

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

June 18, 2024

**CALL TO ORDER:**

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:07 a.m. on Tuesday, June 18, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The meeting opened with invocation by Chairman Stone and the Pledge of Allegiance to the Flag of our Country.

**9:00 AM ROLL CALL:**

Upon roll call the following members were present: Chairman Michelle Stone, District 5; Vice-Chairman Kathy Bryant, District 2; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Carl Zalak, III, District 4. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Angel Roussel, ACA Tracy Straub, ACA Amanda Tart, and Executive Director of Internal Services Mike McCain. Clerk Gregory C. Harrell was absent due to a prior commitment.

**ANNOUNCEMENTS:**

Chairman Stone addressed upcoming scheduled meetings as listed on the Commission Calendar (Item 13.2.1).

**1. PROCLAMATIONS AND PRESENTATIONS:**

Upon motion of Commissioner Zalak, seconded by Commissioner Bryant, the Board of County Commissioners (BCC) approved and/or ratified the following:

**1.1. PRESENTATION - Marion County School Board Bus Brigade School Supply Drive - Tom Butler, MCPS Homeless Liaison (Presentation Only)**

Homeless Liaison Tom Butler, Marion County Public Schools (MCPS), SW 49<sup>th</sup> Terrace, advised that it is that time of year to “kick-off” the MCPS Bus Brigade School Supply Drive, noting there were over 1,500 homeless students enrolled in Marion County schools last year, not including disadvantaged children who are also in need of school supplies. He noted last year, with the help of community partners, MCPS were able to meet the need for school supplies. Mr. Butler advised that due to recent economic times, the number of children in need continues to climb and it is getting harder and harder to meet those needs. Therefore, it falls on MCPS to supply students with shoes, clothing, school supplies, etc., in order for these children to be successful in school. He advised that last year there was a total 152 students that were eligible to graduate and out of those 138 were homeless. Mr. Butler noted at last year’s school supply drive Marion County staff collected 17,572 items for the children.

In response to Commissioner Bryant, Mr. Butler advised that MCPS uses the McKinney-Vento definition to identify homeless students, which are students living with other people that do not have a steady place to live on a daily basis, noting some may be living in a tent, car, shelter, etc. He stated most of the student homeless population is in the

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elementary school level and decreases as they get into Middle and High School, noting homeless High School students either do not graduate or they move somewhere else.

Commissioner Bryant commented on the need for cash donations to purchase items for graduation. Mr. Butler noted a cash donation can be made by writing a check payable to the Homeless and Needy Children program in care of MCPS.

Chairman Stone expressed appreciation to Mr. Butler for being here today, noting Marion County is proud to be a partner with MCPS to provide services and items to students and making a difference in their lives.

ACA Amanda Tart advised that it is time to “kick-off” the MCPS Bus Brigade School Supply Drive competition. She provided a brief overview of the competition between County Departments to bring in the most school supplies, noting last year’s winner was Public Safety Communications (PSC). Ms. Tart invited each of the County’s Constitutional Officers to participate in the competition. She advised that staff will come back in August 2024 to announce the results for this years’ school supply drive.

In response to Commissioner Curry, Ms. Tart stated the Public Relations team would work with Mr. Butler for the needed items and get the message out to the community.

**1.2. PRESENTATION** - Patriotic Skies; A Fourth of July Drone Experience - Loretta Shaffer, Tourism Development Director (Presentation Only)

Tourist Development Director Loretta Shaffer, Tourist Development Council (TDC), presented the following recommendation:

Description/Background: This will be the inaugural drone light show hosted by the City of Ocala with support from the Ocala/Marion County Visitors and Convention Bureau offered as a free event to celebrate Independence Day. It will include a drone show that will light up the night sky over Lake Tuscahill in a display of patriotism and creativity. A total of 300 drones will be synchronized to music by the Ocala Symphony Orchestra, painting the sky with colors and shapes, creating a truly mesmerizing experience for all ages. The event will also include two stages of live entertainment, food vendors, a kid’s zone, and a variety of photo opportunities with sponsor activities.

Budget/Impact: None.

Recommended Action: Presentation Only.

Tourist Development Director Shaffer, TDC, presented a brief video (as seen on the overhead screens). She stated on the 4<sup>th</sup> of July, 2024, at Tuscahill Park, there will be a drone light show displaying patriotic formations accompanied by live music performed by Ocala Symphony Orchestra. Ms. Shaffer presented an overview of the events of the day from 5:00 p.m. to 10:00 p.m. She stated the County is proud to partner with the City of Ocala for this event. Ms. Shaffer expressed appreciation to Ms. Amy Casaletto, and Ms. Brooke Perry, Community Special Events Manager, Ocala Recreation and Parks, and the City of Ocala’s leadership team for their hard work. She stated this will be a fun and safe environment for guests and the community while ensuring a pet/horse friendly environment. Additional information can be found at [www.ocalamarion.com](http://www.ocalamarion.com) or 352-438-2800.

**2. AGENDA ITEM PUBLIC COMMENTS:** Reserved for comments related to items specifically listed on this agenda. Scheduled requests will be heard first and limited to five (5) minutes. Unscheduled requests will be limited to two (2) minutes. Citizens may contact

Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or submit the request online at: [www.marionfl.org](http://www.marionfl.org).

Chairman Stone opened the floor to public comment.

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

**3. ADOPT THE FOLLOWING MINUTES: (2 sets)**

**3.1.** February 6, 2024

**3.2.** February 20, 2024

A motion was made by Commissioner McClain, seconded by Commissioner Curry, to adopt the meeting minutes of February 6 and 20, 2024. The motion was unanimously approved by the Board (5-0).

**4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:**

**4.1.** Request Approval for a Court Program Specialist Post Adjudication Expansion Drug Court as Well as Operational Expenses

The Board considered the following recommendation from Trial Court Administrator Jeff Fuller, Court Administration:

Description/Background: Request approval to enter into an agreement between the Fifth Judicial Circuit Court and Marion County Board of County Commissioners to provide funding for a Court Program Specialist I, full time employee (FTE), in Post Adjudication Expansion Drug Court (24-25-02). The current agreement expires on June 30, 2024, and is being renewed. The Court will reimburse the Board of County Commissioners for this position upon receipt of invoices submitted to the Court's Contract Manager.

Budget/Impact: \$73,000.00 in salaries and benefits as well as \$20,000 in operating expenses, which will be reimbursed.

Recommended Action: Approval to enter into agreement and have Commission Chair execute page 7.

A motion by Commissioner Bryant, seconded by Commissioner McClain, to approve the request to enter into an agreement between the Fifth Judicial Circuit Court and Marion County Board of County Commissioners to provide funding for a Court Program Specialist I, full time employee (FTE), in Post Adjudication Expansion Drug Court (24-25-02). The motion was unanimously approved by the Board (5-0).

**4.2.** Request Approval for a Court Program Specialist Position for Veterans Treatment Court as Well as Operational Expense

The Board considered the following recommendation from Trial Court Administrator Fuller, Court Administration:

Description/Background: Please review and approve the attached agreement 24-25-03 between the Board of County Commissioners and the Fifth Judicial Circuit Office of Court Administration. The previous agreement will expire on June 30, 2024. This agreement is for the state 2024-25 fiscal year and will provide funding through reimbursement to the county for a Court Program Specialist position for Veterans Treatment Court as well as operational expenses.

Budget/Impact: \$73,000.00 in salaries and benefits as well as \$20,000.00 in operating expenses, which will be reimbursed.

Recommended Action: Approval to enter into agreement and have Commission Chair execute page 7.

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A motion by Commissioner Bryant, seconded by Commissioner McClain, to approve the request to enter into agreement for a Court Program Specialist position for Veterans Treatment Court as well as operational expenses. The motion was unanimously approved by the Board (5-0).

## **5. CLERK OF THE CIRCUIT COURT:**

### **5.1. Budget Amendment**

Upon motion of Commissioner Bryant, seconded by Commissioner McClain, the Board adopted the following Budget Amendment Resolutions transferring funds as presented by Deputy Clerk Mills-McAllister on behalf of Clerk Harrell:

**5.1.1.** 24-R-209 - County Transportation Maintenance Fund - Transportation - \$30,000

**5.1.2.** 24-R-210 - County Transportation Maintenance Fund - Transportation - \$80,000

**5.1.3.** 24-R-211 - County Transportation Maintenance Fund - Road & Street Facilities - \$19,314

**5.1.4.** 24-R-212 - Fire, Rescue and EMS Fund - Fire Rescue Services - \$75,000

**5.1.5.** 24-R-213 - Marion County Utility Fund - Utilities Management - \$465,000

**5.1.6.** 24-R-214 - Tourist Development Tax - Visitors and Convention Bureau - \$2,155,863

(Ed. Note: EMS is the acronym for Emergency Medical Services.)

### **5.2. Clerk of the Court Items**

#### **5.2.1. Present Proposed FY 2024-25 Budget**

Budget Director Audrey Fowler presented a large binder entitled, "Proposed Line Item Budget Fiscal Year 2024/25"; a medium binder entitled, "Proposed Budget Fiscal Year 2024-25"; and a small binder entitled, "Proposed Capital Improvement Program Fiscal Year 2024/25 through 2028/29". She advised that she is present this morning to represent the Clerk of the Circuit Court and Comptroller who serves as the County Commission's Budget Officer and to present to the Board the proposed budget for Fiscal Year (FY) 2024-25. The annual budget process begins in January with a County Commission Strategic Planning Workshop and follows with the formulation of budget requests and revenue estimates to ultimately prepare a balanced budget proposal.

Ms. Fowler advised that the proposed budget is provided in 3 documents: Proposed Budget Fiscal Year 2024-25, Proposed Line Item Budget Fiscal Year 2024/25, and Proposed Capital Improvement Program Fiscal Year 2024/25 through 2028/29. She presented a brief overview of revisions and layout of the Budget. Ms. Fowler advised that the proposed millages are the same as the current FY 2023/24, with the exception of the Municipal Service Taxing Units (MSTU) for Law Enforcement. She stated the Proposed Line Item Budget aligns with all of the statutory obligations by account objects and is very detailed. The proposed 5-Year Capital Improvement Program (CIP), of which the first year aligns with the Capital Outlay requests included in the proposed annual budget. She noted the CIP in the budget does not include the Infrastructure Surtax because it has not been approved by the voters. If it is approved in November 2024, a budget amendment will be added into the budget after the start of FY 2024/25.

Ms. Fowler advised that the budget, as proposed, is a compilation of budget requests as received from County Departments through the County Administrator's office, as well as those requests submitted directly by the County's 5 Constitutional Officers (the Clerk of the Circuit Court and Comptroller, the Property Appraiser, the Marion County Sheriff, the Supervisor of Elections, and the Tax Collector); as well as outside agencies that routinely

provide services funded by the County. The budget as proposed is the County Commission's first opportunity to review these requests, as well as such, the budget does not yet represent the level of funding and the prioritization of services to be determined by the County Commission. The County Commission will have the opportunity to review and adjust the proposed expenditure requests, as well as the corresponding tax and fee rates necessary to fund the budget as proposed.

A series of budget workshops are scheduled during the month of July and are scheduled to take place on the morning and afternoon of Monday, July 8; Tuesday, July 9; and Wednesday, July 10, 2024. She advised that details of the specific topics and approximate times for discussions are included in the workshop schedule in Agenda Item 5.2.3., "FY 2024/25 Budget Workshop Agenda".

Ms. Fowler advised that following preliminary review and adjustment of the budget, the Board is required to set a proposed maximum property tax rate on or before August 4, 2024. As the first Commission meeting of August is after August 4, 2024, an agenda item for the Board's consideration will be presented at the July 16, 2024 regularly scheduled Commission meeting. The budget is finally adopted through a series of two public hearings scheduled for the evenings of Thursday, September 5 and Monday, September 23, 2024 beginning at 6:00 p.m.; whereupon the budget and tax rates will be finalized for the fiscal year beginning on October 1, 2024.

In response to Chairman Stone, Ms. Fowler advised that the budget documents are currently available for viewing or downloading on the website of the Marion County Clerk of the Circuit Court and Comptroller at [www.marioncountyclerk.org](http://www.marioncountyclerk.org). An overview of the details of the proposed budget will lead off the budget workshops.

Chairman Stone expressed appreciation to the Budget Division, the County's Department Heads and all of the Constitutional Officers for their good work.

**5.2.2. Present Proposed 2024-25 - 2028-29 Capital Improvement Program**  
(Ed. Note: This matter was discussed with Agenda Item 5.2.1.)

**5.2.3. Present Detailed Budget Workshop Schedule**  
(Ed. Note: This matter was discussed with Agenda Item 5.2.1.)

**5.2.4. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 044224, 045647, 046375, 046856, 052189 and IT List Attached**  
A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the Acquisition or Disposition of Property Forms for 044224, 045647, 046375, 046856, 052189 and IT List Attached. The motion was unanimously approved (5-0)

## **6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am: NONE**

**7. CONSENT:** A motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion unless desired by a Commissioner.

Upon motion of Commissioner McClain, seconded by Commissioner Bryant, the Board acted on the Consent Agenda as follows:

### **7.1. Community Services:**

**7.1.1. Request Approval of Second Amendment to Marion County Standard Professional Services Agreement Community Development Block Grant between Marion County and United Way of Marion County, Inc. (Budget Impact - Neutral)**

The Board accepted the following recommendation as presented by Community Services Director Cheryl Martin:

Description/Background: On August 2, 2022, the Board approved the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Fiscal Year (FY) 2022-2023 Annual Action Plan for Community Services associated with the FY 2019-2024 Five (5) Year Consolidated Plan.

On July 18, 2023, the Board approved an agreement between United Way of Marion County, Inc. to support its Strong Families Lite Mobile program. This program partners with non-profits to provide their clients with additional wrap-around service providers.

On January 10, 2024, the Board approved the first amendment to the United Way agreement to add an additional case worker to provide wrap-around services. In addition, the agreement extended the term to September 30, 2025.

United Way of Marion County, Inc is requesting an amendment to the first amended agreement to reappropriate funds for the case management to cover cost associated with the community 211 call center system. Staff recommends approval for this request.

Budget/Impact: Neutral.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute all necessary documentation associated with the Second Amendment to Marion County Standard Professional Services Agreement for the CDBG Program with United Way of Marion County, Inc.

**7.1.2. Request Approval of Marion County Standard Professional Services Agreement Acquisition and Rehabilitation of Rental Housing Project Between Marion County and S & A Allen S.S. Blvd., LLC (Budget Impact - Neutral; not to exceed \$1,350,000)**

The Board accepted the following recommendation as presented by Community Services Director Martin:

Description/Background: On May 3, 2022, the Board of County Commissioners (BCC) approved the 2022 - 2025 Local Housing Assistance Plan (LHAP), which allows for the acquisition of affordable multi-family rental housing to support affordable housing initiatives for very low and low-income households.

S & A Allen S.S. Blvd, LLC applied for SHIP funding through the Marion County Community Services for Rental Acquisition located at parcel identification number 2688-004-007. The project will consist of nine (9) units, of which five (5) units will serve 50% Area Median Income (AMI) households, and four (4) units will serve 80% AMI households. All nine (9) of these units will continue to be affordable for a 30-year- period by a recorded SHIP mortgage lien and promissory note.

Community Services is recommending SHIP funding to S & A Allen S.S. Blvd, LLC for the acquisition of an affordable multi-family rental project that aligns with the Empower Marion for Success II plan "Develop incentive options for development of housing in identified strategic areas".

Budget/Impact: Neutral; not to exceed \$1,350,000.00.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute all necessary documents associated with Marion County Standard Professional Services Agreement for Acquisition and Rehabilitation of Rental Housing Project between County and S & A Allen S.S. Blvd., LLC.

**7.1.3. Request Approval of Marion County Standard Professional Services Agreement State Housing Initiatives Partnership Rental Acquisition and Rehabilitation of Rental Housing Project Between Marion County and S & A Allen SR 200, LLC (Budget Impact - Neutral; not to exceed \$1,200,000)**

The Board accepted the following recommendation as presented by Community Services Director Martin:

Description/Background: On May 3, 2022, the Board of County Commissioners (BCC) approved the 2022 - 2025 Local Housing Assistance Plan (LHAP) which allows for the acquisition of affordable multi-family rental housing to support affordable housing initiatives for very low and low-income households.

Steve Allen of S & A Allen SR 200, LLC applied for State Housing Initiatives Partnership (SHIP) funding through the Marion County Community Services Pre-Screen Application for Rental Acquisition. Community Services is recommending SHIP funding to S & A Allen SR 200, LLC for the acquisition of a multi-family rental unit that has eight (8) units on the property located at 3220 SW 26th Street, Ocala, FL 34474. In addition, S & A Allen SR 200, LLC will execute and record a SHIP mortgage lien and promissory note with a 30-year affordability period in the amount of \$1,200,000.00.

Four (4) units will serve 50% Area Median Income (AMI) households and four (4) units will serve 80% AMI households. All eight (8) of these units will be used as affordable rental units for Marion County residents. Acquiring rental housing units will allow S & A Allen SR 200, LLC to house its clients while offering a safe and healthy living environment.

This project aligns with the Empower Marion for Success II plan "Develop incentive options for development of housing in identified strategic areas".

Budget/Impact: Neutral; not to exceed \$1,200,000.00.

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute all necessary documents associated with Marion County Standard Professional Services Agreement for acquisition and rehabilitation of rental housing project between County and S & A Allen SR 200, LLC.

**7.2. Development Review Committee:**

**7.2.1. Request Approval of a Final Plat for Copperleaf, Project Number 2006060037, Application Number 30812 (Budget Impact - None)**

The Board accepted the following recommendation as presented by Building Safety Director Michael Savage on behalf of the Development Review Committee (DRC):

Description/Background: This is a request to approve the Final Plat for Copperleaf. This subdivision is located in the southwest portion of the County containing 193 lots, 13 tracts and 2.21 miles of road on approximately 74.58 acres.

This Final Plat was approved by the Development Review Committee on June 3, 2024.

Budget/Impact: None.

