

# PLANNING AND ZONING COMMISSION MEETING

August 23, 2021

## MINUTES

The Marion County Planning and Zoning Commission met on August 23, 2021 at 5:30 pm in the Board of County Commissioners Auditorium, 601 SE 25<sup>th</sup> Avenue, Ocala, Florida.

The following members were present: Vice-Chairman, Michael Kroitor, James Bailey, Danny Gaekwad and Jerry Lourenco.

The following staff members were present: County Attorney, Guy Minter. Director of Growth Services Mary Elizabeth Burgess. Planners- Ken Weyrauch, Chris Rison, Dan Zhu and Ken Odom. Administrative Staff Assistant- Stephanie Soucey, Staff Assistant IV- Darlene Pocock and Staff Assistant IV-Teresa Brown. Elton Holland, County Engineer.

Vice-Chairman called the meeting to order at 5:30pm., Director, Mary Elizabeth Burgess read the Proof of Publication and the Affidavit of Mailing and Posting of Notice, and advised that the meeting was properly advertised. Jim Bailey led the Invocation and the Pledge of Allegiance. Stephanie Soucey called the roll and a quorum was confirmed.

*All records pertaining to notice to property owners, all correspondence and other related information pertaining to individual Zoning Change and Special Use Permit requests are located in the Zoning Department files for record purposes.*

Growth Services Director, Mary Elizabeth Burgess explained the item listed on the Consent Agenda. This item received no written opposition within 300 feet and staff recommends approval of the request.

	ITEM	OWNER	FROM-TO	ACREAGE
1	210908SU	Pavan Putra Investments Inc.	Modification to SUP in B-2	0.9
2	210909SU	Dunnellon Community Church Inc. and Gissy Holdings, LLC.	Modification to SUP in RAC	3.67

Motion was made by Danny Gaekwad and seconded by Jerry Lourenco to agree with staff's findings and recommendation, and recommend approval of the following Consent Agenda items (210908SU and 210909SU) based on the following findings of fact:

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 4-0**

### **PULLED FROM THE CONSENT AGENDA THE DAY OF THE MEETING:**

ITEM 210901Z- Armstrong Land, LLC. PUD to PUD (Oak Hammock Preserve), 20.87 Acres

ITEM 210904Z- Highway 27 West, LLC. Todd Rudnianyn, A-1 to PUD (Quail Preserve), 11.31 Acres

3. 210901Z – Armstrong Land, LLC, 4600 W. Cypress Street, Suite 200, Tampa, FL 33607, requests a Modification of (an expired) Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from PUD (Planned Unit Development), to PUD (Planned Unit Development), for a proposed 168-unit residential development (Oak Hammock Preserve), on an approximate 20.87 Acre Tract, on Parcel Account Numbers 2977-013-001, 29742-000-00 and 29749-000-07.

WRITTEN OPPOSITION WITHIN 300 FEET 2 of 24= 8%

Dan Zhu, Growth Services, presented this request:

- Location: 3680 SE 38<sup>th</sup> Terrace, Ocala FL
- Size: 20.87 Acres
- Staff Recommendation: Approval with Development Conditions
- Zoning: PUD; Land Use: High Residential
- Previously approved zoning change (071208Z, R-3 and M-1 to PUD)
- Silver Springs Primary Protection Zone
- Urban Growth Boundary
- Comprehensive Plan Policy 2.1.19
- High Density Residential density range: 4-8 dwelling units/acre
- Proposed 167 Units
- Water and Sewer required

David Tillman, Tillman & Associates Engineering, LLC. 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala FL 34471, represented applicant:

- This is a renewal of an existing PUD with a reduction in density

PUBLIC COMMENT:

Eric Milbrandt, 3977 SE 40th Street, Ocala 34480:

- Concerned about traffic
- Concerned about the entrance directly across from the neighborhood on 38<sup>th</sup> street
- Concerned about property values

Teshana Dashiell: 3930 SE Maricamp Road, Ocala FL 34480:

- Too densely populated for such a small area
- Concerned about traffic

Steve Ruef, 4011 SE 38<sup>th</sup> Loop, Ocala FL 34480:

- Lives in the Arbors
- Arbors and Vines only have one entrance and exit. Why does the new development have 2?
- Will add to the congestion

Joseph Prisciandaro, 4056 SE 38<sup>th</sup> Loop, Ocala FL 34480:

- Has a traffic study been done?
- Has an Environmental study been done?

