



Marion County

Development Review Committee

Meeting Minutes

412 SE 25th Ave
Ocala, FL 34471
Phone: 352-671-8686

Monday, October 27, 2025

9:00 AM

Office of the County Engineer

MEMBERS OF THE PUBLIC ARE ADVISED THAT THIS MEETING / HEARING IS A PUBLIC PROCEEDING, AND THE CLERK TO THE BOARD IS MAKING AN AUDIO RECORDING OF THE PROCEEDINGS, AND ALL STATEMENTS MADE DURING THE PROCEEDINGS, WHICH RECORDING WILL BE A PUBLIC RECORD, SUBJECT TO DISCLOSURE UNDER THE PUBLIC RECORDS LAW OF FLORIDA. BE AWARE, HOWEVER, THAT THE AUDIO RECORDING MAY NOT SATISFY THE REQUIREMENT FOR A VERBATIM TRANSCRIPT OF THE PROCEEDINGS, DESCRIBED IN THE NOTICE OF THIS MEETING, IN THE EVENT YOU DESIRE TO APPEAL ANY DECISION ADOPTED IN THIS PROCEEDING.

1. ROLL CALL

MEMBERS PRESENT:

Michael Savage Chairman (Building Safety Director)
Michelle Sanders (911 Management) for Ken McCann, Vice Chairman (Fire Marshal)
Steven Cohoon (County Engineer)
Chuck Varadin (Growth Services Director)
Tony Cunningham (Utilities Director)

OTHERS PRESENT:

Chris Rison (Planning/Zoning)
Ken Odom (Planning/Zoning)
Liz Madeloni (Planning/Zoning)
Kevin Vickers (Office of the County Engineer)
Chris Zeigler (Office of the County Engineer)
Aaron Pool (Office of the County Engineer)
Susan Heyen (Parks)
Linda Blackburn (Legal)
Kelly Hathaway (Office of the County Engineer)
Sandi Sapp (Office of the County Engineer)

2. PLEDGE OF ALLEGIANCE

3. ADOPT THE FOLLOWING MINUTES:

3.1. October 20, 2025

Motion by Chuck Varadin to approve the minutes, seconded by Steven Cohoon
Motion carried 5-0

4. PUBLIC COMMENT

Mike Burski was in opposition to Item 6.1
Karen Burski was in opposition to Item 6.1
Zacharia Montera in opposition to Item 6.1
Victoria Townley-Montera in opposition to Item 6.1

5. CONSENT AGENDA: STAFF HAS REVIEWED AND RECOMMENDS APPROVAL

- 5.1. Kennedy Concrete & Cage Extension - Waiver to Major Site Plan**
Saddlebrook Equestrian Park
Project #2025090002 #33328 Parcel # 21629-015-00
Superior Aluminum and Design, LLC
- 5.2. Cedar Villas - Final Plat**
Heather Island Market Center Partial Replat Lots 8 & 9 Heather Island
Market Center Partial Replat Lots 8 & 9 (PB 14 PG 84)
Project #2022030086 #31105 Parcel #9009-2001-19
JMJ Group, LLC
- 5.3. Saddlewood Oaks - Final Plat**
Project #2023050070 #31951 Parcel #23813-008-00 & 23813-009-00
A&J Land Surveyors, Inc.
- 5.4. Sunshine Love On Place - Final Plat**
2710 SE 45th Ave Ocala
Project #2007050035 #32980 Parcel #21629-001-01
Michael W. Radcliffe Engineering

Motion by Steven Cohoon to approve the consent agenda, seconded by Chuck Varadin
Motion carried 5-0

6. SCHEDULED ITEMS:

- 6.1. Grading Plan for Southern Times Properties II, LLC - Master**
Drainage/Mass Grading Plan - Extension Request
11211 SE 100th St Ocala
Project #2023040013 #29970 Parcel #37538-000-00
Southern Times Properties II, LLC

On 10/17/25, Applicant requested a one-year extension for this Mass Grading Plan. The request is to extend one year from the current expiration date of September 25, 2025. The new expiration date would be September 25, 2026.

