

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

September 15, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in regular session in Commission Chambers at 1:31 p.m. on Monday, September 15, 2025 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

1:30 PM ROLL CALL:

Upon roll call the following members were present: Chairman Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5. Also present were Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Transportation Planner Ken Odom, Senior Planner Chris Rison, Planners Kathleen Brugnoli, Sarah Wells, Erik Kramer and Jared Rivera-Cayetano, Staff Assistants Autumn Williams and Kim Lamb, 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 1:30 PM):

Deputy Clerk Lewter presented proof of publication of Legal ad No. 11607174 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on August 31, 2025. The Notice states the Board will consider adopting an Ordinance approving Comprehensive Plan Amendment, rezoning and Special Use Permit (SUP) applications.

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 Comprehensive Plan Amendments and zoning hearings.

Commissioner Bryant returned at 1:35 p.m.

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

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

1.1. Planning and Zoning Consent Items:

Growth Services Director Chuck Varadin advised that the three (3) 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 AUGUST 25, 2025

Motion was made by Mr. Kroitor and seconded by Mr. Behar 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. Are consistent with the Marion County Comprehensive Plan
3. Are compatible with the surrounding land uses

The Motion passed 6-0

Mr. Varadin advised that Items 1.1.1 and 1.1.3 have been pulled for individual consideration and Agenda Item 1.2.2 has been withdrawn.

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 McClain, seconded by Commissioner Curry, to approve Consent Agenda item 1.1.2, 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 item as follows:

1.1.2. 250904ZC – Richard Taylor, Zoning Change from Single-Family Dwelling (R-1) to Community Business (B-2), 2.38 Acres, Parcel Account Number 1470-002-005, No Address Assigned

The Board granted a petition by Richard Taylor, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code (LDC), from Single-Family Dwelling (R-1) to Community Business (B-2), for all permitted uses, on an approximate 2.38 Acre Parcel, on Parcel Account Number 1470-002-005, No Address Assigned

1.1.1. 250901SU – Yandy & Ismary Fernandez, Special Use Permit to Allow for the Parking of One (1) Commercial Vehicle and Trailer, in a Single-Family Dwelling (R-1) Zone, 0.86 Acres, on Parcel Account Number 3529-079-020, Site Address 10330 SW 139th Court, Dunnellon, FL 34432

The Board considered a petition by Yandy & Ismary Fernandez, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for the parking of (1) one commercial tractor and trailer, in a Single-Family Dwelling (R-1) zone, on an approximate 0.86 Acre Parcel, on Parcel Account Number 3529-079-020, Site Address 10330 SW 139th Court, Dunnellon, FL 34432

Deputy Director Ken Weyrauch, Growth Services, commented on the SUP request to allow a commercial vehicle and trailer in a R-1 zone. He advised that staff did not receive any opposition, but did receive 2 letters of support. Mr. Weyrauch stated this case was initiated by Code Enforcement who drove through the community and saw the violation on the subject property.

It was noted Growth Services staff and the P&Z Commission recommended approval with the following Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
2. The commercial vehicle must be engaged in an approved commercial use.
3. The Special Use Permit is limited to a maximum of one (1) commercial vehicle specifically a semi-tractor/cab (without trailer) as indicated in the submitted Findings of Fact. Semi-tractor VIN# 1XPXD49X800200079.
4. The parking/storage of a refrigerated trailer unit(s), or refer unit(s), is prohibited.
5. No loading or unloading of materials shall take place on the subject

- property. Commercial loads shall not be allowed on site at any time.
6. No mechanical repairs/maintenance on the commercial vehicle shall take place on-site.
 7. An opaque 6' tall fence for the purposes of buffering shall be installed along the southern boundary of the parcel and opaque fencing must be used along the eastern boundary of the proposed parking site.
 8. The ingress/egress shall be from SW 139th Court using a paved/stabilized driveway apron.
 9. The owner/operator of the commercial vehicle shall reside onsite.
 10. The Special Use Permit shall run with the owner/operator and not with the property.
 11. The Special Use Permit shall expire on September 15, 2030; however, it may be renewed administratively up to 3 consecutive 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 Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

In response to Chairman Bryant, Mr. Weyrauch advised that the road is not paved, therefore, staff is recommending the truck, but not the trailer. He stated without the trailer there is no pivot, which will alleviate some of the damage to the road. Mr. Weyrauch advised that the road looks okay, but he is unaware of how often Marion County staff maintains the road.

County Engineer Steven Cohoon, Office of the County Engineer (OCE), advised that maintenance is performed a minimum of four times a year for County maintained graded roads. He commented on the impact the weight of a loaded 18 wheeler has on a road.

