit for General Maintenance and Capital Improvements on Tuesday, June 11, 2024 at 1:30 p.m. or Soon Thereafter in the McPherson Governmental Campus Auditorium

Director Chad Wicker, MSTU, presented the following recommendation:

Description/Background: The following date is being requested for a Public Hearing associated with the proposed adoption of the resolution creating a new assessment for Deer Path North Municipal Service Benefit Unit (MSBU) for General Maintenance and Capital Improvements per the Land Development Code (LDC) and in accordance with Section 125.01(1)(q), Florida Statutes.

Tuesday, June 11, 2024 at 1:30 p.m. or soon thereafter

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a public hearing for the adoption of the resolution creating a new assessment for Deer Path North MSBU for General Maintenance and Capital Improvements on Tuesday, June 11, 2024 at 1:30 p.m. or soon thereafter.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to schedule and advertise a public hearing to consider the adoption of the Resolution creating a new assessment for Deer Path North MSBU for General Maintenance and Capital Improvements on Tuesday, June 11, 2024 at 1:30 p.m. or soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.2. Request Approval to Schedule and Advertise a Public Hearing for the Adoption of the Resolution for Freedom Crossings Preserve Phase 1 and Phase 2 Municipal Service Benefit Unit for General Maintenance and Capital Improvements on Tuesday, June 11, 2024 at 1:30 p.m. or Soon Thereafter in the McPherson Governmental Campus Auditorium

Director Wicker, MSTU, presented the following recommendation:

Description/Background: The following date is being requested for a Public Hearing associated with the proposed adoption of the resolution creating a new assessment for Freedom Crossings Preserve Phase 1 and Phase 2 Municipal Service Benefit Unit (MSBU) for General Maintenance and Capital Improvements per the Land Development Code (LDC) and in accordance with Section 125.01(1)(q), Florida Statutes.

Tuesday, June 11, 2024 at 1:30 p.m. or soon thereafter

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a public hearing for the adoption of the resolution creating a new assessment for Freedom Crossings Preserve Phase 1 and Phase 2 MSBU for General Maintenance and Capital Improvements on Tuesday, June 11, 2024 at 1:30 p.m. or soon thereafter.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to schedule and advertise a public hearing to consider the adoption of the Resolution creating a new assessment for Freedom Crossings Preserve Phase 1 and Phase 2 MSBU for General Maintenance and Capital Improvements on Tuesday, June 11, 2024 at 1:30 p.m. or soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.3. Request Approval to Schedule and Advertise a Public Hearing for the Adoption of the Resolution for Greystone Hills Phase One and Phase Two Municipal Service Benefit Unit for General Maintenance and Capital Improvements on Tuesday, June 11, 2024 at 1:30 p.m. or Soon Thereafter in the McPherson Governmental Campus Auditorium

Director Wicker, MSTU, presented the following recommendation:

Description/Background: The following date is being requested for a Public Hearing associated with the proposed adoption of the resolution creating a new assessment for Greystone Hills Phase One and Phase Two Municipal Service Benefit Unit (MSBU) for General Maintenance and Capital Improvements per the Land Development Code (LDC) and in accordance with Section 125.01(1)(q), Florida Statutes.

Tuesday, June 11, 2024 at 1:30 p.m. or soon thereafter

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a public hearing for the adoption of the resolution creating a new assessment for Greystone Hills Phase One and Phase Two MSBU for General Maintenance and Capital Improvements on Tuesday, June 11, 2024 at 1:30 p.m. or soon thereafter.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to schedule and advertise a public hearing to consider the adoption of the Resolution creating a new assessment for Greystone Hills Phase One and Phase Two MSBU for General Maintenance and Capital Improvements on Tuesday, June 11, 2024 at 1:30 p.m. or soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.4. Request Approval to Schedule and Advertise a Marion County Community Development Agency Meeting to Consider Approval of the 2024 Silver Springs Community Redevelopment Area Master Plan on Thursday, July 11, 2024 at 9:00 a.m. in the McPherson Governmental Campus Auditorium

Senior Planner Chris Rison, Growth Services, presented the following recommendation:

Description/Background: The Marion County Community Redevelopment Agency (Agency) in partnership with the Marion County Board of County Commissioners' Community Services Department contracted with Kimley-Horn Associates, Inc. (KHA), as consultants to complete the Silver Springs Community Redevelopment Area (CRA) Master Plan to create a more detailed guiding document for the Silver Springs CRA.

The draft of the Master Plan has been completed and is being finalized for consideration and approval by the Agency. This is a request to establish a special meeting date for the Agency's Master Plan approval consideration.

Staff recommends conducting the meeting on Thursday, July 11, 2024, at 9:00 a.m. in the McPherson Governmental Campus Auditorium

Budget/Impact: None, advertising funds budgeted for FY 2023-24.

Recommended Action: Motion to schedule and advertise a Marion County Community Redevelopment Agency meeting to consider the Silver Springs Community Redevelopment Area 2024 Master Plan to be held on Thursday, July 11, 2024, at 9:00 a.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to schedule and advertise a Marion County Community Redevelopment Agency meeting to consider the Silver Springs Community Redevelopment Area 2024 Master Plan to be held

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on Thursday, July 11, 2024, at 9:00 a.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

11.5. Request Approval to Schedule and Advertise a Public Hearing to Adopt an Assessment Resolution for Year Four (4) of the Annual Non-Ad Valorem Special Assessments to Enhance Medicaid Payments for Local Services on Wednesday, September 4, 2024 at 10:00 a.m. or as Soon Thereafter in the McPherson Governmental Campus Auditorium

Director Wicker, MSTU, presented the following recommendation:

Description/Background: Pursuant to the Marion County Local Participation Fund Ordinance 21-18, codified in Sec. 17-291 of the Marion County Code of Ordinances, as adopted on July 6, 2021, the Marion County Board of Commissioners will convene a public hearing to discuss, consider, and take action on a resolution setting the rate of collection for a payment due on a date to be determined.

The additional funding will help offset local hospitals' Medicaid deficiencies. Pursuant to the Ordinance, the Board of County Commissioners must adopt an Annual Assessment Resolution to memorialize the final rate applicable for the Fiscal Year.

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a Public Hearing to Adopt an Assessment Resolution for Year 4 of the Annual Non-Ad Valorem Special Assessments to Enhance Medicaid Payments for Local Services on Wednesday, September 4, 2024 at 10:00 a.m. or as soon thereafter as possible in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to schedule and advertise a Public Hearing to adopt an Assessment Resolution for Year 4 of the Annual Non-Ad Valorem Special Assessments to enhance Medicaid payments for local services on Wednesday, September 4, 2024 at 10:00 a.m. or as soon thereafter as possible in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

12. GENERAL PUBLIC COMMENTS: Scheduled requests will be heard first and limited to five (5) minutes. Unscheduled speakers will be limited to two (2) minutes. Citizens may contact Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or sign up online at: www.marionfl.org.

Chairman Stone opened the floor to public comment.

Lavonda Goodson, SE 140th Place, Summerfield, Chief Executive Officer (CEO) of the Estella Byrd Whitman Community Health Center advised that she is here to introduce herself and stated this Center is a small medical home in West Ocala. She noted the Center's goals are to strengthen community partnerships not just in the West Ocala area but all of Marion County and to build healthier lives in the community. Ms. Goodson expressed appreciation to the Board for the sacrifices they have made for the County, noting she is 5th of 7 generations from Marion County and she understands the sacrifice it takes. She invited each Commissioner to come visit the Center and commented on an upcoming meeting with Commissioner Zalak.

Chairman Stone welcomed Ms. Goodson and commented on the good work that is done by the Estella Byrd Whitman Community Health Center.

In response to Chairman Stone, Ms. Goodson stated she was born and raised here in Marion County. She noted she was with another Federally Qualified Health Center (FQHC) in this area for about 14 years and has been in healthcare for close to 24 years. Ms. Goodson advised that the clinic is now open 5 days a week and there will be an open house event on June 29, 2024, noting the public is invited to come meet the Center's team and see the facility. For more information go to www.ebww.org or call (352) 875-2226.

Vicky Worth, NE 7th Street, stated she and her husband own Worth Construction and Remodeling and they are only a small construction company. She commented on MCU and expressed concern with information they received relating to the cost to connect to the utilities. Ms. Worth stated around June 2023 her company was told the cost to connect to utilities would be around \$5,000.00 for the contractor's share. She noted at that time, they were not told the \$5,000.00 cost was due to a grant, and that the grant would expire. Ms. Worth advised that it took from September 29, 2023 to December 7, 2023 for the permit to get issued and they did not receive the agreement until the last week of April 2024, which stated the connection fee would be \$28,000.00 because the permit was not issued within the timeframe to qualify for the grant.

In response to Chairman Stone, Mr. Kirkman advised that MCU had \$5,000,000.00 in ARPA funds, and there were more projects than there were funds.

Commissioner Curry out at 10:48 a.m.

Mr. Kirkman stated the Board allowed MCU to put funds back into the program and then set a deadline as of November 7, 2023, noting permits already in process on that date would qualify for the program. Ms. Worth's permit was not in process at that time, so they were not able to be part of the SWL program. He noted MCU has been clear since the beginning of the SWL program that there was limited funding. Mr. Kirkman stated the Worth's had looked for a private contractor but they recently opted to use the County contractor instead. MCU staff received the Worth's signed contract last week and it is now in the process of going through Legal, then it will be brought before the Board on June 4, 2024. Once it is approved by the Board the project can be scheduled for construction and can take up to 60 days to complete. Mr. Kirkman advised that there are 8 benefiting lots, noting he can provide the map showing all of the lots.

Commissioner Curry returned at 10:50 a.m.

Commissioner Zalak questioned if the applications contain information about the grant funding. Development Review Officer, Carrie Hyde, MCU, advised that when staff was aware of the grant funding and its potential benefit to owners, staff updated the availability letters to advise people the grant funding could be available based on timeline of application and availability of funds. When staff started taking applications (for the SWL program) it was on a first come first served basis and ran until funds were expected to be depleted.

In response to Commissioner Zalak, Ms. Hyde stated the application for each SWL program included the language relating to the grant funds.

Ms. Worth advised that when they purchased the lot, they were not aware of the grant, noting she did sign the agreement but did not understand (the grant) at that time. She expressed concern that now they will have to pay \$28,000.00 to connect to the line.

Chairman Stone advised that the grant funding was limited and the County does not have any more funds to assist with this project. She directed MCU staff to meet with Ms. Worth to discuss the available options.