Motion by Chuck Varadin to deny, seconded by Steven Cohoon

Motion carried 5-0

- 6.2. **Brunick Dominique - Waiver Request to Major Site Plan**
1130 SE 30th St Ocala
Project #2025010070 #32425 Parcel #3000-005-004
Michael W. Radcliffe Engineering

This item was tabled at the August 4, 2025, meeting.

Motion by Chuck Varadin to un-table, seconded by Steven Cohoon

Motion carried 5-0

LDC 2.21.1.A(1) - Major Site Plan

CODE states A Major Site Plan shall be submitted for review and approval prior to the issuance of a Building Permit or prior to the construction of site improvements when proposed improvements exceed any of the following thresholds: (1) Collectively, all existing and proposed impervious ground coverage equals or exceeds 35 percent of the gross site area or 9,000 square feet.

APPLICANT Requests waiver of Major Site Plan. Stormwater Control Plan to be provided for existing improvements exceeding allowable impervious area.

Motion by Steven Cohoon to approve the waiver request conditionally subject to 1. The applicant providing controls for the excess run-off generated by the 100-year 24hr storm 2. A permit hold will be in effect until a sketch of the controls is provided and approved by stormwater department 3. A final hold will be in effect until staff conducts a final inspection verifying construction has occurred and disturbed areas have vegetative cover established at time of final inspection, seconded by Michael Savage

Motion carried 5-

- 6.3. **Oak Trace Villas Phase 3 - Major Site Plan**
Project #2022100016 #29214 Parcel #3501-100-015
Michael W. Radcliffe Engineering, Inc.

On 10/22/25, Applicant requested a one-year extension for this Major Site Plan. The request is to extend one year from the current expiration date of December 4, 2025. The new expiration date would be December 4, 2026.

Motion by Steven Cohoon to approve, seconded by Chuck Varadin

Motion carried 5-0

- 6.4. **SW Hwy 484 Super Center - Waiver to Major Site Plan**
Project #2024110040 #33171 Parcel #41200-056-03
Kimley-Horn and Associates, LLC

This item was tabled at October 20, 2025, meeting to be heard at the October 27th meeting.

Motion by Tony Cunningham to un-table, seconded by Chuck Varadin

Motion carried 5-0

LDC 6.8.8.B Building landscaping

CODE states B. Landscape areas shall be provided adjacent to or within 25 feet from the building walls and shall extend along 60 percent of the total length of the wall, excluding those areas required for access to the building.

APPLICANT requests a waiver to the building landscape requirements based on staff support as the requirements will hinder retail sales.

Motion by Micheal Savage to approve contingent on proving alternate landscape locations, seconded by Tony Cunningham

Motion carried 5-0

6.5. The Home Depot - Ocala South - Major Site Plan - Waiver to Major Site Plan in Review

Project #2025070087 #33139 Parcel # 3530-1001-18
Kimley-Horn And Associates, Inc.

LDC 6.11.5 - Driveway access

CODE states Concrete mitered end sections are required for culverts when used for driveways accessing a roadway with posted speeds of 40 mph or greater.

APPLICANT requests waiver for a driveway access deviation. The driveway is connecting to an internal access road

Applicant Withdrew

LDC 6.8.8 - Building landscape

CODE states A. Landscape plantings shall be provided along the public view sides of all proposed structures to reduce the monotony of large blank walls, reduce heat gain and glare, and enhance the aesthetic appearance of the building. B. Landscape areas shall be provided adjacent to or within 25 feet from the building walls and shall extend along 60 percent of the total length of the wall, excluding those areas required for access to the building. C. Landscape areas shall be a minimum of five feet wide allowing for a minimum distance of two feet from the façade to the innermost plants. D. Large trees shall not be located within 20 feet of a building. Accent/ornamental trees shall be located sufficiently to allow for healthy growth and to minimize the need for pruning.

APPLICANT requests a wavier for the building landscape requirements based on staff support as the requirements will hinder retails sales.