Chairman Bryant questioned when staff last performed maintenance on this road. Mr. Cohoon advised that he will find out and provide that information to the Board.

Mr. Weyrauch advised that if approved staff recommends that the truck does not have a load and is empty.

Ismary Fernandez, SW 139th Court, applicant, stated when she purchased the property, she was not aware the truck was not allowed onsite. She urged the Board to allow both the truck and trailer.

Chairman Bryant questioned if the trailer is loaded when it is there on the weekends. Ms. Fernandez stated it is some of the time.

Ms. Fernandez commented on the condition of the road, noting the truck has been on site for the past 2 years. She stated the road is graded monthly.

Chairman Bryant clarified that County staff is only performing maintenance 4 times a year, noting someone in the community could be maintaining it further.

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Commissioner Stone questioned if SW 140th Avenue is a paved access road. Mr. Weyrauch advised that it is a paved north/south road going from Highway 40 to Highway 484.

In response to Commissioner Stone, Ms. Fernandez advised that she has tried to speak with surrounding property owners to gain an access point to SW 140th Avenue, but was not successful. She stated the truck can travel on SW 104th Street or SW 102nd Street to reach her road (SW 139th Court), noting there is not a lot of traffic on SW 139th Court.

Commissioner Zalak questioned if there are any other SUP for trucks in the area. Mr. Weyrauch advised that there are not.

Commissioner Zalak opined that this is not the appropriate spot to park the vehicle and advised that he is unable to support the request.

A motion was made by Commissioner Zalak to deny the SUP request. The motion died for lack of a second.

Chairman Bryant opened the floor to public comment.

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

In response to Commissioner Stone, Mr. Weyrauch advised that two letters of support were received from neighbors.

Commissioner Stone questioned what is transported on the trailer and how often it is onsite. Ms. Fernandez advised that the loads vary, sometimes it is wood or coil. She stated the truck arrives every Saturday and leaves Monday morning, noting sometimes it is loaded and sometimes it is not. Ms. Fernandez advised that her husband is the owner operator of the truck.

In response to Commissioner McClain, Ms. Fernandez advised that she could be agreeable to allowing the truck and trailer as long as it is not loaded.

Mr. Weyrauch advised that SW 139th Court was graded approximately 3 months ago and staff is onsite today for maintenance.

General discussion ensued.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve the SUP with the additional Condition that the truck and trailer be permitted, but only if unloaded.

In response to Mr. Weyrauch, Commissioner McClain advised that the review of the road should be considered during the administrative renewal.

Chairman Bryant advised that she is unable to support the request, noting the more that the Board allows these trucks to park in residential neighbors the more prevalent it will become.

The motion failed 2-3, with Chairman Bryant, Commissioner Zalak and Commissioner Curry dissenting.

Commissioner Stone requested the Board be open to hearing this matter again should the applicant be able to gain access to SW 140th Avenue.

Chairman Bryant advised that she will not change her mind due to this area being zoned R-1.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to deny the SUP request. The motion passed 3-2, with Commissioner McClain and Commissioner Stone dissenting.

1.1.3. 250905ZC – Solarium Properties LLC, Zoning Change from Expired Planned Unit Development (PUD 000901Z) to Heavy Business (B-5), 20.90 Acres, Parcel Account Number 36943-000-00, No Address Assigned

The Board considered a petition by Solarium Properties LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from expired Planned Unit Development (PUD-000901Z) to Heavy Business (B-5), for all permitted uses, on an approximate 20.90 Acre Parcel, on Parcel Account Number 36943-000-00, No Address Assigned

Planner Kathleen Brugnoli, Growth Services, provided a brief overview of the rezoning request from an expired PUD to B-5. She advised that staff does recommend approval of the request.

Chairman Bryant advised that the subject property was rezoned to PUD in 2000.

In response to Chairman Bryant, Senior Planner Chris Rison, Growth Services provided a brief history of the subject property. He stated the current owner is looking to market the property, but they are having difficulty due to PUD zoning. Mr. Rison advised that the current Commerce District Land Use Designation works with the requested B-5 zoning classification.

Chairman Bryant questioned when the housing development across from the railroad tracks was built. Mr. Rison advised that it was developed in the last 10 years.

Commissioner Zalak expressed concern with B-5 due to the outside storage element. He questioned if the Board could request the applicant inform them on what will happen to the site. Chairman Bryant advised that the applicant is requesting the B-5 in order to market the property.

Commissioner Zalak opined that a B-4 or B-2 would be better.