Ivonne Ferrer, 3819 SE 38<sup>th</sup> Loop, Ocala FL 34480:

- 167 units on 20 Acres is too many
- Will add 300 cars to traffic
- Concerned about density

Joel Raney, 4007 SE 40<sup>th</sup> Street, Ocala FL 34480:

- 2 entrances required?
- Road adjustment

Kristy Bonner, 4056 SE 37<sup>th</sup> Court, Ocala FL 34480:

- Increased traffic
- Too many units for the small amount of land

#### REBUTTAL:

David Tillman, Tillman & Associates Engineering, LLC. 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala FL 34471:

- Having one entrance directly across from another entrance is the safest way.
- Traffic study will be with the master plans
- Environmental analysis will be done at the next step
- When you exceed 50 units you are required to have a secondary access point

#### PUBLIC COMMENT CLOSED

#### Planning and Zoning Commission Recommendation

Motion was made by Jerry Lourenco seconded by James Bailey to agree with staff's findings and recommendation, and recommend approval of the requested 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 4-0**

4. 210904Z – Highway 27 West, LLC, c/o: Todd B. Rudniansyn, 2441 NE 3rd Street, Suite 201, Ocala, FL 34470, request a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) to PUD (Planned Unit Development), for a proposed 54-unit single family residential development ("Quail Preserve"), on an approximate 11.31 Acre portion of a 18.98 Acre Parcel, on Parcel Account Number 21602-000-00.

WRITTEN OPPOSITION WITHIN 300 FEET 21 of 98 = 21% (Petition with 234 signatures)

Chris Rison, Growth Services, presented this request:

- Location: North side of West Highway 26, adjoining the Farm Credit office, between Quail Meadow and Trilogy-Ocala Preserve.
- PUD rezoning- Quail Preserve, 11.31 Acres of 18.98 Acres
- 8 Acres High Residential Land Use (4-8 DU/AC); 3.31 Acres Commercial Land Use (up to 8 DU/AC)
- Site is within the Urban Area/Urban Growth Boundary with *High Residential* (4-8 DU/AC) and Commercial (up to 8 DU/AC density; proposes 54 DU on 11.31 AC – 4.8 DU/AC.
- Represents an "infill" development within Urban Area:
  - o East is Quail Meadow (1987) – Medium Residential, 444 lots on ±171.63 AC – 2.6 DU/AC; west boundary lots are ±101' wide by ±113' deep, remaining lots are typically ±85' wide by ±130' deep (each type is ±1/4 ac (11,100 SF).
  - o Northeast is Trilogy/Ocala Preserve Phase 6 (2016) – Medium Residential, 31 lots on ±10.83 (7.83) AC – 2.9 (4.0) DU/AC; minimum lot dimension is 50' x 146'

- West is Trilogy/Ocala Preserve Phase 18 (2017 & 2021) – *High Residential*, duplex lots, 190 lots/units on 40.1 acres – 4.7 DU/AC (minimum lot dimension is 40’ by 85’)
- Commercial site to the south – Neighborhood Storage w/Special Use Permit for outdoor vehicle storage.
- Must be served by central water and central sewer as is adjoining Trilogy/Ocala Preserve; Quail Meadow is served by central water with on-site wastewater disposal (septic tank/drain field).
- Design will allow connection of neighborhoods, while functionally “completing” a street network to a historic community with publicly dedicated roadways (FLUE Policy 10.4.3; TE Policy 2.3.4).
- Staff Recommends Approval with Development Conditions