Recommended Action: Motion to approve the Final Plat for Copperleaf and authorize the Chair and Clerk to execute the same.

**7.2.2. Request Approval of a Final Plat for Ocala Crossings South Phase Three, Project Number 2023010074, Application Number 31013 (Budget Impact - None)**

The Board accepted the following recommendation as presented by Building Safety Director Savage on behalf of the DRC:

Description/Background: This is a request to approve the Final Plat for Ocala Crossings South Phase Three, a Planned Unit Development.

This subdivision is located in the southwest portion of the County containing 147 lots and 1.14 miles of road on approximately 36.49 acres.

This Final Plat was approved by the Development Review Committee on June 3, 2024.

Budget/Impact: None.

Recommended Action: Motion to approve the Final Plat for Ocala Crossings South Phase Three and authorize the Chair and Clerk to execute the same.

**7.3. Human Resources:**

**7.3.1. Request Approval of Group Dental Insurance Renewal With Florida Combined Life (Budget Impact - None, Premiums paid 100% by Employees and Retirees)**

The Board accepted the following recommendation as presented by Human Resources Director Sara Caron:

Description/Background: Florida Combined Life (FCL) is the County's current Group Voluntary Dental Plan provider. The proposed renewal represents no increase to rates and no plan design changes. FCL provides two dental plan choices, a low option and high option, for employees to choose the plan which most appropriately meets their own individual and family needs. The plan designs and coverage encourage employees to use in-network providers to obtain the most cost-effective coverage.

The Group Dental plan is a voluntary insurance plan. Employees and retirees pay 100% of the premium.

Budget/Impact: None; employees and retirees pay 100% of the premium estimated to be \$1,600,000 for FY2025.

Recommended Action: Motion to approve dental insurance renewal with Florida Combined Life to be effective October 1, 2024.

**7.3.2. Request Approval of Group Voluntary Vision Insurance with AETNA (Budget Impact - None, Premiums Paid 100% by Employees)**

The Board accepted the following recommendation as presented by Human Resources Director Caron:

Description/Background: AETNA provides the County's Group Voluntary Vision insurance plan. There is no rate increase.

Employees and retirees pay 100% of the premium.

Coverage Enrollment	Monthly Premium
Employee Only:	\$ 5.86
Employee Plus One:	\$ 11.34
Employee Plus Two or More:	\$18.50



Budget/Impact: None. Employees and retirees pay 100% of the premium estimated to be \$290,000 for FY2025.

Recommended Action: Board motion to approve Vision Insurance renewal with AETNA to be effective October 1, 2024.

**7.3.3. Request Approval of Long Term Disability Insurance Renewal With Standard Insurance Co. (Budget Impact - \$725,000)**

The Board accepted the following recommendation as presented by Human Resources Director Caron:

Description/Background: The proposed renewal from Standard represents no rate increase as it is the second year of a two-year rate guarantee. Marion County pays the Long Term Disability (LTD) premium based on the premium rate per \$100 of covered payroll.

The LTD policy provides income replacement coverage at 66 2/3% of salary up to \$10,000 maximum, to an employee who is unable to perform the essential functions of their own job for up to 24 months following a 120 -day waiting period. Coverage may continue past 24 months only if employee is approved by Social Security as totally disabled and unable to perform the essential functions of any job.

Standard has been the County's LTD insurance company for many years and has provided excellent coverage and service to Marion County and their employees.

<u>COVERAGE</u>	<u>CURRENT RATE</u>	<u>RENEWAL RATE</u>
66 2/3% of Salary	.389 per \$100 covered payroll	.389 per \$100 covered payroll

Budget/Impact: \$725,000; total LTD premiums are estimated at \$725,000 which is included in the FY2024-25 Budget

Recommended Action: Motion to approve the LTD renewal with Standard Insurance Company to be effective October 1, 2024.

**7.3.4. Request Approval of Life Insurance Renewal with Standard Insurance Company (Budget Impact - \$519,570)**

The Board accepted the following recommendation as presented by Human Resources Director Caron:

Description/Background: The FY2025 proposed renewal from Standard represents no rate increase as a result of negotiations and is the second year of a two-year rate guarantee.

The Basic and Accidental Death and Dismemberment coverage provided to active employees is one times salary, paid 100% by the County. Employee supplemental and dependent coverage is voluntary and paid 100% by employees.

Retirees have the option to keep 100% of their Basic and Supplemental coverage at the time of retirement and pay 100% of the premium, based on an age step rate. Employees retiring prior to October 1, 2009 are able to keep \$10,000 of basic coverage at the group composite rate with all other coverage based on an age step rate.

Budget/Impact: Neutral; \$519,570 - Total Group Life Insurance premium is estimated at \$1,483,632, with anticipated contributions from employees and retirees of \$964,062, for a total cost to Marion County of \$519,570 which is included in the FY2024-25 budget.

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Recommended Action: Board Motion to approve the Group Life Insurance renewal with Standard Insurance Company to be effective October 1, 2024.

#### **7.4. Procurement Services:**

**7.4.1.** Request Approval of Change Order 15 to Purchase Order 2000541: 06Q-098-PA-15 49<sup>th</sup>/35<sup>th</sup> Street Phase 2B – Guerra Development Corp., Ocala, FL (Budget Impact - Neutral; additional expenditure of \$172,490 as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Susan Olsen:

Description/Background: On April 17, 2007, the Board approved a contract with Guerra Development Corp. under a master contract that provides engineering and design services of various projects. Project 06Q-098-PA-15 entails approximately 1,800 feet of road improvements on NW 49<sup>th</sup>/35<sup>th</sup> Street located immediately east of the planned interchange to be constructed with Interstate-75. This project has changed due to the project alignment and unforeseen work such as additional coordination with the Carter property, Buc-ee's site, and the Florida Department of Transportation as well as oversight of the value engineering modifications during construction. Guerra Development Corp. will provide shop drawings, support, and oversight relating to the underwater construction, soils, and mechanically stabilized earth walls. The resulting Change Order being presented today requests to add \$172,490.00 to the Purchase Order and extends the final completion date to December 15, 2024.

The Change Order is attached for review. Pending approval at today's meeting, the Change Order will be presented to the Chair for signatures.

Budget/Impact: Neutral; additional expenditure not to exceed \$172,490.00 bringing the total of the purchase order to \$999,462.80. Funding comes from VJ738541-563220 - Infrastructure Surtax Capital Project Fund.

Recommended Action: Motion to approve the Change Order, allow staff to process, and authorize the Chair and Clerk to execute Change Order 15 to PO 2000541.

**7.4.2.** Request Approval of Contract Amendment: 21Q-042-CA-03 Limerock Supplier - Florida Stone Products, LLC d/b/a Georgia Stone Products, LLC, Denver, CO, Commercial Industrial Corporation, Ocala, FL, and M.J. Stavola Farms, Inc., Ocala, FL (Budget Impact - Neutral; expenditures not to exceed \$300,000 per year as approved in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On January 19, 2021, and February 2, 2021, the Board approved limerock supplier contracts with Commercial Industrial Corporation (CIC), Florida Stone Products, LLC d/b/a Georgia Stone Products, LLC (GSP), and M.J. Stavola Farms, Inc. (MJS) to provide limerock material to the county. When ordering limerock, selections will be made on a case-by-case basis, choosing the lowest-cost supplier by calculating both material and travel expenses. Marion County will be responsible for transporting all limerock from the suppliers' mines. After a favorable review of all three vendors, Steven Cohoon, P.E., County Engineer, recommends approval of the final available renewal. This includes the requested price increases from CIC and MJS, which align with industry trends in

the current volatile market, while GSP has chosen to maintain its existing prices. Upon approval at today's meeting, the contracts will be forwarded to the appropriate suppliers and upon return, will be forwarded for the County Attorney, Clerk, and Chairman's signature.

Budget/Impact: Neutral; annual estimated expenditure is \$300,000. Annual expenditures shall not exceed Fiscal Year budget amounts without being brought back to the Board for approval. Funding comes from BN403541-553101 - 20% Gas Tax Construction Fund.

Recommended Action: Motion to approve the renewal and allow staff to issue the contract and upon approval by Legal, authorize the Chair and Clerk to execute the contract under 21Q-042-CA-03.

**7.4.3. Request Approval of First Contract Amendment: 22Q-152 SW 38<sup>th</sup>/40<sup>th</sup> St Phase A and SW 38<sup>th</sup> St Phase B (from SW 80<sup>th</sup> Ave to SW 43<sup>rd</sup> Ct) - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$16,870 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: At its February 7, 2023, board meeting, the Board approved a contract for Kimley-Horn and Associates, Inc. (KHA) to evaluate and update the existing Preliminary Engineering Report (PER) for SW 38<sup>th</sup>/40<sup>th</sup> St Phase A and SW 38<sup>th</sup> St Phase B (from SW 80<sup>th</sup> Ave to SW 43<sup>rd</sup> Ct). The PER will investigate and report on widening the current roadway from two lanes to four, alternative alignments for the new four-lane roadway, intersection improvements, and impacted right-of-way. The planned four-lane roadway will have a 120' right-of-way, grassed median, bicycle lanes on each side of the roadway, and a 5' wide sidewalk and 12' wide multi-use path on opposing sides.

As an addendum to the PER, KHA will be tasked to look at an alternative access road from SW 67<sup>th</sup> Ave Rd to West Port High School Bus Loop to determine if this new two-lane would reduce current traffic levels on SW 38<sup>th</sup> St. The PER will include KHA investigation and recommendations on the alternative access road. Attached for review is a draft contract; pending approval at today's meeting, it will be sent to the firm for execution and later routed for the County Attorney, Clerk, and Chair's signatures.

Budget/Impact: Neutral; expenditure of \$16,870. Funding is from GB772541-563512 - Impact Fee - West District.

Recommended Action: Motion to approve the first contract amendment and upon approval from Legal, authorize the Chair and Clerk to execute the amendment with Kimley-Horn and Associates, Inc. under 22Q-152-CA-01.

**7.4.4. Request Approval of Fourth and Fifth Contract Amendments: 21C-007, Kronos Timekeeping System - Kronos, Inc., Lowell, MA (Budget Impact - Neutral, total expenditure of \$259,040 pending approval of FY 2024-25 budget)**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On September 17, 2020, the Board approved a contract with Kronos, Inc. (Kronos) to implement a countywide timekeeping system that

integrates with the Tyler ERP system. Today we are presenting the fourth and fifth contract amendments, see descriptions below:

21C-007-CA-04:

Annual Telestaff Cloud Migration for Fire Rescue and Public Safety Communications. This cloud-based platform allows the departments to combine actual time, overtime, and vacation assignments in a single solution, making it easier for employees to track time and submit time-off requests and achieve compliance with labor laws and regulations. The expected annual cost for FY 2024-25 is currently projected to be \$64,680. Additional users will incur additional costs of \$84.00 per user, annually.

21C-007-CA-05:

Moving Workforce Central Management to the cloud using the UKG Pro Cloud Solution. This cloud-based suite combines Human Resources, payroll, and talent management into one solution. It will provide insights into Marion County's workforce by using smart technologies, including artificial intelligence, in-memory cloud computing, and application programming interface and integration framework to help the county optimize our employees. The expected annual cost is per user and year 1 (FY 2024-25) is projected to be \$194,360 which includes user adoption: train the trainer, initial onboarding, and final onboarding. The expected annual cost for years 2-5 is projected to be \$118,560. Additional users will incur additional costs of \$62.40 per user, annually.

With the technology industry trending to the cloud, Kronos is now requiring its customers to make this transition. This is one of Information Technology's 5-year operational goals, but the timeline has been accelerated due to Kronos' urgency to move their clients to the cloud.

In addition to requesting the approval of the above contract amendments, Procurement Services also requests approval for County Administrator, Mounir Bouyounes, to have signature authority for specific items that fall under the Kronos Timekeeping System master service agreement originally signed by the Board and when the expenditure is less than \$50,000 annually. Items that require review and approval by County Legal will continue to follow the same process. This request aims to streamline the approval process for this contract, making it more efficient. Attached for review is the fourth and fifth contract amendments, in the form of quotes. These have been reviewed by Information Technology and approved by Legal; pending approval at today's meeting, the originals will be presented to the Chair for signatures.

Budget/Impact: Neutral; combined expected annual expenditure of \$259,040 pending approval of FY 2024-25 adopted budget. Annual costs are per user, additional users will incur additional associated costs.

Amendment Breakdown	Year 1	Years 2-5
21C-007-CA-04	\$64,680	n/a
21C-007-CA-05	\$194,360	\$118,560

Recommended Action: Motion to approve and authorize Chair to execute the fourth and fifth contract amendments with Kronos, Inc. under 21C-007 and motion to approve the County Administrator, Mounir Bouyounes, to have signature authority for items that fall under the Kronos Timekeeping System master service

agreement, originally signed by the Board, when the expenditure is less than \$50,000.

**7.4.5.** Request Approval of Third Amendment Service Agreement: 21C-037-CA-03, 800MHz Radio IQ Networking – CenturyLink Communications LLC dba Lumen Technologies Group, Monroe, LA (Budget Impact - Neutral; additional expenditure of \$2,640 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On November 3, 2020, the Board approved a request from Public Safety Communications (PSC) to upgrade from the outdated T-1 Circuits, used to provide high speed bandwidth for the 800MHz radio system, to full Ethernet. This upgrade allowed for an immediate increase in redundancy as well as proactive positioning of the Marion County radio system for anticipated future system uses and additional upgrades. This amendment is to add Telecommunications Service Priority for National Security/Emergency Preparedness to the 11 IQ Networking circuits associated with PSC 800MHz Radio System. The breakdown for the service fee is 11 circuits, \$20 a month per circuit for a twelve (12) month term (\$2,640).

Attached is a copy of the amendment and approved LRM for review. Pending approval at today's meeting, the original will be presented to the Chair for signature.

Budget/Impact: Neutral; additional expenditure of \$2,640, funding from AA310529-541101(General Fund)

Recommended Action: Motion to approve and authorize the Chair to execute the third amendment to the agreement with CenturyLink Communications LLC dba Lumen Technologies Group under 21C-037.

**7.4.6.** Request Approval of Third Contract Amendment: 17P-103-CA-03, Leachate Disposal at Baseline Landfill - Aqua Clean Environmental Co., LLC, Richmond, VA (Budget Impact - Neutral; estimated annual expenditure of \$955,500 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On July 18, 2017, the Board approved a contract with Aqua Clean Environmental Co., LLC. to transport and dispose leachate from the Baseline Landfill. The landfill produces an average of 597,000 gallons of leachate per month. The contractor has complied with the original agreement's terms and conditions and Solid Waste has provided a positive evaluation. Solid Waste Director, Mark Johnson, recommends using the third of seven (7) annual renewal options available with the term beginning October 1, 2024 and ending September 30, 2025.

Attached for review is an approved LRM and vendor signed contract amendment. Pending approval at today's meeting, the contract amendment will be presented to the Clerk and Chair for signatures.

Budget/Impact: Neutral; annual estimated expenditure of \$955,500 as approved in FY 2023-24. Pending approval of estimated expenditure of \$955,500 for FY 2024-25 budget. Funding is from ZA423534-534101(Solid Waste Disposal Fund).

Recommended Action: Motion to approve and authorize the Chair and Clerk to execute the Third Contract Amendment with Aqua Clean Environmental Co., LLC under 17P-103.

**7.4.7. Request Approval of Purchases \$50,000 and Over**

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: The items below have been received by Procurement Services and are approved for conformance with the Procurement Code/Manual, pending approval at today's meeting.

1. Pending Requisition/Kompan, Inc. - Marion County Parks & Recreation Department requests approval to purchase the following: one (1) 2.5 Bay Swing - 2 infant, 2 belt, 1 You&Me In-ground (\$8,610.50); one (1) Acadia with Roof in-ground (\$20,553); one (1) Supernova - Greenline in-ground 90cm (\$8,415); one (1) Garden Seesaw in-ground 60cm (\$6,919); one (1) Installation of Kompan equipment, borders and ramp (\$17,004.55); one (1) freight charge (\$6,001.45); 127 cubic yards of blown in EWF+FF 12" by CY, 3433 SF, including installation and freight (\$13,895.33); 52 pieces of 12" playground border with spike, black plastic (\$2,106); one (1) ADA full ramp system, black plastic (\$940.50); and one (1) freight charge for borders and ramp (\$520). Total expenditure of \$84,965.33; funds are available in line AA715572-563102-PRC202202 (General Fund). This purchase meets the competitive bidding requirements under an Omnia cooperative contract #2017001135.
2. Pending Requisition/Visit Florida - Marion County Tourist Development requests approval to purchase the following: one (1) DMO video Co-op: Gold Families Package that includes 3 video productions (\$67,500); and one (1) DMO Video Co-op: Gold Outdoors & Nature Package that includes 3 video productions (\$67,500). Total expenditure of \$135,000; funds are available in line CP155552-548101-155VisitFL (Tourist Development Fund). This purchase meets the competitive bidding requirements under section 2-240 of the Procurement Ordinance.
3. Pending Requisition/Visit Florida - Marion County Tourist Development requests approval to purchase one (1) DMO Video Program: Gold In-State that includes 4-week flight, national broadcast TV (Comcast, Spectrum, Cox, Effectv.) (\$180,000). Total expenditure of \$180,000; funds are available in line CP155552-548101-155VisitFL (Tourist Development Fund). This purchase meets the competitive bidding requirements under section 2-240 of the Procurement Ordinance.

Recommended Action: Motion to approve requested purchases

**7.5. Tourist Development:**

**7.5.1. Request Approval of Tourist Development Council Funding Request for NMRA Sunshine Region, Inc. for NMRA Sunshine Region Convention (Budget Impact - Neutral; expenditure of up to \$1,400 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by Tourist Development Director Loretta Shaffer:

Description/Background: The Tourist Development Council (TDC) seeks funding approval for organizations that have festivals, events, or programs which support the TDC's mission of growing the economy and accelerating prosperity in Marion County through effective destination sales and marketing. This funding contract is for the NMRA Sunshine Region Convention hosted by NMRA Sunshine Region, Inc. to be held October 10-12, 2024, at the Hilton Ocala. This event was recommended for funding by the TDC at their regularly scheduled meeting on May 30, 2024.

