

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

May 19, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in regular session in Commission Chambers at 1:00 p.m. on Monday, May 19, 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.

1:00 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; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, and Assistant County Administrator (ACA) Tracy Straub.

Also present were: Growth Services Director Chuck Varadin, Transportation Planner Ken Odom, Senior Planner Chris Rison, Planners Kathleen Brugnoli 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 1:00 PM):

Chairman Bryant passed the gavel to Commissioner Zalak who assumed the Chair. Commissioner Bryant out at 1:03 p.m.

County Attorney Matthew G. Minter provided a brief overview of the process for today's zoning and Special Use Permit (SUP) hearings. He noted the applicant will be given an opportunity to give their initial presentation to the Board of County Commissioners (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. Commissioner Bryant returned at 1:05 p.m.

Chairman Zalak returned the gavel to Commissioner Bryant who resumed the Chair.

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

Deputy Clerk Lewter presented proof of publication of Legal ad No. 11269044 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on May 5, 2025. The Notice stated the Board will consider adopting an Ordinance approving Comprehensive Plan Amendment, zoning changes and Special Use Permits.

1.1. Planning and Zoning Consent Items:

Growth Services Director Chuck Varadin advised that the four (4) 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 APRIL 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 unanimously 6-0

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 Stone, seconded by Commissioner Curry, to approve Consent Agenda items 1.1.1 through 1.1.4, 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 (5-0).

The motion approved the Consent Agenda items as follows:

1.1 Planning and Zoning Consent Items:

1.1.1. 250501SU - Vesna Palushaj, on behalf of AKNB, LLC, Special Use Permit to Allow for the Sale and Consumption of Beer and Wine in a Full-Service Restaurant Within 1,000' of a Religious Institution in a Community Business (B-2) Zone, 1.28 Acre Parcel, on Parcel Account Number 31856-006-01, Site Address 5851 SE 5th Street, Ocala, FL 34472

The Board adopted Resolution 25-R-149 granting a petition by AKNB, LLC, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for the sale and consumption of alcohol within 1000 feet of a religious institution, in a Community Business (B-2) zone, on an approximate 1.28 Acre Parcel, on Parcel Account Number 31856-006-01, Site Address 5851 SE 5th Street, Ocala, FL 34472

Resolution 25-R-149 contains the following Conditions:

1. Alcohol sales shall be limited to the hours of operation of the restaurant.
2. The Special Use Permit shall run with the applicant (Veshna Palushaj) and not the property.
3. The Special Use shall terminate upon closure or sale of the business. Sale of the business shall constitute a requirement to reapply for a Special Permit to continue operations.
4. The Special Use Permit shall expire May 19, 2030; however, it may be renewed administratively for up to 3 consecutive times for 5 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:
 - There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit.
 - Neighboring property owners within 500' 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
 - 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).

1.1.2. 250503ZC - Sarah Meier, Zoning Change from Community Business (B-2) Portion of the Parcel to General Agriculture (A-1), ±5.36 Acre Portion of a 10.56 Acre Parcel, Parcel Account Number 05786-003-01, No Address Assigned

The Board granted a petition by Sarah Meier, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) portion of the parcel to General Agriculture (A-1), for all permitted uses, on an approximate ±5.36 Acre Portion of a 10.56 Acre Parcel, on Parcel Account Number 05786-003-01, No Address Assigned

1.1.3. 250504ZC - Billie L. Armstrong, Zoning Change from Community Business (B-2) to Single-Family Dwelling (R-1), ±1.43 Acre Parcel, Parcel Account Number 9019-0000-05, No Address Assigned

The Board granted a petition by Billie L Armstrong, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) to Single-Family Dwelling (R-1), for all permitted uses, on an approximate 1.43 Acre Parcel, on Parcel Account Number 9019-0000-05, No Address Assigned

1.1.4. 250505ZC - Gary and John Martin, Zoning Change from Mixed Residential (R-4) to Rural Residential (RR-1), ±4.60 Acres, Parcel Account Number 3499-003-116, Site Address 10850 SW 105th Avenue, Ocala, FL 34481

The Board granted a petition by Gary Martin and John Martin, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Mixed Residential (R-4) to Rural Residential (RR-1), for all permitted uses, on an approximate 4.60 Acre Parcel, on Parcel Account Number 3499-003-116, Site Address 10850 SW 105th Avenue, Ocala, FL 34481