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Mr. Kirkman stated there is another option, but it would double the size and cost of this project.

Commissioner Bryant questioned if in this case, can MCU run the lines, place a lien on the property and allow them to reimburse MCU once the house is sold.

Mr. Kirman advised that there is another option of using the In-House crew to build this line, which would require a Resolution to come back before the Board and that process would slow down construction.

General discussion ensued relating to MCU meeting with Ms. Worth to discuss options.

Ms. Worth expressed her appreciation to the Board.

In response to Mr. Bouyounes, Mr. Kirkman advised that if the standard agreement is used, it would come back to the Board on June 4, 2024, an agreement using the In-House crew would require a Resolution that would not be ready for the June 4 meeting. He noted this is a special consideration as the In-House crew is not for this type of project.

Commissioner Zalak commented on finishing up the projects that were started under the grant funding, noting staff is trying to do what is best for the customers.

Commissioner Curry was excused at 10:55 a.m.

Phillip Weisberg did not appear when called upon to speak.

Roger Knechtel did not appear when called upon to speak.

Chairman Stone advised that public comment is now closed.

13. COMMISSIONER ITEMS:

13.1. Commission Comments

Chairman Stone advised that Commissioner Curry will return for the 2:00 p.m. Zoning Meeting.

Commissioner McClain advised that he had nothing further to add.

Commissioner Zalak stated he had nothing further to add.

Commissioner Bryant commented on Memorial Day weekend and the importance of honoring those that were lost and to remember to be thankful for those who made the ultimate sacrifice.

Chairman Stone congratulated Animal Services staff for going outside the box and hosting a successful adoption program at the Marion County Strawberry Festival, noting there were over 80 animals adopted from this event.

Chairman Stone requested everyone to please be responsible pet owners and remember to spay and neuter their pets.

13.2. Commission Calendar

13.2.1. Present Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of May 21 through June 4, 2024.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

14.1.1. Present Memorandum Dated April 24, 2024, from Florida Association of Counties Regarding Marion County's FAC Proposed Dues

14.1.2. Present Chamber and Economic Partnership April 2024 Activity

14.1.3. Present Monthly Building Safety Productivity Report for the Month of April 2024

14.1.4. Present Letter to Shawn Hamilton, Secretary for Land and Recreation, Department of Environmental Protection from Parks and Recreation Director, Jim Couillard

14.2. Present Walk-On Items From Previous BCC Meeting: NONE.

14.3. General Informational Items:

14.3.1. Marion County Health Department – For the Latest health news and information, Visit the Website at <http://marion.floridahealth.gov/>.

14.4. Clerk of the Court:

14.4.1. Present Letter Dated April 23, 2024 from the City of Ocala, Regarding a Resolution to Amend FY 2023-24 Budget to Reconcile Cash Balance Forward Accounts Relating to the Ocala Community Redevelopment Agency

14.4.2. Present Letter dated April 30, 2024 from Gregory C. Harrell, Clerk of the Court and Comptroller regarding the Audit Fees

14.4.3. Present Monthly Report for the Building Department Budget and Actual

14.4.4. Present Administrative Budget Transfer Report for FY 2023-24

14.4.5. Present Memorandum from Gregory C. Harrell, Clerk of the Circuit Court and Comptroller, Regarding the Filing of Ordinances 24-07, 24-08, 24-09, 24-10, 24-11 and 24-12 With the Secretary of State's Office

14.4.6. Present Regular Report of Utilization for Reserve for Contingencies

14.5. Present for information and record, minutes and notices received from the following committees and agencies:

14.5.1. Board of Adjustment - April 1, 2024

14.5.2. Development Review Committee - April 15, 22, and 29, 2024

14.5.3. Dog Classification Board - April 12, 2024

14.5.4. Hills of Ocala MSTU - February 5, 2024

14.5.5. Housing Finance Authority - March 20, 2024

14.5.6. Planning and Zoning Minutes - March 25, 2024

14.5.7. Pine Run Advisory Board Minutes - March 21, 2024

14.5.8. Rainbow Lakes Estates Advisory Committee - March 21, 2024

14.5.9. Tourist Development Council Minutes - March 28, 2024

14.5.10. Present Letter Dated April 23, 2024 from the City of Ocala, Regarding a Resolution to Amend FY 2023-24 Budget to Reconcile Cash Balance Forward Accounts Relating to the Ocala Community Redevelopment Agency

14.5.11 Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>

14.5.12. St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <https://www.sjrwmd.com>

14.5.13. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <https://ocalamariontpo.org>

14.5.14. Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

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There was a recess at 10:58 a.m.

The meeting reconvened at 2:05 p.m. with all members present.

Also present were: Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Transportation Planner Ken Odom, Senior Planner Chris Rison, Planners Eryn Mertens, Kathleen Brugnoli, Cindy Chen, Marcus Lloyd, Administrative Manager Sage Dick, Staff Assistant Autumn Williams, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and ACA Tracy Straub.

The meeting opened with the Pledge of Allegiance to the Flag of our Country.

Chairman Stone advised that Items 15.2.4 (24-S02), 15.2.5 (240507ZC), 15.2.8 (24-S04), 15.2.9 (240509ZC) and 15.2.10 (240510SU) have been withdrawn by the applicants.

In response to Commissioner Curry, Mr. Minter stated the applicant can make application for the same thing or something else next week due to withdrawing the Item today.

Growth Services Director Chuck Varadin advised that the applicant is requesting a continuance to June 18, 2024, relating to Agenda Item 15.2.11 (240205ZP).

In response to Chairman Stone, Mr. Varadin stated the applicant has requested the continuance to allow time to work with Leeward Air Ranch regarding the Conditions for their proposed development.

15. PLANNING & ZONING AND DRC WAIVER REQUESTS - REQUEST PROOF OF PUBLICATION (AT 2:00PM):

Deputy Clerk Mills-McAllister presented Proof of Publication of Legal ad No. 10131448 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on May 6, 2024. The Notice states the Board will consider approval of a Comprehensive Plan Amendment, rezoning and/or Special Use permit (SUP) applications, as well as considering adoption of an Ordinance.

County Attorney Matthew G. Minter provided a brief overview of the process for today's zoning and Special Use Permit hearings. He noted the applicant will be given an opportunity to give their initial presentation to the 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.

15.1. Planning and Zoning Consent Items:

Growth Services Director Chuck Varadin advised that the two (2) petitions listed on the Consent Agenda are recommended for approval by both Growth Services staff and the P&Z Commission.

P&Z PUBLIC HEARING ON APRIL 29, 2024

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

Mr. Varadin advised that Agenda Item 15.1.2 is being pulled from Consent for individual consideration.

Chairman Stone opened the floor to public comment.

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

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve Consent Agenda Item 15.1.1, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed use is compatible with the 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).

The motion approved the Consent Agenda item as follows:

15.1.1. 240501SU - Vertex Development LLC, Special Use Permit to Allow for a 190' Tower, in a General Agriculture (A-1) Zone, 25.67 Acres, Parcel Account Number 50744-000-00, Site Address 15733 SE 182nd Avenue Road, Umatilla, FL 32784

The Board granted a petition by Rodney Earl, Donna Rae and Bruce McMullen, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow construction of a 190' monopole style communications tower, in a A-1 zone, on an approximate 25.67 Acre Parcel, on Parcel Account Number 50744-000-00, site address 15733 SE 182nd Avenue Rd, Umatilla, FL 32784.

Resolution 24-R-182 contains the following Conditions:

1. The Tower will be designed and colored in a non-obtrusive way, reducing daytime visibility while still complying with FAA safety regulations.
2. This Special Use Permit is specific to the parties involved in the application package. In the event that the current property owner should vacate or divide the property, the special use permit shall require modification to ensure the Tower is still consistent with the LDC at that time. In the event that the tower ownership changes; or the tower becomes abandoned, the special use permit shall terminate.
3. The area being utilized for the Tower compound consists of 4,900 square feet and will be developed as shown on the conceptual plan provided.
4. The tower shall be placed as proposed in order to meet the 190' setback from the nearest agriculturally zoned parcel.
5. The tower shall be placed as proposed in order to meet the required minimum setbacks of 150% tower height from Residentially occupied properties.
6. Abandonment of the communication tower shall follow the requirements set in place in LDC Sec. 4.3.25(H).
7. Pending Board approval, the proposed site plan will comply with any and all buffer requirements as deemed appropriate.
8. Chain link fencing is to surround the tower compound.
9. The telecommunication tower shall not exceed a maximum height of 190'.
10. No hazardous/toxic material shall be kept on the site.

15.1.2. 240503SU - Ausberto Desarden Carrero, Special Use Permit for Parking of One Commercial Vehicle in Single-Family Dwelling (R-1) Zone, 0.26 Acres, Parcel Account Number 8007-1121-01, Site Address 3170 SW 133rd Lane Road, Ocala, FL 34473

The Board considered a petition by Ausberto Desarden Carrero, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow parking of one (1) commercial vehicle, in a R-1 zone, on an approximate 0.26 Acre Parcel on Parcel Account Number 8007-1121-01, site address 3170 SW 133rd Lane Rd, Ocala, FL 34473. Planner Kathleen Brugnoli, Growth Services, stated 31 notifications were sent out and no written opposition was received; however, prior to this meeting an individual advised of their concern relating to this Item. She provided a brief overview of the Special Use Permit (SUP) request to allow parking of one (1) commercial vehicle, in a R-1 zone.

It was noted that Growth Services Department staff and the P&Z Commission recommended approval with the following Conditions:

1. A stabilized concrete driveway apron shall be provided to the parking location of the truck and must meet Right-of-Way parking requirements
2. The commercial vehicle granted permission to park on the subject property is Truck VIN: 3HSDJAPR4GN195876 – International Prostar+ 122 6x4
3. Trash collection to be handled by property owner on, at least, a weekly basis.
4. A 6' opaque fence must be placed around the backyard of the property to shield plain view of the truck from the road. If the special use permit is granted, this must be installed within six (6) months of approval of the special use permit.
5. The site shall be developed and operated consistent with the conditions as provided.
6. The parking/storage of tractor trailer unit(s) is prohibited.
7. Truck repairs shall not take place on the subject property.
8. The special use permit shall run with the property owner, not the parcel.
9. The Special Use Permit shall expire on May 21, 2027; At which point, it may be renewed administratively for up to 5 years at a time by a written instrument signed and issued by the Growth Services Director (or position equivalent at that time), unless
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. 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;
 - c. 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 requested staff also reach out to area storage businesses in the future, noting they often allow parking for large trucks and recreational vehicles (RVs). Ausberto Desarden Carrero, SW 133rd Lane Road, advised that he is requesting a Special Use Permit.