Mr. Rison advised that the properties to the south are already zoned B-5, as well as the area to the north.

Commissioner Zalak stated if approved this would triple the amount of B-5 in the area.

Mr. Rison advised that adjacent to the subject property is the main CSX rail line, which is busy.

In response to Commissioner Zalak, Mr. Minter stated the Board does not have to approve the B-5 zoning change.

Commissioner Stone stated the only reason the expired PUD is being brought back before the Board is because the County does not have an Ordinance in place reverting expired PUD back to the previous zoning.

Mr. Weyrauch clarified that there is not a process in place for the zoning to revert back to the original zoning when a PUD expires. He stated each zoning change is done via an Ordinance, noting staff is exploring language options to be included in the PUD approval.

Mr. Minter advised that a local land use attorney has raised concerns about the lack of due process if the zoning is automatically changed without a public hearing.

Ms. Brugnoli stated the applicant did advise staff that he would be unable to attend today's meeting.

Chairman Bryant opened the floor to public comment.

Michael McCoy, SE 41st Court Road, commented on concerns relating to the existing noise coming from the railroad and the possible noise that will be generated from a future business that will come to the subject property.

In response to Commissioner Stone, Mr. McCoy advised that he has a polyvinyl chloride (PVC) fence separating his property from the railroad. He stated staff did not provide him with a list of what was permitted in B-5 zoning, but he did speak with Planner Erik Kramer who assisted him with information about the request.

Chairman Bryant advised that public comment is now closed.

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Chairman Bryant questioned if the Board has the authority to deny the zoning change. Mr. Minter advised that the Board could deny the request if it is found that it will adversely affect the public interest, is not consistent with the Comprehensive Plan and is not compatible with the surrounding land uses.

Chairman Bryant opined that it is hard to make a decision without knowing what will be operating on site, noting B-5 has a range of uses. She stated the Board could cite traffic as the reason for denial.

Mr. Minter stated it would be a stretch for the Board to cite anything without a legal basis. Chairman Bryant opined that this could be considered an incomplete application.

General discussion ensued.

In response to Commissioner Stone, Ms. Brugnoli advised that a 15 foot Type C buffer is required for B-5 abutting the CSX railroad, noting a Type C buffer does not require a wall. Commissioner Curry opined that B-5 is too intense, but he is not in favor of approving a lower zoning that the applicant has not requested.

A motion was made by Commissioner Curry, seconded by Commissioner Zalak, to deny the rezoning request from expired PUD to B-5, disagreeing 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 passed 3-2, with Commissioner Stone and Commissioner McClain dissenting.

1.2. Planning and Zoning Items for Individual Consideration:

1.2.1. 250902SU – Cesar E. Amparo, Special Use Permit to Allow for the Parking of Seven (7) Commercial Vehicles and Nine (9) Commercial Trailers, in a General Agriculture (A-1) Zone, 1.0 Acres, on Parcel Account Number 44602-000-01, Site Address 14290 S Highway 475, Summerfield, FL 34491

The Board considered a petition by Cesar E. Amparo, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow for the parking of (7) seven commercial tractor trucks and (9) nine commercial tractor trailers, in a General Agriculture (A-1) zone, on an approximate 1.0 Acre Parcel, on Parcel Account Number 44602-000-01, Site Address 14290 S Highway 475, Summerfield, FL 34491

P&Z PUBLIC HEARING ON AUGUST 25, 2025

250902SU 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 denial of the Special Use Permit 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, 6-0.

Planner Erik Kramer, Growth Services, provided a brief overview of the request for a Special Use Permit allowing the parking of seven commercial vehicles and nine commercial trailers in an A-1 zone.

