

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

March 17, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 1:31 p.m. on Monday, March 17, 2025 at the Marion County Governmental Complex located in Ocala, Florida.

PLEDGE OF ALLEGIANCE:

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

9:00 AM ROLL CALL:

Upon roll call the following members were present: Chairman Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5.

Also present were: Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Transportation Planner Ken Odom, Senior Planner Chris Rison, Planner Kathleen Brugnoli, Staff Assistants Autumn Williams and Rebecca Brinkley, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and Assistant County Administrator (ACA) Tracy Straub.

1. PLANNING & ZONING AND DRC WAIVER REQUESTS - REQUEST PROOF OF PUBLICATION (AT 9:00 AM):

Chairman Bryant passed the gavel to Commissioner Zalak, who assumed the Chair. Commissioner Bryant out at 1:33 p.m.

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

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

Commissioner Bryant returned at 1:39 p.m.

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

Deputy Clerk Lewter presented proof of publication of Legal ad No. 11072614 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on March 3, 2025. The Notice states the Board will consider adopting an Ordinance approving Comprehensive Plan Amendments, zoning changes and Special Use Permits (SUP).

1.1. Planning and Zoning Consent Items:

Growth Services Director Chuck Varadin advised that the one (1) petition listed on the Consent Agenda is recommended for approval by both the Planning Division and the P&Z Commission.

P&Z PUBLIC HEARING ON FEBRUARY 24, 2025

Motion was made by Mr. Behar and seconded by Mr. Bonner to agree with staff's findings and recommendation and recommend approval of the Consent Agenda items.

1. Will not adversely affect the public interest

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2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

The Motion passed 7-0

Chairman Bryant opened the floor to public comment.

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

Commissioner Zalak requested the item be pulled for discussion.

1.1.1. 250302SU - Ashley Castrenze, Brian Pedroza, and Sallee Horse Vans, Inc., Special Use Permit to Allow for Transportation Services Solely Related to the Transport of Horses and Livestock, in a General Agriculture (A-1) Zone, 10 Acres, Parcel Account Number 13091-000-00, Site Address 5152 W Highway 326, Ocala, FL 34482

The Board considered a petition by Ashley Elizabeth Castrenze, Brian Pedroza, & Sallee Horse Vans, Inc., for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for transportation services exclusively for the transport of horses and livestock, to support agricultural and equine-related operations, in General Agriculture (A-1) zone, on an approximate 10 Acre Parcel, on Parcel Account Number 13091-000-00, Site Address 5152 W Highway 326, Ocala, FL 34482

Commissioner Zalak requested staff define "significant mechanical repairs" as it relates to Special Use Permits.

Growth Services Director Chuck Varadin advised that the term "significant mechanical repairs" is not currently defined by the County.

Commissioner Zalak opined that the language could be change to "routine maintenance" and not allow repairs involving fluids.

James Hartley, Gooding & Batsel, SE 36th Avenue, on behalf of the applicant, advised that the applicant does not oppose the language change.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve consent agenda item 1.1.1, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed use is compatible with the 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 25-R-85 contains the following Conditions:

1. A commercial driveway apron onto the property that meets OCE's standards of development shall be required as part of the Major Site Plan process.
2. No backup beepers may be utilized on the property.
3. No mechanical repairs beyond routine maintenance may take place on-site and no repairs involving fluids are permitted.
4. Parking of Trucks is restricted to impervious surfaces.
5. This site will be limited to a maximum of thirty (30) semi-truck and trailer combinations and eight (8) fifth-wheel and trailer combinations.
6. The renting out of parking spaces is not allowed. Only Sallee Horse Vans, Inc. tractors and trailers shall be allowed on-site to conduct the proposed transportation service.
7. Requirements put in place by Marion County Utilities must be met.
8. AB-type buffer along the eastern property boundary line, running the length of the parking area and including the turnaround at the southern end of the property, shall be provided.

- a. B-Type buffer shall consist of a 20 ' wide landscape strip (with an 8' opaque privacy fence in lieu of a wall) containing at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turf grass, shall comprise at least 50 percent of the required buffer. (with an 8' high opaque privacy fence in lieu of a wall)
9. An 8' opaque privacy fence shall also be included along the western property boundary line, running the length of the parking area and including the turnaround at the southern end of the property.
10. The applicant shall maintain existing vegetative buffering along the perimeter of the subject property.
11. A solid hedgerow shall be planted behind the existing fencing located near the right of way behind the stand of existing trees.
12. Permits necessary for signage to be obtained through Building Safety.
13. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
14. This site shall be developed consistent with the proposed conceptual plan.
15. The Special Use Permit runs with Sallee Horse Vans, Inc.
16. Any division of land or change in the acreage will result in the nullification of the special use permit.
17. Any expansion of building structures or impervious areas beyond that permitted by the conceptual plan will require obtaining a new/revised Special Use Permit.