Jimmy Gooding, 1531 SE 36<sup>th</sup> Avenue, Ocala FL 34471, represented the applicant:

- This is surrounded by may PUD’s and is an infill project
- They are entitled to 90 units but are only asking for 54
- Quail Meadow roads dead end into this development because they were intended to continue into this development
- Entrance uses two existing platted roads

**PUBLIC COMMENT:**

Luz De Jesus, 4854 NW 31<sup>st</sup> Street, Ocala FL 34482:

- Homeowner in a 55+ community

Brian Maguire, 4997 NW 33<sup>rd</sup> Lane, Ocala FL 34482:

- Reading from submitted letter
- Concerned about home values plummet
- Safety and lifestyle will be effected
- Crime
- Have applied to vacate roads

Renee Hogan, 3368 NW 50<sup>th</sup> Court, Ocala FL 34482:

- Continued reading letter

Benny Bachand, 4956 NW 32<sup>nd</sup> Street, Ocala FL 34482:

- Continued reading letter

Judi Lentz, 4808 NW 34<sup>th</sup> Place, Ocala FL 34482:

- Pasture is being taken away

Joe DeBono, 4964 NW 35<sup>th</sup> Street, Ocala FL 34482:

- Sidewalks need to be a priority
- Applicant should make his own egress on his own property

Della Williams, 4980 NW 34<sup>th</sup> Place, Ocala FL 34482:

- Continued reading letter

Maryanne Younger, 3374 NW 47<sup>th</sup> Avenue, Ocala FL 34482:

- They have to pay for road upkeep

Darrell Mack, 2995 NW 47<sup>th</sup> Avenue, Ocala FL 34482:

- Agree with others
- 54 homes means +100 more cars

Carmenza Pinzon, 4738 NW 32<sup>nd</sup> Street, Ocala FL 34482:

- It is hard to exit already

Bob Caouette, 4573 31<sup>st</sup> Street, Ocala FL 34482:

- Should table this until the Board of County Commission makes a decision on the vacating of the roads.

Peggy Schuett, 4721 NW 32<sup>nd</sup> Street, Ocala FL 34482:

- Continued reading letter

Tom Hyde, 3361 NW 44<sup>th</sup> Court, Ocala FL 34482:

- Agrees with others

Arleen Cooper, 3358 NW 45<sup>th</sup> Court, Ocala FL 34482:

- Roads for profit

Marion Gartman, 3378 NW 45<sup>th</sup> Court, Ocala FL 34482:

- They pay dues for their clubhouse and pool

#### REBUTTAL:

Jimmy Gooding, 1531 SE 36<sup>th</sup> Avenue, Ocala FL 34471:

- Petition to vacate roads should not hold up decision making
- Surprised about comments about the kind of people that will be coming into the new development even though it will also be 55+.
- Client did offer to negotiate.
- Will join into the MSBU if needed to maintain road
- Will have a 50' DRA buffer and 70' lots

#### PUBLIC COMMENT CLOSED

#### Planning and Zoning Commission Recommendation

Motion was made by Jerry Lourenco seconded by James Bailey to agree with staff's findings and recommendation, and recommend approval of the requested 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 4-0**

5. 210902Z – 95<sup>TH</sup> Street Holdings, Inc., c/o: Fred C. Armstrong, 1415 SW 17<sup>th</sup> Street, Ocala, FL 34471, requests a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development), for a proposed 1,081-unit residential development ("JB Ranch"), on an approximate 313.20 Acre Tract, on Parcel Account Numbers 35635-000-00, 35635-000-01 and 35700-000-00.