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

1. Commercial vehicle ingress/egress shall only utilize the existing access point on S HWY 475.

2. The Applicant shall upgrade the existing driveway with sufficient radius to accommodate the proposed commercial usage. The physical characteristics shall be dictated by the Office of the County Engineer and the Marion County Building Department. The Applicant shall be required to initiate this process within ninety days of approval of this SUP.
3. All tractor-trailer parking will be contained on parcel 44602-000-01.
4. All disabled or inoperable tractor-trailer combinations will be removed from the property within thirty days of the approval of the SUP.
5. All disassembled tractor-trailer combinations and tractor-trailer parts will be removed from the property within thirty days of the approval of the SUP.
6. Loaded vehicles and storage of commercial freight are not permitted on the subject property at any time. The commercial vehicles must be unloaded upon entering the property.
7. No mechanical repairs or maintenance on the commercial vehicle(s) shall take place on-site.
8. No commercial vehicles shall traverse over, nor park within, the septic drain field area located on site.
9. A solid opaque privacy fence, a minimum of 8' in height, shall be provided and maintained along the north, west, and south sides of the vehicle parking area, consistent with other conditions of this SUP. To the east of the parking area, an opaque gate shall be provided and maintained. All screening shall be installed within 60 days of approval of this SUP.
10. Exterior lighting on any accessory structure related to commercial vehicles shall be installed in a manner that is non-obtrusive and not directed toward adjacent properties or the roadway.
11. There shall be no advertising signs on the subject property.
12. There shall be no parking of tractor-trailers within the front yard of the property.
13. Vehicles of any size with an actively operating (running) cab or that have refrigerating cooling units are prohibited.
14. This SUP allows seven (7) tractors and nine (9) trailers to be parked on site for the first active 60 days of the SUP. The number will be reduced to one tractor by the end of the 60-day period. The property owner (Cesar Amparo) will submit the VIN number of the tractor to remain on site by the end of the 60-day period. The VIN number will be submitted in writing or email to Growth Services. The initial permitted commercial vehicles shall only include:

Semi-Truck/Tractors

- 2011 Freightliner VIN #1FUJGLDR9BSAU6004
- 2012 Freightliner VIN #1FUJGLDRCSBF7116
- 2012 Freightliner VIN #1FUJGLDRCSBE2556
- 2012 Freightliner VIN #1FUJGLDRCSBF6910
- 2012 Freightliner VIN #1FUJGLDRCSBC3950
- 2012 Freightliner VIN #1FUJGLDR3CLBH5153
- 2019 Freightliner VIN #3AKJHHDR9KSJX0456

Trailers

- 2016 WABASH 1JJV532B0GU412329
- 2016 TRAILER S/N 527SR5328GL006252
- 2018 VIN #1JJV532B7JL063367
- 2019 VIN #1JJV532BXJL084293
- 2016 UTILITY S/N 1UYVS2538GU412329
- 2016 UTILITY S/N 1UYVS2534GM615993
- 2015 VT SPECIALIZED S/V 5261621F000322
- 2010 UTILITY S/N 1UYVS2533AM933904
- 2016 WABASH S/N 1JJV532B0GL947868

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15. The SUP shall expire on September 15, 2030, and will not be eligible for administrative renewal. The Applicant may submit a new SUP application for the Board of County Commissioners' consideration to renew and extend this permit in the future.
16. Any violation of these conditions may serve as grounds for revocation of this Special Use Permit (SUP), as initiated by the Growth Services Director. In addition, the SUP may be subject to revocation under the following circumstances:
 - There are unresolved violations of the Land Development Code, the County Code of Ordinances, and/or the conditions of this SUP.
 - Property owners within 300 feet of the subject property have submitted complaints to Growth Services or other relevant departments regarding activities conducted under this SUP.

In response to Commissioner Curry, Mr. Cohoon addressed the ingress/egress to the property, noting a plan would need to be established that does not require the trucks to back into the property.

Supervisor Tom Sapp, Code Enforcement, advised that he was headed south on Highway 475 and was stopped for 30 minutes while a driver backed into the subject parcel. He stated this causes a huge traffic safety concern.

Cesar Amparo, SW Highway 475, applicant, advised that he is in the process of shutting down his company and selling some of the trucks. He stated he plans on keeping one truck for himself. Mr. Amparo advised that his drivers keep the trucks with them, noting they are only onsite when he needs to inspect the vehicle.

In response to Chairman Bryant, Mr. Amparo stated his request is for the Board to allow him to continue to park on his property.

Chairman Bryant advised that this is residential area.

Mr. Amparo stated he has owned the property for 9 years, noting the neighbors do not mind the trucks being onsite. He advised that he moved from Orlando to Ocala and was told when he purchased the property he could have the trucks there. Mr. Amparo stated the trucks are never there loaded.

Chairman Bryant opened the floor to public comment.

Van Akin, South Highway 475, opined that the applicant is a hard working man, but he would prefer the trucks be parked elsewhere. He stated if the applicant could adhere to the proposed Conditions from staff he would support the request, but it may not be possible. Mr. Akin commented on the possibility of parking the trucks at the nearby Southeast Milk location, which has a large truck parking area.

Chairman Bryant questioned if Southeast Milk was offering parking spaces for outside individuals. Mr. Akin stated he was unsure, but there are a lot of non-milk trucks parked on site.

Chairman Bryant advised that public comment is now closed.