UPDATE: Mr. Varadin advised that Agenda Items 15.2.2 and 15.2.3 scheduled for Tuesday, March 18, 2025 relating to Jax Road, LLC, have been withdrawn by the applicant.

In response to Commissioner Zalak, Mr. Varadin stated staff will go through the Public Relations (PR) Department to notify the public of the withdrawal.

Chairman Bryant directed staff to reply to any electronic mail (email) received from the public relating to these item advising them of the withdrawal, as well as having PR post the information on social media.

1.2. Planning and Zoning Items for Individual Consideration:

1.2.1. Repeal Marion County Resolution 24-R-677 and Ordinance No. 24-34 for 241210ZP - GPK Ocala One, LLC, Zoning Change from General Agriculture (A-1) to Planned Unit Development, ±39.36 Acres, Parcel Account Number 36640-004-00, No Address Assigned

Deputy Growth Services Director Ken Weyrauch presented the following recommendation:

Description/Background: Resolution No. 24-R-677 and related Ordinance No. 24-34 were mistakenly approved on December 17, 2024. The request aligned with a High Residential Future Land Use designation. However, it has since been determined that the property has a Medium Residential Future Land Use designation.

Today's request is to adopt a Resolution that repeals Resolution No. 24-R-677 and adopt an Ordinance that repeals Ordinance No. 24-34.

Budget/Impact: None.

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Recommended Action: Motion to adopt a Resolution that repeals Resolution No. 24-R-677 and adopt an Ordinance that repeals Ordinance No. 24-34.

Growth Services Director Varadin advised that the request is for the repeal of Resolution 24-R-677 and Ordinance 24-34 relating to zoning case 241210ZP, GPK Ocala One, LLC. Chairman Bryant opened the floor to public comment.

Moreen Merrick, Juniper Road, did not come forward when called upon to speak.

Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to adopt Resolution 25-R-86 repealing Resolution 24-R-677 and adopt Ordinance 25-07 repealing 24-34. The motion was unanimously approved by the Board (5-0).

Resolution 25-R-86 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR REPEAL OF MARION COUNTY RESOLUTION NO. 24-R-677; AND PROVIDING AN EFFECTIVE DATE.

Ordinance 25-07 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR REPEAL OF MARION COUNTY ORDINANCE NO. 24-34; AND PROVIDING AN EFFECTIVE DATE

1.2.2. 250301SU - Sparr United Methodist Church, Inc., Special Use Permit to Allow for the Installation of Four (4) RV Spaces and Hook-ups, Providing Free Accommodations for Out-Of-Area Volunteers Assisting with Church and Community Service Projects, in a Regional Business (B-4) Zone, 1.07 Acres, Parcel Account Number 07836-001-00, Site Address 13130 NE Jacksonville Road, Citra, FL 32113

The Board considered a petition by Sparr United Methodist Church, Inc, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for the installation of four (4) RV spaces and hook-ups, providing free accommodations for out-of-area volunteers assisting with Church and Community Service projects, in Regional Business (B-4) zone, on an approximate 1.07 Acre Parcel, on Parcel Account Number 07836-001-00, Site Address 13130 NE Jacksonville Road, Citra, FL 32113

P&Z PUBLIC HEARING ON FEBRUARY 24, 2025

250301SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Fisher, to agree with staff's findings and recommendation, and recommend approval with conditions of the SUP 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 7-0.

Planner Kathleen Brugnoli, Growth Services, provided a brief overview of the SUP request to allow for the installation of four (4) RV spaces and hook-ups, providing free accommodations for out-of-area volunteers assisting with church and community service projects, in a B-4 zone. She advised that this matter was brought to staff's attention as a Code Enforcement case in March of 2024, noting the violation was for the installation of Recreational Vehicle (RV) electrical pedestals without the applicable permits. When the applicant was notified the pedestals were removed and the case was closed in May 2024.

Ms. Brugnoli advised that staff did take into consideration the policies relating to the Farmland Preservation Area (FPA). She stated this will be temporary use that will be limited by Conditions established by staff.