WRITTEN OPPOSITION WITHIN 300 FEET 24 of 160= 15% (Petition with 28 signatures)

Ken Weyrauch, Growth Services, presented this request:

- Agent: Tillman and Associates Engineering
- Owner: 95<sup>th</sup> Street Holdings, LLC
- Address: SW 95<sup>th</sup> Street Road
- Parcels / Acreage: 35700-000-00 = 210.35 acres; 35635-000-00 = 16.04 acres; 35635-000-01 = 43.74 acres; Total = 270.13 acres
- Existing Zoning: Agriculture and Planned Unit Development
- Future Land Use: Medium Residential (1-4 du/ac): 257 acres and High Residential ( 4-8 du/ac): 13 acres
- Proposal
  - o Residential PUD with 1,081 units.
    - Mixture of SFR and MF (Townhomes) 75-85%/15-25%

- SFR Lot Widths
  - 40', 50', 60'
- Building Heights
  - 60' (maximum proposed)
  - LDC residential zonings 40'
- 3 developer Agreements
  - 100' Conservation Buffer adjacent to Countryside
- Access and Traffic
  - Traffic Study is required before final plan approval
  - Connections need to be made to adjacent communities to the North, East, and West.
  - Connections to SW 89<sup>th</sup> Place Rd, utilizing existing curb cuts and intersections.
- Connectivity
  - Connection Opportunities to adjacent communities
  - Connections would allow for safer multimodal access to schools, library, and grocery store
- Relation to Surrounding Area
  - Adjacent to several subdivisions
  - Schools, library, Fire stations, and other community assets are nearby
  - Groceries, restaurants, and retail are within 1-2 miles of site
- Additional Analysis
  - Open Space
    - Each area within the development needs to meet the 20% required Open Space
    - An Amenity Plan is not provided
  - B-2 zoning is much less intense than B-5
  - History
    - Ker View Subdivision was established in 1976
    - Subject property went from B-2 to B-5 in 1989
    - Self-Storage to the west was developed in 1988
- Staff Recommends Approval with Development Conditions

David Tillman, Tillman & Associates Engineering, LLC. 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala FL 34471, represented applicant:

- Met with Countryside neighbors
- DRAs designed on outside as boundary
- Heavy tree line between developments
- Will need to terminate (modify) previous developer's agreement

Jimmy Gooding, 1531 SE 36<sup>th</sup> Avenue, Ocala FL 34471, represented the applicant:

- Will not be able to do some of the connection points that are proposed

**PUBLIC COMMENT:**

Coy Jamerson III, 6849 SW 99<sup>th</sup> Street, Ocala FL 34476:

- HOA President
- Wants the developer's agreement to stay in place for the 100' buffer
- Wants 1 unit per acre

Judith Valloze, 6865 SW 97<sup>th</sup> Place, Ocala FL 34476:

- This is an equestrian community
- Wants 100' buffer with trees

Sue Baldwin, 7175 SW 93<sup>rd</sup> Street Road, Ocala FL 34476:

- Comes from Ft. Lauderdale
- Seen what this kind of development does
- Concerned about the aquafer

John York, 6835 SW 93<sup>rd</sup> Street Road, Ocala FL 34476:

- Same concerns
- Concerned about the environmental impact

REBUTTAL:

David Tillman, Tillman & Associates Engineering, LLC. 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala FL 34471:

- Separation will equal the full 50'. Countryside has 25' on their side so it will equal 75'.
- Will be on water and sewer which will benefit the aquafer
- A new environmental study will need to be done.
- Will work with staff for connectivity

Mary Elizabeth Burgess, Director of Growth Services:

- 50' no touch buffer and maintain existing trees

PUBLIC COMMENT CLOSED

Planning and Zoning Commission Recommendation

Motion was made by Jim Bailey seconded by Danny Gaekwad to agree with staff's findings and recommendation, and recommend approval of the requested 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 4-0 with the amended conditions:

4. Building heights shall be limited to 40' for the Residential Units.
  6. The area north of SW 95<sup>th</sup> Street RD shall work through the Development Review Process to provide cross-access connections to the adjacent subdivisions.
  7. The area south of SW 95<sup>th</sup> Street Rd shall provide cross-access connections to the commercial development to the west.
  12. If the 100' conservation easement within the Developer's Agreement (2004-L24 [OR BK 0399] PGS 1007-1016) is removed or if the Developer's Agreement is terminated, there shall be a 50' no touch buffer along the southern border, adjacent to Countryside Farms.
6. 210905Z – H.C. and E.S. Holmes Rev Living Trust, Patten Companies, LLC, 9128 Strada Place, Suite 10210, Naples FL 34109, request a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) to PUD (Planned Unit Development), for a proposed 13-lot Hamlet subdivision (Lake Bessiola Hamlet), on an approximate 69.72 Acre Parcel, on Parcel Account Number 39528-000-00.

WRITTEN OPPOSITION WITHIN 300 FEET 9 of 71= 13%

Ken Odom, Growth Services, presented this request:

- Rezone from A-1 to PUD
- PARCEL CHARACTERISTICS
  - o 69.72 Acres
  - o A-1: General Agriculture
  - o Rural Land

- Hamlet Style Development
- Staff Recommends Approval with Development Conditions

Clay Sweger, EDA Consultants, Inc., 720 SW 2<sup>nd</sup> Avenue, South Tower, Suite 300, Gainesville FL32601 represented the applicant:

- Agrees with everything
- Will be happy to answer any questions

**PUBLIC COMMENT:**

Maureen Bugnacki, 7306 SE 177<sup>th</sup> Court, Ocklawaha, FL 32179:

- Concerned about existing wildlife
- Concerned about traffic
- Concerned about strain on 1<sup>st</sup> responders

Diane Hays, 7801 SE 170<sup>th</sup> Avenue Road, Ocklawaha, FL 32179:

- Roads are slag not paved
- Concerned about lake quality

Dahvi Hays, 7815 SE 170<sup>th</sup> Avenue Road, Ocklawaha FL 32179:

- Read from Growth Services Report –claimed misinformation from applicant

George DeWitt, 17225 SE 79<sup>th</sup> Street Road, Ocklawaha FL 32179:

- Doubling density will destroy lake

**REBUTTAL:**

Clay Sweger, EDA Consultants, Inc., 720 SW 2<sup>nd</sup> Avenue, South Tower, Suite 300, Gainesville FL32601:

- All the new lots will have lake access

**PUBLIC COMMENT CLOSED**

Planning and Zoning Commission Recommendation

Motion was made by Danny Gaekwad seconded by Jim Bailey to agree with staff’s findings and recommendation, and recommend approval 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 4-0

7. 210910SU – Mario Luis Perez Gonzalez, c/o: MPG Express, Inc., 17020 SE 115<sup>th</sup> Avenue, Weirsdale, FL 32195, requests a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow parking for two (2) Commercial Trucks and two (2) Trailers (Refrigerator - parked empty and shut off), in an A-1 (General Agriculture) zone, on an approximate 5.14 Acre Parcel, on Parcel Account Number 48505-001-00.

**WRITTEN OPPOSITION WITHIN 300 FEET 7 of 27= 26%**

Chris Rison, Growth Services, presented this request:

- LOCATION:17020 SE 115th Avenue
- Special Use Permit Request: Parking commercial vehicles(two trucks and two refrigeration trailers empty & shut-off )±5.14 acres
- FLUM: Rural Land; Zoning: A-1
- SUMMARY