In response to Commissioner Stone, Mr. Amparo advised that after selling the business he intends to remain on the property with one truck and one trailer. He stated the next auction where he can sell the trucks is in February 2026.

Chairman Bryant questioned what was being hauled by the trucks. Mr. Amparo advised that he hauls vegetables, produce, farming equipment, and ice cream. He stated his refrigerated trailer is parked at a truck stop.

Commissioner Zalak opined that this is a business operation and needs to be located on commercially zoned property.

Commissioner Stone advised that her biggest concern is safety relating to the traffic on Highway 475.

A motion was made by Commissioner Zalak, seconded by Commissioner Curry, to deny the Special Use Permit, 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.

In response to Chairman Bryant, Mr. Amparo advise that there are currently 4 trucks and 3 trailers on the property, noting his other 4 trucks are parked elsewhere.

Commissioner Zalak stated the applicant can have 30 days to move the trucks offsite, after that Code Enforcement activities can begin.

Commissioner McClain stated he would have supported the one truck and trailer.

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

Chairman Bryant urged any realtors listening to not tell clients that they can park their rigs on their properties.

1.2.2. 250906ZC – Black Marlin Capital, LLC, Zoning Change from General Agriculture (A-1) to Single-Family Dwelling (R-1), 13.33 Acres, Parcel Account Number 37905-003-00, No Address Assigned

The petition by Black Marlin Capital, LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agriculture (A-1) to Single-Family Dwelling (R-1) for all permitted uses, on an approximate 13.33 Acre Parcel, on Parcel Account Number 37905-003-00, No Address Assigned was withdrawn

1.2.3. 25-S12 - Wilbert and Juanita Williams, Trustees of the Williams Family Trust, and Starlin & Cora Martin, Land Use Change from Low Residential (LR) to Medium Residential (MR), 7.70 Acre Tract, Parcel Account Numbers 23303-002-00 and 23303-000-04, No Address Assigned

The Board considered a petition by Wilbert & Juanita Williams, Trustees of the Williams Family Trust, and Starlin & Cora Martin, for a Land Use Change, Articles 2 and 3, of the Marion County Land Development Code, from Low Residential (LR) to Medium Residential (MR), on an approximate 7.70 Acre Tract, on Parcel Account Numbers 23303-002-00, 23303-000-04, Site Address 550 NW 73rd Terrace, Ocala, FL 34482

P&Z PUBLIC HEARING ON AUGUST 25, 2025

25-S12 Planning and Zoning Commission Recommendation

Motion was made by Mr. Kroitor, seconded by Mr. Lourenco, to agree with staff's findings and recommendation, and recommend approval of the land use 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. Behar dissenting.

Transportation Planner Ken Odom, Growth Services, advised that Agenda Items 1.2.3. and 1.2.4. are companion items. He provided a brief overview of the request for a land use change from LR to MR and the rezoning request from A-1 and R-4 to PUD. Mr. Odom stated the applicant is proposing 50 units in a duplex ranch style. The units will be for sale and the community will have a Homeowner's Association (HOA). He commented on the proposed buffers, noting the applicant is proposing a more enhanced buffer than what is

required by Code. He stated the property is located within the Urban Growth Boundary (UGB).

Mr. Odom addressed the land use and zoning of the surrounding properties. He advised that a traffic statement has been submitted to staff, noting there is a proposed traffic generation of approximately 331 trips per day. Mr. Odom stated NW 73rd Terrace is a slightly improved County maintained road. The applicant will be required to pave north up to the entrance to the subject property. He advised that there is ample capacity on State Road (SR) 40, noting it has a level of service (LOS) D.

Mr. Odom advised that the subject property is within a 5 mile radius of fire services, noting a letter was received from Marion County Fire Rescue (MCFR) indicating additional resources are warranted in the area if the project is approved to handle the increased demand. He stated police services, school capacity and infrastructure are available.

Mr. Odom advised that Growth Services staff and P&Z Commission are recommending approval.

In response to Chairman Bryant, Mr. Odom stated there will be approximately 4 units per acre. He advised that there is roughly 60 feet of right-of-way (ROW), noting there is only 1 ingress/egress being proposed.

Mr. Cohoon provided a brief overview of the County's road maintenance in the area. He stated when planning a road 60 feet of ROW is sufficient.

In response to Chairman Bryant, Mr. Odom stated the anticipated additional traffic trips are 331 per day. He advised that the intersection at SR 40 and NW 73rd Terrace is not signalized, but there is a full access crossover on SR 40 at this location.

Mr. Odom addressed the sizes of the parcel in the surrounding area, noting they are all single family homes or small farms.