Motion by Chuck Varadin to approve condition on adding additional plantings along frontage drive, seconded by Michelle Sanders

Motion carried 5-0

6.6. Walmart Neighborhood Market Store #3009-1000 - Waiver to Major Site Plan in Review

Project #2025070086 #33138
Parcel # 6722-200-002; 6722-200-003
CPH, LLC

LDC 2.12.8. - Current boundary topographic survey

CODE states: 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. Alternate topographic data may be accepted if pre-approved by the Marion County Land Surveyor.

APPLICANT requests that contours not be extended 100 feet beyond the south and east project boundaries, based on understanding of drainage patterns from previously permitted plans for the Marion County East Parcel. The developed subdivision to the south and undeveloped parcel to the east do not drain into subject property. If any run-off does cross these boundaries, the lower elevation of the subject parcel allows it to accept incidental flow without adverse impact

Motion by Steven Cohoon to approve the southside and conditional approval for the eastside with the county surveyor approval, seconded by Tony Cunningham

Motion carried 5-0

LDC 6.8.8. A. B. C. - Building landscaping

CODE states A. Landscape plantings shall be provided along the public view sides of all proposed structures to reduce the monotony of large blank walls, reduce heat gain and glare, and enhance the aesthetic appearance of the building. B. Landscape areas shall be provided adjacent to or within 25 feet from the building walls and shall extend along 60 percent of the total length of the wall, excluding those areas required for access to the building. C. Landscape areas shall be a minimum of five feet wide allowing for a minimum distance of two feet from the façade to the innermost plants.

APPLICANT requests an allowance not to provide 60% landscaping within 25 feet of the building along front facade of the gas station convenience store facing SE Hwy 42, which totals 162 sf (54 lf x 5 ft x .60). The design includes merchandisers and entry door along this frontage, which limits the available area for landscaping directly adjacent to the building. To mitigate this constraint and enhance the streetscape, the landscape width has been widened by approximately 9 feet, wider than required by code along the SE Hwy 42 gas station lot frontage. This enhanced landscaping is 282 sf (proposed front buffer 2,039 sf shrub/ground cover - 1,757 sf front buffer 50% required shrubs/ground cover), which is 120 sf larger than the required landscape area along the front façade, which includes additional shrubs and ground cover to improve aesthetic value and reduce heat gain and glare.

Motion by Chuck Varadin to approve condition on adding additional plantings of 9 feet buffers off SE Hwy 42, seconded by Michelle Sanders

Motion carried 5-0

LDC 6.12.12.A, D - Sidewalks

CODE states A. Sidewalks shall be provided in the Urban Area, Rural Activity Centers, and Specialized Commerce Districts along arterial, collector, and major local streets where these streets adjoin the project and minimally along one side of the internal streets. Sidewalks shall be constructed with all-weather surfaces and shall meet Americans with Disabilities Act, Florida Building Code, and FDOT Design Standards. D. At the discretion of the Development Review Committee, in lieu of

construction along external streets, the developer may pay a sidewalk fee to the County in an amount necessary to complete construction. This amount shall be determined by the project engineer and approved by the County with payment required prior to final plan approval. The County may use these funds toward the construction of sidewalks throughout the County based on priorities established by the Board.

APPLICANT requests not to provide a sidewalk along the frontage of the gas station leasable area along SE Hwy 42 and instead be allowed to pay a fee in lieu of sidewalk construction, as there are no existing or planned sidewalks in this area. Additionally, we request to construct the sidewalk along SE 165th Mulberry Lane and SE 91st Phillips Court in accordance with The Village Standards, rather than FDOT Standards, to maintain consistency with the existing sidewalk on the north side of SE 165th Mulberry Lane that we are extending to service the site. Both FDOT and Village sidewalk standards call for 3,000 psi compressive strength with 4" thick concrete, however The Village Sidewalk detail includes an added 6" X 6"- W2.9 X W2.9 W.W.M. and includes an exposed aggregate decorative concrete at the ramps.

