

**PLANNING AND ZONING COMMISSION MEETING  
MARCH 27, 2023  
MINUTES**

The Marion County Planning and Zoning Commission met on March 27, 2023 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: Chairman Michael Kroitor, Jerry Lourenco, Andy Bonner, Greg Lord, Michael Behar and alternate members Thomas Fisher and William Heller.

The following staff members were present: Chief Assistant County Attorney, Dana Olesky. Acting Deputy Director- Ken Weyrauch. Planners- Ken Odom and Ngozi Ajufu. Administrative Staff Assistant Stephanie Soucey, Staff Assistants Darlene Pocock and Sierra Shackelford.

Ken Odom read the Proof of Publication and the Affidavit of Mailing ad 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 Planning and Zoning Department files for record purposes.

**ITEMS LISTED ON THE CONSENT AGENDA:**

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.

1.1.	230107ZC – MG Cattle Co., LLC. - Nathan Garcia, Lyndon Knowles and Flor Familia, Zoning Change from Regional Business (B-4) and General Agriculture (A-1) to General Agriculture (A-1), 13.39 Acres. LOCATION: East Side of CR 315, at the Intersection of CR 318 in Orange Springs FL
1.2.	230203SU - JK Holding Partners, Inc. - Karoly Lovasz/Judit Karpati, Special Use Permit, for auto, motorcycle and golf cart sales and service, (due to existing SUP 160109SU/16-R-017 running with previous owner - condition 6), in a Community Business (B-2) zone, 0.65 Acres. LOCATION: 9919 SE Hwy 42, Summerfield, FL 34491
1.3.	230401SU - Tammy Sue Bellcase-Muzzy, Special Use Permit, to allow three (3) Nigerian goats, in a Single-Family Dwelling (R-1) zone, 0.64 Acres. LOCATION: 6516 NE 22nd Ct, Ocala, FL.
1.4.	230403SU - Ocala Florida Investment Associates, LLC. - Kanti Shah, Special Use Permit, to allow beer and wine sales for on premise consumption (at the Hampton Inn and Suites) within 1,000 ft. of any church, school or public park, in a Heavy Business (B-4) zone, 2.84 Acres. LOCATION: 2075 SW CR 484 Ocala, FL.
1.5.	230405SU - Dr. H. W. and Meagan Freel request a Special Use Permit, for a proposed Custom Exempt butcher shop in an existing building, in a General Agriculture (A-1) zone, 21.67 Acres. LOCATION: 17421 SE 155th Avenue, Weirsdale, FL.
1.6.	23-S04 - Garcon Investment, LLC - Michael Garcia Future Land Use Amendment from High Residential (HR) to Urban Residential (UR), on an approximate 0.27 Acres. LOCATION: South Side of SE 40TH Street Road.
1.7.	230407ZC - Charles Ralph Woods, Zoning Change from General Agriculture (A-1) and Community Business (B-2) to General Agriculture (A-1), 13.60 Acres. LOCATION: East of the Intersection of 301 and Hwy 318
1.8.	230408ZC - Pastor Perez Sr. and Maria Perez, Zoning Change from General Agriculture (A-1) to Residential Estate (R-E), 3.04 Acres. LOCATION: 10220 SE 155th Street, Summerfield, FL.

**Motion was made by Greg Lord and seconded by Andy 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 7-0.**

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## **ITEM CONTINUED INDEFINITELY -WILL RE-ADVERTISE**

- 2.1. 230109ZP - BaseDev Land Trust - Dimino Holdings Associates, LLC TR, Zoning Change, from an expired Planned Unit Development (PUD) to Planned Unit Development (PUD), for a proposed development with a maximum of 260 units - Townhomes and Single-Family Residences, 52.15 Acres. Location: SE 92nd Loop
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## **PULLED FROM THE CONSENT AGENDA:**

- 1.9.** 230409ZC - Kleerview Investment Group, LLC. - Malcolm Gary, Zoning Change from One-and Two-Family Dwelling (R-2) to Multiple-Family Dwelling (R-3), 0.55 Acres. LOCATION: 5975 NW 6th PL

**Legal Ad: 230409ZC-** Kleerview Investment Group, LLC – Malcolm C. Gary, PO Box 2801, Ocala, FL 34478, request a **Zoning Change**, Articles 2 and 4, of the Marion County Land Development Code, from One-and Two-Family Dwelling (R-2) to Multiple-Family Dwelling (R-3), for all permitted uses, on an approximate .55 Acre Parcel, on Parcel Account Number 2304-022-001.