Budget/Impact: Neutral; expenditure of up to \$1,400 as approved in the FY 2023-24 budget. Funding from CP155552-548101.

Recommended Action: Motion to approve the Tourist Development Council funding request and authorize the Chairman and Clerk to execute the attached funding agreement.

## **7.6. Transportation - County Engineer:**

### **7.6.1. Request Approval of a Grant of Electric Distribution Easement between Marion County and City of Ocala for a Portion of Parcel Number 25033-000-00 (Budget Impact - None)**

The Board accepted the following recommendation as presented by County Engineer Steven Cohoon, Office of the County Engineer (OCE):

Description/Background: This is a request to approve a Grant of Electric Distribution Easement between Marion County and City of Ocala, a municipal corporation for a Portion of Parcel Number 25033-000-00. This 10-foot easement is needed for underground electrical service for the new Southeastern Livestock Pavilion (SELP) Campground RV Sites.

Budget/Impact: None.

Recommended Action: Motion to approve the Grant of Electric Distribution Easement and authorize the Chair and Clerk to execute the same.

### **7.6.2. Request to Approve a Purchase Agreement Between Marion County and Coyote Crossings Holdings, LLC Associated with the SW 49<sup>th</sup> Avenue - South Segment F Road Project and 484 Road Runner Resources Associated with the SW 49<sup>th</sup> Avenue – South Segment A Road Project (Budget Impact: Neutral; expenditure of \$595,236 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: this is a request to approve a purchase agreement between Marion County and Coyote Crossings Holdings, LLC, associated with the SW 49<sup>th</sup> Avenue - South Segment F road project (Marion Oaks Manor to 0.7 Miles South of CR 484) and 484 Road Runner Resources associated with the SW 49<sup>th</sup> Avenue - South Segment A road project (from CR 484 to North of Marion Oaks Trail). The agreement is for a total of 9.42 acres needed for DRAs at \$50,000 per acre and to reimburse the current property owner for 4.06 acres of Scrub Jay mitigation for a combined purchase price of \$595,236 plus closing costs.

The area being identified as DRA-05 is 3.36 acres for a cost of \$168,000 and the mitigation reimbursement is \$124,236. These are both part of the SW 49<sup>th</sup> Avenue - South Segment A project. The area being identified as DRA-03A is 6.06 acres for a cost of \$303,000 and is part of the SW 49<sup>th</sup> Avenue - South Segment F project.

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Budget/Impact: Neutral; expenditure of \$303,000 plus closing costs (STC073813-VJ738541-561301) and expenditure \$292,236 plus closing costs (STC073810-VJ738541-561301)

Recommended Action: Motion to approve the purchase agreement and authorize Chair and Clerk to execute the same.

**7.6.3. Request Approval of Interlocal Agreement between Marion County and City of Ocala for Roadway Improvement, Transfer of Jurisdiction of Certain Road Segments, Building and Signalization of a Certain Intersection and Transfer of a Certain Parcel (Budget Impact - Neutral, future expenditure of up to \$1,825,223 for a resurfacing project identified in the FY 2023-24 Budget and proposed FY 2024-25 Budget)**

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: Attached is an Interlocal Agreement between Marion County and City of Ocala for roadway improvements associated with the jurisdictional transfer of multiple road segments. The City of Ocala and Marion County wish to make the most efficient use of their powers by cooperating with each other on a basis of mutual advantage and to thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will align best with safety, geographic, economic, population, and other factors influencing the needs and development of their respective communities.

Upon execution of the associated agreement and fulfillment of agreement requirements:

- Marion County will transfer all, or a portion of, SW 43<sup>rd</sup> Court to the City;
- The City of Ocala will transfer a portion of SW 40<sup>th</sup> Avenue to the County;
- Marion County will facilitate a road resurfacing project to include all, or portions of SW 38<sup>th</sup> Court, SW 38<sup>th</sup> Avenue, SW 3<sup>rd</sup> Street, and SW 40<sup>th</sup> Avenue, and then transfer those sections to the City;
- The City will accept the maintenance of signalization improvements at the intersection of SW 43<sup>rd</sup> Street Road and SW 40<sup>th</sup> Avenue to be built with the County's SW 40<sup>th</sup> Avenue roadway improvement project.

The proposed transfers are dependent on the resurfacing taking place, and the cost for all proposed improvements will be brought before the Board as their own agenda items at a later date.

Budget/Impact: Future expenditure of up to \$1,825,223 for a road resurfacing project as identified in the FY 2023-24 Budget and proposed FY 2024-25 Budget; Fund 1023, Cost Center 762.

Recommended Action: Motion to approve the attached Interlocal Agreement and to authorize the Chair and Clerk to execute the same.

**7.6.4. Request Approval of First Amendment of Master Stormwater Easement Agreement (Concerning Relocation of DRA-N2B), a Drainage Retention Area Associated with the SW 95<sup>th</sup> Street Road/JB Ranch Planned Unit Development (Budget Impact - None)**



The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: On April 3, 2007, County and JB Ranch Associates, RLLP, a Florida registered limited liability partnership entered into a Master Stormwater Easement Agreement concerning the development of the property then owned by JB Ranch Associates and the conveyance and construction of the stormwater management facilities for SW 95<sup>th</sup> Street Road. The original agreement was recorded in OR Book 4790, Page 67.

The primary purposes of the First Amendment are to acknowledge that 95<sup>th</sup> Street Holdings, LLC now owns the property in question and to allow modification/relocation of drainage retention area "DRA-N2B". The original agreement did not include the County's typical drainage retention area easement and relocation language. Easements and maintenance contribution percentages for access and catastrophic repairs is also being updated.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Agreement and to authorize the Chair and Clerk to execute the same.

**7.6.5. Request Approval for Resolution Supporting Local Funding Assistance from the Withlacoochee Regional Water Supply Authority (Budget Impact - Neutral)**

The Board accepted the following recommendation to adopt Resolution 24-R-215 as presented by County Engineer Cohoon, OCE:

Description/Background: Request Approval for Resolution Supporting Local Funding Assistance from the Withlacoochee Regional Water Supply Authority. As a member of the Withlacoochee Regional Water Supply Authority (WRWSA), the Board is eligible to apply for WRWSA's Water Conservation Grant. The grant will reimburse up to 50% of the County's dollars spent on water use efficiency initiatives. The requested amount of cooperative funding for FY 2024-25 is \$13,237.50. To complete the application, a Resolution is required, which confirms that the Board will budget matching funds. Upon approval of the grant application by WRWSA, an agreement will come back to the Board for execution.

Budget/Impact: Neutral; credit up to \$13,237.50. Total project cost is \$26,475.00, with \$13,237.50 in grant revenue, \$10,000 from fund AA433537 (Water Resources) and \$3,237.50 from fund ZF440536 (Utilities- Water Operations).

Recommended Action: Motion to authorize the Chair and Clerk to execute the attached WRWSA Water Supply Funding Assistance Resolution as presented.

Resolution 24-R-215 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE GRANT APPLICATION FOR LOCAL GOVERNMENT WATER SUPPLY FUNDING ASSISTANCE FROM THE WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY FOR LOCAL WATER CONSERVATION PROGRAM EFFORTS; AND PROVIDING AN EFFECTIVE DATE.

**7.6.6. Request to Approve a License Renewal Agreement between Marion County and Jeffrey Raker as Caretaker of the 4-H Farm (Budget Impact - Neutral)**

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

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Description/Background: This is a request to approve a License Agreement renewal for Jeffery Raker as Caretaker of the 4-H Farm. Marion County sub-leases this property from the State. As a requirement from the State, the resident is required to be employed by the Sheriff's office. Mr. Raker previously retired, is being reinstated as a Marion County Sheriff's Office Reserve Deputy.

Budget/Impact: None.

Recommended Action: Motion to approve the agreement and authorize Chair and Clerk to execute the same.

**7.6.7. Request Approval of Subdivision Improvement Agreement with Surety Bond for Copperleaf, Application Number 30812 (Budget Impact - None)**

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: The project developer desires approval of their Final Plat prior to completing all improvements associated with the subdivision. Land Development Code Section 2.18.4.D states that if the improvements are not completed, an Improvement Agreement shall be provided and approved by the Board, as well as a security, limited to an irrevocable letter of credit or bond only, in the amount of 120 percent of the estimated cost of remaining improvements. The County Attorney's office has reviewed and approved the Subdivision Improvement Agreement with Surety Bond in the amount of \$7,643,189.90. This subdivision is located in the southwest portion of the County and contains 193 lots and 13 tracts on 74.58 acres with 2.21 miles of private roads.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Improvement Agreement with Surety Bond and to authorize the Chair and Clerk to execute the same.

**7.6.8. Request Approval of a Purchase Agreement Associated with the SW 49<sup>th</sup> Avenue North Road Improvement Project for Parcel 3578-014-001 (Budget Impact - Neutral; expenditure of \$572,339 as approved in the FY 2023-24 budget)**

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$572,338.31 plus additional costs determined prior to closing and reflected on the Settlement Statement for parcel 3578-014-001 associated with the SW 49<sup>th</sup> Avenue North Road Improvement Project (Marion Oaks Trail to SW 95<sup>th</sup> Street). This is an improved lot of approximately 0.65 acres. The 2,571 square foot single family residence, constructed in 2007, consists of four (4) bedrooms, three (3) bathrooms, and a four (4) car garage.

The property owners have requested one (1) month of extended occupancy per the terms and conditions outlined in the attached addendum. The negotiated agreement provides that the Seller is responsible for all taxes including a proration of current taxes as of the date of closing, and the County, as the buyer, pays closings costs, such as recording fees, documentary stamps and title insurance. There are cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$572,338.31 plus closing and other related costs (STC073814 - VJ38541 - 561301)

Recommended Action: Motion to approve the Purchase Agreement with Addendum and authorize the Chair and Clerk to execute the same.

**7.6.9. Request Approval of an Indemnification Agreement Between Freedom Commons Development, LLC, and Marion County for the Proposed Marion Ranch Phases 3 and 4 a Planned Unit Development, Application Number 31528 (Budget Impact - None)**

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: This is a request seeking approval of an Indemnification Agreement associated with Land Development Code Section 2.18.4.E, which allows for up to ten percent (10%) of the total lots to be constructed in a subdivision prior to recording the Final Plat. The five (5) conditions required by the Land Development Code are outlined in the proposed Indemnification Agreement and have been met, and the County Attorney's office has approved the proposed agreement for Marion Ranch Phases 3 and 4 a Planned Unit Development. This will allow up to 28 individual building permits to be issued prior to Final Plat approval.

This Planned Unit Development is located in the southwest portion of the County and contains 280 lots and 6 tracts on 94.84 acres with 2.09 miles of private easements.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Indemnification Agreement between Freedom Commons Development, LLC and Marion County for the proposed Marion Ranch Phases 3 and 4 a Planned Unit Development and authorize the Chair and Clerk to execute the same.

**7.6.10. Request Approval of the Proposed 5-Year Transportation Improvement Program (Budget Impact - None)**

The Board accepted the following recommendation as presented by County Engineer Cohoon, OCE:

Description/Background: The Marion County Transportation Improvement Program lists the anticipated projects throughout Marion County for the next five years. Types of projects are Capacity, Rehabilitation, Intersections and other miscellaneous maintenance such as guardrail, sidewalks, striping, etc. Activities undertaken on these projects can include preliminary engineering, survey, design, right-of-way acquisition, and construction.

The TIP is revised annually prior to the budget. Each year the project cost and timing are updated as appropriate. The five-year timeframe is also revised to reflect the addition of the new fiscal year and all the new projects for that year.

Budget/Impact: None on current FY 2024 budget; projects and activities listed on the attached Transportation Improvement Program are for future years.

Recommended Action: Motion to approve the proposed 2024-25 to 2028-29 Marion County Transportation Improvement Program.

Commissioner Zalak expressed appreciation to staff for their work on the County's Employee Health Insurance.

Commissioner Bryant stated there was no increase in the insurance premiums.

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Chairman Stone expressed appreciation to all County Employees for taking good care of themselves.

## **8. COUNTY ATTORNEY:**

### **8.1. Request Approval of the Interlocal Agreement for Collection and Distribution of Educational System Impact Fees Between Marion County, The City of Ocala and the School Board of Marion County**

The Board considered the following recommendation as presented by County Attorney Matthew G. Minter:

Description/Background: This agreement is necessary to commence collection of Educational System Impact Fees on July 1, 2024 for the School Board. The County will handle collections for Marion County, the City of Belleview, the City of Dunnellon, the Town of McIntosh and the Town of Reddick, and the City of Ocala will handle collections for the City of Ocala.

Budget/Impact: None.

Recommended Action: Motion to Approve Interlocal Agreement for Collection and Distribution of Educational System Impact Fees.

County Attorney Matthew G. Minter commented on the Interlocal Agreement (ILA) between Marion County School Board (MCSB), City of Ocala, and Marion County related to the collection and disbursement of Educational System Impact Fees pursuant to Ordinance 24-06, which was adopted by the County on March 5, 2024. He commented on litigation around the State (over the years) pertaining to impact fees, noting municipalities that represent the largest percentage of the municipal population must agree to participate in collection of impact fees, particularly with a non-chartered County such as Marion County. Mr. Minter stated this is why City of Ocala and MCSB are included in the ILA. He advised that City of Ocala Attorney William Sexton and MCSB Attorney Jeremy Powers assisted with preparing the ILA.

A motion by Commissioner Curry, seconded by Commissioner Bryant, to approve the Interlocal Agreement for Collection and Distribution of Educational System Impact Fees. The motion was unanimously approved by the Board (5-0).

In response to Commissioner, Mr. Minter advised that impact fee collections begins on July 1, 2024.

## **9. COUNTY ADMINISTRATOR:**

Mr. Bouyounes advised that Agenda Item 9.1 was continued from the June 4, 2024 BCC meeting and staff will present an update on what has been done on the property.

### **9.1. Request for Release of Lien on Code Enforcement Case Number 903312; Parcel Number 14794-000-00**

The Board considered the following recommendation as presented by Growth Services Director Chuck Varadin:

Description/Background: On August 24, 2023, a Code Enforcement Board lien was recorded against Back to Basic Holdings LLC for an accumulation of junk on their 0.55-acre residential parcel at 2331 NE 63<sup>rd</sup> St, Ocala, FL. The tenant disagreed with the finding of there being any junk on the property and requested a rescission of the lien on behalf of the owner. The Code Enforcement Board heard the request on December 13, 2023, but tabled the case until the March 13, 2024 Code Board hearing. During their March 13, 2024 hearing, the Code Enforcement Board was

shown photographs of junk still on the property taken by the code officer March 8, 2024. The Code Enforcement Board recommended the Board of County Commissioners deny the request.

Code Enforcement Board lien	\$ 3,000.00
Abatement lien	\$ N/A
Abatement interest	\$ N/A
Administrative fees/costs	\$ 166.63
Total	\$ 3,166.63

Marion County Property Appraiser shows the 2023 Market value as \$69,067 and Assessed value as \$49,580. Back to Basic Holdings LLC owns approximately eighty-two parcels in Marion County. This lien attaches to all parcels owned by Back to Basic Holdings LLC, approximately eighty-two in Marion County.

Budget/Impact: None.

Recommended Action: Motion to deny the request and leave the lien in full force and effect against Parcel Number 14794-000-00.

Growth Services Director Chuck Varadin advised that the request is for a release of the lien by Back to Basics Holdings LLC, which first went before the Board on June 4, 2024. He stated Code Enforcement Supervisor Robin Hough took several photographs of the property this morning, (as shown on the overhead screens), which shows no progress has been made. Mr. Varadin provided a brief history of the Code Enforcement Board (CEB) lien. He stated the lien amount is \$3,166.63 (for lien and administrative fees/costs). Mr. Varadin advised that the current recommendation by staff and CEB is to deny the request for rescission of the lien.

Mr. James Eugene, LILSA Property Management, NW Blitchton Road, stated everything that was said was accurate, noting he notified the tenant that if the property is not cleaned up, they will move forward with the eviction process.

Chairman Stone questioned if Mr. Eugene received the early notifications that were sent out when the code violation was first identified. Mr. Eugene stated this has been ongoing for approximately 10 years, noting he has been involved with it for the past 3 years.

In response to Commissioner Zalak, Mr. Eugene advised that as the landlord they do not have the right to enter the property, noting the tenant has made it difficult to enter the property.

Commissioner Zalak requested the Board table this matter to allow the property owner time to address this issue.

General discussion ensued.

Commissioner Zalak advised that if the property is not cleaned up, the County will enforce the fines, noting the lien will apply to all 80 units belonging to the property owner.

General discussion continued.

Chairman Stone stated there are administrative fees in the amount of \$166.63, as well as the possible \$3,000.00 lien if it is not cleaned up.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to continue this Item and directed staff to bring it back at the November 19, 2024 regularly scheduled BCC meeting. The motion was unanimously approved by the Board (5-0).

(Ed. Note: The Deputy Clerk did not receive a copy of the photographs.)

**9.2. Follow-up on May 15, 2024 Buffers Workshop**

The Board considered the following recommendation as presented by ACA Tracy Straub, Administration:

Description/Background: A workshop was held with the Board on May 15, 2024 to discuss the buffer criteria for development projects. The following items were identified as areas needing to be addressed and how Staff proposes to work through this effort.