1.2 Planning and Zoning Items for Individual Consideration:

1.2.1. 250506ZC - Moser Family Trust, Zoning Change from General Agriculture (A-1) to Residential Estate (R-E), 9.05 Acre Parcel, Parcel Account Number 41409-006-09, Site Address 4480 SE 120th Street, Belleview, FL 34420

The Board considered a petition by Moser Family Trust, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Residential Estate (R-E), for all permitted uses, on an approximate 9.05 Acre Parcel, on Parcel Account Number 41409-006-09, Site Address 4480 SE 120th Street, Belleview, FL 34420

P&Z PUBLIC HEARING ON APRIL 28, 2025

250506ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Lourenco, 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, 5-0.

May 19, 2025

Planner Erik Kramer, Growth Services, provided a brief overview of the request for a zoning change from A-1 to R-E, noting both staff and P&Z Commission are recommending approval.

James Hartley, Gooding & Batsel, PLLC, SE 36th Avenue, attorney on behalf of the applicant, advised that the subject property is a 9 acre parcel and the applicant is seeking a zoning change from A-1 to R-E. He stated originally the property was 10 acres, but 1 acre in the northwest corner was divided out by family division in 2022 for the property owner's daughter and her family to reside. Mr. Hartley advised that the potential new parcel will access the property through the current ingress/egress. He stated the intent is to increase the daughters parcel to 2 acres with a boundary adjustment, add a 2-acre new parcel and leave the parent parcel with approximately 6 acres.

Mr. Hartley advised that any division of land of three or more parcels generally needs to be done by plat, unless there is an exception with the Code. He commented on the process that would have to take place in order to divide the property into more than the proposed 3 parcels. Mr. Hartley stated the reason the property cannot be divided now is due to the current zoning of A-1, which has a minimum lot size of 10 acres. He opined that the proposed zoning is compatible with the existing future land use, which is Low Residential. Mr. Hartley stated the intent for the R-E is low density large lot home sites, noting the minimum lot size in R-E is just under 1 acre.

Mr. Hartley provided a brief overview of the land uses and zoning in the surrounding area. Chairman Bryant opened the floor to public comment.

Brianna Harker, SW 72nd Lane, advised that she along with her husband are the ones who intend to purchase the property, noting the intention is to build a family home on the site. She stated they are long time residents of Marion County.

Gary Moser, SE 120th Street, reiterated the intent is for the Herker's to live on the property. Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve the zoning change from A-1 to R-E, 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 (5-0).

Commissioner McClain out at 1:28 p.m.

1.2.2. 250507ZP - Lake Louise, LLC, Zoning Change from Single-Family Dwelling (R-1) to Planned Unit Development to Allow for a Maximum Proposed Total of 151 Residential Units, 9.51 Acre Tract, Parcel Account Numbers 3060-007-004 and 3060-004-001, No Addresses Assigned

The Board considered a petition by Lake Louise, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Single-Family Dwelling (R-1) to Planned Unit Development (PUD) for a maximum proposed total of 151 residential units, for all permitted uses, on an approximate 9.51 Acre Tract, on Parcel Account Numbers 3060-007-004 and 3060-004-001, No Addresses Assigned

P&Z PUBLIC HEARING ON APRIL 28, 2025

250507ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Fisher, 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 failed 3-3 with Mr. Bonner, Mr. Lourenco, and Mr. Kroitor Dissenting. Planner Kathleen Brugnoli, Growth Services, advised that the request is to go from R-1 to PUD. This is 9.51 acres and the proposed project would have a maximum of 151 multifamily dwelling units. She stated the PUD consists of a 1.56 acre parcel and a 7.95 acre parcel. The property has an Urban Residential land use, which allows 8 to 16 dwelling units per acre. Ms. Brugnoli advised that the subject property is located in the Urban Growth Boundary (UGB) and within the Primary Springs Protection Overlay Zone (PSPOZ).

Ms. Brugnoli stated in 2019 there was a Special Use Permit (SUP) for hay production in R-1. Then in 2022 there was a request for a Small Scale Comprehensive Plan Amendment to go from a Medium Residential land use to Urban Residential land use, which was approved. She provided a brief overview of the surrounding area. Ms. Brugnoli advised that some portions of the project has been annexed into the City of Ocala and has gone through the City's rezoning process, noting this project is located in the City of Ocala and Marion County. She stated the information received from the City of Ocala Planning Director indicates there are no formal plans for development of the property within the City.