Motion by Steven Cohoon to approve fee in lieu along SE Hwy 42 and without constructing sidewalks and not paying fee in lieu along SE 165th Mulberry Lane, seconded by Michael Savage

Motion carried 5-0

- 6.7. Fawn Lake PUD - Rezoning to PUD With Concept Plan
Project #2025060057 #33487 Parcel #9027-0000-02
Tillman & Associates

Motion by Chuck Varadin to table until staff determines when ready to move forward, seconded by Steven Cohoon

Motion carried 5-0

7. CONCEPTUAL REVIEW ITEMS: None

8. DISCUSSION ITEMS:

- 8.1. Planning & Zoning Commission Items for October 27, 2025
Marion County Growth Services Department

<<https://marionfl.legistar.com/Calendar.aspx>>

9. OTHER ITEMS:

The county Engineer provided a check list that can be utilized to gather more information for committee members to review regarding certain types of plans e.g Mass Grading Plans

Motion by Tony Cunningham to adjourn, seconded by Michelle Sanders

Motion carried 5-0

10.ADJOURN: 10:30 AM



Michael Savage, Chairman

Attest:



Kelly Hathaway
Development Review Coordinator

Hough, Robin

From: Marion County Code Enforcement
Sent: Thursday, October 2, 2025 1:50 PM
To: Dees, Staci
Cc: Hough, Robin
Subject: FW: Request for Code Enforcement Review – Parcel 37538-000-00 (Potential Grading and Mining Violations)
Attachments: IMG_6382.jpeg; IMG_6381.jpeg; IMG_6383.jpeg

See attached pictures and email below for case number 992048.

From: Zechariah Montera <zmontera@gmail.com>
Sent: Thursday, October 2, 2025 11:01 AM
To: Marion County Code Enforcement <CodeEnforcement@marionfl.org>
Subject: Re: Request for Code Enforcement Review – Parcel 37538-000-00 (Potential Grading and Mining Violations)

CAUTION: THIS MESSAGE IS FROM AN EXTERNAL SENDER

This email originated from outside the organization. Do not click links, open attachments, or share any information unless you recognize the sender and know the content is safe. Report suspicious emails using the "Phish Alert" button in Outlook or contact the Helpdesk.

Good morning,

Their permit expired on 9/25 and I was told by your office that they did not extend it. They are still using this as a sand mine operation and hauling dirt away. This is the second day they are out there hauling out dirt.

Again the tax payers will have to subsidize the repair of the road that was just repaired months ago because they continue to circumvent the proper process to use this property for business purposes.

These pictures are from 30 minutes ago. You can see them driving south on 111th Court.

Zechariah Montera
(970) 471-2597

On Wed, Aug 6, 2025 at 10:49 AM Marion County Code Enforcement <CodeEnforcement@marionfl.org> wrote:

Good morning,

Usually our Officers contact the reporter for updates after they inspected the property, but, also, you can contact us at 352-671-8900 with the reference number provided in the previous email sent.

From: Zechariah Montera <zmontera@gmail.com>

Sent: Wednesday, August 6, 2025 10:41 AM

To: Marion County Code Enforcement <CodeEnforcement@marionfl.org>

Subject: Re: Request for Code Enforcement Review – Parcel 37538-000-00 (Potential Grading and Mining Violations)

You don't often get email from zmontera@gmail.com. [Learn why this is important](#)

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Thank you for letting me know. Will I be updated or notified of anything as it progresses?

Zechariah Montera
(970) 471-2597

On Wed, Aug 6, 2025 at 8:49 AM Marion County Code Enforcement <CodeEnforcement@marionfl.org> wrote:

Good morning,

Thank you for the information provided. Action Order #675138 opened for investigation and assigned to CEO Staci Dees.