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 site shall be limited to a maximum of four (RVs) on-site at any given time twice a year for a maximum of six weeks at a time.
2. Growth Services shall be notified, in writing, when RVs are being used on the property.
3. There shall be no renting of RV spaces.
4. The RV's brought on-site will be self-contained with waste-water storage for off-site disposal. Connection to a septic tank is prohibited.
5. The natural vegetative buffer as shown on the conceptual plan in Attachment A Page 6 shall remain untouched.
6. RV's shall be parked so that the potential for headlight glare will be facing east towards NE Jacksonville Rd.
7. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
8. This site shall be developed consistent with the proposed conceptual plan.
9. The Special Use Permit runs with Sparr United Methodist Church. If this parcel (07836-001-00) or the church parcel (07861-000-00) are sold, deeded to a different owner, or subdivided in any way, the special use permit shall be nullified.
10. The Special Use Permit shall expire on March 17, 2030; however, it may be renewed administratively for up to a five (5) year duration, a maximum of three (3) times, 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 Service Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time.)

In response to Commissioner Stone, Ms. Brugnoli advised that Condition 2 requires Growth Services to be notified in writing when the sites are being utilized. She clarified that the site is limited to twice a year regardless of the number of RVs onsite. Ms. Brugnoli stated if the applicant has already utilized their allotted times and an emergency arises in the community they would have to find another location to house the RVs.

Chairman Bryant opened the floor to public comment.

Marcia Armstrong, NE 132nd Place, expressed support for the proposed SUP, noting the Church is an asset to the community.

Jill Stephens, P.O. Box 777, on behalf of the applicant, advised that every March a group

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of nomads come in from across the Country to perform church and community projects. The second occurrence would be for emergencies such as natural disasters.

In response to Ms. Stephens, Ms. Brugnoli advised that written notice can be given a couple of days in advance, which will give staff time to let Code Enforcement know the RVs are allowed onsite. She stated the applicant would have to go through the Building Department in order to have the electric reinstalled.

Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to adopt resolution 25-R-87 approving the SUP request with Conditions 1 through 10, agreeing 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).

1.2.3. 250107ZC - SUZIQ, LLC, Zoning Change from Heavy Business (B-5) to Mixed Residential (R-4) for a ±1.09 Acre Portion and a Zoning Change for an Additional ±1.09 Acre Portion from Mixed Residential (R-4) to Heavy Business (B-5), 26.30 Acres, Parcel Account Number 36887-000-00, Site Address 9110 S US Highway 441, Ocala, FL 34480
The Board considered a petition by SUZIQ, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, requesting a zoning change for a ±1.09-acre portion from Heavy Business (B-5) to Mixed Residential (R-4) and a zoning change for an additional ±1.09-acre portion from Mixed Residential (R-4) to Heavy Business (B-5), for all permitted uses, on an approximate 26.30 Acre Parcel, on Parcel Account Number 36887-000-00, Site Address 9110 S US Highway 441, Ocala, FL 34480

P&Z PUBLIC HEARING ON FEBRUARY 24, 2025

250107ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Bonner, 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 7-0.

Planner Brugnoli, Growth Services, provided a brief overview of the request for a zoning change from B-5 to R-4 and zoning change from R-4 to B-5, noting the applicant is basically requesting to flip the zoning on two portions of the property. She advised that staff and P&Z Commission recommend approval.

Rodney Rodgers, SE 3rd Avenue, on behalf of the applicant, advised that the request is to take 1.09 acres from a portion of the existing R-4 property and changing it to B-5 and then taking 1.09 acres from a portion of the existing B-5 property and changing it to R-4. He stated the intent is to be able to better develop the property, noting how it is currently is creating triangles.

Chairman Bryant opened the floor to public comment.

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

A motion was made by Commissioner Curry, seconded by Commissioner McClain, to approve the zoning change for a ±1.09-acre portion from B-5 to R-4 and a zoning change for an additional ±1.09-acre portion from R-4 to B-5, for all permitted uses, on an approximate 26.30 Acre Parcel, 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).

1.2.4. 250303ZC - Gateway Properties, LLC, et al, Zoning Change from Light Industrial (M-1) to Heavy Industrial (M-2), 35.64 Acre Tract, Parcel Account Numbers 13708-000-06 and 13708-001-00, No Address Assigned

The Board considered a petition by Gateway Properties, LP, Bruce and Lynn Denson, Bradley Denson, Donna Heilman, Paul E Fornof and Joan I Fornof Joint Revocable Living Trust, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Light Industrial (M-1) to Heavy Industrial (M-2), for all permitted uses, on an approximate 35.64 Acre Tract, on Parcel Account Numbers 13708-000-06 and 13708-001-00, Site Addresses 3945 and 4031 NW 35th Street, Ocala, FL 34482.