1. Update Land Development Code (LDC) table 6.8-2 "Land Use Categories for Buffers" to reflect improved compatibility between new residential communities neighboring existing residential communities or neighboring existing age-restricted residential communities.
  - a. Hold a Public Hearing with the Land Development Regulation Commission (LDRC) within 30 days.
  - b. Hold two Public Hearings with the Board within 30 days following the LDRC Public Hearing.
2. Update various sections of the LDC considering:
  - a. Definition and requirements for screening versus buffering.
  - b. Buffer descriptions and details focusing on type of planting frequency and placement within a buffer, layering, and height (using fencing, walls, and berms alone and in combination to achieve a 10-foot height at initial construction).
  - c. Buffer types for rural versus urban corridors.
  - d. Buffer survivability focusing on irrigation and placement of plantings relative to each other and walls.
  - e. Land clearing allowances and tree protection/preservation requirements.
  - f. Codifying the standards for Planned Unit Developments (PUDs).
  - g. Meet with the LDRC over the next 10 months followed by Public Hearings with the LDRC and Board.
3. Schedule a Board workshop to discuss buffer overlay zones for particular corridors, including identifying standards for rural corridors and urban corridors. This will occur at a later date following some of the LDRC meetings so that information vetted during those meetings can be applied to the corridor discussion.
4. Perform buffer audits of developed sites for compliance with their approved site plans.
5. Schedule a Board workshop to discuss amenities associated with developer driven residential projects.

Staff is looking for any additional direction from the Board and consensus to move forward as indicated.

Budget/Impact: None.

Recommended Action: No motion required. Staff is seeking consensus to move forward as outlined.

ACA Tracy Straub stated she is here today to present a recap on the workshop held on Wednesday, May 15, 2024, relating to buffers. She presented a 1 page handout entitled "2024 Proposed Changes – Table 6.8-2 Land Use Categories for Buffers". Ms. Straub advised that this table shows items that staff can quickly make an adjustment on in the Code by convening the Land Development Regulation Commission (LDRC) and holding three public hearings, (1 with the LDRC and 2 with the Board), to get this adopted. She stated the red font indicates setting up a buffer requirement for any single family residence (SFR) adjacent to any existing SFR, and a different buffer requirement is being added for

anything adjacent to an age-restricted community, and a multi-family adjacent to an SFR. Currently there are no requirements for a buffer between an SFR against an SFR or an age-restricted community. Ms. Straub noted staff is looking to make this change quickly. Staff are requesting any additional directions from the Board, as well as consensus to move forward as indicated. As the process moves forward, staff will address how buffers change and what the Board wants a buffer to begin to look like. In the meantime, anyone that applies for a permit will be told it is a Code requirement that there be a buffer between an SFR to an existing SFR and a buffer between a multi-family to an existing SFR.

Commissioner Zalak expressed appreciation for Ms. Straub and the team for bringing this item back. He opined that this is the best that can be done in the near term, noting after this is done, staff will need to redefine what the A, B, C, D and E buffers will look like. This table gets the categories right and then staff can go back to work on what kind of buffer that will look like and what the County wants our communities to look like in the future.

Chairman Stone stated this changes the current 6-foot fence requirement to a 10-foot height requirement when up against multi-family.

Commissioner Zalak opined that the County could be a little stronger with the code portion, because the buffer can be changed, especially in a Planned Unit Development (PUD). He advised that in straight zoning the buffers can be changed with a waiver if there is a predominant reason.

Chairman Stone noted this is what was discussed in the workshop.

Ms. Straub stated with the Board's consensus the LDRC would begin working on buffers, noting the LDRC will also be working on a number of items that will take time, multiple meetings, renderings, etc. She referred to bullet number 2 on the Agenda cover memo relating to updating various sections of the Land Development Code (LDC). Ms. Straub advised that staff will also be reviewing the definitions and requirements for screening versus (vs.) buffering, noting staff is going to be clearer on the uses of these 2 items. Also for review will be buffer descriptions, the type of planting frequency and placement within a buffer, layering, height and what the view will be from either side; buffer types for rural versus urban corridors; buffer survivability focusing on irrigation and placement of plantings relative to each other and walls; land clearing allowances and tree protection/preservation requirements; and codifying the standards for Planned Unit Developments (PUDs). Staff will meet with the LDRC over the next 10 months followed by Public Hearings with the LDRC and BCC.

In response to Commissioner Curry, Ms. Straub stated this matter is completely separate from the Comprehensive Plan, buffer requirements are purely a Code requirement.

Commissioner Zalak opined that on some projects (i.e. infill projects), the County could be more proactive with the timing of when buffers are to be put into place. He opined that the construction process is going to wreck the surrounding area for at least a year, noting having the leeway in the Code would allow staff or the Board to recommend the timing of when the buffers are put into place.

Chairman Stone noted having buffers in place during construction would get some maturity on the buffers more quickly.

Commissioner Zalak commented on the tree audit process and how it could be improved. He advised that staff needs to be smart about PUDs, especially on infill projects as there may be enough existing buffers (mature trees) that could be left in place to help protect the surrounding community during construction. Commissioner Zalak opined that in the buffer discussion, the County should move away from "self-certification", noting there

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needs to be staff inspections and consequences if the buffer does not meet the requirements.

General discussion ensued.

In response to Chairman Stone, Ms. Straub stated staff could bring back a game plan at the future workshop to discuss buffer overlay zones for particular corridors, audits, inspection and certification requirements, along with the items in bullet point number 3.

Ms. Straub stated if the Board agrees, staff could be more aggressive on inspecting at the time of "as built" and then a follow-up inspection, noting this spills over into bullet point Item Number 4. She advised that the way "as built" works is the applicants have hired professionals to provide staff with "as built" drawings and self-certifications that state what has been completed. Currently, staff will accept the information provided and do not follow-up with a full robust field check unless complaints are filed. If the County wants to get away from self-certification for landscape and irrigation, staff will need to add in more steps and staffing time to handle those inspections. Once staff have worked through that concept, it could be shared with the Board at an earlier workshop instead of waiting for LDRC to get all the way through their process.

Commissioner Zalak opined that this would be a great opportunity to talk with the team to ensure the self-certification process is working in all areas. He stated while staff is going through the process of reviewing and making changes to the Comprehensive Plan and LDC, is a good time to double-check everything. There are a lot of subdivisions going in right now and staff should make sure they are being done right. Commissioner Zalak noted it is important to know that road grades go back in and stormwater items are built right.

Ms. Straub stated staff will check into what the community is saying and what Field Technicians have heard about these things being done.

In response to Commissioner Zalak, Ms. Straub advised that an amenities workshop is Item Number 5, which will be scheduled in the near future, noting staff are working with Parks and Recreation on some items needed to get the workshop scheduled.

Commissioner Zalak opined that the amenities workshop is needed so that everyone is on the same page, which would make the PUDs processes easier.

Commissioner Bryant commented on her meeting on June 16, 2024, relating to lot sizes in a PUD, noting she wants the Board's feedback on this issue. She noted there is someone asking the County to consider 40 foot (ft) lots.

Chairman Stone stated it is important to cover that topic, but today is not the appropriate time for that discussion as it needs to be on an Agenda.

Commissioner Curry stated he also had that conversation relating to 40 ft lots size with the person who is making the rounds with the Board, noting it is too early in the PUD process to make a final decision. He opined that it depends on what you want the community to look like.

General discussion ensued.

Commissioner Bryant stated there may be projects come before the Board, prior to the Board having an opportunity to talk about the expectations of a community with 40 ft lots, such as, the amount of open spaces, drainage retention ponds and places for the children to go other than their 10 ft yard. She noted when approving PUDs, the Board could be presented with an option to approve lower (affordable) units with smaller lots. Commissioner Bryant reiterated that the Board has to have the discussion about expectations in PUDs relating to lot minimums, green spaces, etc., before it ends up being discussed at a public hearing.



General discussion ensued.

Commissioner Bryant opined that PUDs with smaller lots means more houses and people in that area. That brings up so many questions, such as, where will all of the cars and traffic go, what impact will it have on Marion County Schools, Law Enforcement and Marion County Fire Rescue (MCFR). She stated all of these things should be a consideration in the approval process.

Chairman Stone advised that there has been discussion with Fire Chief James Banta, MCFR, relating to the impact the new communities have on MCFR.

Commissioner Bryant questioned when developments come in and clear cut the land and are planning to replant through tree mitigation, if there is a healthy 150 year old oak tree on that property, should the Board say they cannot remove that tree. Chairman Stone commented on upcoming workshops to have further discussion on this issue. She noted the Board has already given some direction and has pulled in staff from Parks and Recreation to ensure buffers are a better design. The workshops will provide more time to work out those issue versus today's meeting.

Commissioner Zalak stated as staff are working through this, they will continue to firm up the process while going through the next PUDs. The Board could make decisions and changes and expect that staff will know how to translate those into the Code. He opined that for now, there should not be any waivers approved by staff, noting those would have to come before the Board.

Ms. Straub stated through the recession staff had to find ways to be more amenable to options. She advised that there is very clear Code language relating to 150 year old oaks, noting some developers worked around that language. Staff would be very firm that there is not a work around being offered, if they want something more it will have to come before the Board.

Commissioner Curry noted that affordable housing is a problem; however, there is also a void on the top end as well. He opined that there is not a lot of inventory for someone that wanted to move to Ocala to purchase a \$1,000,000.00 home either. Commissioner Curry advised that in his meeting with a developer he requested to see their marketing plan as to what information they used to determine that this project would be successful and how much time it would take to sell the 180 units, noting the developer is coming back with that information. He stated the community has seen a lot of construction and has questioned if there is already enough housing inventory, but opined that if you shut down construction, prices go up because of supply and demand. Based on the information received yesterday, there is a shortage of inventory in the middle housing market of \$250,000.00 to around \$600,000.00.

Commissioner Bryant commented on a suggested project of townhomes on 30 ft lots, noting this product would be affordable and could be included in the conversation at a workshop. She questioned if it is better to have townhomes that are connected or that have a little bit of separation.

Commissioner McClain opined that there would need to be a combination of all of those things, noting the Board would need to be flexible since the market calls for different things. He stated if the County only encourages the top end buyers, those people will want to live in a community that has services such as healthcare and restaurants. The people working in those healthcare centers and restaurants would buy the townhomes and affordable homes, noting there has to be a little bit of everything. The appropriate thing to do is look at where the County can put these PUDs to fit within the Urban Growth

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Boundary (UGB), and make sure the UGB is utilized to its highest potential, to preserve the rural areas in the County.

Commissioner Bryant opined that just because a development is in the UGB, does not mean it gets the highest density. It depends on what is around it and what is compatible. She stated she is unaware of a zoning classification for detached townhomes and is that specifically needed. Deputy Director Ken Weyrauch, Growth Services, advised that detached townhomes with 30 ft. lots could probably be done in R-3, but there are lot width size requirements. He stated if each townhome is given its own lot width, a PUD would be the best zoning classification for those.

Commissioner Bryant questioned if the Board considered and approved a project like that, what would it be expected to have (i.e. amenities). Commissioner Zalak stated this is why the Amenities workshop is needed because the Board should have a scale that states what is needed based on the number of units in the project.

Commissioner McClain commented on conversations he has had with some of the builders and developers in the area. He opined that the Board could discuss something other than requiring amenities in every development, such as a park to be enjoyed by multiple subdivisions.

Commissioner Zalak stated having a park would require a master planned community, noting the City of Belleview has a \$1,500.00 park assessment. He opined that at about 75 to 100 units, there are enough people to substantiate having a local pocket park, noting his position is that the County should not have to pay for or maintain pocket parks. Instead, the County could have subregional parks, such as in Silver Springs Shores (SSS), which are paid for by an MSTU or Municipal Services Benefit Unit (MSBU). He noted the Board could have that conversation.

Commissioner Bryant stated the County does not have the land for parks and a County owned park becomes part of the County budget with recurring costs and upkeep.

General discussion ensued.

Chairman Stone noted the upcoming workshops will be very helpful.

Ms. Straub reiterated that bullet point Number 5 was for an Amenities workshop that staff was hoping to bring back to the Board quickly; however, it may take a few more weeks to formulate some of the basic information heard today. She stated once the LDRC gets going, staff wants to schedule a workshop to discuss overlay zones along particular corridors. Ms. Straub commented on buffer audits and conducting inspections at certain phases of construction, as well as auditing sites that are already constructed to bring them into compliance. She stated staff has some corridors that it makes sense to go down, but it is a timed process as it takes effort to bring people into compliance. The amount of fines that can be placed may cost less than the construction of some of the landscaping. This is some of the difficulties that may come up while going through the inspection process. If the Board wants this process to move forward, staff will pick a corridor to inspect. Ms. Straub noted there are some corridors where one person does not have landscaping requirements but their neighbor does. Staff would take photographs of the worst cases and try to bring them into compliance.

Commissioner Bryant opined that instead of inspections and fines, staff could send a postcard that says something to the effect of "We are coming to your area because we want to keep Marion County beautiful". She stated it could be a corridor beautification contest, noting some people will participate and some will not. This would give them a warning, then if they do not do at least the bare minimum required, there would be fines imposed.

Mr. Bouyounes advised that staff is working on a lot of issues related to buffers, landscaping, etc. He stated his preference would be to put off starting an auditing/inspection process on older projects, until staff have been able to figure out buffers, noting it would take a lot of staff time.

Chairman Stone opined that the main issue is having the manpower to start that process. She advised that there are a lot of upcoming workshops where this can be discussed.

General discussion ensued.

Commissioner Bryant requested County vehicles that see a sign in the right of way (ROW), to pick-up the sign, then have staff contact the telephone number on the sign to advise them it is illegal, give them a warning about the fine and keep a database of the parties who were warned.

Ms. Straub advised that staff have been told to pull signs in the ROW when possible. She stated if the Board wants staff to start the Code Enforcement process, it will need to be turned over to the Code Enforcement Department to document the location and be on the record when the individual is contacted.

Commissioner Bryant stated it would be one strike only.

Commissioner Zalak stated there are a handful of home builders putting signs out in the ROW.

Ms. Straub stated staff can work on messaging through the permitting and development review process to be mindful of placing signs in ROWs.

General discussion ensued.

Chairman Stone expressed appreciation to Ms. Straub for bringing this back to the Board and for the good discussion.

**NEW BUSINESS:** Mr. Bouyounes advised that there is a request from the Florida Association of Counties (FAC) for the Board's proxy to be able to vote for Charlotte County Commissioner Bill Truex, who is running for the National Association of Counties (NACo) Vice President 2. It was the general consensus of the Board to concur.

## **10. COMMITTEE ITEMS:**

### **10.1. Pine Run MSTU Advisory Council - Request Appointment of Three (3) Full Members for Individual Full Terms Ending June 2028**

Executive Assistant Gennifer Medina, Commission Office, presented the following recommendation:

Description/Background: The Pine Run MSTU Advisory Council has three (3) positions with a term that expire at the end of June 2024. The following have submitted applications for the Board's consideration:

#### Incumbents:

- Jerry Lawson, Jr. - Retired
- Andrew Imperato - Retired

#### New:

- Tom Dean - Retired

Budget/Impact: None.

Recommended Action: Motion to select three (3) applicants to serve for a new full term, ending June 2028.

Deputy Clerk Mills-McAllister advised that Messer's Jerry Lawson, Andrew Imperato and Tom Dean received the appropriate votes.

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A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to appoint Messer's Jerry Lawson, Andrew Imperato and Tom Dean as full members of the Pine Run MSTU Advisory Council, for a full-term ending June 2028. The motion was unanimously approved by the Board (5-0).

**10.2. Marion Oaks MSTU for General Services - Request Appointment of Two (2) Full Members for Individual Full Terms Ending June 2028**

Executive Assistant Medina, Commission Office, presented the following recommendation:

Description/Background: The Marion Oaks MSTU for General Services has two (2) positions with terms that expire at the end of June 2024. The incumbent members have expressed interest in seeking reappointment, and submitted applications during the advertisement period:

- Henry J. Muñoz (Incumbent)
- Judith C. Holt (Incumbent)

Budget/Impact: None.

Recommended Action: Motion to reappoint Henry Muñoz and Judith C. Holt as full members of the Marion Oaks MSTU for General Services advisory board, for individual full terms ending June 2028.

Deputy Clerk Mills-McAllister advised that Mr. Henry Muñoz and Ms. Judith C. Holt received the appropriate votes.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to appoint Mr. Henry Muñoz and Ms. Judith C. Holt as individual full members of the Marion Oaks MSTU for General Services advisory board. The motion was unanimously approved by the Board (5-0).

**10.3. Marion County Hospital District Board of Trustees - Request Appointment of One (1) Physician Full Member and One (1) Non-Physician Full Member for Individual Full Terms Ending June 2028**

Executive Assistant Medina, Commission Office, presented the following recommendation:

Description/Background: The Marion County Hospital District Board of Trustees has a physician and a non-physician as incumbent members, both with terms that expire in June 2024, and neither has indicated their intent to seek reappointment. Six (6) applications were received during the advertisement period:

Six (6) applications were received during the advertisement period:

Physician Member Applicants:

- Dr. Stephanie Harrell, Pediatrician
- Dr. Sagun Tuli, Neurosurgeon

Non-Physician Member Applicants:

- Mr. Tom O'Mara, Management
- Mr. Ken Kirkpatrick, Entrepreneur
- Ms. Loretha Tolbert-Rich, RN
- Mr. Christopher Glenn, Certified Registered Nurse Anesthetist

Budget/Impact: None.

Recommended Action: Motion to appoint either Dr. Stephanie Harrell or Dr. Sagun Tuli as the physician member for a new full term ending June 2028, and to appoint

one other applicant as the non-physician member for a new full term also ending June 2028.

County Attorney Minter advised that Dr. Stephanie Harrell, received the appropriate votes for the physician full member and Mr. Ken Kirkpatrick, received the appropriate votes for non-physician full member, terms ending June 2028.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to appoint Dr. Stephanie Harrell, for the physician full member term and Mr. Ken Kirkpatrick for the non-physician full member term to the Marion County Hospital District Board of Trustees. The motion was unanimously approved by the Board (5-0).

## **11. NOTATION FOR ACTION:**

**11.1.** Request Approval to Schedule and Advertise a Public Hearing to Consider the Adoption of an Ordinance of The Board of County Commissioners of Marion County, Florida, to be known as the “Marion County Health Freedom Bill of Rights” on July 16, 2024, at 10:00 a.m. or as soon thereafter in the McPherson Governmental Campus Auditorium

County Attorney Minter presented the following recommendation:

Description/Background: In May 2023, Governor DeSantis signed into law Committee Substitute for Senate Bill 252, now codified as amendments to Chapter 381, Florida Statutes in order to protect Florida residents’ health-related rights and freedoms. While that legislation provides for enforcement by the State Department of Legal Affairs, this proposed ordinance will provide a mechanism for Marion County residents to contact Marion County government with complaints regarding alleged violations of the statute, and for Marion County to forward those complaints to the Department of State.