Annette Desarden Carrero, 37th Street North, St. Petersburg, stated when the home was purchased the applicant believed that he was allowed to park the truck onsite. The applicant was notified of a violation by Code Enforcement. She advised that her brother is agreeable to the Conditions staff has proposed.

Chairman Stone opened the floor to public comment.

Florence Charbonneau, SW 49th Court, advised that she was present on behalf of the Marion Oaks deed restricted community and the Deltona Corporation. She stated the owner is in violation of the deed restrictions for the community, Code Enforcement, and State statute. Ms. Charbonneau commented on complaints relating to the truck, noting there are nearby locations where the applicant can park his truck. She commented on impacts to upcoming projects in the area.

Jim Rafferty, Killarney Court, expressed concern relating to allowing trucks to park in the community, noting there are 28 roads that lead in and out of Marion Oaks making it difficult to control deed restrictions.

Jim Mohr, SW 35th Avenue Road, commented on deed restrictions and alternative parking solutions.

Ivette Garcia, SW 159th Lane Road, expressed concern relating to parking this vehicle in a deed restricted community, roads, children at play, health issues and pollution.

Linda Goles, Marion Oaks Golf Way, advised that she is the treasurer of the Marion Oaks Board of Directors. She addressed issues with roads in the community related to truck travel for building purposes.

Peggy Jefferson, SW 64th Terrace Road, stated she is a Board member of the Marion Oaks Civic Association, assisting with deed restriction. She expressed opposition to the SUP request.

Jean Albert, SW 157th Place Road, stated his objection to the project, noting health concerns.

Chairman Stone advised that public comment is now closed.

Ms. Desarden-Carrero stated her realtor advised that the truck could be parked at this location, and it was chosen due to the proximity to Interstate 75 (I-75). She noted the applicant is willing to meet the Conditions of the SUP.

Commissioner Bryant stated the applicant received bad information relating to the ability to park his truck in a deed restricted community. She commented on the complaints she receives from residents in the area, noting if she approved this request there would be many others brought before the Board.

Commissioner Zalak questioned why the deed restriction was not enforced.

County Attorney Matthew G. Minter, Legal, stated enforcement of deed restrictions is the responsibility of the homeowner's association (HOA) not the Board, noting the HOA can take the matter to Civil Court.

Commissioner Bryant clarified that there is no Marion Oaks HOA, there is just a Deed Restrictions Office comprised of citizen volunteers without the authority to levy fines.

Mr. Minter stated if there is no HOA that can impose assessments on all of the property owners, there will be no funds for the legal expenses relating to court proceedings.

In response to Commissioner McClain. Mr. Minter advised that a SUP cannot override a deed restriction, noting the Board can take the deed restrictions into consideration when deciding on the SUP.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to deny the SUP request to allow (1) commercial vehicle, in a R-1, and to allow the applicant 30 days to find a new location to park his truck, disagreeing 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).

(Ed. Note: Ms. Charbonneau presented a 20 page handout containing various documents and photographs.)

15.2. Planning and Zoning Items for Individual Consideration:

15.2.1. 240504SU - Yusniel Nuevo Castaneda, Special Use Permit for Parking of One Commercial Vehicle, in a General Agricultural (A-1) Zone, 10.0 Acres, Parcel Account Number 41200-087-00, Site Address 14552 SW 22nd Court Rd, Ocala FL 34473

The Board considered a petition by Yusniel Nuevo Castaneda, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow parking of commercial vehicles and equipment limited to one (1) grapple truck, one (1) 20-foot trailer, and one (1) dump truck, in a A-1 zone, on an approximate 10.0 Acre Parcel, on Parcel Account Number 41200-087-00, site address 14552 SW 22nd Court Rd, Ocala, FL 34473.

240504SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Kroiter, 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.

Deputy Director Ken Weyrauch, Growth Services, provided a brief overview of the SUP request to allow parking of commercial vehicles and equipment limited to one (1) grapple truck, one (1) 20-foot trailer, and one (1) dump truck, in a A-1 zone.

Commissioner Zalak out at 2:58 p.m.

Mr. Weyrauch noted there is an active Code violation generated by a citizen complaint. He stated staff recommends approval with Conditions including that the applicant join the Marion Oaks MSTU/MSBU, which requires an Ordinance.

Commissioner Zalak returned at 3:01 p.m.

Mr. Weyrauch advised that the applicant owns another A-1 property where they are storing tree debris, noting there is a Code Enforcement case relating to the debris and commercial vehicles on the property.

Mr. Weyrauch commented on previous deeds that appeared to show access elsewhere, but it has fallen off the deeds over the years. He clarified research was performed by staff that indicated ingress and egress into Marion Oaks was the only access identified.

In response to Chairman Stone, Mr. Weyrauch stated an Ordinance would be necessary for the applicant to join the MSTU/MSBU, noting the MSTU Department would bring that Ordinance before the Board. He commented on the Board's ability to deny the application due to the lack of alternative access, which would put the burden on the applicant to perform the title search to identify the easement that they possibly have.

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

1. The ingress/egress of the vehicle shall continue to be from SW 22nd Court Rd. The applicant/owner/operator shall be responsible for completing and maintaining any such improvement(s) required by the OCE within 90 days [of approval of this SUP by the Board].
2. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.

1. The Special Use Permit is limited to one (1) commercial grapple truck, only (VIN# 1NPALU0X36D891783), with accessory equipment (i.e., collector trailer, and grapple arm)
2. The parking/storage of any other commercial vehicles is prohibited, including trailer unit(s), or 'refer' unit(s).
3. No mechanical repairs/maintenance on the commercial vehicle shall take place on-site.
4. No storage of tree debris shall allowed on site.
5. The grapple truck parking area shall remain consistent with the established practice of the subject property existing at the time of the circulation of this report, and with the conceptual plans submitted with the application.
6. No other commercial vehicles may be parked on property.
7. No open burning may occur on the subject property.
8. No large piles of brush or tree debris may be accumulated on property.
9. No construction debris may be stored on the subject property.
10. The property shall be required to maintain a 30-foot wide no-touch buffer around the entire perimeter.
11. The owner/operator of the commercial vehicle shall reside on-site.
12. This Special Use Permit shall run with the owner of the semi-tractor (Yusniel Nuevo Castaneda) and shall also run with the subject property.
13. The Special Use Permit shall terminate upon any division, subdivision, or transfer of the subject property.
14. The Special Use Permit shall expire on May 20, 2027, at which point, it may be renewed administratively up to 3 consecutive times, for up to 3 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
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit against the subject property, or against Yusniel Nuevo Castaneda,
 - b. Neighboring property owners within 600 feet 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
 - c. 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).

Yusniel Nuevo Castaneda, SW 22nd Court provided his name and address for the record. Tony Galarza, SW 51st Court, advised that he will be interpreting for Mr. Castaneda.

Mr. Galarza stated Mr. Castaneda is requesting to park his truck on the property.

In response to Chairman Stone, Mr. Galarza confirmed that Mr. Castaneda lives on this property.

Commissioner Zalak questioned if the applicant is also storing tree debris on the property. Mr. Galarza advised that there is no garbage on that property, and he is keeping it solely for his truck. The property was found in that condition and was somewhat cleared.

In response to Commissioner Zalak, Mr. Galarza stated the applicant purchased

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equipment for mulching and was putting it on the property until it was brought to his attention, that activity is not allowed. He advised that the applicant got rid of the mulching equipment when he began clearing the property and is no longer mulching.

Commissioner Bryant questioned if the applicant is leasing the adjacent property where the tree debris is stored. Mr. Galarza stated the property where the trees are located belongs to him. He clarified that the adjacent property is separated from his by a fence. There is no mulching occurring on the property being discussed today.

In response to Commissioner Zalak, Mr. Galarza stated it was a neighbor who made Mr. Castaneda aware he could not be mulching on the site. He purchased the other property in 2020 prior to the property where he is requesting to park the truck.

In response to Chairman Stone, Mr. Galarza advised that there are no RVs on the site. He stated Mr. Castaneda is considering adding a home for his mother or father in the future. Mr. Galarza noted the applicant estimates it will take approximately 1 year to get the property in the condition he wants.

Chairman Stone clarified that Mr. Castaneda is requesting to park his truck on this property.

Chairman Stone opened the floor to public comment.

Florence Charbonneau, SW 49th Court, expressed concern with Mr. Castaneda utilizing SW 22nd Court Road for access and noise.

Judy Etzler, NW 219th Street Road, questioned the status of RC-1 zoning. Chairman Stone advised that the Board did not elect to take up any changes to the Comprehensive Plan at this time, noting the County is going through its Evaluation and Appraisal Review (EAR). The EAR process will continue through the year prior to submittal to the State.

Chairman Stone advised that public comment is now closed.

Mr. Galarza advised that Mr. Castaneda's truck comes home empty. He performs all the tree clearing work in Marion Oaks.

Commissioner Zalak commented on the assessment the residents of Marion Oaks are paying to utilize those roads, noting Mr. Castaneda does not pay the assessment.

In response to Mr. Galarza, Commissioner Zalak stated the applicant is not part of the Marion Oaks subdivision.

ACA Tracy Straub advised that if the Board chooses to include this parcel in the assessment, staff will need to review the Ordinance, adjust the boundary and go through the related public process. She stated staff can attempt to identify other parcels in the same situation and provide them the opportunity to join the MSTU/MSBU or demonstrate they have legal access otherwise and discontinue using Marion Oaks roads.

General discussion ensued relating to requirements for joining the MSTU/MSBU.

Ms. Straub advised that there is nothing in the applicant's particular property deed providing access to SW 20th Avenue Road; however, going back several deeds there is some sort of right-of-way (ROW) listed on a deed. She stated it would have to be determined if that ROW exists for the applicant, noting staff recommends that be done by title search at the applicant's expense.

Mr. Galarza advised that the applicant is willing to pay the assessment. He advised there is no other access for him to utilize and is unsure of the location of the possible access point.

Commissioner Bryant stated the road is located due east of the applicant's property and there are 2 other parcels between the applicant and SW 20th Avenue Road.