P&Z PUBLIC HEARING ON FEBRUARY 24, 2025

250303ZC 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 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 7-0.

Transportation Planner Kenneth Odom, Growth Services, advised that the applicant is requesting this matter be continued to Tuesday, March 18, 2025, noting they are working with staff and Legal to determine if it would be better to maintain the M-1 designation and include a Developer's Agreement or change to M-2 with a Developer's Agreement.

Mr. Minter advised that there was a Special Act in 1985 regarding conditional zoning, which provides that the Board of County Commissioners (BCC) can approve a zoning Ordinance with conditional zoning when the Conditions are proffered by the property owner. The Conditions have to be consistent with the Comprehensive Plan and once the Conditions are approved, they will be enforced just like any other zoning regulation. He stated the BCC cannot negotiate Conditions with the applicant, noting the applicant/owner has to proffer the Conditions to the BCC and no agreement can be made by the County to offer to rezone in exchange for proffered Conditions.

In response to Chairman Bryant, Mr. Odom advised that the applicant would like to have time to speak with their home office before moving forward with any type of Developer's Agreement or operating Conditions.

ACA Tracy Straub commented on the intensity of the M-2 zoning and advised that in the past staff would have suggested the applicant proceed by considering a lower intensity zoning such as M-1 with a SUP, which would require the applicant to start the process over. She stated it was shared with the applicant that this is an option that was pursued by some other property owners.

Commissioner Stone advised that she has a schedule conflict and will not be able to attend the zoning meeting on Tuesday, March 18, 2025.

Commissioner Zalak expressed concern with the intensity of M-2 zoning.

Mr. Odom advised that the development will be a wholesale distribution center. He opined that this particular land use might not be the most fitting for M-2. Typically, on M-2 there

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are exterior components available. M-1 has internal uses. Mr. Odom stated since there is no manufacturing taking place, the proposed use is more in line with logistics, it would be better suited in B-5; however, it is not listed in the LDC under B-5. The applicant indicated that the operation will be completely internal. He advised that renderings were provided to staff of a facility the developer recently completed in South Carlonia. The renderings were not included in the Agenda Packet, but will be shown on the overhead screens.

In response to Chairman Bryant, Mr. Odom advised that the current Land Use is Commerce District, which allows for B-4, B-5, M-1 and M-2. He stated B-5 was not discussed with the applicant because staff were following the LDC, which lists this use in M-2.

Emerson Marshal, Beacon Marshal, Granger Road, Akron, Ohio, on behalf of the applicant, requested the Board allow them time to speak with corporate to determine how they wish to move forward.

Wesley Hayes, Country Road 227, Troy, Alabama, on behalf of the applicant, advised that continuing to Tuesday, March 18, 2025 would be the preference. Mr. Hayes commented on a similar facility the company has in Dothan, Alabama, which has \$29,000,000.00 worth of inventory and it is all located inside.

General discussion ensued.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to continue this matter until Tuesday, March 18, 2025 at 2:00 p.m. The motion was unanimously approved by the Board (5-0).

Senior Planner Chris Rison, Growth Services, advised that Agenda Items 1.2.5 and 1.2.6 have been withdrawn by the applicant. He noted for the record that the parcels for these items are adjacent to the parcels in Agenda Items 1.2.7 and 1.2.8.

1.2.5. 25-S01 - 8640 SE 73 LLC, Small-Scale Land Use Change from Low Residential (LR) to Employment Center (EC), 4.42 Acres, Parcel Account Number 3564-023-000, Site Address 8640 SW 73rd Avenue, Ocala, FL 34476 (WITHDRAWN)

The petition by 8640 SE 73 LLC, for a Land Use Change, Articles 2 and 3, of the Marion County Land Development Code, from Low Residential (LR) to Employment Center (EC), on an approximate 4.42 Acre Parcel, on Parcel Account Number 3564-023-000, Site Address 8640 SW 73rd Avenue, Ocala, FL 34476 was withdrawn.

1.2.6. 250109ZC - 8640 SE 73 LLC, Zoning Change from General Agriculture (A-1) to Regional Business (B-4), 4.42 Acre Parcel, Parcel Account Number 3564-023-000, Site Address 8640 SW 73rd Avenue, Ocala, FL 34476 (WITHDRAWN)

The petition by 8640 SE 73 LLC, for a zoning change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Regional Business (B-4), for all permitted uses, on an approximate 4.42 Acre Parcel, on Parcel Account Number 3564-023-000, Site Address 8640 SW 73rd Avenue, Ocala, FL 34476 was withdrawn.