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a Public Hearing relating to the attached Ordinance as indicated above on Tuesday, July 16, 2024, at 10:00 a.m. or soon thereafter in the McPherson Governmental Campus Auditorium.

Chairman Stone advised that this is a revision for updated spacing layout and clean text on the proposed Ordinance.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule and advertise a public hearing relating to the attached Ordinance as indicated above on Tuesday, July 16, 2024, at 10:00 a.m. or soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

(Ed. Note: The Deputy Clerk received a 4 page handout entitled “Revision Notation for Action Item 11.1.”)

**11.2.** Request Approval to Schedule a Workshop to Discuss Alternative Waste Management Solutions on Wednesday, September 4, 2024 at 2:00 p.m. or as soon thereafter in the McPherson Governmental Campus Auditorium

Solid Waste Director Mark Johson presented the following recommendation:

Description/Background: Marion County Solid Waste would like to explore alternative waste management solutions. These alternative solutions have the potential to reduce costs, conserve resources, and minimize environmental impact that can handle the demands of a growing community. This workshop is to discuss

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alternative waste management solutions on Wednesday, September 4, 2024 at 2:00 p.m. or as soon thereafter.

Budget/Impact: None.

Recommended Action: Motion to approve a workshop to discuss Alternative Waste Management Solutions on Wednesday, September 4, 2024 at 2:00 p.m. or as soon thereafter following scheduled public hearing in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule a workshop to discuss alternative waste management solutions on Wednesday, September 4, 2024 at 2:00 p.m. or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**11.3.** Request Approval to Schedule a Community Services Final Public Hearing for the County's Proposed Five Year 2024-2028 Consolidated Plan, and Proposed 2024-2025 Annual Action Plan on August 6, 2024 at 10:00 a.m., or as soon thereafter in the McPherson Governmental Campus Auditorium

Community Services Director Martin presented the following recommendation:

Description/Background: Community Services administers Community Development Block Grant (CDBG), Home Investment Partnership (HOME), and Emergency Solutions Grant (ESG) on behalf of the County. The Department of Housing and Urban Development (HUD) requires two public hearings during the development of the Five-Year Consolidated Plan and Annual Action plan process to receive public comment and community needs to serve the low to moderate income persons.

Community Services is requesting a final Public Hearing to be scheduled August 6, 2024 at 10 a.m., or as soon thereafter, in the McPherson Governmental Campus Auditorium. The first public hearing was held March 19, 2024 a.m.

Budget/Impact: None.

Recommended Action: Request approval to schedule a Final Public Hearing on August 6, 2024 at 10 a.m., or as soon thereafter, in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule and advertise a Final Public Hearing for the County's Proposed Five Year 2024-2028 Consolidated Plan, and Proposed 2024-2025 Annual Action Plan on August 6, 2024 at 10:00 a.m., or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**11.4.** Request Approval to Reschedule and Advertise a Public Hearing to Adopt Annual Rate Resolutions and Certify Non-Ad Valorem Assessment Rolls for Fire Rescue, Solid Waste and Stormwater Services from Tuesday September 10, 2024 at 10:30 a.m. to Thursday, September 12, 2024 at 2:00 p.m. or Soon Thereafter in the McPherson Governmental Campus Auditorium

MSTU Director Chad Wicker presented the following recommendation:

Description/Background: This is a request to schedule and advertise a Public Hearing to adopt annual rate resolutions and certify the non-ad valorem assessment rolls for Fire Rescue, Solid Waste and Stormwater Services. These annual rate resolutions are required to be adopted on an annual basis per Florida Statutes.

Budget/Impact: None.

Recommended Action: Motion to reschedule and advertise a Public Hearing to adopt annual rate resolutions and certify non-ad valorem assessment rolls for Fire Rescue, Solid Waste and Stormwater Services from Tuesday, September 10, 2024 at 10:30 a.m. to Thursday, September 12, 2024 at 2:00 p.m. or soon thereafter in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to reschedule and advertise a Public Hearing to adopt annual rate resolutions and certify non-ad valorem assessment rolls for Fire Rescue, Solid Waste and Stormwater Services from Tuesday, September 10, 2024 at 10:30 a.m. to Thursday, September 12, 2024 at 2:00 p.m., or as soon thereafter in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**11.5. Request Approval to Schedule Three Board of County Commissioners Workshops Regarding the Comprehensive Plan Evaluation and Appraisal Report on Thursday, September 12, 2024, at 2:00 p.m. or as soon thereafter, Tuesday, October 1, 2024, and Tuesday, November 5, 2024, at 1:30 p.m. in the McPherson Governmental Campus Auditorium**

County Administrator Bouyounes presented the following recommendation:

Description/Background: As requested by the Board, staff recommends holding the following series of workshops to discuss the Evaluation and Appraisal Report (EAR) on Thursday, September 12, 2024, at 2:00 p.m. or as soon thereafter, Tuesday, October 1, 2024, and Tuesday, November 5, 2024, at 1:30 p.m.

Budget/Impact: None.

Recommended Action: Motion to approve a series of workshops to discuss the Comprehensive Plan Evaluation and Appraisal Report on Thursday, September 12, 2024, at 2:00 p.m. or as soon thereafter, Tuesday, October 1, 2024, and Tuesday, November 5, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule workshops to discuss the Comprehensive Plan Evaluation and Appraisal Report on Thursday, September 12, 2024, at 2:00 p.m. or as soon thereafter, Tuesday, October 1, 2024, and Tuesday, November 5, 2024 at 1:30 p.m. in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

**12. GENERAL PUBLIC COMMENTS:** Scheduled requests will be heard first and limited to five (5) minutes. Unscheduled speakers will be limited to two (2) minutes. Citizens may contact Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or sign up online at: [www.marionfl.org](http://www.marionfl.org).

Chairman Stone opened the floor to public comment.

Timothy Ennis, SE 43<sup>rd</sup> Street, commented on a storm in Ocala during January 2024, where trees from the County owned lots (2) fell onto his property. He stated the 2 lots alongside his, were given to the County by the Developer for stormwater runoff but they have continued to use it for business purposes. He contacted the County to remove the fallen trees and was told the County has not been able to get a waiver for access from the property owner. Ms. Ennis stated the County still has not cleaned-up his property.

Chairman Stone stated this is the first she has been made aware of this situation, noting the Board has now been made aware.

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Commissioner Curry stated he met with Mr. Ennis but did not make any commitments to him. He requested staff to get more information; however, the records for this property are at least 30 years old and some do not exist.

County Engineer Cohoon, OCE, stated he has a condensed historical timeline of the events that have occurred over the past 30 years.

Chairman Stone requested the findings be given to the Board and this matter be brought back before the Board at the next regularly scheduled meeting to allow the Board to have an opportunity to understand the situation.

County Attorney Minter noted he has several observations relating to this matter. He stated many years ago, subdivisions and developments denoted certain areas for stormwater or easements. Over time, it was found that some of the dedications to the public were not needed by the County. A private citizen cannot obtain title to County or any other government property by adverse possession. If this party built on property dedicated to the County, no matter how many years it had been, it would not give him title to the County's property. Mr. Minter advised that this may be surplus property that is not needed or used by the County.

Commissioner Bryant advised that she has accessed the property records for these lots and can see that he has encroached on County property, noting it appears to have been set aside many years ago. She noted there may be an opportunity for staff to work with the property owners to possibly vacate the property so the County can give them the property. In doing so, they first have to correct the problem that Mr. Ennis is having with his drainage.

Chairman Stone reiterated that the Board cannot make a decision on this matter today. She expressed appreciation to Mr. Ennis for bringing this to the Board's attention. This matter will be brought back before the Board at the meeting on July 2, 2024.

Commissioner Bryant stated the suggestions she made are contingent upon the County not needing that property.

Roger Knechtel, SE 97<sup>th</sup> Terrace Road, Summerfield, commented on the reverse abortion pill. He stated there are legal actions relating to the use of this pill in both New York and California against Heartbeat International. Mr. Knechtel commented on several newspaper articles (as seen on the overhead screens) relating to; Title XI gender discrimination, England's ban on pediatric gender treatment, China's organ harvesting and COVID-19 vaccinations.

(Ed. Note: The Deputy Clerk did not receive a copy of Mr. Knechtel's 3-page presentation.)

Henry Munoz, Marion Oaks Boulevard, commented on Item 9.2 relating to buffers and removing existing trees. He expressed appreciation to the Board for looking into this matter.

Chairman Stone advised that public comment is now closed.

### **13. COMMISSIONER ITEMS:**

#### **13.1. Commission Comments**

Commissioner Zalak stated he has had several meetings relating to rumors involving Salt Springs. He advised that a State law was passed that made it okay for some of the rivers and springs to allow boats, kayaks and paddle boards, as long as they are not docked or anchored. There have been some issues at Silver Glen Springs with too many boats anchored, erosion issues and long term docking. Commissioner Zalak stated he would like to work on the Springs issue with Volusia and Lake Counties to develop an Ordinance



which will determine timelines and controls. He noted rather than the State passing a one part solution, it would be better to establish local controls. Commissioner Zalak stated he would possibly add the issue to the Legislative priorities.

Commissioner Bryant advised that this is similar to the issues being discussed relating to the Rainbow River.

Chairman Stone stated she is okay with the exploration of this issue; however, she does not want to limit access to the County's assets and beautiful springs.

Commissioner McClain advised that he would prefer this issue be addressed locally rather than by the State.

Commissioner Zalak opined that State imposed rules could be worse than establishing local controls. He commented on poor conditions at various springs, noting Silver Glen Springs is currently shut down to swimming due to fecal matter in the water. Commissioner Zalak opined that there needs to be limits on how long boats can remain anchored and how many can be in the spring at one time.

General discussion ensued.

Commissioner McClain advised that he had nothing further to add.

Commissioner Curry commented on the issues addressed earlier in the meeting with Mr. Timothy Ennis, noting this matter will be brought back before the Board as an Agenda Item at the next regularly scheduled meeting (July 2, 2024). He provided a brief update on the press conference held on June 14, 2024, and the success of the Litter Task Force. Commissioner Curry advised that enforcement of the Litter Task Force Ordinance had resulted in two individuals being arrested for felony dumping and drug charges, noting they had dumped 3,000 pounds of household garbage and appliances in the Ocala National Forest. He advised that the Felony Litter Arrest press conference is available at [www.marionfl.org](http://www.marionfl.org) and was attended by representatives from the City of Ocala, Marion County Code Enforcement, Marion County Sheriff's Office (MCSO), United States (U.S.) Forest Service, Florida Fish and Wildlife Service (FWC) and the State Attorney's Office (SAO). Commissioner Curry noted it was heartwarming to have everybody on the same page and that each of the agencies know about the Ordinance passed by the BCC. He advised that since Ordinance 22-30 was adopted on July 19, 2022, there had been approximately 14 major arrests. He expressed appreciation to the Board for supporting this effort.

Chairman Stone expressed appreciation to Commissioner Curry for his good work and for the partnerships with all of the agencies that have allowed this to happen. She noted there were traces of Fentanyl found in the 3,000 pounds of garbage dumped in the Ocala National Forest.

Commissioner Curry commented on a recent meeting with the SAO and Dunnellon Chief of Police Chief Chris Scaglione, noting there is a volunteer group working on the litter effort along with the Dunnellon City Council and Mayor Wally Dunn.

Commissioner Bryant advised that she had nothing further to add.

Chairman Stone expressed appreciation to those attending today's meeting and to the Commissioners for always bringing their best to the community on behalf of Marion County.

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Chairman Stone requested everyone to please be responsible pet owners and remember to spay and neuter their pets. She expressed appreciation to those who foster for Marion County Animal Services (MCAS), noting for more information on how to foster or adopt visit [www.marionfl.org](http://www.marionfl.org).

## **13.2. Commission Calendar**

### **13.2.1. Present Commission Calendar**

The Chairman acknowledged receipt of the Commission calendar covering the period of June 18, 2024 through July 2, 2024.

## **14. NOTATION FOR RECORD:**

### **14.1. County Administrator Informational Items:**

**14.1.1.** Present Monthly Building Safety Productivity Report for the Month of May 2024

**14.1.2.** Present Chamber and Economic Partnership May 2024 Activity

### **14.2. Present Walk-On Items From Previous BCC Meeting: None.**

### **14.3. General Informational Items:**

**14.3.1.** Marion County Health Department – For the Latest health news and information, Visit the Website at <http://marion.floridahealth.gov/>

### **14.4. Clerk of the Court:**

**14.4.1.** Present Memorandum from Gregory C. Harrell, Clerk of The Circuit Court and Comptroller, Regarding the Filing of Ordinances 24-13, 24-13 (Corrected), 24-14 and 24-15 With the Secretary of State's Office

**14.4.2.** Present Monthly Report for the Building Department Budget and Actual

**14.4.3.** Present Administrative Budget Transfer Report for FY 2023-24

**14.4.4.** Present Regular Report of Utilization for Reserve for Contingencies

**14.5.** Present for information and record, minutes and notices received from the following committees and agencies:

**14.5.1.** Dog Classification Board - April 29, 2024

**14.5.2.** Marion County Historical Commission - September 11, October 10, November 13, December 11, 2023, and January 8, February 12, March 11, 2024

**14.5.3.** Tourist Development Council - April 25, 2024

**14.5.4.** Planning and Zoning Commission - April 29, 2024

**14.5.5.** Central Florida Community Land Trust (HFA Subcommittee) - March 20, 2024 (revised)

**14.5.6.** Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>

**14.5.7.** St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <https://www.sjrwmd.com>

**14.5.8.** Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <https://ocalamariontpo.org>

**14.5.9.** Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

There was a recess at 11:10 a.m.

The meeting reconvened at 2:05 p.m. with all members present.

Also present were: Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Transportation Planner Ken Odom, Senior Planner Chris Rison, Planners Kathleen Brugnoli, Eryn Mertens, Marcus Lloyd, Xinyi Cindy Chen, Staff Assistant Sage Dick, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and ACA Tracy Straub.

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

**15. PLANNING & ZONING AND DRC WAIVER REQUESTS (AT 2:00PM):**

Deputy Clerk Windberg presented Proof of Publication is Legal ad No. 10200885 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on June 3, 2024. The Notice stated the Board will consider adopting an Ordinance approving Comprehensive Plan Amendment, zoning changes and Special Use Permits.

County Attorney Matthew G. Minter provided a brief overview of the process for today's zoning and Special Use Permit hearings.

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

**15.1. DRC Waiver Requests and Public Hearings :**

**15.1.1.** Request for Waiver from Land Development Code Section 6.8.6.K(2) - Buffers for a Major Site Plan for Next Dimension Construction, Parcel Number 47696-000-01, Application Number 30535 (Budget Impact - None)

The Board considered the following recommendation from Building Safety Director Michael Savage, on behalf of the DRC:

Description/Background: The Applicant, Barry Ginn with Infinite Engineering, requested a waiver to the Land Development Code (LDC) requirement of a 6-foot high buffer wall to buffer between residential and commercial uses. The waiver seeks to remove the requirement to construct a wall along the west and south boundaries of the property and construct a 6-foot fence instead as the adjacent site usage is residential. Applicant's rationale used for the request is due to the elevation change being over 10-feet from the adjacent residence to the first building on the site. Applicant suggests a 6-foot wall will be useless to screen the existing residential property from the adjoining commercial property and vice versa and trees would be a more effective visual barrier.

The subject property is located in the southeast portion of the County on approximately 3.86 acres.

On May 13, 2024 the Development Review Committee (DRC) approved the Waiver Request subject to requiring a wall on the west side of the property and allowing for a fence along the south side of the property.

Budget/Impact: None.

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Recommended Action: Motion to uphold DRC's action requiring a wall on the west side of the property and allowing a fence along the south side of the property.

Growth Services Director Chuck Varadin provided a brief overview of the buffer waiver request. He commented on the topographic differences between the subject property and neighboring properties.

In response to Commissioner Bryant, Ms. Straub advised that the centroid of the parcel is approximately 10 feet in elevation from the back property line.

Mr. Varadin advised that DRC did agree to a fence along the property line abutting the A-1 parcel as shown on the overhead screen. He advised that this matter came before the DRC prior to the BCC buffer workshop.

Commissioner Curry commented on the possibility of increasing the height of the area the wall will sit on to address the topography differences.

Paolo Mastroserio, Mastroserio Engineering, Inc., SE 32<sup>nd</sup> Place, on behalf of the applicant, recommended a sweet viburnum buffer with a fence and other plantings instead of a wall. He opined that the plantings would provide a better buffer.

Commissioner Bryant commented on the proposed layout of the project and questioned if there would be heavy trucks with deliveries.

Mr. Mastroserio requested the matter be continued since the owner and engineer were not able to be present to answer questions.

Mr. Minter advised that the Board has to have evidence in order to support their decision, noting the applicant should be prepared to come before the Board when requesting the waiver.

Chairman Stone expressed concern relating to public notification regarding the waiver request.

Commissioner Zalak advised that the zoning was already in place for this project; therefore, it did not come before Board for approval. He opined that the buffer proposal for a waiver should be substantially better for the neighbors when requesting a waiver.

General discussion ensued.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to continue this matter to July 16, 2024 at 2:00 p.m. The motion was unanimously approved by the Board (5-0).

ACA Tracy Straub advised that should the applicant decide to revert back to the buffer required by Code this matter will not need to come back before the Board.

**15.1.2.** Request for Waiver from Land Development Code Section 2.12.8 - Current Boundary and Topographic Survey for an Improvement Plan for Adena Phase 1A Condominiums, Parcel Number 14699-000-07, Application Number 31495 (Budget Impact - None)

The following recommendation from Building Safety Director Savage, on behalf of the DRC was withdrawn by the applicant:

Description/Background: The LDC requires a current boundary and topographic survey (one-foot contour intervals extending 100 feet beyond the project boundary) based upon accepted vertical datum. Surveys will be less than 12 months old and accurately reflect current site conditions, meeting standards set forth in Ch. 5J 17 FAC.