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to approve the SUP request with the Conditions as presented as well as a Condition that

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 APRIL29, 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 29, 2024

Motion was made by Mr. Kroiter, 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.

In response to Chairman Stone, Ms. Chen advised that there are no existing sidewalks on SW 84th Avenue Road, which is why the applicant is requesting a waiver relating to a sidewalk along this road.

Ms. Chen stated despite receiving no letters of opposition, this Item is not on the Consent Agenda due to individuals that appeared at the P&Z Commission meeting to give public comment relating to the proposed project.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the zoning change with the following Development Conditions:

1. The PUD is restricted to a total of 30 dwellings units multifamily and 7.1-acre commercial uses consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Attachment A).
2. Buffers shall be provided as shown on the submitted conceptual plan and the following requirements:
 - A. Buffers along SW Highway 200 shall be Type-C per LDC,
 - B. Buffers along the property boundary of multifamily area shared with the existing adjoining commercial uses on the west side of the property shall be Type-A per LDC,
 - C. Buffers between proposed parcel 5 (multi-family) and parcels 2 & 3 (commercial) shall be modified Type B/C as 10' wide on each lot totaling 20' wide landscape strip without a wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer, subject to the approval of the Marion County Landscape Architect,
 - D. Buffers along SW 84th Road Avenue shall be a 25' wide landscape buffer from the right of way SW 84th Ave. Road. A minimum 8' wall or a minimum 2' high berm topped with a minimum 6' high opaque privacy fence shall be provided along the full length of the southeast boundary of the site along the SW 84th Ave Rd. The choice of landscape material will be subject to the approval of the Marion County Landscape Architect,
 - E. Buffer types and illustrations shall be submitted with the site plan phase for approval.
3. Before submitting the site plan, the Operational Traffic Study shall be completed to the satisfaction of the County Traffic Engineer and Planning Director, and adequate provision shall be made for the coordination of improvements with the PUD.
4. Submit the traffic methodology for approval. A review of PUD will not be completed until the traffic methodology is properly approved
5. Depends on the study result and recommendation in the Traffic Method Study and Traffic Operational Study, the ingress/egress at the property of Wendy's may or may not be necessary to the development of the subject parcel. If the Traffic Method Study and Traffic Operational Study indicate the necessity for cross-access and drive-in/out at Wendy's, the developer must secure agreement with Wendy's prior to Site Plan approval. The Traffic

Method Study and Traffic Operational Study are subject to the review and approval by the County Traffic Engineer.

6. All access point locations shall be worked out to the satisfaction of the Development Review Committee during the time of Development Review before the Site Plan approval
7. All internal and external vehicle circulation shall be paved
8. Show multimodal facilities on the PUD Master Plan. Include multimodal path for pedestrians, bikes, and golf carts externally and internally.
9. Show accessible pedestrian connections from PUD area to all adjacent land uses on the site plan.
10. Show accessible sidewalks along at least one side of internal roads and connections to multimodal paths.
11. Show parking calculation on the site plan
12. The PUD shall connect to Marion County Utility. Developer shall work with Marion County Utilities regarding water and sewer connection extension during the site plan phase of the project. The owner will be responsible for funding the extension of the utility line to the property.
13. A Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site.
14. Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. Please ensure LDC 6.13 is met with the Major Site Plan.
15. An easement agreement with the property owners to use the cross access through adjacent properties shall be obtained before the site plan is approved.
16. On the Master Plan provide a typical illustration and table showing all setbacks.
17. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Multiple Family Dwelling (R-3) zoning classification of the LDC.
18. On the Master Plan provide a typical illustration and table showing a maximum height limits for principal and accessory structures.
19. The multiple-family structure may not exceed a height that is twice the height of the closest existing single-family residence.
20. If single-family residential classification zoned land directly adjacent to the PUD is vacant land, then the height of a multiple-family structure within the PUD shall not exceed the maximum height allowed in the abutting residential single-family residential classification.
21. The final PUD Master Plan shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.

Deputy Director Ken Weyrauch requested the County Engineer speak to the access issue with Wendy's relating to a traffic signal.

County Engineer Steven Cohoon, OCE, advised that there is no cross access currently for the Wendy's to the west of this parcel; however, there is cross access further to the east through the Wawa. The applicant is working with Wendy's to try and secure that cross access.

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In response to Chairman Stone, Mr. Cohoon stated his belief that there is a stub out as close as possible to the property line.

Chairman Stone clarified that the Board would make the decision to allow the driveway connection to the multi-family portion of the project, but not to allow commercial users to go through the multi-family area to access SW 84th Avenue Road.

John Stoeckel, MJ Stokes Consulting, LLC, Cedarhurst Lane, Tampa, advised that applicant's traffic consultant is either working on the study or will be submitting the formal study shortly. He stated the applicant is working with Wawa on the reciprocal and cross access agreements, noting there is no legal way to force Wendy's to cooperate and to date they have not supported the effort. Mr. Stoeckel noted the traffic study and methodology that was approved was conservative and did not account for that cross access. He commented on Condition 2 (D) relating to the buffer along SW 84th Avenue Road, noting Resolution 91-R-113 requires the applicant to have a 5 ft. berm starting at the property line along SW 84th Avenue Road and extending in 25 ft. Mr. Stoeckel advised that applicant is supportive of a privacy fence on that berm, noting it will increase the height from 8 to 11 ft.

In response to Chairman Stone, Mr. Stoeckel stated at the 25 ft. setback from the property line at SW 84th Avenue Road., the berm will be 5 feet above the road plus there will be a 6 ft. opaque fence.

Commissioner Zalak questioned if the LDC requires a wall. Ms. Chen advised that the LDC requires a minimum 8 ft. wall, or a minimum 2 ft. high berm topped with a minimum 6 ft. high opaque privacy fence.

Mr. Stoeckel requested clarification relating to Condition 19, which addresses the maximum height.

In response to Commissioner Zalak, Mr. Stoeckel stated he was speaking about the Commercial area to set the elevation.

Executive Vice-President and Principal Planner Gerry Dedenbach, CHW Professional Consultants, SE 17th Street, advised that the applicant agrees with the Conditions that have been presented. He requested clarification relating to the Sprouts, noting it is a single-story building with an architectural accoutrement. Sprouts is not a multi-story retail facility it is the architectural element that requires the additional height. Mr. Dedenbach stated Condition 19 was supposed to refer to non-residential portions of the project.

Mr. Dedenbach provided an overview of the rezoning request from B-2 to PUD, noting the applicant is asking for half of the density that is allowed by right. He commented on the locations of the different types of development within the PUD.

In response to Chairman Stone, Cory Presnick, 1st Street, Neptune Beach, advised that the applicant is considering both 2-story and 3-story multi-family products.

Commissioner Bryant questioned if the 3-story product would allow the applicant to maintain the existing live oak trees there now by getting deeper into the property.

Mr. Presnick stated there could be some trees preserved in the southeast corner if the building is pushed back further towards SR 200.

Mr. Stoeckel advised that there is not the possibility to preserve too many of the large trees on the property, noting they would have to be cut down to provide the berm that is being required.

In response to Mr. Stoeckel, Commissioner Zalak advised that the applicant could get relief relating to Resolution 91-R-113, by constructing a larger wall.

Mr. Stoeckel commented on the applicant's request for a waiver relating to the sidewalk along SW 84th Avenue Road., noting they are proposing a pedestrian connection from the Commercial area to SW 84th Avenue Road.

Mr. Presnick clarified that the properties directly across from the Residential element are multi-family.

Chairman Stone opened the floor to public comment.

Raenette White, SW 81st Terrace Road, stated there are a couple of duplexes on SW 84th Avenue Road.

Commissioner Curry out at 5:27 p.m.

Ms. White noted the majority of the area is single family residences.

Commissioner Curry returned at 5:27 p.m.

Ms. White expressed concern relating to traffic on SW 84th Avenue Road.

Gerard Litalien, SW 82nd Court, commented on density standards, traffic the need for a sidewalk if the proposed project is approved, an existing berm on SW 84th Avenue Road., and flooding on the roads in Kingsland Country Estates.

Charles Gilhousen, SW 100th Lane Road., expressed concern relating to the existing trees on SW 84th Avenue Road., traffic, safety, and sidewalks.

Darlene Gilhousen, SW 100th Lane Road., addressed concerns relating to traffic and the impact to children in the area.

Lillie Smith, SW 84th Avenue Road., commented on the increase in traffic relating to the proposed project.

Christine Goebel, SW 82nd Court, addressed traffic impacts from recent commercial development, safety issues for children, pedestrians and bikers, noise and access issues.

Kathy Walters, SW 100th Street Road., expressed concern relating to area wildlife and traffic.

Paul Goebel, SW 82nd Court, requested the Board not permit a sidewalk.

Marissa Litalien, SW 82nd Court, commented on utilizing the Commercial portion of the project for something family-friendly that does not already exist in abundance.

Commissioner Bryant clarified that the applicant has a zoning classification in place that gives them the right to build anything in that classification.

Ms. Litalien commented on the need for a sidewalk and requested the Board not approve access to any part of the project from SW 84th Avenue Road.

Chairman Stone advised that public comment is now closed.

There was a recess at 5:53 p.m.

The meeting resumed at 6:02 p.m. with all members present.

Mr. Weyrauch clarified that Mr. Litalien was requesting a sidewalk if there is a connection to SW 84th Avenue Road. If there is not a connection there, he is not in favor of a sidewalk. He advised that the traffic methodology is approved; however, that does not mean the traffic will work, which is why a traffic study is required to identify any necessary improvements.

In response to Chairman Stone, Mr. Weyrauch stated any improvements identified would be associated with any connected roads and offsite improvements including intersections. Ed O'Hanrahan, West Marlin Court, Homosassa, on behalf of the applicant, stated they are sensitive to the trees.

Mr. Dedenbach advised that the reason for the berm with the fence or wall is due to Resolution 91-R-113. He stated the Board is adopting an Ordinance that supersedes any

previous zoning and has the ability to Condition as it sees fit. Mr. Dedenbach proposed changes to the site plan including removing the need for a berm in front of the multi-family which would leave the natural vegetation in place as part of the screening mechanism. He stated there will be grading required behind The Sprouts due to a topographic difference, noting it is appropriate for some level of a berm and a fence or wall in this area. Mr. Dedenbach addressed the possibility of bringing a sidewalk to the intersection of SW 84th Avenue Road., and the road going into the neighborhood. This sidewalk could be traffic striped so there would effectively be a stop condition created at the location of the school bus stop. He noted the applicant would have to work with the County Engineer, but a three-way stop at this location with pedestrian crossings would provide individuals from the neighborhood access to a sidewalk. Mr. Dedenbach advised that the sidewalk could be extended within the ROW to the corner and up to the Wawa, resulting in a continuous sidewalk network.

