

## PLANNING AND ZONING COMMISSION MEETING

March 28, 2022

### MINUTES

The Marion County Planning and Zoning Commission met on March, 2022 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: Danny Gaekwad (Acting-Chairman), Jerry Lourenco, Andy Bonner, Michael Behar and Alternate members Thomas Fisher and William Heller.

The following staff members were present: Tracy Straub P.E., Assistant County Administrator. Chief Assistant County Attorney, Dana Olesky. Planners- Chris Rison, Ken Odom, Ken Weyrauch and Kathleen Brugnoli. Administrative Staff Assistant- Stephanie Soucey. Elton Holland, County Engineer. Staff Assistants Teresa Brown and Darlene Pocock. Jody Kirkman, Environmental Services Director.

Administrative Assistant Stephanie Soucey called the meeting to order at 5:30 PM and advised that since both the Chairman and Vice-Chairman were absent that the board needed to elect an Acting- Chairman. Jerry Lourenco made a motion to elect Danny Gaekwad. Andy Bonner seconded the motion. Everyone agreed and Danny Gaekwad was elected Acting-Chairman for the meeting.

Stephanie Soucey read the Proof of Publication and the Affidavit of Mailing and Posting of Notice, and advised that the meeting was properly advertised. Michael Behar 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.*

The following items were recommended by staff for approval with conditions, there were no opposition letters within 300 feet and no opposition at the Planning and Zoning Commission meeting.

ITEM	OWNER	DESCRIPTION	ACREAGE
220313Z	Trust 88443 TR and Trust 884431 TR, Stephen and Claudette Roberts and Elina, LLC. Hajasoa Bosela	R-4 and B-5 to R-3	4.62
220401SU	Calumet Park, LLC. Steven Mendez	Special Use Permit in B-4	2.03
220405Z	D32 Invest, LLC. Werner Macedo	Carissa Oaks PUD Modification	60.87
220406Z	The EXPO Group, LLC. Andrei Berger	Stone Brook Commons PUD Modification	17.41
220407Z	Robert and Doreen Kuczynski	A-1 and M-1 to M-1	2.03

Motion was made by Michael Behar and seconded by Jerry Lourenco to agree with staff's findings and recommendation, and recommend approval of the following Consent Agenda items (220313Z, 220401SU, 220405Z, 220406Z and 220407Z)

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 6-0**

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ALL ITEMS ON THIS AGENDA WILL BE HEARD BY THE BCC ON APRIL 19, 2022.

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Item 220404Z was pulled from the consent agenda by the applicant.

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**220404Z- D32 Invest, LLC. Werner Macedo**, 7988 Via Dellagio Way, Suite 206, Orlando, FL 32819, request a Modification of Zoning Change 211007Z, Articles 2 and 4, of the Marion County Land Development Code, to the PUD (Planned Unit Development), decreasing the density from 43-units to 11-units (on 1+ acre lots) with 1 of the lots dedicated as an amenity site; and propose each lot to be on well and septic, in Carissa Oaks, on an approximate 16 Acre Parcel, on Parcel Account 45446-002-00.

Ken Weyrauch, Growth Services, presented this request:

PUD modification from 43 single family residences to 10 single family residences, connected to well and septic instead of central utilities.

- Location: SE 135<sup>th</sup> Street, east of the railroad.
- Size: 16 acres
- This site is within connection distance and services are available from the City of Belleview Utilities.
- Criteria:
  - o 1. The granting of the amendment will not adversely affect the public interest.
  - o 2. The proposed amendment is consistent with Chapter 163, Florida Statutes, and the Marion County Comprehensive Plan. \*Project would need a waiver from the Board to use well and septic. Staff does recommend that if the Board of County Commissioners decides to grant a waiver for centralized utilities then this development should use nitrogen reducing septic tanks.
  - o 3. The proposed amendment is compatible with the land uses in the surrounding area.
- Staff Recommends approval with development conditions

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

- Currently they are approved for 43 units on central water and sewer
- They want to change to 10 units on septic tanks and wells
- Septic tanks will be enhanced septic tanks

Jody Kirkman, Environmental Services Director:

- Will discuss options between now and the BCC Public Hearing

Elton Holland, County Engineer:

- A traffic study will be done as part of the process

PUBLIC COMMENT:

There was no one in attendance to speak for or against this item.