The Applicant, Tillman and Associates Engineering, requests to use a survey that is older than one year stating site topography is consistent with the survey

submitted. However, no survey was provided upon initial submittal for this improvement plan.

The subject property is located in the northwest portion of the County on approximately 486.37 acres. Total project area is approximately 10.11 acres.

This Waiver Request was denied by the Development Review Committee (DRC) June 10, 2024

Budget/Impact: None.

Recommended Action: Motion to uphold DRC's action for the Waiver Request.

**15.1.3. Request for Waiver from Land Development Code Section 2.18.4.C. - Construction, Completion and Close Out for an Improvement Plan for Adena Phase 1A Condominiums, Parcel Number 14699-000-07, Application Number 31495 (Budget Impact - None)**

The following recommendation from Building Safety Director Savage, on behalf of the DRC was withdrawn by the applicant:

Description/Background: The LDC requires all subdivision improvements to be constructed in accordance with approved plans which shall conform to regulations and specifications in effect on the date of approval of the improvement plans.

The Applicant, Tillman and Associates Engineering, requests to commence construction prior to plan approval and to receive an early site work permit at the Developer's risk.

The subject property is located in the northwest portion of the County on approximately 486.37 acres. Total project area is approximately 10.11 acres.

This Waiver Request was denied by the Development Review Committee (DRC) June 10, 2024.

Budget/Impact: None.

Recommended Action: Motion to uphold DRC's action for the Waiver Request.

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

Growth Services Director Chuck Varadin advised that the five (5) 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 MAY 29, 2024

Motion was made by Mr. Gaekwad 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.

Chairman Stone advised that Agenda Item 15.2.5 has been pulled for individual consideration.

Commissioner Bryant requested Agenda Item 15.2.6 be pulled for individual consideration.

Chairman Stone opened the floor to public comment.

Stacey Raisch, SW 74<sup>th</sup> Court, appeared to address Agenda Item 15.3.3.

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Chairman Stone stated Agenda Item 15.3.3 will be addressed individually later in the meeting.

Chairman Stone advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve Consent Agenda items 15.2.1 through 15.2.4 and 15.2.7, 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:

**15.2.1.** 240604SU - Heart of Florida Youth Ranch, Special Use Permit for On-Site Faith-Based (PACE Curriculum) School for Residents Only, in a General Agriculture (A-1) Zone, 61.00 acres, Parcel Account Number 07619-001-00, Site Address 15833 North US 301, Citra, FL 32113

The Board adopted Resolution 24-R-216 granting a petition by Heart of Florida Youth Ranch, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for a Christian school, in a General Agriculture (A-1) zone, on an approximate 61.0 Acre Parcel, on Parcel Account Number 07619-001-00, site address 15833 N US Hwy 301, Citra, FL 32113.

Resolution 24-R-216 contained the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (The Heart of Florida Youth Ranch, Inc.) and not the property.
3. The educational facilities shall be limited to no more than fifty students in the K-12 grade range.

**15.2.2.** 240605SU - Original 108 Properties, LLC, Special Use Permit for a Warehouse, in a Community Business (B-2) Zone, 0.59 acres, Parcel Account Number 8002-0244-01, Site Address 13776 SW 38<sup>th</sup> Avenue Road, Ocala, FL 34473

The Board adopted Resolution 24-R-217 granting a petition by Original 108 Properties, LLC, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for a warehouse to be used for event planning company that rents equipment, in a Community Business (B-2) zone, on an approximate 0.59 Acre Parcel on Parcel Account Number 8002-0244-01, site address 13776 SW 38<sup>th</sup> Avenue Rd, Ocala, FL 34473.

Resolution 24-R-217 contained the following Conditions:

1. No outdoor storage will be permitted under this commercial operation.
2. This special use permit runs with the property and not the owner.

**15.2.3.** 240606ZC - Jordan, Jeffrey L., Zoning Change from Community Business (B-2) to General Agriculture (A-1), 11.30 Acres, Parcel Account Number 16220-000-00, Site Address 12400 NE Hwy 314 Silver Springs, FL 34488

The Board granted a petition by Jeffrey J. Jordan, for a zoning change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) to General Agriculture (A-1), for all permitted uses, on an approximate 11.30 Acre Parcel,

on Parcel Account Number 16220-000-00, site address 12400 NE Hwy 314, Silver Springs, FL 34488.

**15.2.4.** 240608ZC - PAC3 Properties LLC, Zoning Change from Single-Family Dwelling (R-1) to Residential Agriculture Estate (R-E), 0.82 Acres, Parcel Account Number 14769-000-00, Site Address 6725 W Anthony Road, Ocala, FL 34479

The Board granted a petition by PAC3 Properties, LLC, for a zoning change, Articles 2 and 4, of the Marion County Land Development Code, from Single-Family Dwelling (R-1) to Residential Estate (R-E), for all permitted uses, on an approximate 0.82 Acre Parcel, on Parcel Account Number 14769-000-00, site address 6725 W Anthony Road, Ocala, FL 34479.

**15.2.7.** 24-S05 - Golden Bridge International, LLC / Meyer Development, Small Scale Land Use Change from Medium Residential (MR) to High Residential (HR), 0.34 Acres, Parcel Account Number 2304-017-001, No Site Address Assigned

The Board granted a petition by Golden Bridge International LLC, for a Land Use Change, Articles 2 and 4, of the Marion County Land Development Code, from Medium Residential (MR) to High Residential (HR) to allow for a residential duplex, on an approximate 0.36 Acre Parcel, on Parcel Account Number 2304-017-001, No Address Assigned.

**15.2.5.** 240610ZC - Weaver, Sammy J Estate, Stauss, Don H. Jr. et. al., Zoning Change from Single-Family Dwelling (R-1) to Residential Agriculture Estate (R-E), 33.06 Acre Tract, Parcel Account Numbers 49339-001-00 and 49361-000-00, Site Address 15790 SE 140<sup>th</sup> Avenue, Weirsdale, FL 32195

The Board considered a petition by Weaver Sammy J EST, Stauss Don H Jr. et al Don Stauss, 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 33.06 Acre Tract, on Parcel Account Numbers 49339-001-00 and 49361-000-00, site address 15790 SE 140<sup>th</sup> Avenue, Weirsdale, FL 32195.

Planner Kathleen Brugnoli, Growth Services, provided a brief overview of the request for a zoning change from R-1 to R-E.

Paolo Mastroserio, Mastroserio Engineering, Inc., SE 32<sup>nd</sup> Place, on behalf of the applicant, advised that the applicant intends to meet all of the Land Development Code (LDC) open space requirements, buffers, etc. He stated the parcel will connect to centralized water and install a nitrogen reducing septic system.

Chairman Stone opened the floor to public comment.

Steve Crook, SE 137<sup>th</sup> Court, expressed concern with the number of potential septic systems and stormwater containment.

Chairman Stone advised that the Agenda Packet does contain a concept plan.

Chairman Stone advised that public comment is now closed.

Mr. Mastroserio advised that the project will connect to the available central water in the area, noting there will be individual enhanced nitrogen reducing septic systems for each unit. He stated there are two proposed drainage retention areas (DRA).

In response to Chairman Stone, Mr. Mastroserio advised that the concept plan presented is accurate to what is planned for development.

General discussion ensued.

Ms. Straub advised that 16 units are allowed by right.

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Ms. Brugnoli stated if the applicant cannot provide the centralized sewer service the number of units is limited based on the proximity to Lake Weir.

Ms. Straub advised that the subject parcel is 33 acres and there are 11 proposed units.

Mr. Mastroserio stated there is a 2 acre minimum per unit due to the enhanced nitrogen reducing septic systems, noting 11 units is the maximum able to fit on the site.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to approve the zoning change from R-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).

**15.2.6. 240611ZP - Acristo Investment, LLC, Zoning Change from Multiple Family Dwelling (R-3) to Residential Planned Unit Development (R-PUD) for a Multiple-Use Development Including Eight Dwelling Units, 0.46 Acres, Parcel Account Number 8003-0338-12, No Site Address Assigned**

The Board considered a petition by Acristo Investments, LLC, for a zoning change, Articles 2 and 4, of the Marion County Land Development Code, from Multiple Family Dwelling (R-3) to Residential Planned Unit Development (R-PUD), for a maximum of eight (8) residential units, on an approximate 0.46 Acre Parcel, on Parcel Account Number 8003-0338-12, No Address Assigned.

Deputy Director Ken Weyrauch, Growth Services, provided a brief overview of the request for a zoning change from R-3 to R-PUD.

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

Commissioner Bryant commented on the similar zoning in the area.

In response to Commissioner Zalak, Mr. Weyrauch advised that current PUDs have a more thorough application, but because this is a R-PUD and the development standards are already set staff viewed the application as a regular zoning change.

Chairman Stone opened the floor to public comment.

Nicole Boccaccio, NW 16<sup>th</sup> Place, advised that her name was on the presentation, but she is not part of this application.

Mr. Weyrauch advised that it was a scrivener's error on the presentation.

Chairman Stone advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Resolution 24-R-218 approving the zoning change from R-3 to R-PUD, 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).

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

**15.3.1. 240603SU- Ricardo and Dunia Rosales, Special Use Permit for Parking of Three Commercial Vehicles, in a General Agriculture (A-1) Zone, 1.14 Acres, Parcel Account Number 2331-009-018, Site Address 7745 SW 15<sup>th</sup> PL, Ocala, FL 34474**

The Board considered a petition by Ricardo Rosales, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for the parking of three (3) commercial vehicles, in a General Agriculture (A-1) zone, on an approximate 1.14 Acre



Parcel, on Parcel Account Number 2331-009-019, site address 7745 SW 15<sup>th</sup> Place, Ocala, FL 34474.

P&Z PUBLIC HEARING ON MAY 29, 2024

240603SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Bonner, seconded by Mr. Kroiter, to agree with staff's findings and recommendation, and recommend approval with conditions of the 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 5-1, with Mr. Fisher dissenting.

Commissioner Bryant out at 2:55 p.m.

Planner Marcus Lloyd, Growth Services, provided a brief overview of the Special Use Permit (SUP) request to allow for the parking of three (3) commercial vehicles, in a A-1 zone.

Commissioner Bryant returned at 2:57 p.m.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. The Ingress/Egress shall continue to come from SW 15<sup>th</sup> Street.
2. The commercial vehicles shall be parked on a concrete pad connected to a paved driveway that connects to the driveway apron.
3. No unloading or loading of materials shall take place on the subject property.
4. No mechanical repairs, washing, or maintenance on the commercial vehicle(s) shall take place on site.
5. Lighting on the exterior of any accessory structure related to the commercial vehicles shall be placed in a way that is non-obtrusive and will not be pointed directly at residential units within this neighborhood.
6. This special use permit runs with the owner and not property. Any sale of the property will void this special use.
7. This special use permit will allow for one (1) commercial vehicle with a weight of 16,000 pounds or more, and will allow the dry van trailer associated with that truck. The original approved commercial vehicle is associated with VIN #HSRUHR2VH430617 & the dry van trailer is associated with VIN #1GRAA06253G327988.
8. The Special Use Permit shall expire on February 1<sup>st</sup>, 2029; however it may be renewed administratively three times for up to 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:
  - 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 Manager determines that renewal should be considered directly by the Board of County Commissioners through

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the Special Use Permit review process (or review process equivalent at that time).

Dunia Rosales, SW 15<sup>th</sup> Place, applicant, advised that only 1 truck is parked on the property at a time. She stated this is a small family business and urged the Board to approve the Special Use permit.

Chairman Stone clarified that the request is all three vehicles have the authority to park on the property, but not at the same time.

Ms. Rosales advised that she has owned her business for more than 7 years and moved here from Tampa. She stated the trucks travel throughout the country and are not parked on the property at the same time.

In response to Commissioner Bryant, Ms. Rosales advised that her business is a small trucking company, consisting of three trucks.

Chairman Stone opened the floor to public comment.

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

In response to Commissioner McClain, Mr. Lloyd advised that the Condition proposed by staff is only 1 VIN number total be permitted onsite.

Chairman Stone advised that the applicant would have to decide which truck would have the authority to park onsite.

Commissioner Zalak commented on the shop located on site and opined that the trucks need to be parked offsite.

Commissioner Bryant stated a transportation business is not an appropriate use in a residential neighborhood.

In response to Commissioner Bryant, Ms. Rosales advised that the shop onsite contains equipment to maintain the property, noting all repairs for the trucks are done by a mechanic in Tampa. She stated that there have been no complaints from any of the neighbors.

General discussion ensued.

Chairman Stone advised that there is an existing Special Use Permit, which allows 1 truck and a dry van trailer. If the application is approved it will extend that Special Use Permit and allow for 2 more trucks onsite until February 2029. Mr. Lloyd concurred.

Chairman Stone questioned how the Code Enforcement case was established.

Ms. Rosales advised that she is agreeable to adding a Condition to the Special Use Permit only allowing one truck at a time onsite.

Dianna Durbin, Code Enforcement, advised that on January 9, 2024 she observed 3 vehicles onsite for over an hour.

In response to Commissioner Zalak, Ms. Durbin stated she had done multiple checks on the subject property.

Commissioner Zalak addressed the violation of the existing Special Use Permit (21-R-678) and expressed concern with Conditions being followed in the future if this request is approved.

Commissioner Bryant commented on the importance of adhering to the Conditions of the Special Use Permit.

In response to Chairman Stone, Commissioner Bryant advised that she is in agreement with the Conditions as proposed by staff.

Chairman Stone questioned if it is violating code if the trucks are on site less than 1 hour.

Ms. Durbin advised that there is not an issue with the one approved truck being onsite, but other trucks onsite would be a violation.

A motion was made by Commissioner McClain, seconded by Commissioner Bryant, to continue to allow the existing Special Use Permit on the one VIN number and dry van, but not allowing the additional VIN numbers.

Commissioner Curry expressed opposition to the Special Use Permit, noting the applicant has already violated the existing Conditions. He commented on the additional burden it will add to staff to ensure compliance.

The motion failed 2-3 with Commissioners Stone, Zalak and Curry dissenting.

Commissioner Zalak opined that the original special use permit should be revoked.

Chairman Stone advised that staff will schedule a hearing to consider the revocation of the existing Special Use permit (21-R-678)

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to schedule a revocation hearing for Special Use Permit 21-R-678. The motion was approved 3-2 with Commissioners Bryant and McClain dissenting.

Chairman Zalak commented on the revocation hearing and recommended when the applicant comes back before the Board they have a plan in place to change how business is taking place today.

Chairman Stone directed staff to place this matter on a future zoning agenda.

Commissioner Zalak out at 3:20 p.m.

Commissioner Bryant urged the applicant not to violate the existing Special Use Permit between now and the next hearing.

**15.3.2. 240607ZC - Seven Saddle Equestrian Inc, Zoning Change from Mixed Residential (R-4) to General Agriculture (A-1), 4.87 Acres, Parcel Account Number 12678-000-00, Site Address 4574 NW 100<sup>th</sup> Street, Ocala, FL 34482**

The Board considered a petition by Seven Saddle Equestrian, Inc, for a zoning change, Articles 2 and 4, of the Marion County Land Development Code, from Residential Mixed Use (R-4) to General Agriculture (A-1), for all permitted uses, on an approximate 4.87 Acre Parcel, on Parcel Account Number 12768-000-00, site address 4574 NW 100<sup>th</sup> Street, Ocala, FL 34482.

P&Z PUBLIC HEARING ON MAY 29, 2024

240607ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Kroiter, seconded by Mr. Fisher, 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 5-1, with Mr. Heller dissenting.

Deputy Director Ken Weyrauch, Growth Services, provided a brief overview of the request for a zoning change from R-4 to A-1. He advised that there is a Code Enforcement case relating to the livestock and Recreational Vehicles (RVs) on the subject property, noting if the rezoning is approved it would only solve the livestock issue and not the RV. The RV pedestals would have to be removed from the site.

In response to Chairman Stone, Mr. Weyrauch stated an RV pedestal is typically a pad were the RV parks, which contains electric, water and septic connections.

Commissioner Zalak returned at 3:22 p.m.

Commissioner Stone questioned if the RV pedestals were permitted. Mr. Weyrauch advised that to his knowledge they were not.

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Commissioner Bryant advised of a scrivener's error in the Agenda Packet relating to the parcel ID, which should be 12768-000-00.

Mr. Weyrauch advised that Growth Services staff and P&Z Commission are recommending approval for the request.

In response to Chairman Stone, Mr. Weyrauch stated there are multiple RV's located onsite.

Nicole Baccaccio, NW 16<sup>th</sup> Place, applicant on behalf of the property owner, advised that the owner, Kathleen Menard, lives on the property 6 months out of the year.

In response to Chairman Stone, Ms. Baccaccio stated there is a residence on the subject property.

Commissioner Bryant questioned why the owner wasn't aware of the zoning. Ms. Baccaccio stated she was advised that the property was grandfathered in since the property has had an agricultural exemption since the 1990's.

In response to Commissioner Bryant, Ms. Baccaccio advised that Ms. Menard did install the ring and pads for all the RV's, but she is aware that they have to be removed.

Chairman Stone requested more information relating to the RV's onsite.

Ms. Baccaccio advised that most of the people who come from Canada who stay onsite have a horse trailer with a live-in portion

Commissioner Bryant advised that this is not allowed.

Ms. Baccaccio stated Ms. Menard is aware and will be removing the RV hookups from the property.

Chairman Stone questioned where the waste is being disposed. Ms. Baccaccio advised that all units are self contained, noting a person comes on site and pumps the waste.

Chairman Stone opened the floor to public comment.

Glenn Fritch, (address protected), expressed support for the rezoning request, noting prior owners have also had equine on the property.

In response to Chairman Stone, Mr. Fritch advised that he is unaware of RVs being onsite for previous owners.