In response to Chairman Stone, Mr. Dedenbach stated the applicant is not giving up motorized access to the multi-family, noting they still want a residential to residential access along SW 84th Avenue Road.

Commissioner Curry questioned if the existing trees will be the only buffer on the western portion of the property where the multi-family is located. Mr. Dedenbach confirmed that is accurate, noting they cannot bury the roots of the oak trees, nor can they mound up the dirt without killing the trees. The trees on the eastern side near the drainage retention area (DRA) cannot be saved due to the topography.

In response to Chairman Stone, Mr. Dedenbach stated his belief that additional plantings will be added to the treed area after removal of invasive exotics.

Commissioner Bryant commented on the possibility of a no-touch buffer relating to the multi-family.

Mr. Dedenbach advised that there is approximately 250 to 320 ft. along the edge near the multi-family.

Commissioner Zalak opined that if the Board is inclined to approve the project, they should request the applicant bring back 2 different landscape buffers in the Master Plan. He stated the applicant would have to perform a tree survey to determine what can be saved.

Chairman Stone advised that the Board is still unaware of the building heights in that area of the project.

Mr. Dedenbach concurred, noting the Board provided direction to consider taller heights to contract the footprint and move further to the north. He stated the understory is often compromised by invasive exotics and replacing them with fauna that is native to Florida provides a great deal of natural enhancement.

Commissioner Zalak advised that the Board could request plantings in the DRAs and substantially sized live oaks in certain areas, across the front. They can ask for shrubs and the horse fence similar to other developments.

Mr. Stoeckel stated he verified with his traffic consultant and the traffic counts that were performed to get the methodology approved were conducted after Wawa was in operation. He noted the traffic study is underway. The Institute of Transportation Engineers (ITE) trip generation calculations for the 30 units would be 33 peak trips.

In response to Chairman Stone, Mr. Stoeckel advised that the multi-family portion of this project will be workforce housing.

Commissioner Bryant commented on the proposed 3-way stop relating to SW 100th Lane Road.

Mr. Dedenbach stated the applicant is proposing to investigate the possibility of a 3-way stop with striping to indicate a pedestrian crossing, including an appropriate sign in hopes of slowing down traffic in this area.

Mr. Cohoon advised that the County would not support the installation of stop signs to control speeding. He stated OCE would support a review to see if there is something that needs to be installed there from a multi-way stop scenario. If pedestrian access across the road is desired, this may be an appropriate location or there may be an appropriate location closer to the intersection at SW 100th Lane Road.

In response to Commissioner Bryant, Mr. Cohoon stated his belief that there is not enough ROW in the applicant's control for a roundabout at this location.

Chairman Stone stated a stop sign was used in Quail Meadows to slow traffic.

Commissioner Bryant reiterated that there is a school bus stop at the location, noting safety concerns.

Commissioner Zalak expressed concern relating to traffic from the proposed project accessing SW 84th Avenue Road. He opined that access to the multi-family units should be through Commercial portion of the development.

Mr. Dedenbach advised that the idea of residential to residential connection is to have that residential area function as its own cove of residents.

Chairman Stone commented on the architectural differences between current and new development, noting the aesthetics should blend the neighborhoods.

A motion was made by Commissioner Zalak to approve the zoning change from B-2 to PUD with amended Conditions to include 2 buffer options relating to SW 84th Avenue Road. with one to include a wall and the other with as many trees and natural buffer as possible, the buffer on SR 200 is to contain shrubbery and a horse fence, the apartment look should be similar to the Spires 27, with access to the multi-family residential through the Commercial development and not via SW 84th Avenue Road, and no sidewalk is required on SW 84th Avenue Road. The motion died for lack of a second.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt Resolution 24-R-183 approving the zoning change from B-2 to PUD, with Conditions 1 through 23, as amended below including at least a 200 ft. no-touch buffer relating to the residential to residential area, 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.

In response to Commissioner Curry, Mr. Dedenbach advised that the applicant desires residential access through SW 84th Avenue Road.; however, if the Board is completely opposed to that option the applicant will not bring it back.

The motion was unanimously approved by the Board (5-0).

Resolution 24-R-183 contains the following Conditions:

1. The PUD is restricted to a total of 30 dwellings units multifamily and 7.1-acre commercial uses consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan.
2. Buffers shall be provided as shown on the submitted conceptual plan and the following requirements:
 - A. Buffers along SW Highway 200 shall be Type-C per LDC,
 - B. Buffers along the property boundary of multifamily area shared with the existing adjoining commercial uses on the west side of the property shall be Type-A per LDC,

- C. Buffers between proposed parcel 5 (multi-family) and parcels 2 & 3 (commercial) shall be modified Type B/C as 10' wide on each lot totaling 20' wide landscape strip without a wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer, subject to the approval of the Marion County Landscape Architect,
 - D. Buffers along SW 84th Avenue Road shall require approval by the Marion County Board of County Commissioners at PUD Master Plan phase. The applicant shall include two buffer options in the PUD Master Plan for the Board to consider: 1) Save the mature trees and natural vegetation and increase buffering along the multifamily portion. 2) Modified Type C Buffer with 8' wall along the SW 84th Avenue Road behind the commercial area and DRA area,
 - E. Increase plantings and buffering in the DRA area of the development along SW 84th Avenue Rd.
 - F. Buffer types and illustrations shall be submitted with the site plan phase for approval.
- 3. No access to the subject property from SW 84th Avenue Rd.
 - 4. No sidewalk along the SW 84th Avenue Rd.
 - 5. Before submitting the site plan, the Operational Traffic Study shall be completed to the satisfaction of the County Traffic Engineer and Planning Director, and adequate provision shall be made for the coordination of improvements with the PUD.
 - 6. Submit the traffic methodology for approval. A review of PUD will not be completed until the traffic methodology is properly approved.
 - 7. The necessity of ingress and egress at the Wendy's property for the development of the subject parcel will depend on the results and recommendations from the Traffic Methodology Study and the Traffic Operational Study. If the Traffic Methodology Study and Traffic Operational Study indicate the necessity for cross-access and drive-in/out at Wendy's, the developer must secure agreement with Wendy's prior to Site Plan approval. The Traffic Methodology Study and Traffic Operational Study are subject to the review and approval by the County Traffic Engineer.
 - 8. All access point locations shall be worked out to the satisfaction of the Development Review Committee during the time of Development Review before the Site Plan approval.
 - 9. All internal and external vehicle circulation shall be paved.
 - 10. Show multimodal facilities on the PUD Master Plan. Include multimodal path for pedestrians, bikes, and golf carts externally and internally.
 - 11. Show accessible pedestrian connections from PUD area to all adjacent land uses on the site plan.
 - 12. Show accessible sidewalks along at least one side of internal roads and connections to multimodal paths.
 - 13. Show parking calculation on the site plan.
 - 14. The PUD shall connect to Marion County Utilities. Developer shall work with Marion County Utilities regarding water and sewer connection extension

- during the site plan phase of the project. The owner will be responsible for funding the extension of the utility lines to the property.
15. A Major Site Plan submittal will need to be reviewed and approved through DRC for the proposed development of the site.
 16. Stormwater review during the Development Review phase will determine the size and depth of the retention area needed to serve the development. Please ensure LDC 6.13 is met with the Major Site Plan.
 17. An easement agreement with the property owners to use the cross access through adjacent properties shall be obtained before the site plan is approved.
 18. On the Master Plan provide a typical illustration and table showing all setbacks
 19. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Multiple Family Dwelling (R-3) zoning classification of the LDC.
 20. On the Master Plan provide a typical illustration and table showing a maximum height limits for principal and accessory structures.
 21. The multiple-family structure within 100 feet of the boundary edge of the PUD may not exceed a height that is twice the height of the closest existing single-family residence.
 22. If single-family residential classification zoned land directly adjacent to the PUD is vacant land, then the height of a multiple-family structure within the PUD shall not exceed the maximum height allowed in the abutting residential single-family residential classification.
 23. The final PUD Master Plan shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.

(Ed. Note: Mr. Varadin advised of a revision to a scrivener's error for this Item. The zoning number is 240506ZP not 240206ZP.)

Mr. Bouyounes advised that staff will bring back recommendations relating to the 3-way stop on SW 84th Avenue Road.

15.2.4. 24-S02 - Fevil Patel, Small Scale Land Use Change from Rural Land (RL) to Commercial (COM), 1.46 acres of 7.94 Acre Parcel, Parcel Account Number 48378-000-00, No Site Address Assigned (WITHDRAWN BY APPLICANT)

The petition by Fevil Patel, for a Land Use Change, Articles 2 and 4, of the Marion County Land Development Code, from Rural Land (RL) to Commercial (COM), on an approximate 10.04 Acre Tract, on Parcel Account Numbers 48378-000-00 & 48378-001-00, site address 16481 US-301, Summerfield, FL 34491, with 240507ZC was withdrawn by the applicant.

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Fisher, seconded by Mr. Behar, 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

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The Motion passed 5 to 1 with Mr. Lord dissenting.
It was noted for the record that this Item was withdrawn by the applicant.

15.2.5. 240507ZC - Fevil Patel, Zoning Change from Light Industrial (M-1) and General Agriculture (A-1) to Regional Business (B-4), 10.04 Acres, Parcel Account Numbers 48378-000-000 and 48378-001-00, Site Address 16481 S US HWY 301, Summerfield, FL 32113 (WITHDRAWN BY APPLICANT)

The petition by Fevil Patel, for a Zoning Change, Articles 1, 2 and 3, of the Marion County Land Development Code, from A-1 and M-1 to B-4, for all permitted uses, on an approximate 10.04 Acre Tract, on Parcel Account Numbers 48378-000-00 & 48378-001-00, site address 16481 US-301, Summerfield, FL 34491, with 24-S02 was withdrawn by the applicant.

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Behar, seconded by Mr. Bonner, to disagree 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 5 to 1 with Mr. Lord dissenting.
It was noted for the record that this Item was withdrawn by the applicant.