PUBLIC COMMENT CLOSED

#### Planning and Zoning Commission Recommendation

Motion was made by Thomas Fisher seconded by Michael Behar to agree with staff's findings and recommendation, and recommend approval of the requested PUD Modification 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 5-1 with Danny Gaekwad dissenting**

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**220402Z- HTM Developers, LLC. Harvey Vandeven**, 4349 SE 20<sup>th</sup> Street, Ocala, FL 34471, request a Modification of Zoning Change #210401Z, Articles 2 and 4, of the Marion County Land Development Code, to the PUD (Planned Unit Development), modifying the current buffer requirements in Deer Path North, Phase 2, on an approximate 33.99 Acre Parcel, on Parcel Account 31865-000-00.

Ken Odom, Growth Services, presented this request:

PUD Modification to remove all buffer requirements

- PUD Requirement #4.
  - o Project buffers shall be provided consistent with those in the approved Concept Plan, including a Type E Modified buffer (10' wide w/o wall; 4 shade trees per 100'; shrubs in double-staggered row), as outlined. No accessory or mechanical structures for the units or buffers may be located within the buffers (e.g., wells, irrigation pump house, trails, etc.) other than irrigation system lines. The buffers may "overlap" with project drainage retention areas (DRAs) provided the vegetation and any fence and wall requirements are satisfied.
- Staff is recommending denial
- 1. Will adversely affect the public interest
- 2. Is Consistent with the Comprehensive Plan
- 3. Is not Compatible with Land Uses in the Surrounding Area

David Tillman, Tillman & Associates Engineering, 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala FL34471, represented the applicant:

- Removing buffers will be on the west side where there is a large tree canopy. The under plantings will not have sufficient sunlight and will not survive.
- Fencing will create separation and a DRA will separate others to the north

#### **PUBLIC COMMENT:**

There was no one in attendance to speak for or against this item.

**PUBLIC COMMENT CLOSED**

#### Planning and Zoning Commission Recommendation

Motion was made by Michael Behar seconded by Andy Bonner to agree with staff's findings and recommendation, and recommend denial of the requested PUD Modification 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 4-2 with Danny Gaekwad and Jerry Lourenco dissenting**

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**220403Z- Sunset Hills Development, LLC. Harvey W. Vandeven, 4349 SE 20<sup>th</sup> Street, Ocala, FL 34471, and DT Marion Holdings, LLC., James Gooding, 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala, FL 34471,** request a Modification of Zoning Change 200606Z, Articles 2 and 4, of the Marion County Land Development Code, to the PUD (Planned Unit Development), eliminating specific buffer requirements and adding four (4) lots in Sunset Hills, on an approximate 90.13 Acre Tract, on Parcel Account Numbers 47697-001-00, 47841-000-00, 47843-000-00, 47845-000-00, 48202-000-00, 48205-001-00, 48271-001-00, 48206-001-00 and 48206-000-00.

Ken Weyrauch, Growth Services, presented this request:

- PUD modification: 350 residential units and 3.69 acres commercial
- LOCATION: S US 441, west of Lake Weir, north of HWY 42
- Current Approved PUD
  - o 350 residential units
  - o 15% Open Space
- Staff Concerns:
- Staff is concerned with the request to remove the buffers from the adjacent neighborhoods and parcels.
- Staff recommends approval to the adding of 0.99 acres and showing the additional residential lots.
- Staff also recommends approval to the shifting of the internal road network to accommodate those additional lots.

Criteria:

1. The granting of the amendment will not adversely affect the public interest.
2. The proposed amendment is consistent with Chapter 163, Florida Statutes, and the Marion - County Comprehensive Plan.
3. The proposed amendment is compatible with land uses in the surrounding area.

- Staff Recommendation:
  - o \*Staff recommends denial of removing the buffer requirement.
  - o If the Board of County Commissioners approves to remove the buffers, as requested, staff recommends that;
  - o The northernmost buffer with the berm and opaque fence remain, a 6' opaque fence to replace the trees within the non-ROW buffer areas.
  - o The opaque fence should be as close to the property line as possible while preserving all trees along the property lines.
  - o Staff also recommends that the trees that would have been planted within the buffers be planted elsewhere within the development.
- Staff Recommendation is denial of the request to remove the buffers. Approval with development conditions for all other requests to modify.