Commissioner McClain returned at 1:29 p.m.

In response to Chairman Bryant, Ms. Brugnoli stated the City Planned Development (PD) approvals took place in approximately 2022, noting the site plan for phase 1 expires on January 27, 2026.

Ms. Brugnoli referred to the site plan shown on the overhead screens containing the plans for the Marion County portion of the project, which is what is being addressed today. The site will be multifamily with 35 or 23 units in each building. She advised that the proposed setbacks are 25 feet front and rear, as well as 8 feet on the sides, which is consistent with residential land uses.

Ms. Brugnoli provided a brief overview of Type A and Type C buffers. For Parcel 3060-007-004 the applicant is proposing a Type A buffer along the north and west boundary and Type C buffer along the south and east boundary. For parcel 3060-004-001 the applicant is proposing Type C buffers for the north, east and west and a Type A buffer in the SW corner near residences.

Ms. Brugnoli advised that some of the renderings provided show 3 stories; however, the applicant has limited themselves to a 40 foot maximum building height. Also some buildings have a minimum separation of 30 feet.

Ms. Brugnoli commented on the proposed amenities, noting a car care and a dog park area were provided with the site plan. She stated this project is looking to be connected with the City project, which contains an amenity center. She advised that the square footage and details of the amenity center were not provided, but the applicant has stated the intent of the owner is for both products to share the amenities center.

Ms. Brugnoli provided a brief overview of the updated fire suppression/non-transport response analysis and the transport/ambulance response analysis.

In response to Commissioner Stone, Ms. Brugnoli advised that Marion County Fire Rescue (MCFR) recommended, if approved, additional resources would be warranted to handle increased demand from the proposed parcel. She stated there is a mutual aid agreement with the City of Ocala, noting if something were to happen the City would

May 19, 2025

respond as well as the County. Ms. Brugnoli advised that the Marion County Sheriff's Office (MCSO) informed staff that the Department could absorb the calls created by those residents alone, but if there is other development in the area additional staffing would be necessary to cover those needs.

Ms. Brugnoli advised that the traffic study provided was based on 198 units, not the proposed maximum units, which is now 151; therefore, the trips will be less than what is estimated in the traffic study. She stated the study shows approximately 1,269 trips with 61 peak AM trips and 85 peak PM trips. Ms. Brugnoli advised that the study indicated there are no transportation deficiencies identified within the study area due to the addition of this project.

Senior Engineer Don Watson, OCE, provided a brief overview of the traffic study and level of service (LOS).

Chairman Bryant advised of tremendous deficiencies on SW 7th Avenue, as well as at SW 42nd Street and SW 7th Avenue.

Mr. Watson advised that the reason the study identified no deficiencies is because the road is below the assumed value that would trigger the failing LOS E condition.

Chairman Bryant commented on her experience with the traffic congestion in this area, noting SW 7th Avenue is in horrible condition.

Mr. Watson advised that the intersection of SW 32nd Street and SW 7th Avenue is in a failing condition even without the City of Ocala's approved development, noting this is an existing issue. He stated crash data was pulled from the Signal 4 database, which found there has been 25 total crashes and a little over half of those are angle and left turn crashes. This is correctable by a traffic signal. Mr. Watson addressed the proposed build out conditions (as shown on the overhead screens), noting assuming a signal is placed at SW 32nd Street and SW 7th Avenue the LOS will improve to a C in the AM peak hour and to a B in the PM peak hour.

In response to Commissioner Curry, Mr. Watson advised that the developer has an existing agreement with the City that requires the intersection improvements to be completed prior to receiving a certificate of occupancy (CO). He stated staff's recommendation is to put a new southbound left turn lane into the development to try and relieve some of the queuing that could develop on SW 7th Avenue.

Commissioner Curry questioned if the left hand turn signal would still be required if the County denies this request. Mr. Watson advised that the signal would have to be installed before the developer can move forward with the approved City project. He stated a left turn lane is included at the signal, but does not include a left turn lane along the SW 7th Avenue access point, noting the developer does not own the property that would be needed to widen the road in order to install the turn lane.