15.2.6. 24-S03 - Chi Ocala 2 Properties LLC, Small Scale Land Use Change from Low Residential (LR) to Commercial (COM), 6.42 Acres of a 48.59 Acre Tract, Parcel Account Numbers 23307-000-00 and 23307-000-01, Site Address 3557 SW 58th Street, Ocala, FL 34471

The Board considered a petition by CHI Ocala 2 Properties, LLC, for a Land Use Change, Articles 2 and 4, of the Marion County Land Development Code, from LR to COM, on an approximate 6.42 Acre portion of a 48.59 Acre tract, on Parcel Account Numbers 23301-000-00 & 23307-000-01, site address 7312 W Hwy 40, Ocala, FL, 34474, with 240508ZC.

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Bonner, seconded by Mr. Kroiter, to agree with staff's findings and recommendation, and recommend approval of the requested Small Scale Land Use Amendment 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.

Transportation Planner Ken Odom, Growth Services, advised that the next 2 items for consideration (15.2.5 and 15.2.6) will be addressed together. He provided a brief overview of the the Small Scale Comprehensive Plan Amendment and rezoning request. He addressed the buffering relating to the neighbor who owns the properties to the west and east of the project, noting she has requested the LDC criteria be adhered to and not substituted by fences. The LDC requires a Type "B" buffer on the west side of the property, including a wall, the northern portion abutting SR 40 and the portion that abuts the government properties require a Type "C" buffer, and the boundary that abuts the adjacent parcel (Ms. Prince's property) requires a Type "D" buffer including a wall.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Small Scale Land Use and zoning changes.

Paolo Mastroserio, Mastroserio Engineering, Inc., SE 32nd Place, on behalf of the applicant, expressed concern relating to the buffers, noting this is a straight zoning case. He stated a conceptual plan has been submitted and there is central water and sewer in front of the property. Mr. Mastroserio advised that the applicant is trying to work with the neighbor on a mutually beneficial driveway on the boundary line. He stated he spoke with the neighbor at the P&Z Commission meeting, but since then they have not been in communication. Mr. Mastroserio commented on using buffer walls on the east/west boundary, noting the properties will eventually be commercial and the walls will be torn down to provide cross access on both sides. He opined that a better option would be a fence with additional buffering added.

In response to Commissioner Bryant, Mr. Mastroserio stated the applicant plans to construct what is basically shown on the concept plan; however, the applicant has not met with the Department of Transportation (DOT) relating to a shared driveway. If the driveway cannot be worked out with the neighbor to the west, there may be a different plan requiring the driveway be constructed to the east.

Mr. Odom stated the buffers listed are the standard requirements from the LDC.

In response to Mr. Mastroserio, Commissioner Zalak stated the DRC would not give the applicant a waiver relating to the wall.

Steven Mendez, SW 58th Street, commented on previous endeavors he has taken on and how well he keeps the property maintained. He stated there are City of Ocala utilities available at the site, which will be a family owned business (grocery store, restaurant, and laundromat). Mr. Mendez advised that he saw his neighbor in the auditorium today, noting he has tried to contact her regarding purchasing one of her properties. He stated he understands that she does not want to sell the property, but he wants to be a good neighbor.

Chairman Stone opened the floor to public comment.

Jeff Roberts, SE 72nd Avenue, did not appear when called upon to speak.

Cherrietta Prince, West Highway 40, commented on the history of her property, noting the property purchased by Mr. Mendez was previously owned by her family. She advised that she wishes to preserve her family farm, noting she is unsure if there has been a thorough review relating to the impact of the project on her property. Ms. Prince stated her family still lives on one side of the property and requested the Board deny the applications. She advised that a wall should be constructed if the project is approved rather than a fence and plantings.

In response to Commissioner Bryant, Ms. Prince advised that she lives on the 4-acre parcel but farms both that and the 3-acre parcel.

Commissioner Curry questioned if Ms. Prince sold the property that Mr. Mendez purchased. Ms. Prince commented on the division of property among heirs, noting a dispute relating to that division. She stated one of the parcel account numbers listed was a CSX ROW that has somehow been transferred, which is an issue she is still trying to address.

In response to Commissioner Zalak, Ms. Prince advised that she has no plans to sell her property.

Chairman Stone questioned if there is any dispute relating to the ownership of the subject parcel. Mr. Odom stated there is no dispute.

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Commissioner Bryant questioned what Ms. Prince farms. Ms. Prince advised that she farms vegetables on this property.

Commissioner Zalak questioned the current land use. Mr. Odom stated it is LR.

In response to Commissioner McClain, Ms. Prince stated she would prefer a concrete wall for separation as part of the buffer.

Mr. Odom stated the subject parcel has a land use of LR and is zoned A-1, noting it is compatible as is, which is why there is a request to change the land use to COM and the zoning to B-2.

Chairman Stone advised that public comment is now closed.

In response to Chairman Stone, Mr. Odom stated 6.42 acres of an approximate 49-acre tract is what is being developed, noting there are 2 parcels involved in the project. He provided an overview relating to the buffering.

Chairman Stone requested clarification relating to the County's piece of the public property adjacent to the applicant's property. Mr. Bouyounes advised that the property north of the shooting range will be a driving/training pad for the MCSO and MCFR.

Commissioner Zalak opined that there should be a Developer's Agreement contingent upon the buffers required by Code, noting the agent for the applicant will likely request a waiver relating to the buffers.

Mr. Mastroserio stated he would request a waiver to propose something else other than a solid concrete wall. He advised that if Ms. Prince intends to farm on that property the access point currently proposed will not work. The applicant probably would move the entrance to the other side, resulting in bigger space on the western side of the property, and there could be a substantial buffer or berm that would work in lieu of a wall.

Commissioner Zalak stated that the Board should mandate what the buffers should be in a Developer's Agreement today and the zoning will not be changed until the agreement is signed.

Chairman Stone stated a waiver would not be allowed for any part of the buffer without coming back before the Board.

Mr. Odom advised that the DRC meets every Monday morning, there are 3 members in the room now and it is clear what the Board is requesting. It would be staff's recommendation to deny that waiver if a request comes in to replace the walls. Once the matter is denied by the DRC, the next step is to bring it back before the Board for the final decision.

Chairman Stone passed the gavel to Commissioner Bryant who assumed the Chair.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to approve Small Scale Comprehensive Plan Amendment No. 24-S03, agreeing with the Growth Services staff and the P&Z Commission recommendation, based on findings that the land use change will not adversely affect the public interest, is compatible with the surrounding land uses, is consistent with Chapter 163, Florida Statutes (FS) and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

15.2.7. 240508ZC - Chi Ocala 2 Properties LLC, Zoning Change from General Agriculture (A-1) to Community Business (B-2), 6.42 Acres of a 48.59 Acre Tract, Parcel Account Numbers 23307-000-00 and 23307-000-01, Site Address 3557 SW 58th Street, Ocala, FL 34471

The Board considered a petition by CHI Ocala 2 Properties, LLC, for a Zoning Change, Articles 1, 2 and 3, of the Marion County Land Development Code, from A-1 to B-2, for

all permitted uses, on an approximate 6.42 Acre portion of a 48.59 Acre tract, on Parcel Account Numbers 23301-000-00 & 23307-000-01, site address 7312 W Hwy 40, Ocala, FL, 34474, with 24-S03.

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Behar, seconded by Mr. Heller, to agree with staff's findings and recommendation, and recommend approval of the requested Small Scale Land Use Amendment 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.

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

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve the zoning change from A-1 to B-2 with the buffering as is through the LDC with no changes to that buffer, agreeing with the Growth Services staff and the P&Z Commission recommendation, based on findings that the zoning change will not adversely affect the public interest, is compatible with the surrounding land uses, is consistent with Chapter 163, Florida Statutes (FS) and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

This matter was addressed with Agenda Item 15.2.5.

Chairman Bryant returned the gavel to Commissioner Stone, who resumed the Chair.

15.2.8. 24-S04 - 1415 Brothers Holdings, LLC, Small Scale Land Use Change from Rural Land (RL) to Commercial (COM), 15.0 Acres, Parcel Account Number 35300-215-02, Site Address 11374 SW Hwy 484, Dunnellon, FL 34432

The petition by 1415 Brothers Holdings, LLC, for a Land Use Change, Articles 2 and 4, of the Marion County Land Development Code, from RL to COM, on an approximate 15.0 Acre Parcel, on Parcel Account Number 35300-215-02, site address 11374 SW Hwy 484, Dunnellon, FL 34432, with 240509ZC and 240510SU was withdrawn by the applicant.

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Bonner, seconded by Mr. Kroiter, 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.

It was noted that this item was withdrawn by the applicant.

15.2.9. 240509ZC - 1415 Brothers Holdings, LLC, Zoning Change from General Agriculture (A-1) to Neighborhood Business (B-1), 15.0 Acres, Parcel Account Number 35300-215-02, Site Address 11374 SW Hwy 484, Dunnellon, FL 34432

The petition by 1415 Brothers Holdings, LLC, for a Zoning Change, Articles 1, 2 and 3, of the Marion County Land Development Code, from A-1 to B-1, for all permitted uses, on an approximate 15.0 Acre Parcel, on Parcel Account Number 35300-215-02, site address 11374 SW Hwy 484, Dunnellon, FL 34432, with 24-S04 and 240510SU was withdrawn by the applicant.

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P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Bonner, seconded by Mr. Kroiter, 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.

It was noted that this item was withdrawn by the applicant.

15.2.10. 240510SU - 1415 Brothers Holdings, LLC, Special Use Permit for Outside Storage of Boats, Recreational Vehicles (RVs), and Trailers in Neighborhood Business (B-1) Zone, 15.0 Acres, Parcel Account Number 35300-215-02, Site Address 11374 SW Hwy 484, Dunnellon, FL 34432

The Board considered a petition by 1415 Brothers Holdings, LLC, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow outside storage of boats, RV's and trailers, in a B-1 zone, on an approximate 15.0 Acre Parcel, on Parcel Account Number 35300-215-02, site address 11374 SW Hwy 484, Dunnellon, FL 34432, with 24-S04 and 240509ZC was withdrawn by the applicant.

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Bonner, seconded by Mr. Kroiter, to agree with staff's findings and recommendation, and recommend denial of the requested Special Use Permit 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.

It was noted that this item was withdrawn by the applicant.