1.2.7. 25-S02 - North Pointe Mobile Home Sales, LLC, Small-Scale Comprehensive Plan Amendment for a Future Land Use Designation Change from Commercial to Employment Center, 2.26 Acres, Parcel Account Number 3564-032-000, Site Address 7265 SW Hwy 200, Ocala, Green Turf Acres Unrecorded Subdivision Lot 32 (Request Continued from January 13, 2025)

The Board considered a petition by North Pointe Mobile Home Sales, LLC, for a Land Use Change, Articles 2 and 3, of the Marion County Land Development Code, from Commercial (COM) to Employment Center (EC), on an approximate 2.26 Acre Parcel, on Parcel Account Number 3564-032-000, Site Address 7265 SW Highway 200, Ocala, FL 34476

P&Z PUBLIC HEARING ON FEBRUARY 24, 2025

25-S02 Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend denial of the land use 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 unanimously 7-0.

Senior Planner Rison, Growth Services, advised that Agenda Items 1.2.7 and 1.2.8 are companion items and can be heard together. He stated 7 property owner notifications went out and only 1 letter was received in opposition, but there are several people who spoke in opposition at the P&Z Commission hearing. Mr. Rison provided a brief overview of the request for a land use change from Commercial to Employment Center. He advised that the applicant has established a commercial business on this site, which is a violation of the Code and what has prompted this application. Mr. Rison commented on the surrounding properties and uses. He provided an overview of the site photos as shown on the overhead screens.

Mr. Rison advised that the adjacent development Green Turf Acres would qualify as a rural neighborhood due to the larger parcels, noting the average density is 3.3 acres. He stated staff's concern is the proposed changes would have more intense uses to encroach further into the residential neighborhood. Mr. Rison addressed the potential traffic impact of an employment center use.

Mr. Rison reiterated Green Turf Acres is a rural neighborhood and Employment Center is the highest mixed use land use classification, noting if approved it would provide for further encroachment to the subdivision.

Mr. Rison stated Highway 200 access could become an issue because of the corner location of the site. He stated SW 73rd Avenue is an internal privately maintained local roadway for the subdivision and is in substandard condition. Other than this site and 2 church sites there are not any other commercial type activities within Green Turf Acres.

Mr. Rison advised that staff and the P&Z Commission recommend denial of the Comprehensive Plan Amendment.

Mr. Rison provided a brief overview of the zoning change from B-2 to B-4. He stated staff and P&Z Commission recommend denial of the zoning change.

Commissioner Zalak out at 2:30 p.m.

Austin Dailey, Klein & Klein, LLC, attorney on behalf of the applicant, advised that the applicant was informed in order to request the Zoning change from B-2 to B-4 the land use amendment was required.

Commissioner Zalak returned at 2:31 p.m.

Mr. Dailey stated the reason for the request is because the current use of manufactured home, model home complex is a B-4 use. He advised that this property is commercially zoned and is part of a platted subdivision from 1970, noting it has had a commercial

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zoning classification since at least 1989. Mr. Dailey advised that the development standards for B-2 and B-4 are identical.

Mr. Dailey commented on the definitions for model home; model home sales lot or model home complex; mobile home; and manufactured building. He referred to the zoning map on the overhead screens showing both sides of the road in the area of the subject property are heavily commercial, with a large amount of B-4 and Industrial zoning.

Mr. Dailey advised that the subject property is located within the Urban Growth Boundary (UGB). He provided the definitions for Commercial and Employment Center Land Use, which are both considered to be mixed uses.

Mr. Dailey advised that the only reason the Employment Center Land use is being requested is because the applicant was informed that it was necessary in order to have the B-4 zoning. He stated if the applicant can have the B-4 or the mobile home sales complex within B-2 zoning or Commercial Land use than no change would be necessary. Mr. Dailey commented on the lack of clarity of what is required to have B-4, noting the applicants are relying on staff's interpretation.

Mr. Dailey provided a brief overview of the surrounding area. He advised that the traffic has been mentioned as a concern; however, the traffic department reviewed the request and stated: "There are no traffic concerns with this request. The parcel is already zoned for B-2. Most of the highest traffic generating uses are allowed in the current B-2 zoning." He advised that a site plan will have to be done regardless of the zoning classification, noting any traffic improvements required by the LDC will be done. Mr. Dailey stated it is his understanding the Florida Department of Transportation (FDOT) will not allow access to the site from Highway 200; therefore, the access will be off of SW 73rd Avenue and improvements will need to be made to accommodate this ingress/egress point.