Chairman Stone advised that public comment is now closed.

Chairman Stone stated the site is located in the Farmland Preservation Area (FPA). She questioned how many RVs are allowed to be kept onsite. Mr. Weyrauch advised that a property owner is allowed to store their own personal RV onsite.

Chairman Stone commented on the RVs located onsite.

Mr. Weyrauch advised that 5 or more RVs onsite would be considered an RV park. He stated if the property is rezoned to A-1 the applicant would not be able to request a Special Use Permit for the RVs due to the settlement with On Top of The World (OTOW).

Commissioner Bryant expressed support for the rezoning, but would like to ensure the applicant understands that camping onsite is not permitted.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to approve the zoning change from R-4 to A-1, 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.

Commissioner Zalak requested Code Enforcement ensure all RV hookups are removed from the site.

The motion was unanimously approved by the Board (5-0).

**15.3.3. 240609ZC - Gerbitz, Jeffrey and Susan, Zoning Change from General Agriculture (A-1) to Residential-Estate (R-E), 4.96 acres, Parcel Account Number 3564-006-000, No Address Assigned**

The Board considered a petition by Jeffrey and Susan Gerbitz, 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 4.96 Acre Parcel, on Parcel Account Number 3564-006-000, No Address Assigned.

P&Z PUBLIC HEARING ON MAY 29, 2024

240609ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Bonner, seconded by Mr. Fisher, to disagree with staff's findings and recommendation, and recommend denial of the zoning change based on the following findings of fact:

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

The Motion passed 4-2, with Mr. Kroiter and Mr. Gaekwad dissenting.

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

Commissioner Stone out at 3:36 p.m.

Transportation Planner Ken Odom, Growth Services, provided a brief overview of the request for a zoning change from A-1 to R-E.

Commissioner Stone returned at 3:38 p.m.

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

Commissioner Curry advised that Growth Services staff is recommending approval, but P&Z Commission is recommending denial. He questioned what the main objection was from the P&Z Commission. Mr. Odom advised that a number of individuals in the area expressed opposition to the one acre parcels during the P&Z Commission meeting. He stated there are one acre parcels immediately adjacent to the subject property. Mr. Odom advised that in 2013 when the land uses were changed throughout the County this site was changed from rural to a low residential land use, noting the residential estate is a conforming zoning designation.

Jeff Gerbitz, SW 44<sup>th</sup> Terrace, applicant, advised that there are already 4 one acre parcels in the area. He stated a survey was conducted and there is a 25 foot road easement in front of the property, noting he will pave SW 83<sup>rd</sup> Place into the property along that easement. Mr. Gerbitz presented the survey results to the Board.

Mr. Gerbitz advised that he plans on building a home on his property in the \$600,000.00 range. He stated access to the property will be off of SW 83<sup>rd</sup> Place.

In response to Chairman Stone, Mr. Gerbitz advised that there will be two ingress/egress points to the property, SW 73<sup>rd</sup> Avenue and SW 83<sup>rd</sup> Place. He stated SW 73<sup>rd</sup> Avenue is a dirt road and SW 83<sup>rd</sup> Place is mostly paved.

Commissioner Bryant stated the applicant will be providing a 30 foot drive on the east side of the property.

Mr. Gerbitz stated a 30 foot easement was requested; therefore, the surveyor placed a 30 foot easement on all 7 lots.

In response to Chairman Stone, Mr. Gerbitz advised that the ingress/egress will be paved and gated. He stated the properties will be provided to his grandchildren for their future use, noting it will be up to the grandchildren if they will reside on site or sell the property. Commissioner Bryant opined that an application for a family division may be more appropriate for this site.

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Mr. Gerbitz advised that he originally sought a family division, but was informed that this did not qualify.

Commissioner Zalak stated a family division cannot be done for multiple parcels.

In response to Mr. Gerbitz, Mr. Odom advised that a family division can only be done on up to 3 parcels.

Commissioner Bryant stated a family division has to be held for a minimum of 5 years before it can be sold.

Chairman Stone opened the floor to public comment.

Winston Smith, SW 83<sup>rd</sup> Place, expressed opposition to the proposed changes and advised that the applicant is an investor/developer who wants to develop the property. He commented on the nature of the area.

In response to Chairman Stone, Mr. Smith advised that there are deed restrictions in the area. He stated the people in Green Turf do not want the roads paved.

Barbara Speer, SW 83<sup>rd</sup> Place, stated the applicant was aware when purchasing the property that it had a Rural land use and was zoned A-1. She advised that originally the applicant purchased 10 acres and subdivided 5 of the acres into smaller parcels. This is where 2 of the 1 acre lots in the area came from. Ms. Speer commented on the nature of the area, noting the community wants to keep the dirt roads.

In response to Ms. Speer, Commissioner Bryant advised that the applicant has already divided property via the family division process; therefore, he is aware of how this should be handled.

Jolene Weeks, SW 86<sup>th</sup> Lane, expressed opposition to the zoning change request, noting the applicant has already proven with the first division that the property is not going to the grandchildren because 2 of the lots are currently for sale. She commented on the existing nature of the community.

Janett Barber, SW 73<sup>rd</sup> Avenue, commented traffic and the impact the proposed change will have on the quality of life of existing residents.

Dale Barber, SW 73<sup>rd</sup> Avenue, addressed flooding issues in the area of the subject property and expressed concern with possible ground water contamination with increased development.

Robin Boileau, SW 86<sup>th</sup> Lane, expressed flooding concerns.

Les Boileau, SW 86<sup>th</sup> Lane, opined that the proposed zoning is not conducive to the surrounding area.

Christine Pierce, SW 83<sup>rd</sup> Place, expressed concern with the impact the change will have on the quality of life of existing residents.

Alicia Carmataca, SW 74<sup>th</sup> Court, commented on existing gopher turtles on the subject property, the impact on the quality of life of existing residents, and traffic concerns.

Stacy Raisch, SW 74<sup>th</sup> Court, advised that she is a realtor and presented a 2 page handout containing listings for the applicant's property. She stated the concern is this property is not being developed for a family compound.

Chairman Stone advised that public comment is now closed.

In response to Commissioner Bryant, Mr. Gerbitz advised that he resides 6 months in Florida and 6 months in California.

Commissioner Bryant commented on the applicant's occupation as a realtor/builder/developer. She opined that his motivation for requesting the zoning change is to develop, divide and sell the property. Commissioner Bryant stated there has been a previous family division relating to Mr. Gerbitz's property and he is aware of how that

process works. She advised that she could not support what the applicant is trying to do by splitting up the property.

Chairman Stone advised that staff's report did not include the information relating to the the previous family division.

Mr. Odom stated staff was not aware two of the one acre parcels in the area were owned by the applicant.

Commissioner Bryant advised that the family division took place in 2022, noting both one acre parcels are on the market.

Ms. Straub advised that the previous family division predates the Board's requirement to hold the property for 5 years prior to selling.

Mr. Gerbitz stated he originally sought a family division on the subject property, but was advised by staff that he did not qualify. He stated the reason the previous family division property was for sale was to determine what people were looking for in the market. People did not like the roads unpaved; therefore, the plan was to sell one of the homes to pay for the roads.

In response to Chairman Stone, Mr. Gerbitz advised that there is a gopher tortoise on the subject property, noting there has not been an attempt to build on that particular lot. He advised that the intent is to build one home at a time every two to three years.

Chairman Stone advised that the Board does not enforce deed restrictions.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to deny the zoning change from A-1 to R-E, agreeing with Growth Services staff and disagreeing with the P&Z Commission, based on findings and recommendations that the proposed use will adversely affect the public interest, is not consistent with the Comprehensive Plan and is not compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

Commissioner Zalak commented on the importance of fixing the loop holes in the family division regulations.

Ms. Straub advised that the community does have deed restrictions, which would be a civil matter.

Commissioner Curry out at 4:21 p.m.

General discussion ensued.

There was a recess at 4:23 p.m.

The meeting reconvened at 4:35 p.m. with all members present.

**15.3.4. 240612ZP - Farrior Investments, LTD, Zoning Change from General Agriculture (A-1) to Planned Unit Development (PUD) for Commercial Incinerator, Stockpiling of Trees and Debris, Sale of Processed Materials and Collection and Sale of Sand from Wood and Vegetation, 49.93 Acre Portion of 2,623.64 Acres, Parcel Account Number 41343-000-00, Site Address 6000 SW 165<sup>th</sup> Street Unit A, Ocala, FL 34473**

The Board considered a petition by Farrior Investments, LTD, for a zoning change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Planned Unit Development (PUD), for commercial activities and heavy equipment/trucks for the processing, stockpiling and incinerating of tree and vegetation debris brought from off-site, as well as the sale of sand from incoming trucks dumping debris, on an approximate 49.93 portion of a 2623.64 Acre Parcel, on Parcel Account Number 41343-000-00, 6000 SW 165<sup>th</sup> Street, Ocala, FL 34473.

P&Z PUBLIC HEARING ON MAY 29, 2024

240612ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Heller, 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 passed 4-2, with Mr. Lord and Mr. Gaekwad dissenting.

Planner II Kathleen Brugnoli, Growth Services, provided a brief overview of the request for a zoning change from A-1 to PUD. She advised that during the site visit staff noticed heavy damage to the roadway leading into the property, which is a concern.

Ms. Brugnoli advised that if approved the applicant would be required to meet a 32 ton fire apparatus road requirement; therefore a lot of changes will need to be made to the roads. She stated the wetlands and flood plains on the property are also a major concern, as well as a large portion of the property is in an environmentally sensitive overlay zone. Ms. Brugnoli advised that water tanks would be required onsite, noting the applicant has proposed some sprinkling systems be located on property. She stated the proposed use is not compatible with Rural land use or the intent of Rural land use. This use would not be allowed by Special Use Permit because it is not a use listed in an A-1 zoning.

Ms. Brugnoli stated the zoning change would have to be approved in order for the Florida Department of Environmental Protection (FDEP) to allow the proposed use.

Ms. Brugnoli provided a brief description of the subject property and surrounding area as shown on the overhead screens.

It was noted that Growth Services Department staff and the P&Z Commission recommends denial. If the Board grants the PUD, staff recommends the following Alternate Approval Conditions:

1. Setbacks from all property lines are as follows: 100' from all property lines.
2. All debris and sand collection, incineration, and equipment storage must take place behind the berm so as not to be viewed from the property boundary line of contiguous parcels.
3. The PUD shall comply with the PUD Development Buffers listed in Table 3 on the next page with the Land Berm being 15' tall with a 5' width at the top:

Direction	Adjoining Use	Required	Proposed	Recommended
"A" North	Agriculture	B-Type	Land Berm	Land Berm
"A" South	Agriculture	B-Type	Land Berm	Land Berm
"A" East	Agriculture	B-Type	Land Berm	Land Berm
"A" West	Agriculture	B-Type	Land Berm	Land Berm
"B" North	Agriculture	B-Type	Land Berm	Land Berm
"B" South	Agriculture	B-Type	Land Berm	Land Berm
"B" East	Agriculture	B-Type	Land Berm	Land Berm
"B" West	Agriculture	B-Type	Land Berm	Land Berm

4. Applicant will need to demonstrate that the land berm does not impede the flow of water on the property. The berm needs to be far enough away that water may continue to come on site and flow naturally, or an engineering



- design must be provided that demonstrates neighboring properties are not impacted.
5. Traffic to/from the site shall not use subdivision streets, except for those 3 segments listed here: 1) SW 165<sup>th</sup> St from Marion Oaks Ln to Project Entrance. 2) SW 163<sup>rd</sup> St Rd from Project Exit to SW 59<sup>th</sup> Ct. 3) SW 59<sup>th</sup> Ct from SW 163<sup>rd</sup> St Rd to SW 165<sup>th</sup> St.
  6. Roads shall be stabilized to meet the requirements of a 32 ton fire apparatus. Dump trucks and construction trucks are not in similar design to fire apparatus. An engineer will need to provide a signed and sealed plan or letter indicating road stability.
  7. Commercial driveway aprons transitioning from the roadway to the property will be required for both SW 163<sup>rd</sup> Street Rd, and SW 165<sup>th</sup> St. These permits must be applied for and completed prior to use of the property for its intended purposes.
  8. Local subdivision roads maintained by MSTU are not intended for Commercial type use. Road segments listed as allowable for ingress/egress by Traffic shall be repaired and maintained to the standards of OCE and MSTU by the property owner for as long as the use continues. If use discontinues, property owner is responsible for letting OCE know.
  9. 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.
  10. The PUD shall be developed consistent with the concept plan, design standards, and conditions provided herein.
  11. The final PUD master plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense.

In response to Commissioner Curry, Ms. Brugnoli advised that the debris brought onsite is primarily from the construction within the Marion Oaks area.

David Tillman, Tillman & Associates Engineering, LLC, SE 16<sup>th</sup> Avenue, on behalf of the applicant, advised that the operation has been taking place onsite for the past two years, noting the applicant is the one who came to the County to try and have everything permitted correctly. He stated due to a previous lawsuit in the County a Special Use Permit is not allowed for a use not already listed in the zoning Code.

Mr. Tillman addressed the definition of industrial use in relation to what is taking place on this property. He stated the only item being sold off of the site is dirt from the tree stumps that accumulates on the property. The ash from the incineration is being utilized on the farm as an agricultural product as fertilization. Mr. Tillman advised that if the applicant was not being paid to bring the material onsite they would be allowed to incineration all day under the right to farm. He agreed that there is an industrial component to this use.

Mr. Tillman stated the operation services the Marion Oaks region for new construction and existing homes with tree trimming, noting if the material is not disposed of here it will need to be hauled across the County. He stated this use keeps the trucks internal to the area they are already traveling.

Mr. Tillman advised that no complaints have been made relating to this property in the 2 years it has been operating. He stated the applicant has no issue with addressing the

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road improvements proposed by the County. Mr. Tillman commented on the limited number of facilities that will take this type of waste. He advised that there is no grinding taking place on site, noting the loudest activity is the incinerator. The applicant agrees to installing berms to reduce sound. Mr. Tillman opined that this use is a need in this area and urged the Board to approve the zoning change.

In response to Commissioner Curry, Mr. Tillman advised that the applicant has agreed to completing necessary repairs and maintenance to the road. He stated Water Management District permits have been obtained for pumping of water for dust control onsite and a FDEP permit request has been submitted. The only outstanding issue for FDEP is the correct zoning being in place to allow this use. Mr. Tillman advised that there is approximately 100 trucks onsite per day.

Chairman Stone questioned the hours of operation. Mr. Tillman stated the facility is in use from 7:00 a.m. to 5:00 p.m.

Mr. Tillman requested the berm only be required on the east side, which is adjacent to residential.

In response to Commissioner Curry, Ms. Straub advised that the County would look to ensure the permit Conditions are maintained with the outside agencies and that the best practices are utilized. She stated if there is a problem with the permit Conditions the Board should have the authority to revoke or readdress the conversation in the future.

Mr. Tillman advised that if the applicant does not meet the air quality requirements FDEP will revoke their permit.

Chairman Stone opened the floor to public comment.

Henry Munoz, Marion Oaks Boulevard, expressed concern with the impact to the roads. Florence Charbonneau, SW 49<sup>th</sup> Court, expressed concern with the impact this use will have on future development of the area, traffic, safety and road maintenance.

Matt Winters, SE 5<sup>th</sup> Avenue, advised that he has been performing land clearing for approximately 7 years and there are limited places where the debris can be dumped.

In response to Commissioner Curry, Mr. Winters advised that the trucks hold approximately 50 to 60 yards of debris, noting most of the trucks are also pulling trailers. He stated there is roughly 20 to 30 trucks actively pulling trailers daily.

Chairman Stone advised that public comment is now closed.

Mr. Tillman reiterated that the applicant has agreed to provide the necessary maintenance on the road, noting the applicant also pays into the MSTU for 7 to 9 lots within Marion Oaks.

Mr. Tillman commented on the illegal all-terrain vehicles (ATVs) that ride throughout the area.

Chairman Stone advised that ATVs have also been an issue on County property in that area.

Mr. Tillman stated having a site like this for debris will reduce the illegal dumping, noting there is a need in the community for this use.

In response to Commissioner Curry, Mr. Tillman advised that the applicant could post a bond, provide a letter of credit, or create an escrow account to ensure the maintenance of the road. He stated there is currently 3 incinerators onsite, noting they would have to come back before the Board if they wished to do anything different on the property than what is being proposed.

Chairman Stone questioned where the ingress/egress will be located. Mr. Tillman advised that SW 165<sup>th</sup> Lane Road can be utilized for both ingress and egress.

Commissioner Zalak expressed support for the proposed use and commented on the importance of having the proper Conditions in place to ensure there are no issues.

General discussion ensued.

Mr. Minter advised that the staff report recommends denial on the bases of several inconsistencies with the Comprehensive Plan and not being compatible with the surrounding area. He stated the Board would have to determine if the Conditions will address the inconsistencies with the Comprehensive Plan.

In response to Mr. Minter, Mr. Tillman advised that there will not be any sludge treeing or composting onsite.

Ms. Brugnoli advised that staff did provide Conditions should the Board approve the request, but it is unclear if there are enough Conditions to mitigate the fact that the proposed use is not compatible based on staff standards.

General discussion ensued.

Commissioner Zalak opined that this should be zoned A-1 with a Special Use Permit. He stated the proposed location and use is in the public's interest and does not conflict with the surrounding area.

In response to Commissioner Bryant, Mr. Minter advised that the issue of consistency with the Comprehensive Plan is a critical issue for the legality of the Board's decision.

Chairman Stone stated based on where the property is located that it is servicing the development taking place in the Marion Oaks subdivision; therefore, the operation makes sense to be allowed to operate for the best and highest use of this community. She advised that this serves a need for the community, as well as reduces the number of trucks having to leave the community and utilize roads outside of the area.

Commissioner Bryant opined that by keeping the traffic in this area instead of sending it out into the County it provides a safety element.

Mr. Tillman advised that the trucks utilized on this site are the largest trucks seen on the roadways and commented on the benefit of keeping them out of the main public roadways.