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

- Explained why he feels that the buffers are not necessary

**PUBLIC COMMENT:**

Scott Vance, 10240 SE 157<sup>th</sup> Lane, Summerfield, FL 34491:

- They requested the berm and fence.
- They have a commercial farm

Yvonne Vance, 10240 SE 157<sup>th</sup> Lane, Summerfield, FL 34491:

- They have temporarily moved some of the animals due to the construction

**REBUTTAL:**

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

- They will leave the berm and fence along the Vance's property

## PUBLIC COMMENT CLOSED

### Planning and Zoning Commission Recommendation

Motion was made by Jerry Lourenco seconded by Andy Bonner to agree with staff's findings and recommendation, and recommend approval of the requested PUD Modification 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 6-0**

**22-S07- Akshar Development, LLC. Paresh Patel** 10832 SW 91<sup>st</sup> Avenue, Ocala, FL 34481, request a Land Use Change, Articles 1, 2 and 3 of the Marion County Land Development Code, from COM (Commercial) to UR (Urban Residential), on an approximate 19.66 Acre Parcel, on Parcel Account Number 35636-002-00.

**220408Z- Akshar Development, LLC. Paresh Patel** 10832 SW 91<sup>st</sup> Avenue, Ocala, FL 34481, request a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) and B-2 (Community Business) to PUD (Planned Unit Development), for a proposed 314-unit Apartment Complex with onsite amenities (The Vue), on an approximate 19.66 Acre Parcel, on Parcel Account Number 35636-002-00.

Chris Rison, Growth Services, presented these requests:

Future Land Use Change from Commercial to Urban Residential

- Rezoning from R-1 (Single – Family Residential) to PUD (Planned Unit Development)
- Location: South side of SW Hwy 200 at the SW Hwy 200 & SW 80<sup>th</sup> Street Intersection

22-S07 Analysis Summary

- Commercial designated site, request is for alternative urban land use designation
- Located in the Urban Growth Boundary (UGB)
- Central utilities readily available
- Roadway capacities sufficient
- Residential use reduces potential trip generation.
- Located at a significant intersection with SW 80<sup>th</sup> Street.
- Located in the HWY 200 "Triangle" bounded by Hwy. 200, I-75 and the Cross Florida Greenway.
- Will increase the diversity of residential housing in an area experiencing continuing residential and non-residential development.

Staff recommends approval of the future land use change request

PUD request

- Multiple-family apartment buildings; 314 units
- Series of 4-, 3-, and 2-story buildings; Maximum building height of 40'.
- Taller 4-story buildings along SW Hwy 200 and internal
- Shorter 2-story buildings along SW 65<sup>th</sup> Avenue Road and Marion Landing- exceeding 100' PUD setback.

If developed fully as Low ruse MFR:

- 2066 AADT
- 156 PM Peak Hour Trips

Amenity Plan

- 4,800 sq. ft. clubhouse, which will include a 24-hour fitness center, leasing center, game room, and computer and print station and coffee bar.
- 5,000 sq. ft. outdoor amenity center, to include an outdoor fire pit, shuffleboard court, tot playground, pickle ball court, outdoor yoga center and a 2,000 sq. ft. pool (60,000 gallons).

- 2 fenced dog parks, measuring an aggregate total of 4,500 sq. ft.

#### Buffers

##### HWY 200

- Expanded C-Type Buffer: Minimum 25' wide, two shade and three accent trees per 100 LF, with shrubs and groundcovers for at least 50% of the buffer area to achieve a minimum height of three feet within one year.

##### SW 64<sup>th</sup> Avenue Road

- Expanded C-Type Buffer: Minimum 25' wide, two shade and three accent trees per 100 LF, with shrubs and groundcovers for at least 50% of the buffer area to achieve a minimum height of three feet within one year. Vegetation along internal side of buffer.

##### Laurel Commons

- Modified A-Type Buffer: Minimum 8' wide, two shade and three accent trees per 100 LF, with shrubs and groundcovers for at least 50% of the buffer area to achieve a minimum height of three feet within one year. Subject to final use and Fire and Building Code Requirements.