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

1. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below

	Location	Proposed	Recommended
	Front	20'	20'
	Rear	10'	10'
	Side	10'	10'

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

Direction	Adjoining Use	Required	Proposed	Recommended
North	Single-Family Residential	D-Type	Modified B-Type	Modified B-Type
South	Single-Family Residential	D-Type	Modified B-Type	Modified B-Type
East	Single-Family Residential	C-Type	Modified B-Type	Modified B-Type
West	Single-Family Residential	D-Type	Modified B-Type	Modified B-Type

3. The PUD shall be limited to a maximum of 50 duplex multi-family units.
4. The PUD shall be developed consistent with the PUD plan provided.

5. The PUD development shall establish and maintain a master property owner association to oversee and manage the development's operation and maintenance of its supporting infrastructure, amenities, and architectural standards. Further, the PUD development shall comply with Marion County LDC Section 6.3.1.F(1) to establish and be subject to a suitable special district [e.g., CDD, other State-recognized government district, or a Marion County established special district (e.g., MSBU and/or MSTU)] and shall not be eligible to seek an LDC Waiver for such establishment. Requirements provided as a result of the approved Impact Statement must be completed prior to the review of this PUD proposal by the Board of County Commissioners.
6. NW 73rd Terrace will be paved from the existing pavement to the site entrance. NW 73rd Terrace extension shall be designed, constructed, and paved to County specifications; a related offsite improvement plan is required.
7. The DRAs will be required to hold the total stormwater runoff volume generated from the 100-year, 24-hour storm event, with no off-site discharge.
8. PUD site must comply with the County's LDC lighting standards that require lighting to be shielded so as not to cast direct lighting off-site, and a photometric plan must be provided during major site plan review to ensure no negative impacts to neighboring parcels.
9. The PUD must meet the LDC requirement of a minimum of 20% improved open space.
10. The final PUD master plan must be brought back and heard by the Board of County Commissioners for final approval unless that Board deems it to be unnecessary.

Fred Roberts, Klein & Klein, SE 11th Avenue, attorney on behalf of the applicant, advised that the applicant's property fronting NW 73rd Terrace has a Medium Residential land use and R-4 zoning, which is the same entitlement as the property adjacent to the north and across the street to the east. He stated the applicant had the opportunity to acquire the 2 additional properties to the west, noting the additional scale would allow for a more enhanced project both from a product type and from the associated development standards. Mr. Roberts stated the PUD request will incorporate all 3 properties. He advised that the property will be developed with a for sale product subdivided by plat and have a HOA that will maintain the amenities. Mr. Roberts stated the additional properties being added to the PUD will allow buffers to be expanded and better drainage retention area (DRA) placement, as well as upgraded amenities. The amenities will include a park with gazebo and common gathering area, walking trails, benches and seating areas, grilling stations, and enhanced green space.

Mr. Roberts advised that a long discussion took place with several surrounding property owners after the P&Z Commission meeting to help them better understand the project, noting at least 1 property owner sent in a letter of support.

Mr. Roberts provided a brief overview of the surrounding zoning. He stated there is nothing in the Comprehensive Plan outlining LOS standards for MCFR; however, historically the rule of thumb has been 5 miles. The proposed project will contain fire hydrants and connect to central water and sewer.

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Mr. Roberts advised that after the P&Z Commission meeting the applicant had traffic counts done on the road. He stated the developer will construct an additional 600 feet, to County standards, of roadway to NW 73rd Terrace. Right now, NW 73rd Terrace is approximately 1,700 feet of paved roadway and 900 feet of unpaved. Mr. Roberts advised that the ROW is in place, noting it is a closed drainage system. He stated there is a full access point planned on NW 73rd Terrace.

Commissioner Curry out at 3:08 p.m.

In response to Chairman Bryant, Mr. Roberts advised that there is a turn lane on SR 40 to turn onto NW 73rd Terrace. He stated this project does not justify a required traffic study.

Chairman Bryant opened the floor to public comment.

Denise Evans, NW 8th Place, commented on the impact the proposed project will have on the surrounding area. She urged the Board to only allow the development on the 5 acre property already zoned appropriately and leave the other two parcels as is.

Rachel Meyer, NW 73rd Terrace, declined to speak when called upon.

Commissioner Curry returned at 3:13 p.m.

Burton Stehpens, NW 75th Terrace, expressed concern that this project will attract other developers to the area and urged the Board to deny the request.