From: Zechariah Montera <zmontera@gmail.com>

Sent: Monday, August 4, 2025 11:50 PM

To: Marion County Code Enforcement <CodeEnforcement@marionfl.org>

Subject: Request for Code Enforcement Review – Parcel 37538-000-00 (Potential Grading and Mining Violations)

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Dear Marion County Code Enforcement,

I am writing to formally request an investigation into potential violations of the Marion County Land Development Code at parcel 37538-000-00, located at the northeast corner of SE 100th Street and SE 111th Court in Candler, FL. All of my required contact information is listed below at the end of this email.

The site, currently operating under Grading Plan #29970 (approved 9/25/23 for Southern Times Properties II, LLC), appears to be significantly out of compliance based on visual inspection, measurements taken via Google Earth, and the experiences of local residents. Below is a detailed summary of the suspected violations, supported by code citations and recent field observations my primary concern is fraudulent permitting to run a sand mine operation under the guise of residential development.

1. Excessive Excavation Depth and Footprint

- Pond #1 was approved with a depth from elevation 105 ft to 97 ft (8 ft), and Pond #2 from 98 ft to 95 ft (3 ft), with side slopes not to exceed a 4:1 ratio.
- A 2025 Google Earth image measurement shows one sloped section of the excavation face is approximately 42 ft in length.
- Using the approved 4:1 slope ratio, this implies an estimated vertical cut depth of:

$$42 \text{ ft} \div \sqrt{4^2 + 1^2} \approx 42 \div 4.12 \approx 10.2 \text{ ft}$$

- This exceeds the approved depth of 8 ft for Pond #1 and may intrude into the seasonal high water table (SHWT) of 94 ft, as indicated in the approved plan.
- The actual excavation also appears to cover nearly the entire parcel, far beyond the limited pond footprints authorized in the grading plan.
- Furthermore, it appears that they are digging a third "pond" in the north east corner of the property as observed from public right of way on SE 100th Street.

Potential Violations:

- LDC §6.13.6(A)(3)(c): Limits dry retention ponds to a maximum depth and requires 4:1 side slopes.
- LDC §6.13.6(B): Requires consistency with approved site plans.
- Plan #29970 Statement: "No change to the work as shown on the approved plans shall be made without notification to and approval by the Office of the County Engineer."

2. Lack of Required Erosion and Sediment Control Measures

- The site currently lacks visible silt fencing, a stabilized gravel construction entrance, or interim stabilization of exposed soils—all of which are explicitly required in the approved grading plan.
- This parcel lies within the Primary Springs Protection Zone, which makes erosion control especially critical to avoid sediment-laden runoff into vulnerable karst systems.

Potential Violations:

- LDC §6.2.5(D) and §6.13.6(E): Require proper and continuous erosion control during construction.

- NPDES stormwater regulations (federal and state) mandate perimeter controls and sediment retention measures.
- The absence of these controls increases risk of offsite sedimentation and groundwater pollution.

3. Possible Unpermitted Mining Activity

- The scope and intensity of excavation activity suggest that the site may be operating as an unpermitted sand mining operation, rather than conducting a standard cut-and-fill grading project.
- Multiple eyewitness accounts from neighbors report that trucks loaded with sand leave the site every weekday and frequently on Saturdays, and have done so for nearly two years. This sustained material removal pattern is consistent with commercial extraction, not incidental site grading.
- Under Marion County LDC §4.3.11, this type of offsite sand removal requires a Special Use Permit (SUP)—which does not appear to have been granted for this parcel.

Potential Violations:

- LDC §4.3.11(A): Prohibits mining or resource extraction without an approved SUP.
- LDC §4.3.11(B)(1)(b): Allows pond excavation only if excavated material remains onsite.
- LDC §5.4.4: Additional excavation restrictions apply due to location in the Springs Protection Overlay Zone.