- Request prompted by Code Enforcement based on phone complaint.
  - Case #853520 - Parking commercial vehicles and operating a business from A-1 zoned property - This SUP Application has been submitted in response to this case.
  - Case #853759 - Occupying a structure without appropriate permits and Certification of Occupancy – Building permit submitted 8/3/2021 and *issued today 8/23/2021*, no inspections have begun.
  - Marion County provides for truck/trailer parking as Special Use or Temporary Use Permits based on property size and specific conditions. For extended periods or compliance issues, a Special Use Permit is required.
  - *Key requirements are owner/operator resides on site, limited to one truck/trailer, and roadway must be adequate for the truck use and not be a MSBU/MSTU project roadway.*
  - Owner is now seeking permit for residential use – BP# 2021080314.
  - SE 115<sup>th</sup> Avenue functions as a “cul-de-sac” to large rural tracts and a historic cemetery. The roadway does provide formal access to the County wastewater treatment plant; access by residents of Stonecrest is allowed (RV storage, etc.), however it is not a formal ingress/egress for Stonecrest.
  - However, SE 115<sup>th</sup> Avenue, while county maintained, is a narrow pavement roadway ±20’ wide, not meeting current standards. OCE also noted dirt tracking from the site and other accessing properties is present and a concern.
- LDC Section 4.3.21.A(1 & 2) – Truck Parking in A-1
- (1) Those properties located within a residential or agricultural zoning classification consisting of less than five acres which may permit one commercial vehicle through the Special Use permit review and permitting process, and only when the following conditions can be met, unless otherwise approved by the Board of County Commissioners;
  - (2) Those agriculturally-zoned properties;
  - (3) (a) Consisting of five acres or greater, one commercial vehicle (with or without associated trailer) may be parked onsite and processed administratively as a Temporary Use Permit for a period not to exceed three years, provided the same conditions under Section A(1)(a)—(i) above can be met; The Temporary Use Permit may be renewed provided no objections to the use have been filed in relation to the use; in such circumstances, any request for renewal must proceed as a Special Use Permit request. (b) Consisting of 10 acres or greater and not being used in connection with a bona fide agricultural use onsite as set forth under Florida Statute 193.461(3)(b)(1)(a)—(g) shall be permitted to park one commercial vehicle onsite (with or without associated trailer), and processed administratively as a Temporary Use Permit for a period not to exceed three years, with the following conditions:
    - (a) The commercial vehicle must be engaged in an approved commercial use; and
    - (b) No proposed parking of a commercial vehicle shall be allowed in an established front yard and must be parked within the side or rear yard in a location that is a minimum of 100 feet from the nearest neighboring residential structure; and
    - (c) The commercial vehicle must be stored within an enclosed structure, or behind an opaque wall or fence high enough to screen the vehicle from the neighboring properties and the right-of-way serving the property (walls and fences may require a building permit from the County); existing vegetation as a screening method may be considered if the Growth Services Director determines that the existing vegetation provides an adequate buffer for screening purposes; and
    - (d) Vehicles of any size with actively operating (running) cab or refrigerating cooling units are prohibited on any residentially or agriculturally-zoned property.
    - (e) No mechanical repairs/maintenance on the commercial vehicle shall take place.

- (f) The owner and operator must reside onsite and applications for the Special Use permit shall run with the owner of the property; and
- (g) The parcel where the commercial vehicle will be parked must meet the minimum tract width along the paved and maintained Marion County right-of-way providing the access to the property; and
- (h) The roadway providing access to the property shall be adequately rated to accommodate the heavy vehicle/truck traffic as per the Office of the County Engineer; and
- (i) Access to property shall not include a road which has been improved by an MSTU project; and
- (j) Only one truck per lot of record may be permitted.

- Staff Recommends Denial with Alternative Approval Conditions

Dalay Israel, 18 Fisher Terrace, Ocklawaha FL 32179 represented the applicant (His daughter):

- Her dad has applied for permit to CO building
- Needs one commercial truck and two trailers
- Willing to move them anywhere on the property
- Willing to do whatever is necessary

PUBLIC COMMENT:

Carolyne Hollister, 11288 SE 170<sup>th</sup> Place, Summerfield FL 34491:

- Bought house 1 year ago in a 55+ community
- Loud music, fireworks
- Neighbors have tried to talk to them

Judith Swirsding, 11293 SE 170<sup>th</sup> Lane, Summerfield FL 34491:

- Agrees with Carolyn
- Applicants had pigs and they had to be removed – smell
- Showed picture of trailer near fence