Lynn Ledwith, NW 5th Lane, advised that she lives directly across the street and her property is used and will continue to be used as a horse farm regardless of the zoning. She commented on horse welfare, noting they are extremely sensitive to noise vibration and sudden changes in their environment. Heavy construction will create a constant disruption to the horses. Ms. Ledwith requested the developer be required to provide a Type E buffer on both sides of NW 73rd Terrace. She opined that the HOA should be required to fund ongoing maintenance of the road. Ms. Ledwith commented on flooding issues on NW 5th Lane.

Chairman Bryant advised that public comment is now closed.

Mr. Roberts advised that none of the people who commented today access their properties from NW 73rd Terrace or abut the subject property. He stated Ms. Ledwith's property is a horse farm, but it does have the R-4 entitlements and at the exact same scale as the subject property by right. Mr. Roberts advised that the applicant has purchased the subject parcels and intends to develop them, noting to what scale is what is being discussed today. He stated typically developers do not place buffers in ROW or on other people's properties. The applicant is proposing full buffering with an aesthetic enhancement of the fencing along the ROW to ensure there is true visual buffering from the ROW as intended by Code.

Mr. Roberts opined that any type of development regardless of the size could in theory create a conflict between a horse and people.

In response to Mr. Minter, Mr. Roberts advised that the PUD Conditions require a lighting plan to be approved in connection with the project, noting all light will have to be retained on site.

Rick Bush, Kimley-Horn and Associates, Inc. (KHA), SE 17th Street, advised that there is approximately 50 feet of ROW on NW 73rd Terrace from SR 40 to the north. The prior project to the south paved a 2 lane street to County standards and was accepted by the County for maintenance.

In response to Chairman Bryant, Mr. Bush advised that there is only 50 feet of ROW, noting this is a closed drainage roadway. He stated 50 feet on residential subdivision or local collectors is typical.

Commissioner Bryant questioned if the proposed ROW allows for sidewalks. Mr. Cohoon advised that pedestrian facilities can be created. He advised that a waiver was granted allowing the developer to reduce the ROW to 50 feet for the original construction of NW 73rd Terrace.

Mr. Bush advised that this project does propose to extend the paving approximately 650 feet to the same standard that was constructed previously. He stated the County stops their maintenance at NW 5th Lane, noting the applicant would like for the County to provide maintenance for this section of the road the same as it does for other projects in the area. Mr. Bush advised that only one access is required for 50 units. He stated the developer does not anticipate much of the traffic to utilize NW 5th Lane as it is a dirt road and less convenient than paved NW 73rd Terrace.

In response to Commissioner Stone, Mr. Bush stated NW 73rd Terrace will be paved all the way to the edge of the subject parcel northwest corner, which is past NW 5th Lane by about 300 feet.

Commissioner Curry questioned how water and sewer would be addressed. Mr. Bush advised that central utilities are available in this area through the City of Ocala. He stated the developer has "will serve" letters from the City for the project and concurrence has been received from Marion County Utilities Department that it is acceptable.

Chairman Bryant commented on previous discussions related to step down zoning. General discussion ensued.

Chairman Bryant advised that currently 20 units are allowed on parcel ID 23204-002-00 and 1 unit per acre is allowed on parcel ID 23303-002-00 and 23303-000-04.

Commissioner Stone clarified that a total of 27 units are allowed today.

Commissioner Zalak expressed opposition to expanding the medium density.

Commissioner McClain opined that this is a great looking product and it is not a large increase to what is already allowed.

Mr. Roberts advised that the proposed project is single family units that are attached, noting it is not a typical duplex.

General discussion ensued.

A motion was made by Commissioner Zalak, seconded by Chairman Bryant, to deny the land use change, disagreeing 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 failed 2-3 with Commissioner Stone, Commissioner Curry, and Commissioner McClain dissenting.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to approve the land use change, 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 approved 3-2 with Chairman Bryant and Commissioner Zalak dissenting.

1.2.4. 250907ZP - Wilbert and Juanita Williams, Trustees of the Williams Family Trust, and Starlin and Cora Martin, and Homestead Villas, LLC, Zoning Change from General Agriculture (A-1) and Mixed Residential (R-4) to Planned Unit Development, 12.77 Acre Tract, Parcel Account Numbers 23303-002-00, 23303-000-04 and 23204-002-00, Site Address 550 NW 73rd Terrace, Ocala, FL 34482

The Board considered a petition by Wilbert & Juanita Williams, Trustees of the Williams Family Trust, and Starlin & Cora Martin, and Homestead Villas, LLC, for a Zoning Change, Articles 2 and 3, of the Marion County Land Development Code, from General Agriculture (A-1) and Mixed Residential (R-4) to Planned Unit Development (PUD), for all permitted uses, on an approximate 12.77 Acre Tract, on Parcel Account Numbers 23303-002-00, 23303-000-04 and 23204-002-00, Site Address 550 NW 73rd Terrace, Ocala, FL 34482

P&Z PUBLIC HEARING ON AUGUST 25, 2025

250907ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Kroitor, seconded by Mr. Lourenco, to agree with staff's findings and recommendation, and recommend approval of the land use 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. Behar dissenting.