4. Lack of Permit Display and Noncompliance with Environmental Review

- At the time of on-site observations, no permit box or visible construction permit was posted at the property entrance or within sight of the public right-of-way. This is a violation of:
 -
 - Florida Building Code §105.7, which requires that permits be posted in a conspicuous location throughout construction.
 - Marion County Land Development Code §5.4.4, which governs development within the Primary Springs Protection Overlay Zone and emphasizes that land disturbance, excavation, and grading in such areas must undergo special review and adhere strictly to approved site plans and permits.
- Additionally, based on communications with the Florida Department of Environmental Protection (DEP) and the St. Johns River Water Management District (SJRWMD), it appears that:
 -
 - No Environmental Resource Permit (ERP) has been issued for this site, even though the total land disturbance exceeds 9 acres, which likely disqualifies the operation from the dry borrow pit exemption under 62-330, F.A.C.
 - The DEP has formally recommended compliance and enforcement review to SJRWMD.
 - SJRWMD confirmed they have no records of a permit issued for this property and have opened a compliance inquiry (Item#1529785).
 - According to DEP, a site inspection is expected and standard in this situation and may result in further permitting action.

5. Noncompliance with A-1 Zoning and Absence of Required Public Hearings

- The property is zoned A-1 (General Agriculture), which does not allow borrow pit or mining operations by right.
 - The excavation activity, which includes the off-site removal of sand, exceeds the scope of a permitted pond construction and strongly resembles commercial mining.
 - Such activity in an A-1 zone requires a Special Use Permit (SUP) and must go through public hearings before both the Planning and Zoning Commission and the Board of County Commissioners.
- Violations:
 - LDC §4.3.11(B): Prohibits mining or borrow pit activity in A-1 zones without a Special Use Permit.
 - LDC §2.8.1: Specifies that a Special Use Permit requires public notice, a Planning and Zoning Commission hearing, and final approval by the Board of County Commissioners.
- No evidence has been presented that a Special Use Permit has been requested or approved for this parcel, which raises serious compliance concerns regarding zoning and public process.

Evidence Available

I have compiled:

- Google Earth screenshots with slope and excavation measurements
- Aerial overlays comparing current conditions with the approved grading plan.
- Pictures taken from public right of way.

Requested Action

I respectfully request that your department conduct a site inspection to assess:

- Whether the excavation exceeds the approved depth and footprint.
- Whether required erosion and sediment controls are installed.
- Whether sand is being unlawfully removed from the property for commercial purposes without a SUP.

If violations are confirmed, I ask that appropriate enforcement actions be taken to bring the property into compliance with Marion County code and to protect the surrounding environment from further impact.

Thank you for your time and service to the community.

Sincerely,

Zechariah Montera

10180 SE 111th Court

Ocala, FL 34472

(970) 471-2597

Parcel #: 37538-000-00



Marion County Board of County Commissioners

Development Review Committee (DRC) Mass Grading Waiver Request Form
Office of the County Engineer – Public Works & Growth Services Department

Applicant Information

Applicant Name: _____

Company / Owner: _____

Mailing Address: _____

Email: _____ Phone: _____

Project Information

Project Name: _____

Parcel ID(s): _____

Project Location / Address: _____

Zoning Classification: _____ Future Land Use: _____

Purpose of Request

Briefly describe the reason for requesting waiver of the Mass Grading Plan requirement:

Earthwork Summary (Required)

Item	Quantity (Cubic Yards)
Total Cut Volume	_____ CY
Total Fill Volume	_____ CY
Material to be Removed from Site	_____ CY
On-Site Balance (Cut – Fill)	_____ CY

Material Export (Complete if any material will leave the site)

1. Haul Route Description:

2. Destination (property or disposal site):

3. Intended Use or Purpose of Exported Material:

Acknowledgment

By signing below, the applicant acknowledges and agrees that:

- This waiver request applies only to grading necessary to prepare the project site for its approved or proposed development.
- Export of material in excess of the approved estimate, or any off-site sale or commercial use of excavated material, constitutes a change of use and may be considered unpermitted resource extraction under Marion County LDC §4.1.4 and §4.3.11.
- The applicant is responsible for ensuring compliance with all applicable provisions of the Marion County Land Development Code, including obtaining any Special Use Permit that may be required.

Applicant Signature: _____ Date: _____

Printed Name: _____ Title: _____