Ken Weyrauch, Growth Services, gave the presentation and read the report into record.

The Applicant Request:

1. Land Use Amendment for subject property in March of 2022 from Medium Residential to High Residential
2. Applicant has over 200' of property width and could divide property into two 100' wide lots due to underlying Subdivision Plat.
3. Applicant desires to put two duplexes on one parcel.

Summary of Analysis:

- Granting this request will not adversely affect the public interest.
- The proposed Zoning Change is consistent with the Comprehensive Plan.
- The proposed Zoning Change is compatible with the land uses in the surrounding area.

Staff recommends Approval

Malcolm Gary, 7442 SE 36<sup>th</sup> Ave., Ocala FL 34480, the applicant:

- Issues with separation due to well and septic separation for 2 separate lots
- Need zoning change to add duplex to fit on lot

**PUBLIC COMMENT:**

None

**PUBLIC COMMENT CLOSED**

## **230409ZC Planning and Zoning Commission Recommendation**

Motion was made by Greg Lord seconded by Andy 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 7-0**

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### **Individual Requests:**

- 2.2. 230404SU - BBG Real Estate Investments, LLC - - Fernando G. Braff, Special Use Permit, for a proposed pawnshop (with no outside storage), in a Community Business (B-2) zone, 1.02 Acres. LOCATION: 128 Marion Oaks BLVD, Units 105 and 106.

**Legal Ad: 230404SU-** BBG Real Estate Investments, LLC - - Fernando G. Braff, 7065 Westpoint Blvd., Suite 102, Orlando, FL 32835, request a **Special Use Permit**, Articles 2 and 4, of the Marion County Land Development Code, for a proposed pawnshop (with no outside storage), in a Community Business (B-2) zone, on an approximate 1.02 Acre Parcel on Parcel Account Number 8002-0160-01.

Ken Weyrauch, Growth Services, gave the presentation and read the report into record.

The Applicant Request:

1. Plaza is existing commercial with an approved site plan
2. Units 105 and 106
3. Pawnshop with
  - a. No outside storage
  - b. 6 days a week
  - c. Typical Business Hours
  - d. No Display of Guns

Sale of used goods are allowed in B-1

Gun Store allowed in B-2

All activities in B-2 shall be completely within an enclosed building

Summary of Analysis

- Granting this request will not adversely affect the public interest
- The proposed SUP is consistent with the Comprehensive Plan
- The proposed SUP is compatible with the land uses in the surrounding area

Staff recommends approval with conditions

Jeff Stone, Hurricane Pawn, LLC., 34 Pecan Run Terrace, Ocala FL 34474, the applicant:

- There is a common misconception about Pawn Shops, but, they are the last stop so that families do not go hungry and so they can pay their bills.

Erin Freel, Realtor, 1400 SE 91<sup>st</sup> Place, Ocala FL 34480:

- All sales will be inside the building

PUBLIC COMMENT:

None

PUBLIC COMMENT CLOSED

### **230404SU 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 with conditions of the Special Use Permit Request based on the following findings of fact:

2. 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 7-0**

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- 2.3. 230410ZP - Oak Run Associates, LTD - Priya Ghumman, Zoning Change from Planned Unit Development (PUD) to Planned Unit Development (PUD), to amend an existing PUD (19880824Z) to allow blending of Commercial and Residential land use designations by identifying additional parcels for commercial use as professional offices (The sites are part of the Oak Run Development of Regional Impact (DRI)), 0.43 Acres. LOCATION: 10983 SW 89th Avenue & 8772 SW 109th Lane.

**Legal Ad: 230410ZP-** Oak Run Associates, LTD – Priya Ghumman, 8825 SW 110<sup>th</sup> Street, Ocala, FL 34481, request a **Zoning Change**, Articles 2 and 4, of the Marion County Land Development Code, from Planned Unit Development (PUD) to Planned Unit Development (PUD), to amend an existing PUD (19880824Z) to allow blending of Commercial and Residential land use designations by identifying additional parcels for commercial use as professional offices, (The sites are part of the Oak Run Development of Regional Impact (DRI)), on an approximate .43 Acre Tract, on Parcel Account Numbers 7002-002-001 and 7002-003-021.