Mr. Dailey commented on the required buffers, noting any aesthetic or compatibility concerns can be mitigated through buffering and LDC standards, as required for all Commercial development. He stated mobile home sales lots function as a retail showroom, displaying models for purchase. A typical model has a 2 year life on-site prior to being removed and replaced with a newer model.

Mr. Dailey advised that modular homes, also factory-built and delivered, face no such restriction and are permitted in B-2, despite similar logistics. He stated sales lots require minimal infrastructure beyond parking and utilities, comparable to other B-2 uses. He stated mobile home sales are a retail activity akin to selling other prefabricated homes, with mobility being a logistical detail, not a zoning determinant.

Mr. Dailey stated a SUP could suffice if additional oversight is desired.

In response to Commissioner Curry, Matt Bennett, Florida Modular Homes, NW 50th Avenue, applicant, advised that 10 units are being proposed for this site.

Paolo Mastroserio, Mastroserio Engineering, SE 32nd Place, stated 10 units might not be feasible on the site.

In response to Chairman Bryant, Mr. Mastroserio advised that some preliminary engineering was done, but it included the lots that have been withdrawn. He stated 6 units is probably the most units that can fit on the property.

Commissioner Curry questioned how long the 6 units will be on the property. Mr. Bennett advised the units sit on site for approximately 18 months to 2 years.

General discussion ensued relating to the ingress/egress and traffic.

Chairman Bryant questioned the number of mobile homes onsite now. Mr. Bennett stated there are 4 mobile homes and 6 modular homes, noting the modular homes remain on

site for approximately 18 to 24 months. Mr. Bennett advised that he is willing to limit the moving of units to 1 designated date per month.

General discussion ensued.

Commissioner Stone out at 2:56 p.m.

General discussion resumed.

Mr. Dailey clarified that the applicant does intend to have a mix of modular and mobile homes onsite, noting the modular homes are allowed in the existing zoning.

Commissioner Stone returned at 2:59 p.m.

Mr. Mastroserio advised that there will be a total of 6 units on the site, noting there are two fixed structures on site.

In response to Commissioner Zalak, Mr. Rison advised that residential conversion from B-2 is 8 dwelling units per acre.

Chairman Bryant opened the floor to public comment.

Chairman Bryant passed the gavel to Commissioner Zalak, who assumed the chair

Commissioner Bryant out at 3:00 p.m.

Les Boilleau, SW 86th Lane, advised that the applicant has not complied with County Code on this site and expressed concern with them adhering to Code in the future. He opined that the entrance could be installed on Highway 200 and avoid SW 73rd Avenue.

Commissioner Bryant returned at 3:03 p.m.

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

In response to Commissioner Stone, Mr. Boilleau advised that SW 73rd Avenue is the main access into Green Turf Acres. He stated the neighborhood maintains SW 73rd Avenue.

Mr. Rison advised that Green Turf Acres is an unrecorded registered subdivision. It does not have formal dedication for right-of-way (ROW) depicted on the plat map; therefore, they are perceived as private roads that are owned and maintained by the property owners. He stated the County has not taken over those roads, nor does it operate those roads because they were not formally conveyed to the public.

In response to Commissioner McClain, Commissioner Stone stated the residents are currently maintaining the roads.

Janet Barber, SW 73rd Avenue, commented on the existing zoning classifications in the surrounding area. She expressed concern during hurricanes for the homes onsite as they are not tied down. Ms. Barber advised that there are more than 10 units onsite and more were brought in after the last meeting relating to this matter. She urged the Board to deny the request.

Jolane Weeks, SW 86th Lane, expressed concern with traffic and the impact this use will have on the road, which is maintained by the residents. She stated currently there are over 13 manufactured/mobile homes and park models on the property. Ms. Weeks requested the Board to deny the requests.

Barbara Speer, SW 73rd Avenue, commented on the applicant bringing in additional trailers/modular homes, the height of the wall on SW 73rd Avenue, the lack of outreach from the applicant, and the rural nature of the community.

Stacey Raisch, SW 74th Court, advised that at the previous meeting the applicant requested additional time to meet with residents; however, no one reached out, and nothing has been done relating to the road or fence the applicant stated he would maintain. She questioned if residents will be back before the Board every week if the request is granted due to the applicant being in violation. Ms. Raisch noted much of the Commercial property going down SR 200 is not part of a private neighborhood, like her

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community.

Tom Worthington, SW 73rd Avenue, stated the previous Commercial use on the subject parcel did not generate complaints from neighbors. He commented on the buffering that Lowe's has, noting their site is not visible from his home unlike the applicant's.