##### FDOT DRA

- Modified C-Type Buffer: Minimum 8' wide, two shade and three accent trees per 100 LF, with shrubs and groundcovers for at least 50% of the buffer area to achieve a minimum height of three feet within one year. Subject to final use and Fire and Building Code Requirements.

#### Analysis Summary

- Located in the Urban Growth Boundary (UGB)
- In Marion County's Utility Service Area: will use central water and central sanitary sewer service, Availability to be coordinated by developer and Marion County Utilities.
- Roadway capacities sufficient; final traffic study will determine necessary improvements.
- Located at a significant intersection with SW 80<sup>th</sup> Street; mutual cross access with adjoining development to the south recommended per LDC.
- Located within the Hwy 200 "Triangle" bounded by Hwy 200, I-75 and the Cross Florida Greenway.
- Will increase the diversity of residential housing in an area experiencing continuing residential and non-residential development.
- Higher buildings along Hwy 200 and internal, with buildings along SW 65<sup>th</sup> Avenue Road established at 2-stories.
- Building locations functionally satisfy specialty PUD height and setback for single-family to multiple family development.
- SW 65<sup>th</sup> Avenue Road and access control strip = 81' wide
- Proposed C-Type Buffer = 25' wide
- Modified C-Type Buffer (widened) along Hwy 200 and SW 65<sup>th</sup> Avenue Road frontages.
- Modified C-Type Buffer (reduced width) along Hwy 200 and SW 65<sup>th</sup> Avenue Road frontages.
- Modified A-Type Buffer (reduced width) along Laurel Commons; design flexibility subject to Fire and Building Code requirements and Laurel Commons final design.
- Traffic statement indicates no level of service issues; formal traffic study will be required with submission of final PUD Master Plan.
- Adjoining subdivisions publicly dedicated with County maintained roadways.
- One main access to Hwy 200, one to SW 65<sup>th</sup> Avenue Road.
- Cross access connection to south indicated, with recommendation to accommodate mutual cross access in order to work with signalization of SW 80<sup>th</sup> Street.
- Final PUD Master Plan recommended to be brought back for final Board of County Commissioners review and consideration, with due public notice to surrounding property owners at applicant/owner's expense.

Staff recommends approval with development conditions

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

- Currently a commercial against residential. This is a better fit.
- This is an urban infill project

Eric Nelson, 333 North Alabama Street, Indianapolis IN 46204:

- Employment Growth has increased the need for housing
- Has developed in other area of Florida (Sumter and Lakeland)

**PUBLIC COMMENT:**

John Pearce, 8711 SW 60<sup>th</sup> Circle, Ocala FL 34476:

- 40 year Marion Landing resident
- Against increased traffic
- Need to finish 80<sup>th</sup>

Leon Mears, 8576 SW 61<sup>st</sup> Court, Ocala FL 34476:

- Lives in Marion Landing
- They need to finish 80<sup>th</sup>
- Marion Landing is a Sr. Community with a lot of walkers

Linda Loveday, 6492 SW 81<sup>st</sup> Street, Ocala FL 34476:

- Just purchased in Marion Landing
- Concerned about the existing wildlife

**REBUTTAL:**

Jimmy Gooding:

- Willing to make the secondary access an emergency access
- Extending 80<sup>th</sup> could be a design challenge.

**PUBLIC COMMENT CLOSED**

22-S07 Planning and Zoning Commission Recommendation

Motion was made by Jerry Lourenco seconded by Andy Bonner to agree with staff's findings and recommendation, and recommend approval of the requested Small Scale Map 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 6-0**

220408Z Planning and Zoning Commission Recommendation

Motion was made by Jerry Lourenco seconded by Thomas Fisher to agree with staff's findings and recommendation, and recommend approval of the requested PUD 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 6-0**

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**OTHER BUSINESS: None**

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**MINUTES:**

Motion was made by Andy Bonner, seconded by Jerry Lourenco to approve the minutes of the February 7, 2022 and February 21, 2022 Planning & Zoning Commission meetings.

**The motion passed 6-0**


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**ADJOURNMENT:**

The meeting adjourned at 7:19 AM

Attest:

  
Greg Lord, Chairman

  
Stephanie Soucey  
Administrative Staff Assistant