Mark Hansford, 11319 SE 170<sup>th</sup> Place, Summerfield FL 34491:

- Concerned about the smell of diesel fuel
- Sound of trucks starting
- Nothing would have been done if the residents of Stone Crest hadn't made an issue

John Swirsding, 11293 SE 170<sup>th</sup> Lane, Summerfield FL 34491:

- Concerned about refrigerator trucks

Ken Caracciolo, 17055 SE 113<sup>th</sup> Avenue, Summerfield FL 34491:

- Same concerns
- Lives along fence line
- Large truck parked against fence line
- Duke turned off their power and a generator has been running constantly
- The fire department and the police have been called

Karl Hollister, 11288 SE 170<sup>th</sup> Place, Summerfield FL 34491:

- Agrees with others
- It is a noise issue

REBUTTAL:

Dalay Israel, 18 Fisher Terrace, Ocklawaha FL 32179:

- Purchased the property in 2018 and have been parking the trucks there since then
- They have 6 chickens and 5 pigs

PUBLIC COMMENT CLOSED

Planning and Zoning Commission Recommendation

Motion was made by Jim Bailey seconded by Danny Gaekwad to disagree with staff's findings and recommendation, and recommend approval of the requested 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 4-0 with alternative approval conditions:

1. The site shall be operated consistent with the submitted Special Use Permit Application including the Findings, and Conceptual Plan, and the conditions of this Special Use Permit, including the complying with the interior truck/trailer parking area indicated on the Conceptual Plan.
2. The Special Use Permit shall run with the property owner Mario Luis Perez Gonzalez and not the property.
3. The Building Permit to establish a habitable residential unit on the site (BP# 2021080314) shall obtain an affirmative Final Inspection with its companion Certificate of Occupancy within 180 calendar days of approval of this Special Use Permit.
4. The Special Use Permit is limited to a maximum of one commercial truck and two trailers with VIN Numbers as follows:
  - a. Truck: 2006 Freightliner 1FUJA6AV06LU76117
  - b. Trailers:
    - i. 2005 (#29) 1GRAA06216S702373
    - ii. 200 (FLAG) 1UYVS2532YM176004
5. The ingress/egress shall be from SE 115th Avenue. A driveway apron and other related improvements required by Marion County Office of the County Engineer Right-of-Way/Transportation Divisions, shall be constructed and completed with a satisfactory final inspection/approval obtained within 90 calendar days of approval of this Special Use Permit.
6. The owner/operator shall reside on-site upon completion of the habitable residence as listed in Condition #3.
7. No mechanical repairs/maintenance on the commercial vehicles shall take place on-site.
8. *If the final inspection/Certificate of Occupancy for BP# 2021080314 has not been completed and issued by March 14, 2022 (consistent with Condition #3), this Special Use Permit shall expire.*
9. If the final inspection/Certificate of Occupancy for BP# 2021080314 has not been completed and issued by March 14, 2022 (consistent with Condition #3), the Special Use Permit shall expire on September 13, 2024; however it may be renewed administratively for a period of 3 years up to 4 consecutive times (15 total years) 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,
  - 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).

#### **NEW BUSINESS:**

There was no new business to bring before the board.

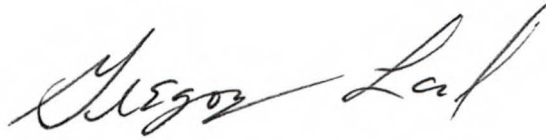
**MINUTES:**

Motion was made by Jerry Lourenco, seconded by Danny Gaekwad to approve the minutes of the July 20, 2021 Planning & Zoning Commission meeting.

**The motion passed 4-0**

**ADJOURNMENT:**

The meeting adjourned at 8:43 PM



Attest:

Stephanie Soucey  
Stephanie Soucey  
Administrative Staff Assistant

~~Michael Kroitor, Vice-Chairman~~

Greg Lord - Chairman