15.2.11. 240205ZP - Ocala 85, LLC, Zoning Change from Single-Family Dwelling (R-1) to Planned Unit Development to Allow a Maximum of 337 Single-Family Residences, 84.37 Acres, Parcel Account Numbers 37515-000-01 and 37515-000-05, No Address Assigned

The Board considered a petition by Ocala 85 LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from R-1 to PUD, for a maximum of 337 single-family residential dwellings, on an approximate 84.37 Acre Tract, on Parcel Account Numbers 37515-000-01 and 37515-000-05, No Address Assigned.

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Behar, seconded by Mr. Fisher, to disagree with staff's findings and recommendation, and recommend denial of the requested Special User Permit 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 4 to 2 with Messrs. Lord and Kroiter dissenting.

Planner Kathleen Brugnoli, Growth Services, advised that staff was informed this afternoon that the applicant is working with a neighboring subdivision to try to work out

Conditions that are agreeable to both parties. The applicant has requested this Item be continued to June 18, 2024.

In response to Commissioner Bryant, Ms. Brugnoli stated there are currently 10 cases scheduled for that date, but there is no opposition to any of them.

It was noted that Growth Services Department staff recommends approval, and the P&Z Commission recommends denial of the zoning change. If the Board grants the PUD, staff recommends the following Conditions:

1. The PUD shall comply with the PUD Development Buffers listed in Table 3 below

TABLE 3. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
North	AG/Grazing Land	Type "E"	Type "E"	Type "E"
South	ROW	Type "C"	Type "C"	Type "C"
East	Residential	None	150' natural vegetative buffer	150' natural vegetative buffer
West	Proposed ROW	Type "C"	Type "C"	Type "C"

2. A sidewalk shall be provided internally consistent with PUD's conceptual plan.
3. Applicant to work with BaseDev Land Trust, also developing a PUD, to construct the portion of SE 64th Avenue to be used by both PUD's. If Ocala 85 (aka Blue River) develops first, they will be responsible for providing this access from SE 92nd Loop up the point that they propose to connect on the west side of their PUD. If Ocala 85 (aka Blue River) develops after Basedev Land Trust, they will be responsible for developing the portion of road from Basedev Land Trust up to their proposed connection on the west side of their PUD.
4. Development conditions
 - The PUD shall be limited to 337 single-family residences.
 - The PUD shall be developed consistent with the PUD Plan, and the development conditions provided.
 - The following development standards as listed.
 - Setbacks: front property line 20', side property line 5', side property lines fronting a ROW 20', rear property lines 20'
 - Accessory structures shall have 5' setbacks from side and rear property lines
 - Maximum Residence Building Height: 40'
 - Maximum Accessory Building Height: 20'
5. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
6. PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.

7. The final PUD master plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense.

Dawson Ransome, Ransome Asset Management, Garden Alcove Loop, Wesley Chapel, stated this Item was on the Consent Agenda at the P&Z Commission meeting and the applicant was unaware of any opposition until 2:00 p.m. that day. He advised that the applicant is working with the adjacent property owner who is on the subsequent case regarding roadways that need to be built. Utilities will be provided by the City of Belleview. Mr. Ransome commented on the opposition from residents of Leeward Air Ranch, noting they have agreed to everything with 1 exception. He noted that the minimum square footage for the homes was going to be 2,200 sf; however, after receiving information from several of the builders that would be purchasing the lots, they indicated the square footage would affect their ability to purchase the lots. Mr. Ransome stated the applicant does not own the property yet and he has an obligation to the property owner and the individuals that have the property under contract to make sure they do not agree to something that negatively impacts the value of the property. He requested more time to work with the residents of Leeward Air Ranch and the builders to find a resolution. Mr. Ransome commented on current R-1 zoning, which allows the applicant to develop the project with 70 ft. lots and water and sewer. He opined that it is a better project as a PUD. In response to Commissioner Zalak, Ms. Brugnoli stated the lot count was amended and is currently 310 with the ability to go up to 337. She clarified that with the current R-1 zoning the figure is approximately 222.

Commissioner Curry commented on the lot sizes relating to the project as both a PUD and as straight R-1 zoning. Mr. Ransome advised that under the R-1 zoning the applicant can build 298 70 ft. lots with no setbacks or open space, but relating to the PUD units, there is an agreement for 50 ft. lots with a 7.5 ft. side yard setback, so effectively they will be 55 ft. lots for a 40 ft house, or a 50 ft. lot for a 35 ft. home.

Commissioner Bryant commented on the conceptual plans for the R-1 zoning and the PUD, noting they are not very different and there are wider lots bordering the contiguous property based on the R-1 zoning.

Chairman Stone opened the floor to public comment.

Angie Clifton, SE 70th Terrace, expressed concern relating to changes made to this plan 1 hour prior to today's meeting.

Albert Antoine, SE 88th Street, advised that he lives east of Leeward Air Ranch in Silver Springs Estates, noting concern relating to the additional traffic at the entryway on SE 64th Avenue and the intersection at SE 85th Lane and Baseline Road.

Lydia Orcales, SE 49th Terrace, expressed opposition to the proposed project, noting the lot sizes, overcrowding in schools, increased traffic, environmental and wildlife impacts.

Patrick Orcales, SE 49th Terrace, expressed concerns relating to bus stops, existing traffic and additional impacts from the proposed development.

William Styles, SE 88th Street, commented access and traffic.

Chairman Stone advised that public comment is now closed.

Commissioner Zalak stated the road is not proposed to be built at this time and it is only being developed to the tree line. He advised that the other whole tract of land is not being built and the infill would need to happen prior to the road being completed and come all the way through.

President Jerry Pionessa, JMJ Group, South Hansell Street, Thomasville Georgia, stated the project will contain substantially the same number of lots rather it is done under the R-1 zoning or a PUD, noting the traffic generated will be similar. The roadway on the west side of the property was mandated by staff as part of the overall road plan and will not be used going to the north until future development has occurred.

In response to Commissioner Bryant, Mr. Pionessa advised that there is ingress/egress on SE 92nd Loop and to the west on to the new road to be constructed.

Ms. Brugnoli stated the agreement between this and the next PUD for consideration was that this PUD would build the stub out to the western portion if they are the first to build, they have to build that portion of road.

Commissioner Bryant advised that any development with 50 units or more must have 2 points of ingress/egress and each project should be considered individually.

Mr. Ransome clarified that the original plan had an access further to the east on SE 92nd Loop, noting staff stated the County prefers parallel access facilities.

Mr. Bouyounes advised that there will be 2 separate entrances and exits, but staff tried to minimized the number of roadway cuts so that 1 joint entrance will work for all parties. He stated that was contemplated when designing that bypass road.

Commissioner Zalak out at 7:45 p.m.

Commissioner Bryant expresses dissatisfaction relating to applications that come in as a PUD because the applicant knows they can do the R-1 zoning to get more lots, noting it is used as a tool and needs to be fixed.

Commissioner Zalak returned at 7:47 p.m.

Commissioner Bryant opined that in order to be able to provide some type of buffer to those already living adjacent to the project, the Board is being forced to approve a PUD allowing more units.

Commissioner Zalak stated the Board can approve the PUD and give the applicant fewer units than what they are requesting. He advised that the Board should make a decision based on buffers, the right subdivision and the right access points.

Mr. Ransome requested the Board allow more time for the applicant to work on a solution with the builders and the residents of Leeward Air Ranch.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to continue this Item to June 18, 2024. The motion was unanimously approved by the Board (5-0).

15.2.12. 230109ZP - Basedev Land Trust / Dimino Holdings Associates, LLC, Zoning Change from Single Family Dwelling (R-1) and Planned Unit Development to Planned Unit Development, 52.15 Acres, Parcel Account Numbers 37515-004-00 and 37515-004-02, No Address Assigned

The Board considered a petition by BaseDev Land Trust – Domino Holdings Associates, LLC TR, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from R-1 and an expired PUD to PUD, for a residential development consisting of up to 304 multiple-family dwellings north of SE 92nd Loop, and up to 58 single-family detached homes south of SE 92nd Loop; for a maximum total of 362 dwelling units, on an approximate 52.15 Acre Tract, on Parcel Account Numbers 37515-004-00 and 37515-004-02, No Address Assigned.

P&Z PUBLIC HEARING ON APRIL 29, 2024

Motion was made by Mr. Kroiter, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend approval of the requested Special User 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 Rison, Growth Services provided a brief overview of the request for a zoning change from R-1 and PUD to PUD, noting this is the development located to the east of the last PUD that was discussed.

Commissioner Bryant clarified that the land use designation is high residential, which allows 4-8 du/ac.

In response to Commissioner Zalak, Mr. Rison advised that the applicant has the reversion back to the original zoning of R-1.

It was noted that Growth Services Department staff and the P&Z Commission recommended approval with the following Conditions:

1. The PUD shall be developed consistent with the PUD Concept Plan, as revised, and the development conditions provided with this approval.
2. The PUD shall comply with the following design and development standards listed in Table B below:

TABLE B. PROPOSED DESIGN & DEVELOPMENT STANDARDS								
Development Type & Structure		Minimum		Minimum Setbacks			Maximum Height	
		Width	Area	Front	Rear	Side		
SOUTH PARCEL	Principle Structure	90'	9,900 SF	25'	25'	7.5'	35'	
	Accessory Structure	N/A	N/A	10'	10'	5'	30'	
	SFR**(site built or modular)	Rear Pool & Enclosure	N/A	N/A	30'	5'	5'	30'
Accessory Structure = e.g., Clubhouse, shade/picnic/bbq pavilion, maintenance/storage building, detached residential unit garages. Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc. N/A = Not Applicable								
NORTH PARCEL		N/A	N/A	50'	35'	25'	35'	
	Accessory Structure	N/A	N/A	50'	35'	25'	30''	
	Multiple Family (maximum Of 2-stories)	Rear Pool & Enclosure	N/A	N/A	50'	35'	25'	30'
	Multiple family development provides development standards for the set/series of units and structures that are measured from overall PUD Boundary. Additionally, individual structures shall comply with applicable Florida Building Code Standards regarding building separations from other buildings and building site property lines, along with applicable site plan requirements for multiple family uses.							
Accessory Structure = e.g., Clubhouse, shade/picnic/bbq pavilion, maintenance/storage building, detached residential unit garages. Pool & Enclosure = Pool, Pool Screen Enclosure, Pumps, etc. N/A = Not Applicable								

Gross Maximum Residential Units: TOTAL DWELLING UNITS: 362.
 South Parcel: 58 single-family detached residential units on individual lots.
 North Parcel: 304 multiple family dwelling units on a single overall site.

3. The PUD shall comply with the PUD Development Buffers listed in Table C below:

TABLE C. BUFFERS			
Direction	Adjoining Use	Required	Proposed/Recommended
NORTH PARCEL			
North	Ag/Grazing Land	Type "E"	Type "E"
South	ROW	Type "C"	Type "C"
East	Proposed ROW	Type "C"	Type "C"
West	Commercial	Type "A"	Type "A"
SOUTH PARCEL			
North	ROW	Type "C"	Type "C"
South	Residential	None	Type "E"
East	Residential	None	Type "E"
West	Commercial	Type "A"	Type "A"

4. The PUD amenities shall be provided as set forth in table E below:

TABLE E. Minimum PUD Amenities	
PUD Area	Required Minimum Amenities
North PUD Area	Clubhouse 1/Office 1 – Minimum of 1,200 SF Clubhouse 2/Fitness – Minimum of 1,200 SF Pool – minimum of 1,000 SF surface area Pool deck – minimum of 3,000 SF Pool deck shade pergola – minimum of 600 SF Access controlled dog park/area
South PUD Area	Recreation/park area at east end of PUD Shade pavilion – minimum 600 SF BBQ spaces (minimum of 2) with shade pavilion 90' x 120' Mini-soccer field

5. Internal sidewalks for the north and south PUD areas shall be provided consistent with the PUD's conceptual plan and the internal sidewalks shall be connected to the existing sidewalks along SE 92nd Loop at their east and west limits; for the north PUD area, a sidewalk will be provided within the SW 64th Avenue right-of-way corresponding to the PUD's constructed access to extend from the multiple family project's driveway south to SE 92nd Loop.
6. Upon the completion of review and approval of the revised TIA by the County Engineer, the PUD developer will be required to address and provide any necessary transportation improvements (access/operation and/or system) identified by the TIA, with any improvements being completed in a manner and timeline subject to approval by the County Engineer.
7. The SE 64th Avenue right-of-way segment to extend the existing Silver Springs Estates' undeveloped SE 64th Avenue right-of-way to SE 92nd Loop shall be conveyed to Marion County via full fee-simple title free and clear of any and all encumbrances with 120 days of approval of this PUD approval.
8. Both access points to SE 92nd Loop for both the north and south PUD portions must be completed and operational prior to obtaining final inspections for 80% of their respective residential units.

9. The west access point to the PUD's north part may be revised to be provided in a cross-access form connecting to the adjoining commercial property, similar in context to the west access point for the PUD's south part.
10. The PUD developer shall work and coordinate with the developer of the adjoining PUD to the east (240502ZP) to construct the portion of SE 64th Avenue to be used by both PUD's. If Ocala 85 develops first, they will be responsible for developing SE 64th Avenue from SE 9^{2nd} Loop up the point that where that PUD will access SE 64th Avenue. If Ocala 85 develops after Basedev Land Trust, they will be responsible for developing the portion of road from Basedev Land Trust up to their proposed connection on the west side of their PUD.
11. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
12. PUD site must comply with the County's LDC lighting standards that require lighting be shielded so as to not cast direct lighting off-site and a photometric plan be provided during major site plan review to ensure no negative impacts to neighboring parcels.
13. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense; further, the Developer may present the final PUD Master Plan, or equivalent, as separate plan areas wherein plans for north represent one submittal and plans for the south represent a second submittal.

Commissioner McClain out at 8:00 p.m.

Clay Frankel, Waltham Avenue, Orlando, advised that when he purchased the land, he approached the County to ask what type of product was needed and he was told workforce housing was desperately needed.

Commissioner McClain returned at 8:02 p.m.

Mr. Frankel stated there was going to be workforce housing on both the north and south parcels, but to satisfy neighbors to the south some of the density was moved to the north parcel.

In response to Chairman Stone, Mr. Frankel advised that if this Item is approved tonight the project could probably be under construction within 12 months depending on the ability to coordinate utilities with the City of Belleview.

Commissioner Curry questioned what the price point is for the units.

Mr. Frankel stated it is between \$375,000.00 and \$425,000.00 in the SFR portion to the south. He advised that the multi-family units are approximately 1,000 sf. He clarified that the parking lot design required changes based on whether the units will be apartments, townhouses or condos. Mr. Frankel stated he prefers condominiums (condos) because there can be a governing board/condo association, ownership and undivided interest in the land, and a price point that fits the definition of affordable housing. He commented on the differences between affordable housing and low-income housing.

In response to Chairman Stone, Mr. Frankel advised that the condos would be owned, but an owner could sublet their unit.

Chairman Stone opened the floor to public comment.

Varel Freeman, SE 72nd Avenue, expressed opposition to the proposed development, noting the density of the development especially to the north, and traffic on Baseline Road.

Commissioner Bryant out at 8:07 p.m.

Kat Tuck, SE 99th Place, Belleview, advised that she is the President of the Gulf Park Property Owners Association (POA), noting all the surrounding neighborhoods are united in opposition to the proposed project. She expressed concern relating to property values, infrastructure, environmental impacts, community character and safety.

Commissioner Bryant returned at 8:09 p.m.

Merline Melling, SE 67th Avenue Road, Belleview, stated she is also on the Gulf Park POA Board. She addressed the strain on the existing infrastructure, noting roads schools and utilities are already operating at near capacity.

Pam Grahling, SE 99th Place, Belleview, stated there are trucks onsite breaking ground at a parcel that it was stated was not being developed (south of SE 92nd Loop). She commented on concerns relating to growth, traffic and trash.

Angie Clifton, SE 70th Terrace, expressed concern relating to the density of the proposed project. She commented on the lot sizes in Fountains at Golf Park, Golf Park Estates, and Leeward Air Ranch.

Gabriella Brylyn, SE 61st Terrace, commented on the increasing population in Marion County, school crowding, new schools, increased taxes, and impact fees.

Commissioner Bryant clarified that the ballot amendment for the Penny Sales Tax is not to increase it from 7% to 8 % it is to continue that 1 penny so it will remain 7%.

Charmaine Adams, SE 96th Place Road, Belleview, expressed concern regarding the project's impacts relating to emergency services, the possibility of a State Income Tax, developers, gopher tortoises, sinkholes, and additional developments being proposed.

Larry Bowling, SE 96th Street, Belleview, stated he is present on behalf of Chris Mann HOA for the Fountains at Golf Park. He addressed the current relocation of gopher tortoises occurring on the property, and the request that the dog park be moved to the drainage areas or left as a natural area.

Lydia Orcales, SE 49th Terrace, expressed opposition to the project, noting it is not compatible with the surrounding communities. She commented on school overcrowding traffic concerns, and environmental issues relating to wildlife.

Tim, Rickard, SE 61st Terrace, Belleview, commented on the traffic impact analysis, and questioned how the identified failed segment will be addressed. He noted that he did not see where a probability value was calculated relating to the statistical analysis for the traffic impact analyst.

Patrick Orcales, SE 49th Terrace, addressed concerns relating to traffic.

William Styles, SE 88th Street, commented on the density of the project, noting he is a builder/general contractor who is willing to offer his services free of charge to assist the community.

Chairman Stone advised that public comment is now closed.

Mr. Frankel stated there has been a traffic study completed and the traffic engineers have determined that there is no failure of service. He advised that the density is compatible with the surrounding area.

In response to Chairman Stone, Mr. Frankel stated he is not opposed to moving the dog park; however, the current location is good.

In response to Commissioner Bryant, Mr. Rison stated that staff advised the applicant of the different options available to him, noting the plan has changed a number of times. He

May 21, 2024

stated this is the applicant's 2nd traffic study, noting the plan was revised from a townhome pattern on the north to an apartment complex. The applicant is working within the scope of the approved land use designation.

Mr. Frankel stated staff did not tell him what to build, he asked what the County needed, and workforce housing was identified.

In response to Commissioner Curry, Mr. Rison stated with the reversion to R-1 zoning, the applicant can build the R-1 type standard subdivision, because of the available water and sewer connections the applicant can do the reduced lot dimensions which will typically results in approximately 3 units per du/ac due to the requirements that are applied relating to stormwater design, pavement, etc.

Chairman Stone stated that at 3 du/ac the development would contain 156 units.

In response to Commissioner Zalak, Mr. Rison advised that this project is inside the Urban Growth Boundary (UGB).

Commissioner Bryant clarified that she is not in favor of the project because of the density combined with traffic on Baseline and Highway 441.

Commissioner McClain advised that the UGB is the appropriate location for growth.

General Discussion ensued relating to the land use and zoning for the proposed project.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry to deny the zoning change from R-1 and PUD to PUD.

Mr. Minter stated the applicant has a high residential land use, he is entitled to a development order that is consistent with his land use or the County must change his land use, which would be a problem for the County. He advised that the Board does not have to approve the maximum allowed by the Comprehensive Plan, but the applicant is entitled to something consistent.

Commissioner Bryant opined that at 4 du/ac the applicant is getting high density compared to the surrounding developments.

In response to Commissioner Zalak, Mr. Rison stated under the standard R-1 with allowances, the development may reach 208 units, but staff does not know for sure.

Commissioner Bryant questioned if the applicant is willing to reduce the du/ac and build SFR on both sides.

General discussion ensued.

Commissioner Bryant withdrew her motion, Commissioner Curry withdrew his second.

Commissioner Zalak advised that if the application is denied tonight, the applicant cannot bring it back for a year.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant to continue this Item to June 18, 2024. The motion was unanimously approved by the Board (5-0).

15.3. Adoption of Ordinance

15.3.1. 24-S03

A motion was made by Commissioner Curry, seconded by Commissioner Zalak, to adopt Ordinance 24-14 adopting Small Scale Comprehensive Plan Amendment No. 24-S03, agreeing with the Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with land uses in the surrounding area, is consistent with Chapter 163, FS and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

Ordinance 24-14 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:

2024-S03, CHI OCALA 2 PROPERTIES, LLC

+/- 6.42 ACRES

PARCEL NOS. 23301-000-00 & 23307-000-01

FROM LOW RESIDENTIAL TO COMMERCIAL

PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

15.3.2. Zoning

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

A motion was made by Commissioner Curry, seconded by Commissioner Zalak, to adopt Ordinance 24-15 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 24-15 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.

ACA Straub noted staff will bring back compatibilities relating to buffers for proposed use vs. existing use for the Board's review.

There being no further business to come before the Board, the meeting thereupon adjourned at 8:54 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk

DRAFT

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