Commissioner Curry stated if approved he would request construction of a sidewalk and questioned if the city portion requires a sidewalk. Mr. Watson advised that the developer is constructing sidewalks along the east side of SW 7th Avenue along the City project boundary. There are a few parcels they do not own between the City and County project; therefore, there will be some gaps in the sidewalk.

Chairman Bryant stated there are two different signalizations, noting one is at SW 42nd Street and SW 7th Avenue and the other signalization is where the project enters onto SW 7th Avenue.

Mr. Bouyounes clarified that the applicant is not proposing a signal at the SW 7th Avenue, they are proposing a left turn lane only.

Chairman Bryant commented on the limited right-of-way (ROW) in the area, noting she did not want the onerous of obtaining the ROW being put on the County.

Mr. Watson advised that the applicant's concern is the narrow ROW and not owning the property to either side.

In response to Mr. Bouyounes, Mr. Watson advised that staff has reviewed the City's traffic study. The study shows almost all of the signals on SW 32nd Street and SW 42nd Street fail in the PM peak hour. These are existing deficiencies that the City did not require additional improvements from the developer.

General discussion ensued relating to traffic.

Mr. Watson commented on the pavement conditions of the surrounding roads.

In response to Chairman Bryant, Mr. Watson advised that these roads are not currently included in the Transportation Improvement Plan (TIP), but they could be added if needed. He advised that the County would wait until after construction has completed before making any improvements.

Ms. Brugnoli stated the subject parcel is within the Urban Growth Boundary (UGB) and has an Urban Residential Land Use. She advised that that applicant provided letters of availability for sewer and water from the City of Ocala. Ms. Brugnoli stated the plan was initially being submitted as a Master Plan, but due to some missing items this is being considered as a conceptual plan and will be required to come back before the Board for final approval.

Ms. Brugnoli advised that the applicant wants to utilize the retention areas on the City phase 2 portion in order to address the stormwater, which would require a legally binding agreement. This would be the same situation for amenities and open space.

Ms. Brugnoli stated signs were placed on the subject property on April 17, 2025 regarding the zoning change request; however, it was brought to staff's attention that the sign had blown over in a storm and staff went out today to replace the sign. She referred to the pictures shown on the overhead screen of the property and surrounding area.

In response to Chairman Bryant, Ms. Brugnoli advised that the trips are within the allowed LOS. She stated for the project to not adversely affect the public interest staff has recommended Conditions, which will mitigate the traffic issues.

Chairman Bryant expressed concern with stating the application does not adversely affect the public interest as long as it meets the Conditions set by the County, noting as it sits right now it does adversely affect the public interest.

Commissioner Zalak commented on future development that is planned for the area and the impact it will have on the LOS.

Commissioner Curry questioned if the developer is required to pay a proportionate share of road improvements. Commissioner Zalak advised that since the road condition is failing and the project is not included in the County's TIP there is nothing for the developer to contribute.

Mr. Watson stated there is language in the Concurrency Development Agreement between the City of Ocala and the Lake Louise development, which identifies it as a failing road and allows the developer reserve trips as long as they do the signal at SW 32nd Street and SW 7th Avenue, along with the turn lanes at that intersection.

In response to Commissioner Zalak, Mr. Watson advised that the traffic signal will slow down traffic on SW 32nd Street and SW 42nd Street.

It was noted that Growth Services Department staff recommends approval of the PUD with the following Conditions:

1. The PUD shall not be constructed or developed until the adjacent PD in the City of Ocala with the amenities is being developed and the amenities with easements are completed and available for use for the County portion of the PUD.
2. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below

TABLE 2. SETBACKS (IN FEET)			
Direction	Adjoining Use	Proposed	Recommended
North	Single-Family Residential	8'	8'
South	Single-Family Residential Multiple-Family Dwelling	8'	8'
East	Single-Family Residential	25'	25'
West	Single-Family Residential	25'	25'

3. The PUD shall comply with the PUD Development Buffers listed in Tables 3 and 4 below and as listed within the buffering plan provided.