Debbie Tellez, SW 74th Court, stated she drives a low profile sports car and is only able to exit the neighborhood on SW 73rd Avenue. She stated she had been stopped 3 times while attempting to leave due to the applicant's semi-trucks blocking the entrance and forcing her to wait until they move.

Dale Barber, SW 73rd Avenue, expressed concern relating to the upgrading of SW 73rd Avenue and urged the Board to deny the request.

Michelle Tolley, SW 83rd Place, commented on the rural nature of the area, and requested the Board deny the application.

Chairman Bryant advised that public comment is now closed.

Mr. Dailey stated many of the concerns expressed relate to traffic and this road segment. He advised that the applicant's improvements to that segment will occur the same way area residents can improve their segments, noting they are part of this unrecorded subdivision. Mr. Dailey stated that the road is part of the applicant's access and the improvements under the Code require them to have sufficient turning capacity, stabilization, paving, etc.

Paolo Mastroserio, Mastroserio Engineering Inc., SE 32nd Place, advised that the bump/hump individuals expressed concern with would be part of the improvement, which would provide a safer and smoother ingress/egress for neighbors utilizing that roadway.

Mr. Dailey commented on the buffering, which the applicant is not alleging is up to Code. He stated through the Site Plan process that Type-B buffer requires a 20 foot wide landscape buffer and a wall. Mr. Dailey advised that the Type-C buffer requires a 15 foot buffer. He stated the module home or site built home sales lot is permitted, noting the request relates to having a mix of module and mobile homes. He stated units being hauled in and out occur infrequently and the applicant would be happy to proffer a Developer's Agreement saying they would not move out whatever mobile homes were on the property more than 1 day per month. Mr. Dailey advised that they could still go through that process with demolition and new construction permits to allow the County oversight relating to the frequency and number of units coming in and out. He commented on the SUP request and stated a large section of this business is already permitted, which makes the Developer's Agreement a great compromise. Mr. Dailey advised this would provide Board oversight and allow them to check in on a reasonable basis to confirm compliance.

In response to Commissioner Curry, Mr. Dailey stated if this is not approved, the location will look pretty similar other than there will not be mobile homes onsite. He opined that if they are not able to run the business with that product mix, it would go out of business or move. Mr. Dailey advised that property would remain B-2, Commercial.

Commissioner McClain questioned if the applicant's parcel is allowed use of that road. Mr. Rison stated it is staff's understanding that the subject parcel would be part of the subdivision and is eligible to utilize that roadway.

Commissioner Stone advised that if residents ever wanted to improve that roadway entirely and wanted to put a Municipal Services Taxing Unit (MSTU) together all of the property owners could pay for improving the roadway. She opined that there should be some enforcement to ensure the roadway is not impeded.

Commissioner McClain requested information relating to the history of the subject parcel, noting there is a graphic in the packet that states the parcel is not part of this plat. Mr.

Rison stated the parcel was part of the subdivision and changed to B-2 in 1989 when the Comprehensive Plan was adopted. The area was identified as Rural; however, the owner came before the Board in 1997 and had the property changed to Commercial to activate the B-2 zoning that was in place from 1989. He commented on previous businesses that were located on the property, noting the house was converted to office purposes.

Commissioner Zalak commented on unintended consequences relating to straight zoning changes, noting the Board should look at the LDC when considering conversions. He opined that a Residential to Commercial conversion in this scenario does not make a lot of sense, but in other scenarios it does. Commissioner Zalak advised that staff likely allowed the other type of home there in B-2 because it does not generate a lot of truck traffic, noting a model center only generates truck trips when bringing in and installing the model. He stated that is why an individual goes to B-4 with a higher intensity, making sure that the truck traffic can actually go, which is a limiting factor relating to this application.

In response to Commissioner McClain, Mr. Rison advised that the land use designation change from Commercial to EC goes from a Floor Area Ratio (FAR) potentially of 1.0 (8 du/ac) to a potential FAR of 2.0 (16 du/ac).

Commissioner Zalak stated the land use gives the potential and the zoning gives the development right.

Mr. Rison advised that the zoning is what allows the manufactured home sales complex. Commissioner Zalak stated this property is not adequate for the transportation element of the mobile home aspect.

Mr. Rison referred to a map as seen on the overhead screens, noting the parcel that is not part of the plat is not the subject parcel.

A motion was made by Commissioner Curry, seconded by Commissioner Stone, to deny the land use change, agreeing with Growth Services staff and 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).

Mr. Minter advised that the Board needs to vote on the zoning portion of the request also.