General discussion ensued relating to the proposed Conditions.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to adopt resolution 24-R-219 approving the zoning change request with Conditions 1 through 16, as amended below, disagreeing with Growth Services staff and the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-219 includes the following Conditions:

1. Setbacks from all property lines are as follows: 300' from all property lines.
2. All debris and sand collection, incineration, and equipment storage must take place behind the berm so as not to be viewed from the property boundary line of contiguous parcels.
3. The PUD shall include a land berm, 15' in height and 5' in width at the top, along the eastern boundary of both Site A and Site B work areas.
4. Applicant will need to demonstrate that the land berm does not impede the flow of water onto the property. The berm needs to be far enough away from the property boundary so that water may continue to come on site and flow naturally, or an engineering design must be provided that demonstrates neighboring properties are not impacted.

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5. Traffic to/from the site shall be limited to using SW 165<sup>th</sup> St. for ingress/egress.
6. Roads shall be stabilized to meet the requirements of a 32-ton fire apparatus. An engineer will need to provide a signed and sealed plan or letter indicating road stability.
7. A commercial driveway apron transitioning from the roadway to the property will be required for SW 165<sup>th</sup> St.
8. Local subdivision roads maintained by MSTU are not intended for Commercial type use. Road segments listed as allowable for ingress/egress shall be repaired and maintained to the standards of OCE and MSTU by the property owner for as long as the use continues. If use discontinues, property owner is responsible for letting OCE know and any outstanding repairs needed.
9. 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.
10. The PUD shall be developed consistent with the concept plan, design standards, and conditions provided herein.
11. The final PUD master plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense.
12. The PUD must maintain compliance with all outside agencies as required. If compliance is not maintained, activity on the property must halt until such time that it is brought back in to compliance.
13. No grinding or composting will take place
14. The maximum height for stockpiled materials is 20'.
15. Hours of operation are Monday-Friday 7:00 a.m. - 5:00 p.m.
16. A developer's agreement must be provided within 60 days of PUD approval indicating the owner will be responsible for fixing and maintaining SW 165<sup>th</sup> St. to County code standards for the duration of the uses permitted by this SUP. This agreement must be accompanied by a letter of credit or bond.

Commissioner Bryant out at 5:35 p.m.

Commissioner Zalak out at 5:36 p.m.

**15.3.5.** 240205ZP - Ocala 85, LLC, Zoning Change from Single-Family Dwelling (R-1) to Planned Unit Development (PUD) to Allow a Maximum of 337 Single-Family Residences, 84.37 Acres, Parcel Account Numbers 37515-000-01 and 37515-000-05, No Address Assigned (Continuation from May 21, 2024)

The Board considered a petition by Ocala 85 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 of 337 single-family residential dwellings, on an approximate 84.37 Acre Tract, on Parcel Account Numbers 37515-000-01 and 37515-000-05, No Address Assigned.

P&Z PUBLIC HEARING ON APRIL 29, 2024

240205ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Fisher, to disagree with staff's findings and recommendation, and recommend denial of the zoning change based on the following findings of fact:

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

The Motion passed 4-2, with Mr. Lord and Mr. Kroiter dissenting.

Planner II Kathleen Brugnoli, Growth Services, provided a brief overview of the request for a zoning change from R-1 to PUD. She presented a 2 page letter of support from Angie Clifton, SE 70<sup>th</sup> Terrace, who was not able to stay to provide public comment.

Commissioner Bryant returned at 5:37 p.m.

In response to Chairman Stone, Ms. Brugnoli advised that the side set back has changed to 7.5 feet after the applicant spoke with the neighboring subdivision.

Ms. Brugnoli provided an overview of what the subject parcel would look like if it was traditionally platted as R-1 zoning, noting there would be roughly 298 lots, at 3.5 units per acre. She commented on the proposed amenities.

Commissioner Zalak returned at 5:42 p.m.

Ms. Brugnoli advised that there will be an estimated 3,086 daily trips with 225 peak trips in the morning and 311 peak trips in the afternoon. She stated access to the development will be provided via a full access extension of SE 64<sup>th</sup> Avenue to SE 92<sup>nd</sup> Loop and a right-in-right-out connection in the southeast corner of the subject property. The SE 64<sup>th</sup> Avenue will be a shared access with the Basedev Land Trust project. She stated the annual average daily trips would not trip anything for SE 92<sup>nd</sup> Loop. Ms. Brugnoli addressed the shared access between the Ocala 85 LLC development and Basedev Land Trust development, noting a Condition of both PUD's is to develop and share this access point.

Ms. Brugnoli referred to a 1 page handout containing a list of Conditions that were worked out between the Developer and Leeward Air Ranch.

The Conditions were as follows:

- Min 1600 SF living for up to 25% of homes, 1700 SF for 25%, 1800 SF 25%, and 1900 SF for 25%
- 17-18% internal open space (if needed - with county approval)
- 50' minimum lot width
- 7.5' side yard setbacks
- No institutional leasing/renting
- 6' white vinyl fence along entire east side, 4' raised berm under fence along back side of pond/buffer where no trees are
- No walking trails east of fence
- 150' wide buffer on east side per plan, leaving trees along boundary where currently present. Stormwater retention can be placed in buffer.
- Avigation Easement where residents of PUD can not object to aircraft noise/activity and providing no PUD improvements over 40' height max, including antennas. (attached).

Ms. Brugnoli expressed concern with the proposed conditions and questioned if these Conditions would be better included in Homeowners Association (HOA). Mr. Minter Advised that the County does not typically get involved in the issues addressed in these

Conditions. He referenced a previous zoning case where the developer and neighboring properties came to private agreement that was not on record with the County.

Commissioner Zalak requested a notation be placed on the PUD approval advising the Conditions agreed upon between the two neighboring subdivisions must be enforced by an HOA or private/civil litigation.

General discussion ensued.

It was noted that Growth Services Department staff recommends approval with Conditions and the P&Z Commission recommends denial. If the Board grants the PUD, staff recommends the following Alternate Approval Conditions:

1. The PUD shall comply with the PUD Development Buffers listed in Table 3 below

TABLE 3. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
North	AG/Grazing Land	Type "E"	Type "E"	Type "E"
South	ROW	Type "C"	Type "C"	Type "C"
East	Residential	None	150' natural vegetative buffer	150' natural vegetative buffer
West	Proposed ROW	Type "C"	Type "C"	Type "C"

2. A sidewalk shall be provided internally consistent with PUD's conceptual plan.
3. Applicant to work with BaseDev Land Trust, also developing a PUD, to construct the portion of SE 64<sup>th</sup> Avenue to be used by both PUD's. If Ocala 85 (aka Blue River) develops first, they will be responsible for providing this access from SE 92<sup>nd</sup> Loop up the the point that they propose to connect on the west side of their PUD. If Ocala 85 (aka Blue River) develops after Basedev Land Trust, they will be responsible for developing the portion of road from Basedev Land Trust up to their proposed connection on the west side of their PUD.
4. Development conditions
  - The PUD shall be limited to 337 single-family residences.
  - The PUD shall be developed consistent with the PUD Plan, and the development conditions provided.
  - The following development standards as listed.
    - Setbacks: front property line 20', side property line 5', side property lines fronting a ROW 20', rear property lines 20'
    - Accessory structures shall have 5' setbacks from side and rear property lines
    - Maximum Residence Building Height: 40'
    - Maximum Accessory Building Height: 20'
5. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
6. 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.

7. The final PUD master plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense

Dawson Ransome, Garden Alcove Loop, Wesley Chapel, on behalf of the applicant, came before the Board previously and agreed to staff's proposed Conditions with the exception of the square footage, but did request more time to be able to work with the neighboring property owners. He stated he worked with Leeward Air Ranch residents and established Conditions that are agreeable to both parties. Mr. Ransome provided a brief overview of the applicant/Leeward Air Ranch Conditions.

In response to Commissioner Bryant, Mr. Minter advised that the applicant can impose these Conditions on themselves.

Ms. Brugnoli stated she can add language advising the applicant will meet the self-generated list of Conditions.

Commissioner Zalak opined that this would be better addressed in the Developer's Agreement rather than in the PUD.

General discussion ensued.

In response to Commissioner Zalak, Mr. Ransome advised that the cabana is 1,900 square feet of covered space, noting there are restrooms and a pool.

Chairman Stone clarified that there is not a clubhouse. Mr. Ransome concurred, noting the cabana is an outdoor space where gatherings can be held.

Commissioner Zalak opined that an indoor meeting room is necessary. He stated most developments with over 300 units have substantial amenities.

Chairman Stone questioned the cost of the homes. Mr. Ransome advised that the price will be approximately between \$300,000.00 to \$400,000.00, but that is not confirmed.

General discussion ensued relating to amenities and open space.

Ms. Straub advised that the applicant does not own the property where the proposed access point on SE 64<sup>th</sup> Avenue is located and will need to come to an agreement with the adjacent property owner, noting a Certificate of Occupancy (CO) cannot be issued without that second access being secured.

Mr. Ransome stated the applicant has made contact with the adjacent property owner, verbal agreement has been made and they are prepared to move forward with the necessary agreements/steps.

Commissioner Bryant advised that should only one access point be available the applicant will only be allowed to have 50 units, noting she is unwilling to increase the number of units.

Chairman Stone opened the floor to public comment.

Angie Clifton, SE 70<sup>th</sup> Terrace, did not appear when called upon to speak.

Chairman Stone advised that Ms. Clifton was unable to be present, but the Board has received a 2 page letter relating to this item.

Kent Leeward, SE Clatter Bridge Road, commented on the Conditions created by the applicant and Leeward Air Ranch residents. He stated a draft Declaration of Avigation Easement and Waiver has been created and requested a Condition be included in the PUD to require this document be executed.

In response to Mr. Leeward, Chairman Stone advised that HOA documents must be provided with final PUD Master Plan addressing the Conditions agreed upon between this

development and neighboring Leeward Air Ranch.

Commissioner Zalak stated the County cannot enforce HOA regulations, noting conflicts would have to be addressed in Civil Court.

In response to Mr. Leeward, Chairman Stone advised that the County cannot enforce minimum square footages or the institutional leasing/renting.

General discussion ensued.

Chairman Stone advised that public comment is now closed.

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to adopt resolution 24-R-220 approving the zoning change request with Conditions 1 through 12, as amended below, agreeing with Growth Services staff and disagreeing with the P&Z Commission recommendation, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

Resolution 24-R-220 includes the following Conditions:

1. The PUD shall comply with the PUD Development Buffers listed in Table 3 below

Table 3. Buffers				
Direction	Adjoining Use	Required	Proposed	Recommended
North	AG/Grazing Land	Type "E"	Type "E"	Type "E"
South	ROW	Type "C"	Type "C"	Type "C"
East	Residential	None	150' natural vegetative buffer	150' natural vegetative buffer
West	Proposed ROW	Type "C"	Type "C"	Type "C"

2. Eastern property boundary line shall include a 6' white vinyl fence along the entire east side with a 4' raised berm under fence along back side of pond/buffer where no trees will be located.
3. No walking trail east of the fencing.
4. Stormwater retention may be placed within eastern buffer as needed.
5. A sidewalk shall be provided internally consistent with PUD's conceptual plan.
6. Applicant to work with BaseDev Land Trust, also developing a PUD, to construct the portion of SE 64<sup>th</sup> Avenue to be used by both PUD's. If Ocala 85 (aka Blue River) develops first, they will be responsible for providing this access from SE 92<sup>nd</sup> Loop up the point that they propose to connect on the west side of their PUD. If Ocala 85 (aka Blue River) develops after BaseDev Land Trust, they will be responsible for developing the portion of road from BaseDev Land Trust up to their proposed connection on the west side of their PUD.
7. A completed and recorded agreement regarding development and maintenance of SE 64<sup>th</sup> Avenue must be provided or development of the property will be limited to 50 CO's for homes as two accesses are required for the desired number of homes.
8. Development conditions



- The PUD shall be limited to a maximum of 337 single-family residences with provided conceptual plan showing 310 lots.
  - The PUD shall be developed consistent with the PUD Plan, and the development conditions provided.
  - The following development standards as listed.
    - Setbacks: front property line 20', side property line 7.5', side property lines fronting a ROW 20', rear property lines 20'.
    - Accessory structures shall have 7.5' setbacks from side and 5' setbacks from rear property lines.
    - Minimum Low Width: 50'.
    - Maximum Residence Building Height: 40'.
    - Maximum Accessory Building Height: 20'.
    - Open space as listed within conceptual plan at 20.3 acres (24.1 %).
    - 2,000 sq ft clubhouse/cabana must include an enclosed space for a meeting area.
9. Building separations shall meet all requirements placed on development by Building and Fire Safety Codes.
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 final PUD master plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the LDC notice provisions and at the Applicant's expense.
12. HOA documents must be provided with final PUD master plan addressing the conditions agreed upon between this development and neighboring Leeward Air Ranch.

Mr. Bouyounes questioned if the Master Plan should come back as a public hearing or a regular item on the Agenda. It was general consensus of the Board to bring the matter back as a regular Agenda Item.

**15.3.6.** 230109ZP - Basedev Land Trust/Dimino Holdings Associates, LLC, Zoning Change from Single Family Dwelling (R-1) and Planned Unit Development (PUD) to Planned Unit Development (PUD), 52.15 Acres, Parcel Account Numbers 37515-004-00 and 37515-004-02, No Site Address Assigned (Continuation from May 21, 2024)

The Board considered a petition by BaseDev Land Trust – Domino Holdings Associates, LLC, TR, for a zoning change, Articles 2 and 4, of the Marion County Land Development Code, from Single-Family Dwelling (R-1) and an expired Planned Unit Development (PUD) to Planned Unit Development (PUD), for a residential development consisting of up to 304 multiple-family dwellings north of SE 92<sup>nd</sup> Loop, and up to 58 single-family detached homes south of SE 92<sup>nd</sup> Loop; for a maximum total of 362 dwelling units, on an approximate 52.15 Acre Tract, on Parcel Account Numbers 37515-004-00 and 37515-004-02, No Address Assigned.

P&Z PUBLIC HEARING ON APRIL 29, 2024

230109ZP Planning and Zoning Commission Recommendation

June 18, 2024

Motion was made by Mr. Krioter, seconded by Mr. Behar, 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.

Deputy Director Ken Weyrauch, Growth Services, advised that the application came before the Board on May 21, 2024, at that time a continuance was granted until today. The applicant is requesting the matter be continued again to allow time to work out a plan for the single family homes on both sides of SE 92<sup>nd</sup> Loop. He stated the applicant was unable to attend tonight.

Commissioner Zalak opined that the matter could be continued until September 17, 2024 and the applicant would be responsible for the readvertising fees.

General discussion ensued.

Commissioner Curry was excused at 6:20 p.m.

Chairman Stone opened the floor to public comment.

Larry Bowling, SE 96<sup>th</sup> Street, Belleview, on behalf of the HOA of The Fountains of Golf Park, expressed appreciation to the Board for requesting single family homes in the area. He stated the only other concern is the location of the dog park on the southside of the property and requested the dog park be relocated.

Pam Grahling, SE 99<sup>th</sup> Place, Belleview, commented on the proposed ingress/egress and requested clarification.

Mr. Bouyounes advised that there is Commercial property to the west between the proposed subdivision and Baseline Road.

Ms. Straub stated there will an access point onto SE 92<sup>nd</sup> Loop from SE 64<sup>th</sup> Avenue, noting individuals will be able to make their way out to Baseline Road through the Commercial site.

In response to Ms. Grahling, Chairman Stone advised that the applicant is not present so they are unable to ask any questions about the development; therefore, it is unclear if the proposed development can connect to the adjacent subdivision on east.

Ms. Grahling requested the applicant not be able to connect to the development to the east.

Neva Wise, SE 96<sup>th</sup> Place Road, requested this matter be heard first at the next meeting.

Chairman Stone advised that public comment is now closed.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, continue this matter to September 17, 2027 at 2:00 p.m. or as soon there after. The motion was unanimously approved by the Board (4-0).

#### **15.4. Adoption of Ordinance**

##### **15.4.1. 24-S05**

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt Ordinance 24-16 adopting Small Scale Comprehensive Plan Amendment No. 24-S05, agreeing with the Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with land uses in the surrounding area, is consistent with Chapter 163, FS and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (4-0).

Ordinance 24-16 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:

2024-S0S, GOLDEN BRIDGE INTERNATIONAL, LLC

+/- 0.36 ACRES

PARCEL NO. 2304-017-001

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

#### **15.4.2. Zoning**

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 Bryant, seconded by Commissioner Zalak, to adopt Ordinance 24-17 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (4-0).

Ordinance 24-17 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.

**NEW BUSINESS:** Commissioner Bryant commented on the increased number of zoning hearings and requested the Board consider a maximum number of applications heard per hearing.

Commissioner Zalak questioned how many of the July 16, 2024 zoning hearings will be on the Consent Agenda. Chairman Stone advised that staff will not know until after the P&Z meeting.

General discussion ensued.

Commissioner Bryant recommended dividing the 18 applications for the July 16, 2024 meeting and place a portion on Tuesday, August 6, 2024 at 2:00 p.m. It was the general consensus of the Board to agree.

Commissioner Zalak directed to staff to limit the number of applications to 10 per month. It was the general consensus of the Board to agree.

Ms. Straub clarified that for the September, October and November in which the Comprehensive Plan EAR meetings are taking place only 10 zoning applications will be accepted each month. She directed staff to take in the application, but advise the applicant of the future date it will be heard. If the staff determines after review that the application can be heard sooner they can reach out to the applicant.

In response to Commissioner Zalak, Mr. Weyrauch advised that all applications for August have been taken and staff is now working on intake for September.

June 18, 2024

**NEW BUSINESS:** Mr. Minter advised that the County received a Notice of Appeal in the AZ Ocala Ranch case.

There being no further business to come before the Board, the meeting thereupon adjourned at 6:36 p.m.

\_\_\_\_\_  
Michelle Stone, Chairman

Attest:

\_\_\_\_\_  
Gregory C. Harrell, Clerk

DRAFT