TABLE 3. BUFFERS FOR PARCEL 3060-007-004				
Direction	Adjoining Use	Required	Proposed	Recommended
North	Single-Family Residential	A-Type	A-Type	A-Type
South	Single-Family Residential Multiple-Family Dwelling	C-Type	C-Type	C-Type
East	Single-Family Residential	C-Type	C-Type	C-Type
West	Single-Family Residential	A-Type	A-Type	A-Type

TABLE 4. BUFFERS FOR PARCEL 3060-004-001				
Direction	Adjoining Use	Required	Proposed	Recommended
North	Single-Family Residential	C-Type	C-Type	C-Type
South	Single-Family Residential Multiple-Family Dwelling	A-Type in SW corner near residences	A-Type in SW corner near residences	A-Type in SW corner near residences
East	Single-Family Residential	C-Type	C-Type	C-Type
West	Single-Family Residential	C-Type	C-Type	C-Type

4. The PUD shall be limited to a maximum of 151 multi-family units.
5. The PUD shall be developed consistent with the PUD plan provided.
6. A property owner's association OR the developer must care for and maintain all common areas used by residents of the subdivision as well as

- buffers, stormwater, and any other forms of infrastructure within the subdivision.
7. Sidewalk to be provided internally as shown in the PUD site plan.
 8. Sidewalks, as required by Traffic, shall be developed or a fee in lieu of sidewalks to be paid.
 9. There shall be no construction or development of this PUD until adjacent PUD development is completed and stormwater systems are installed with legally recorded permission for this property to discharge its stormwater there for retention.
 10. 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.
 11. The PUD must meet the LDC requirement of a minimum of 20% improved open space.
 12. The final PUD master plan must be brought back and heard by the Board of County Commissioners for final approval.
 13. Southbound left turn lane of 180' for the northern full access driveway along SW 7th Ave is required prior to full buildout.
 14. Prior to approval of this PUD's improvement plan, phase 1 improvements need to be completed, including signalized intersection at SW 7th Ave and SW 32nd St and the extended left turn lane along SW 42nd/SW 32nd St at SW 7th Ave.
 15. Northern full access driveway along SW 7th Ave at SW 26th St must align with existing SW 26th St roadway on opposite side of SW 7th Ave.
 16. Right-of-Way dedication of 25' is required along SW 7th Ave.

Commissioner Zalak opined that the Conditions only address improvements relating to the ingress/egress for the subject property, noting it does not resolve any issues at the nearby intersections.

In response to Commissioner Zalak, Ms. Brugnoli advised that staff's focus was the ingress/egress of the subdivision, noting the Conditions do not address any proportionate share or deficiencies in the area.

Mr. Watson stated the intersection at SW 32nd Street and SW 7th Avenue is currently failing. He advised that the proposed signal will improve the delay for people on SW 7th Avenue, but it may cause the LOS on SW 32nd Street to go down due now having to stop. General discussion ensued.

Chairman Bryant passed the gavel to Commissioner Zalak, who assumed the Chair.

Commissioner Bryant out at 2:15 p.m.

Rob Batsel, SE 36th Avenue, attorney on behalf of the applicant, presented a 2 page letter dated May 15, 2025 and a 35 page Concurrency Development Agreement between the City of Ocala, Lake Louise, LLC and The Rosemere Apartments, LLC. He advised that the developer is aware there are issues and opined that the proposed conditions adequately address those issues.

Commissioner Bryant returned at 2:17 p.m.

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

Mr. Batsel stated the developer, notwithstanding the fact that legally they have no obligation to pay a proportionate share, voluntarily provided a traffic study and tried to address the impact the proposed development will have on these segments and

intersections. He advised that the applicant is already obligated to construct the traffic signal at SW 7th Avenue and SW 32nd Street, a 370 foot southbound left turn lane, lengthen the eastbound turn lane on SW 32nd Street to 355 feet, and a 180 foot westbound turn lane, noting the improvements must occur before a single CO is issued.

In response to Commissioner Zalak, Mr. Batsel advised that the developer is receiving Impact Fee credits from the City of Ocala through the agreement. He stated the applicant will also be discussing Impact Fee credits with the County.

Commissioner Zalak advised that the developer is being reimbursed for the improvements through Impact Fee credits of some sort in the future.

Mr. Batsel opined that because there are proper Conditions in place, based on data from a traffic study, to address the traffic issues there is not a reason to deny due to traffic safety issues. He commented on the necessary road improvements required in the staff Conditions.