This matter was addressed with Agenda Item 1.2.3.

A motion was made by Commissioner McClain, seconded by Commissioner Stone, to adopt Resolution 25-R-354 approving the zoning change from A-1 and R-4 to PUD, with Conditions 1 through 9, as amended below, 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 approved 3-2 with Chairman Bryant and Commissioner Zalak dissenting.

Resolution 25-R-354 contains the following Conditions:

1. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below

Location	Minimum Setback
Front	20'
Rear	10'
Side	10'

2. The PUD shall comply with the PUD Development Buffers listed in Table 3 below and as listed within the buffering plan provided. Modified B-Type buffers shall utilize existing foliage where available. Areas on the conceptual plan labeled with "N" will be a 20' wide no touch modification to the buffer. The modified C-Type buffer shall also include a three or four board fence.

Direction	Adjoining Use	Buffer Type
North	Single-Family Residential	Modified B-Type
South	Single-Family Residential	Modified B-Type
East	Single-Family Residential	Modified C-Type
West	Single-Family Residential	Modified B-Type

3. The PUD shall be limited to a maximum of 50 duplex multi-family units.
4. The PUD shall be developed consistent with the PUD Conceptual Plan and PUD Standards provided, dated May 2025 and attached hereto as Exhibit "A" and Exhibit "B" respectively.
5. The PUD development shall establish and maintain a master property

owner association to oversee and manage the development's operation and maintenance of its supporting infrastructure, amenities, and architectural standards. Further, the PUD development shall comply with Marion County LDC Section 6.3 .1.F(1) to

- (a) establish and be subject to a suitable special district [e.g., CDD, other State-recognized government district, or a Marion County established special district (e.g., MSBU and/or MSTU) and shall not be
 - (b) eligible to seek an LDC Waiver for such establishment. Requirements provided as a result of the approved Impact Statement must be completed prior to the review of this PUD proposal by the Board of County Commissioners.
6. NW 73rd Terrace will be paved north from the end of the existing pavement established with the development of the "Home Away" communities, to the north end of the site's entrance as part of the development and construction of the PUD. The PUD Developer shall be responsible for completing the required extension of NW 73rd Terrace to include design, construction, and paving to County specifications, wherein the plans for the extension of NW 73rd Terrace shall be submitted for review and approval as an offsite improvement plan consistent with the LDC with the construction of the extension to NW 73rd Terrace being certified as completed per the LDC prior to the issuance of any final inspection for any residential dwelling unit in the PUD.
 7. The DRAs will be required to hold the total storm water runoff volume generated from the 100-year, 24-hour storm event, with no off-site discharge.
 8. The PUD site must comply with the County's LDC lighting standards that require lighting to be shielded so as not to cast direct lighting off-site, and a photometric plan must be provided during major site plan review to ensure no negative impacts to neighboring parcels.
 9. The PUD must meet the LDC requirement of a minimum of 20% improved open space.

1.3. Adoption of Ordinance

1.3.1. 25-S12

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to adopt Ordinance 25-41 adopting Small Scale Comprehensive Plan Amendment No. 25-S12, 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 (5-0).

Ordinance 25-41 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:

25-S12, WILBERT & JUANITA WILLIAMS, TRUSTEES OF THE

September 15, 2025

WILLIAMS FAMILY TRUST, AND STARLIN & CORA MARTIN
+/- 7.70 ACRE TRACT
PARCEL NO. 23303-002-00 AND 23303-000-04
FROM LOW RESIDENTIAL TO MEDIUM RESIDENTIAL
PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR
FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN
EFFECTIVE DATE.

1.3.2. The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Growth Services Director Charles Varadin and Deputy Clerk Lewter regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to adopt Ordinance 25-42 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 25-42 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
MARION COUNTY, FLORIDA, APPROVING REZONING APPLICATIONS
AND AUTHORIZING IDENTIFICATION ON THE OFFICIAL ZONING MAP;
PROVIDING FOR AN EFFECTIVE DATE.

There being no further business to come before the Board, the meeting thereupon adjourned at 3:35 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk