

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

August 18, 2025

**CALL TO ORDER:**

The Marion County Board of County Commissioners (BCC) met in regular session in Commission Chambers at 1:30 p.m. on Monday, August 18, 2025 at the Marion County Governmental Complex located in Ocala, Florida.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

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

**1:30 PM ROLL CALL:**

Upon roll call the following members were present: Chairman Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; and Commissioner Matthew McClain, District 3. Commissioner Michelle Stone, District 5, was absent due to a prior commitment. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Tracy Straub, Growth Services Director Chuck Varadin, Senior Planner Chris Rison, Planners Kathleen Brugnoli, Jared Rivera-Cayetano and Erik Kramer, Administrative Manager Nate Mittler, and Staff Assistants Autumn Williams and Kimberly Lamb.

**1. PLANNING & ZONING AND DRC WAIVER REQUESTS - REQUEST PROOF OF PUBLICATION (AT 1:30 PM):**

Deputy Clerk Mills-McAllister presented proof of publication of Legal ad No. 11531191 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on August 4, 2025. The Notice stated the Board will consider adopting an Ordinance approving Comprehensive Plan Amendments, and zoning changes .

County Attorney Matthew G. Minter provided a brief overview of the process for today's Comprehensive Plan Amendments and zoning hearings.

Mr. Minter requested that everyone who will be testifying today to please stand and be sworn in en masse.

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

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

P&Z PUBLIC HEARING ON JULY 28, 2025

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

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

The Motion passed 5-0

Chairman Bryant opened the floor to public comment.

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

Commissioner Zalak questioned what the applicant intends to do relating to Item 1.1.1.

Mr. Varadin advised that it is more of a correction, noting in 2013/2014 the map was not corrected. This will adjust it to reflect the correct land use; however, it requires the Board's approval to correct it on the map.

Chairman Bryant requested Mr. Varadin provide information relating to Item 1.1.2.

Mr. Varadin stated this is a request to lower the density, noting within the Primary Springs Protection Zone (PSPZ) there are no current utilities available. The applicant is requesting a change from High Residential (HR) to Medium Residential (MR) so they can add 5 single family residences.

Chairman Bryant advised that because it is currently zoned HR, the applicant would be out of compliance without the change.

Mr. Varadin stated staff are requesting approval due to the lack of utilities in the area.

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to approve Consent Agenda items 1.1.1 and 1.1.2, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (4-0).

The motion approved the Consent Agenda items as follows:

**1.1.1. 25-S10 - Oak Run Associates, LTD., Small-Scale Land Use Change from High Residential (HR) to Commercial (COM), ±9.13 Acres, Parcel Account Number 7000-000-000, Site Addresses 11437, 11517, 11621, 11637, and 11641 SW 90<sup>th</sup> Terrace, Ocala, FL 34481, Oak Run Development of Regional Impact, Adjoining Oak Run Neighborhood 8-B Subdivision**

The Board granted a petition by Oak Run Associates, Ltd., for a Land Use Change, Articles 2 and 3, of the Marion County Land Development Code, from High Residential (HR) to Commercial (COM), on an approximate 9.13 Acre Parcel, on Parcel Account Number 7000-000-000, Site Addresses 11437, 11517, 11621, 11637, and 11641 SW 90<sup>th</sup> Terrace, Ocala, FL 34481

**1.1.2. 25-S11 - Jennifer Ellenburg, Small Scale Land Use Change from High Residential (HR) to Medium Residential (MR), 3.85 Acres, Parcel Account Number 9024-0000-01, No Address Assigned**

The Board granted a petition by Jennifer Ellenburg, for a Land Use Change, Articles 2 and 3, of the Marion County Land Development Code, from High Residential (HR) to Medium Residential (MR), on an approximate 3.85 Acre Parcel, on Parcel Account Number 9024-0000-01, No Address Assigned

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

**1.2.1. 250604ZC - Belleview Property Holdings LLC, Zoning Change from General Agriculture (A-1) to Community Business (B-2), 1.59 Acre Tract, Parcel Account Numbers 45418-000-00 and 45415-000-00, Site Addresses 13210, 13214, and 13170 S US Highway 301, Belleview, FL 34420**

The Board considered a petition by Belleview Property Holdings LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Community Business (B-2), for all permitted uses, on an approximate 1.59 Acre Tract, on Parcel Account Numbers 45418-000-00 and 45415-000-00, Site Addresses 13210, 13214, and 13170 S US Highway 301, Belleview, FL 34420

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250604ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Gaekwad, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend approval of the zoning change 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 6-0.

Planner Erik Kramer, Growth Services, provided a brief overview of the request for a zoning change from A-1 to B-2.

It was noted that Growth Services Department staff and the P&Z Commission recommend approval.

Herb Green, CADJazz Engineering, LLC, East Monument Avenue, Kissimmee, on behalf of the applicant, stated at the previous meeting this Item was tabled to allow an opportunity to share the conceptual layout with the next door neighbor. He advised that the applicant has worked with staff and shared the direct site plan with that adjacent neighbor, noting despite reaching out there has been no response from that individual. Mr. Green opined that the request is consistent with the land use and the buffer is above the standard due to placing the wall such that all the trees between that buffer can be preserved. He stated the dry pond area will provide additional buffering along with the existing trees in that area.

In response to Chairman Bryant, Mr. Green stated the applicant reached out to the adjacent property owner, sent them the plans and exhibits, but have not heard back. He clarified that there have been multiple electronic mails (emails) sent without hearing from that property owner.

Chairman Bryant opened the floor to public comment.

Jason Yates, SE 55<sup>th</sup> Avenue Road, Belleview, advised that he spoke to the applicant after the previous zoning meeting, noting he did send the applicant an email. He stated his biggest concern is the type of buffer that will be utilized. He commented on the Code requirement for a concrete wall and expressed concern relating to lighting and traffic.

Mr. Kramer advised that there is approximately 420 feet of shared property line between the applicant and Mr. Yates's property. He stated the Land Development Code (LDC) requires a minimum 15 foot landscape strip, 3 accent/ornamental understory trees, 2 shade trees and ground cover somewhere in between those.

In response to Chairman Bryant, Mr. Kramer advised that the 15 foot wide landscape buffer would be from the property line and move inward towards the applicant's property, noting 3 accent/ornamental understory trees, 2 shade trees and ground cover are required every 100 feet, and the wall will be located behind the landscaping.

Mr. Yates commented on the preservation of trees, noting if they are cut down all the lighting from the gas station will be in his front yard.

Chairman Bryant stated the applicant has indicated it is their intent to preserve the majority of those trees.

Mr. Kramer advised that the LDC requires the lighting not to be projected on to adjacent properties and should be contained onsite.

Mr. Green stated the LDC requirement is zero foot candle at the property line, noting if any light does spill over, it must be shielded by the applicant.

In response to Chairman Bryant, Mr. Green advised that the applicant has not gone

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through the final assessment; however, he tries to preserve all the trees he can based on his arborist's direction. He stated the applicant's position is always to keep as many trees as possible due to receiving more mitigation credits.

Commissioner Zalak advised that this request is straight zoning, noting the applicant can cut down trees if they are on the applicant's property.

Mr. Yates stated some of the trees are on his property.

Commissioner Zalak advised that the Board cannot prevent the applicant from taking down certain trees or if the trees do not live in 4 to 5 years due to the installation of the wall. He opined that it is better for Mr. Yates, because the subject parcel was previously zoned for a bar, and there will be a concrete wall as a sound and noise barrier.

Chairman Bryant stated the applicant cannot touch anything on Mr. Yates' property.

Mr. Yates inquired about some of the larger trees that are on both properties.

Commissioner Zalak advised that those trees will likely be fine due to being within the 15 foot landscape buffer, noting the trees that are 10 feet or more on the applicant's property will be reviewed by their arborist. He stated the gas station will be further from Mr. Yates' house as a result of the drainage retention area (DRA) placement.

Chairman Bryant advised that public comment is now closed.

Commissioner Curry requested clarification relating to the lighting aspect of the project. Mr. Green stated the adjacent property can look at the project and see lighting; however, the measurable light on his property will be zero. He advised that Marion County has dark sky, which requires shielding to minimize the spillage. Mr. Green stated there are minimum standards relating to the proposed Circle K such as lighting under the canopy and in the activity areas for safety reasons. He advised that those lighted areas were all located to the front of the project to provide consideration for the Yates family. Mr. Green stated the applicant has mitigation standards to meet and wants to preserve as many trees as they can, especially in the buffer areas. He reiterated that the arborist must perform a review and she will direct him relating to selective clearing so the trees that are left are sustainable for the future.

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to approve the zoning change from A-1 to B-2, 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 (4-0).

**1.2.2. 250805ZC - Joseph Petrolino, Zoning Change from Mixed Residential (R-4) to Manufactured Housing Park (P-MH), 2.51 Acres, Parcel Account Number 3582-253-000, Site Address (ALL UNITS) 5727 SE 27<sup>th</sup> Avenue, Ocala, FL 34480**

The Board considered a petition by Joseph Petrolino, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Mixed Residential (R-4) to Manufactured Housing Park (P-MH), for all permitted uses, on an approximate 2.51 Acre Parcel, on Parcel Account Number 3582-253-000, Site Address (ALL UNITS) 5727 SE 27<sup>th</sup> Avenue, Ocala, FL 34480

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250805ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend denial of the 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 5-0.

Planner Kathleen Brugnoli, Growth Services, commented on the request for a zoning change from R-4 to P-MH.

Commissioner Zalak out at 2:10 p.m.

Ms. Brugnoli continued her presentation relating to the request.

Commissioner Zalak returned at 2:11 p.m.

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

It was noted the applicant was not present.

Chairman Bryant opened the floor to public comment.

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

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to deny the zoning change from R-4 to P-MH, agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will adversely affect the public interest, is not consistent with the Comprehensive Plan and is not compatible with the surrounding land uses. The motion was unanimously approved by the Board (4-0).

**1.2.3. 250806ZC - Brandon and Ashley Winter, Zoning Change from Single-Family Dwelling (R-1) Portion of the Property to Mixed Residential (R-4), ±0.65 Acre Portion of a ±0.93 Acre Parcel, Parcel Account Number 4988-001-001, No Address Assigned**

The Board considered a petition by Brandon and Ashley Winter, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Single-Family Dwelling (R-1) portion of the property to Mixed Residential (R-4), for all permitted uses, on an approximate ±0.65 Acre Portion of a 0.93 Acre Parcel, on Parcel Account Number 4988-001-001, No Address Assigned

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**250806ZC Planning and Zoning Commission Recommendation**

Motion was made by Mr. Bonner, seconded by Mr. Kroitor, to agree with staff's findings and recommendation, and recommend approval of the zoning change 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 5-0.

Planner Jared Rivera-Cayetano, Growth Services, provided a brief overview of the request for a zoning change from R-1 to R-4.

It was noted that Growth Services Department staff and the P&Z Commission recommend approval.

Brandon Winter, Hickory Street, Fruitland Park, applicant, requested the Board approve the request for a zoning change.

Ashley Winter, Hickory Street, Fruitland Park, applicant, stated prior to purchasing the property, she and her husband were informed it was all R-4; however, afterwards they learned it was a split property. She advised that she then learned that the area where the mobile home could be placed was the driveway and left a large open field. Ms. Winter

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stated the request would allow her family to move the mobile home elsewhere on the property so they could also have a driveway.

In response to Chairman Bryant, Ms. Winter advised that her property is surrounded by other mobile homes in the area.