Amber Gartner, Kimley-Horn and Associates (KHA), SE 17th Street, advised that due to the size of the project the County only requires a traffic assessment, but the applicant provided a traffic study. She stated they are only required to consider adjacent roadway segments and maybe an adjacent intersection, which is what was provided. Ms. Gartner advised that some of the intersections being discussed outside of the immediate project area would not be considered significant based on the proposed development program per County guidelines and are not required to be evaluated as part of that review. She stated the project will generate approximately 85 peak hour trips during PM peak hour at both access locations. Approximately 91 percent (%) of the trips are on SW 7th Avenue and 9% will go out east to SW 29th Street Road. Ms. Gartner advised that the maximum impact on SW 7th Avenue from a directional standpoint is 36 trips during 1 hour.

Ms. Gartner stated the primary issue with SW 7th Avenue is the intersection with SW 32nd Street because the traffic on SW 32nd Street is heavy during peak hours. She reiterated prior to any COs from the City the developer or subsequent purchasers are required to make the agreed improvements. Ms. Gartner advised that the study identified that a turn lane was not needed at the northern driveway, but the developer understood staff had volume, operation and safety concerns; therefore, the left turn lane is something the owner is willing to construct. She stated the proposed development is not a significant impact on the roadway in the immediate surrounding area apart from the one intersection, which is addressed by the Conditions.

Ms. Gartner advised that the queue for the left bound turning lane is 170 feet and it is being designed at 370 feet. She commented on existing design plans for road improvements in the area that have been reviewed and approved by the City and County. In response to Commissioner Zalak, Ms. Gartner advised that there is sufficient line of sight in either direction from the entrance on SW 7th Avenue.

Mr. Batsel stated this is a unique product because a portion of the overall project is located within the City of Ocala, noting only a small portion is within the County. He advised that the County portion is what is being addressed today.

Commissioner Stone questioned why the County portion has not been annexed into the City. Mr. Batsel advised that annexing to the City would create an enclave for the two isolated residential parcels and give those property owners a cause of action and could result in issues.

Mr. Batsel stated the County portion of the proposed PUD contains 151 units on 9.5 acres. Immediately to the south is the Rosemere Apartments, which have been sold and are what was considered Phase 1 of the overall project. He advised that when he got involved

in the project the main focus of what needed to get accomplished was making sure the focus was on amenities, stormwater management, transportation improvements and to fashion Conditions of approval that made sure that even through these were proceeding in two jurisdictions that there was certainty that the County's portion of stormwater was going to be properly managed and done in conjunction with the City portion of the project. Mr. Batsel stated stormwater will be stored in ponds due east on the northeast side at one of the low points on the City property where a master drainage retention area (DRA) will be located.

Mr. Batsel advised that there is an amenities package in the City portion of the PD, noting there is a condition requiring the Master Plan to come back before the Board for approval. He stated there would be some assurance through legal instruments making sure the Boards review of the offsite City portion of the amenities was part of the Master Plan and residents in the County portion would have access to those amenities.

Mr. Batsel stated before any part of this project, City or County, moves forward the signalization and those turn lanes must occur.

Chairman Bryant clarified that her understanding is the transportation improvements would be completed prior to CO. She stated the construction will exasperate the traffic issues.

Mr. Batsel advised that he can have a discussion with the applicant regarding modifying the condition to state "prior to approval of a preliminary plat or improvement plan the road improvements will be completed".

In response to Commissioner Stone, Mr. Batsel advised that road improvements would consist of the signal at NW 7th Avenue and SW 32nd Street and corresponding turn lanes at that signal. He stated the applicant is willing to design and build the southbound turn lane, but ROW might be an issue.

Chairman Bryant advised that accruing the property is up to the developer and not the County.

Mr. Batsel stated the applicant does not have eminent domain authority.

General discussion ensued.

Chairman Bryant opened the floor to public comment.

Commissioner Zalak out at 2:37 p.m.

David Weeman, SW 23rd Place, expressed concern relating to the widening of the roads and water and sewage connections.

Commissioner Zalak returned at 2:39 p.m.

Chairman Bryant advised that if the request is approved the applicant would be required to connect to City water and sewer, nothing this will not affect the surrounding residents.

Mr. Weeman questioned the construction impact on his neighborhood. Chairman Bryant advised that staff will address this after public comment is complete. She confirmed that Mr. Weeman would not be required to connect to central services.

Barbara Roberts, SW 23rd Place, expressed concern with the impact of stormwater and traffic.