Ken Weyrauch, Growth Services, gave the presentation and read the report into record.  
Oak Run PUD Details

- Development of Regional Impact (DRI) established in 1988
- Planned Unit Development concurrent with DRI approval.
- Proposal to authorize “land use blending” to enable Commercial Professional Office use internal to development
- Limited to two specific individual locations
- Locations historically used for supporting Oak Run operational activities and limited to Oak Run supporting uses/operations; no “third party/outside service”.
- Code Enforcement Case initiated due to citizen’s complaint regarding advertising signs placed on site.
- Existing uses use Orchid Club House parking areas as part of overall “complex”, using rear entry as structures “back up to” the club.
- Each structure has “driveway” consistent with adjoining homes.

#### Traffic

- Traffic assessment provided, a study not required as less than 50 peak hour trips expected.
- Based on existing actual building square footage
- Site 1 – Decca Digital Solutions – 1.97 KSF
- AADT – 38 trips
- AM Peak Hour Trips - 6

- PM Peak Hour Trips - 6
- Site 2 – Decca Design Center (Sales Center) – 1.74 KSF
- AADT – 34 trips
- AM Peak Hour Trips - 5
- PM Peak Hour Trips – 6
- BOTH SITES:
- AADT – 72 trips
- AM Peak Hour Trips - 11
- PM Peak Hour Trips – 12

#### Buffers

- Initial construction as model homes, used for Oak Run development support until “future” conversion to residences (consistent with other developments within Marion County).
- Existing residences adjoining site –
  - Site 1 – residence to north
  - Site 2 – residences to east and north
- Ordinarily LDC requires Type B- Buffer between commercial adjoining single-family development.
- Minimum 20-foot wide landscape strip with a buffer 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.
- Land area to provide required buffer appears insufficient.

#### Criteria for Proposed Zoning Change

- Will adversely affect the public interest based upon impacts to the roadway network, similar zoning, and utility availability
- Is not consistent with the following Comprehensive Plan provisions
- FLUE Policy 1.1.5, and 1.1.9.
- TE Policy 2.1.4, and TE Objective 3.2
- Is not compatible with the surrounding uses due to similar density and intensity to surrounding area

Staff recommends Denial

#### Erika Nash, Growth Services Code Enforcement Officer:

- The Code Case was the result of a Citizen’s Complaint regarding a commercial business in a residential area.

#### Jimmy Gooding, Esq., 1531 SE 36<sup>th</sup> Avenue, Ocala FL 34471, the agent:

- Mr. Gooding gave a detailed account of the history of Oak Run and the subject properties.

#### Priya Ghumman, Oak Run Associates, LTD., 8825 SW 110<sup>th</sup> Street, Ocala FL 34481:

- Explained the history of the two businesses -Decca Cable and Decca Realty

#### PUBLIC COMMENT:

##### Peggy Davis, 10979 SW 89<sup>th</sup> Ave., Ocala FL 34476:

- Lives right next door
- In support

- Now that the signs are down it is business as usual

Sherrie Aly, 11562 SW 69<sup>th</sup> Circle, Ocala FL 34476:

- Lived there less than a year
- Need sidewalks
- Concerned about increased traffic and security

Bridgette Toner-Kopack, 10873 SW 89<sup>th</sup> Ave.,

- Lived there for over 22 years
- It was a residential building before a cable office
- Decca trucks taking over parking
- What is to stop them from taking over more buildings

Francine Bernard, 6524 SW 111<sup>th</sup> Loop, Ocala FL 34476:

- Read statement to the Board
- Decca Cable and the Realty Business are the same owners
- They need to move out and return the houses back to residential

Donna Hayes, 8060 SW 109<sup>th</sup> Lane Road, Ocala FL 34476:

- They pay to maintain the parking lots and they are not allowed to use them

#### REBUTTAL

David Tillman, 1720 SE 16<sup>th</sup> Ave., Bldg. 100, Ocala FL 34471:

- If buffers are required they will not be able to maintain the residential look of the businesses
- The signs have been removed

PUBLIC COMMENT CLOSED

### **230410ZP Planning and Zoning Commission Recommendation**

Motion was made by Andy Bonner seconded by William Fisher to agree with staff's findings and recommendation, and recommend denial of the Planned Unit Development based on the following findings of fact:

3. 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 4-3 with Greg Lord, Jerry Lourenco and Michael Kroitor dissenting**

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#### **MINUTES:**

Motion was made by Greg Lord, seconded by Jerry Lourenco to approve the minutes from the February 27, 2023 Planning & Zoning Commission meeting.

**The motion passed 7-0**

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#### **ADJOURNMENT:**

The meeting adjourned at 7:04 PM

Attest:

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Michael Kroitor, Chairman

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Stephanie Soucey  
Administrative Staff Assistant