Mr. Winter stated the mobile home shown on the overhead screens should not have anyone living in it.

Ms. Winter advised that it is her belief there are individuals living there without power. She stated the 6 mobile homes behind her prevent her dwelling from being seen.

Mr. Winter advised that his family will be putting in a brand new mobile home on the property.

Chairman Bryant opened the floor to public comment.

Rebecca Herl, SE 135<sup>th</sup> Court, Weirsdale, stated the photos presented do not do the site justice and questioned whether the Board has the photos she submitted in front of them. She advised that there are roughly 12 mobile homes in the area, noting 6 are on the Winter's property. Ms. Herl commented on the structures, which consist of recreational vehicles (RVs) with roof overs with plastic over top and trash outside. She stated another resident in the area had to build a 12 foot perimeter privacy fence so the impaired individuals attending the late night parties would not be in her yard.

Chairman Bryant requested staff provide a view of Ms. Herl's property in relation to the subject parcel on the overhead screens.

In response to Chairman Bryant, Ms. Herl confirmed that she resides south of the subject parcel. She commented on technical issues relating to emails, noting others have also sent in correspondence. Ms. Herl advised that area residents do not want to prevent anyone from getting a home. She stated Code Enforcement and law enforcement have been called to the area many times.

In response to Ms. Herl, Chairman Bryant stated the requested zoning change only applies to the subject parcel.

Ms. Herl reiterated that residents' emails are not being received and requested the matter be tabled.

Chairman Bryant advised that the applicant bringing the property into conformance and placing a brand new mobile home there would not be anything that would not be compatible with the surrounding area. She reiterated that the zoning change will only impact the applicant's parcel. Chairman Bryant opined that the applicant wants to improve that property. She questioned what Ms. Herl thinks the chances are, considering what is around the parcel that an individual would place a site built home on that property. Ms. Herl commented on making the area a mobile home park.

Chairman Bryant advised that everyone else has the proper zoning for what they need.

In response to Ms. Herl, Commissioner Zalak stated the property has both zonings on the same property, noting if it only had the R-1 zoning the Board would be less likely to change the zoning.

Chairman Bryant commented on the Winter's improving the parcel, which may make others want to purchase those surrounding parcels and improve them as well. She advised that the applicants have the right to request the zoning change.

Mr. Winter stated the mobile home will be placed in the wooded portion of the property where Ms. Herl will not see it, noting otherwise it would be across the street from her.

Ms. Winter advised that a friend is working to see if they can purchase the property in front of the Winters to put a new mobile home on it and improve that parcel as well.

Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to approve the zoning change from R-1 to R-4, 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 (4-0).

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

#### **1.3.1. 25-S10**

A motion was made by Commissioner Curry, seconded by Commissioner Zalak, to adopt Ordinance 25-34 adopting Small Scale Comprehensive Plan Amendment No. 25-S10, 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 (4-0).

Ordinance 25-34 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:

25-S10, OAK RUN ASSOCIATES, LTD.

+/- 9.13 ACRE PARCEL

PARCEL NO. 7000-000-000 (PT)

FROM HIGH 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.

#### **1.3.2. 25-S11**

A motion was made by Commissioner Curry, seconded by Commissioner Zalak, to adopt Ordinance 25-35 adopting Small Scale Comprehensive Plan Amendment No. 25-S11, 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 (4-0).

Ordinance 25-35 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:

25-S11, JENNIFER ELLENBURG

+/- 3.85 ACRE PARCEL

PARCEL NO. 9024-0000-01

FROM HIGH RESIDENTIAL TO MEDIUM RESIDENTIAL

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

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

A motion was made by Commissioner Curry, seconded by Commissioner Zalak, to adopt Ordinance 25-36 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 (4-0).

Ordinance 25-36 is entitled:

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

There being no further business to come before the Board, the meeting thereupon adjourned at 2:35 p.m.

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Kathy Bryant, Chairman

Attest:

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Gregory C. Harrell, Clerk