Cosmo Easterly, SW 23rd Place, commented on the condition of SW 7th Avenue and the impact new development will have on traffic.

Leah Porath, SW 26th Street, addressed traffic and wildlife concerns.

Lora Robinson, SW 7th Avenue, commented on existing traffic issues and water availability to support new development, as well the strain this will have on Fire Rescue Services. She advised that there are over 40 apartment complexes within a 4 mile radius.

Connor Bailey, SW 7th Avenue, commented on school capacity, student test scores, and

May 19, 2025

impact growth is having on the quality of life or residents, health care, traffic, and road quality.

Susan Oneill, SW 11th Avenue, expressed traffic concerns. She urged the Board to require developers to pay their fair share when it comes roads.

Lisa Coan, SW 23rd Place, commented on the approved units within the City portion of the project and the impact it will have on traffic.

Chairman Bryant advised that if the Board approved the request today it would add an additional 151 units to the 800 units already approved by the City in 2022.

Ms. Coan expressed concern with the impact this development will have on existing property values.

Debbie Powell, SW 9th Court, commented on traffic and safety concerns.

John Ming, SW 23rd Place, addressed traffic concerns.

Rance Kay, SW 7th Avenue, advised that he owns the largest property adjacent to the subject property and opined that the project is not logical.

Kenneth Roy, SW 7th Avenue, commented on traffic concerns.

Chairman Bryant advised that public comment is now closed.

Mr. Batsel advised that the site is an unimproved property; therefore, it is currently an uncontrolled environment with no form of stormwater facilities. He stated the applicant will be required to address the stormwater during the permitting process. Mr. Batsel advised that school capacity is measured district wide; therefore, it is not an issue with this project.

Mr. Batsel advised that the Board long ago assigned this property with an Urban Residential Future Land Use Designation, which allows for 8 to 16 units per acre. He stated the substance of the staff's report and the Developer's Agreement shows that the developer has gone above and beyond to volunteer to signalize the intersection. Mr. Batsel advised that Mr. Watson's proposed Condition on the timing of signalization is already prior to approval of the improvement plan.

Chairman Bryant advised that the Condition only applies to the County portion of the project and does not apply to the portion already approved by the City.

Mr. Batsel advised that the only thing being considered today is the 151 units, noting the developer has promised well over \$1,500,000.00 in road improvements. He opined that the best way to bring that to fruition is to remove the question mark of a potential purchaser about what is going to happen with the 9.5 acres.

Mr. Batsel stated the proposed Conditions put in place what needs to be done in order for staff to recommend approval. He stated the developer is trying to work with the County. For example, the 180 foot turn lane was not warranted by the traffic study, but the applicant has agreed to provide the turn lane.

General discussion ensued.

Mr. Batsel advised that at the end of the day it is the applicant's obligation to obtain the ROW for the turn lane. He provided a brief overview of the applicant's proposed Condition changes as shown in the letter provided to the Board, noting the applicant is not requesting changes to Condition 13.

In response to Commissioner Curry, Mr. Batsel advised that if this request is denied the City portion of the project will still move forward. He commented on the importance of having zoning and land uses in place when marketing a property to potential purchasers. Commissioner Curry questioned how the County portion will impact the stormwater if the application is not approved. Mr. Batsel advised that the applicant is going to engineer the project, noting any ponds or facilities built on the City portion are going to be built to accept stormwater from subject property.

Commissioner Curry expressed concern with the denial of this application impacting the quality of the overall project in the area.

Commissioner Zalak advised that the applicant has already sold a portion of the project. Mr. Batsel stated the section containing the 326 apartment units has been sold to The Rosemere Apartments, LLC.

Chairman Bryant advised that she is not in support of the application.

General discussion ensued.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to deny the zoning change from R-1 to PUD, disagreeing with Growth Services staff 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.

In response to Chairman Bryant, Mr. Minter advised that the Chair can second the motion. The motion was approved 3-2 with Commissioner Stone and Commissioner McClain dissenting.

1.3. Adoption of Ordinance

1.3.1. 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 and Special Use Permits heard earlier in the meeting.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to adopt Ordinance 25-15 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 25-15 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.

There being no further business to come before the Board, the meeting thereupon adjourned at 3:19 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk

THIS PAGE INTENTIONALLY LEFT BLANK