1.2.8. 250110ZC - North Pointe Mobile Home Sales, LLC, Rezoning Application from Community Business (B-2) to Regional Business (B-4), 2.26 Acres, Parcel Account Number 3564-032-000, Site Address 7265 SW Hwy 200, Ocala, Green Turf Acres Unrecorded Subdivision Lot 32 (Continued from January 13, 2025)

The Board considered a petition North Pointe Mobile Home Sales, LLC, for a zoning change, Articles 2 and 4, of the Marion County Land Development Code, from Community Business (B-2) to Regional Business (B-4), for all permitted uses, on an approximate 2.26 Acre Parcel, on Parcel Account Number 3564-032-000, Site Address 7265 SW Highway 200, Ocala, FL 34476

P&Z PUBLIC HEARING ON FEBRUARY 24, 2025

250110ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Behar, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend denial of the land use 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 unanimously 7-0.

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This matter was addressed with Agenda Item 1.2.7.

A motion was made by Commissioner Stone, seconded by Commissioner Curry, to deny the zoning change, agreeing with Growth Services staff and 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 questioned if the applicant chooses to keep the business there and have just the module homes, whether the setbacks and landscaping buffers are still required. Mr. Rison advised that the applicant needs to complete a Site Plan to show compliance, and if they are placing units there, staff will expect them to be permitted, set and hooked up. He stated if there is any kind of storage where it is a temporary/interim parking, then that would be the applicant's outdoor storage area for new stuff, and they will have to conform to those special requirements where it has to be screened from the views on their property. He referred to a 4 page handout entitled. "Comparison of Marion County Land Development Code Section 4.2.18 – Community Business (B-2) and Section 4.2.20 - Regional Business (B-4) Uses and Standards December 31, 2024" which shows the special requirements for these kinds of uses.

In response to Commissioner Zalak, Mr. Rison advised that the denial means the Code Enforcement actions will continue to move forward. He stated it is his understanding that the applicant has not pursued building permits at this point.

Mr. Mastroserio advised that the applicant will be moving forward with the module product. He stated he can provide his concept; however, he needs additional time to get an updated survey and soil borings.

Code Enforcement Office Dianna Durbin stated the applicant has been cited for doing business in an improper zone, which is the mobile home issue. She advised that she will be moving forward with the requirement for them to remove all of the mobile homes from the property. Ms. Durbin advised that the applicant also has a case against them due to a failure to obtain the permits to set any of the modular or mobile homes.

In response to Chairman Bryant, Ms. Durbin stated normally Code Enforcement would allow the applicant 10 days to move the mobile homes off of the property, but in this instance they would allow 30 days, and if the applicant does not comply within that time frame the matter would go before the Code Enforcement Board (CEB) with fines beginning after that hearing.

Commissioner Zalak opined that the applicant could move the mobile homes in 10 days and then they need to pull permits for the site-built structures. He questioned how much time the applicant needs to begin the permitting process.

Mr. Mastroserio advised that as far as a Site Plan permit, getting it through the necessary entities would require at least 6 months to get approvals.

Commissioner Stone stated it is ridiculous that the business went into place without following any of the requirements, noting the applicant needs to shorten the timeline.

In response to Mr. Mastroserio, Commissioner Stone advised that she does not expect this to take a long time and she is unwilling to be super lenient. She opined that the Board should allow 30 days to remove the mobile homes and then allow the process to run its course.

Ms. Durbin stated if Code Enforcement allows 30 days she will have to wait until the 31st day to reinspect and then at that time it will be forwarded to the CEB. She advised that there are procedures that must be followed, noting the matter probably will not go before the CEB until June.

Commissioner Stone stated the June time frame allows the applicant time to prove they are working on the issues.

1.3. Adoption of Ordinance

1.3.1. The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Growth Services Director Charles Varadin and Deputy Clerk Mills-McAllister regarding petitions for rezoning and Special Use Permits heard earlier in the meeting. A motion was made by Commissioner Stone, seconded by Commissioner Curry, to adopt Ordinance 25-08 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0).

Ordinance 25-08 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.

Commissioner Zalak stated this reminds him of the Recreational Vehicle (RV) place on Highway 441, noting he drove past it over the weekend, and they have not done anything except park RVs. He advised that he wanted them to be required to complete the improvements prior to parking RVs; however, they have placed the RVs without completing the improvements. Commissioner Zalak requested staff to check into the matter.

Mr. Bouyounes stated staff will follow up.

There being no further business to come before the Board, the meeting thereupon adjourned at 3:37 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk

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