



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

Hearing Dates:	P&Z: 5/27/2026 (Continued from 4/26/2026)	BCC: 6/17/2026
Case Number	260508BL	
CDP-AR	PL BindLet-000419-2026	
Type of Case: Binding Letter AND Joinder for Release of Declarations	<ul style="list-style-type: none"> • Binding Letter of Modification of Vested Rights (BLIM) Per Chapter 380.06, F.S. AND • Request for County Joinder in Amendment to, and Partial Release of Tracts Subject to, Declaration of Restrictions (Green Belt) 	
Owner(s)	The Deltona Corporation, Denise Smith, Authorized Agent with Sumter Electric Corp.	
Applicant	W. James Gooding, III, Esquire Gooding, Batsel, Hartley & MacKay	
Street Address / Site Location	Northeast and northwest corners of the SW Hwy 484 and Marion Oaks Course Intersection; no address assigned.	
Parcel Number(s)	8007-0000-08 (Tract "H" part) and 8007-0000-10 (Tract "J" part) AND Tracts "A", "C", "D", "G", "H", "J", "K", "M", "R", "S", "V", "W", "X", "Y", "Z", and "AA" 41200-056-06 (pt), 8007-0000-01, -03, -05 (pt), -08, -10, -11, -13, -18, -19, -22, -0000-23, -0001-23, -24, -25, -0000-26, -0001-26, and -1099-02 (pt)	
Property Size: Binding Letter AND Joinder for Release of Declarations	Tract "H" - ±0.15 acres of 1.42 acres; Tract "J" - ±0.14 acres of 6.06 acres Totaling ±0.29 acres AND ±68.04 acres	
Future Land Use	Preservation [Marion Oaks Vested Development of Regional Impact (VDRI)]	
Existing Zoning Classification	Single-Family Dwelling (R-1), Community Business (B-2), Planned Unit Development (PUD)	
Overlays Zones & Special Areas	Outside the Urban Growth Boundary (UGB), In the Marion Oaks Urban Area, in the County-wide Secondary Springs Protection Overlay Zone (S-SPOZ), In Marion County Utilities SW Regional Service Area; NOT in the Farmland Preservation Area.	
Staff Recommendation	DENIAL (Staff and the applicant are discussing alternatives related to this request and its concurrent applications. As such, the staff recommendation remains DENIAL, but further resolution prior to the final Board of County Commission consideration is anticipated and the P&ZC's input regarding the requests is desired.)	
P&Z Recommendation	TBD	
Project Planner	Christopher D. Rison, AICP, Senior Planner	
Related Cases	26-S03 , Future Land Use Map Amendment from Preservation (PR) to Commercial (COM) 260507ZC , Rezoning Application from Single-Family Dwelling (R-1) to Community Business (B-2)	

I. ITEM SUMMARY

James W. Gooding, III, Esq., on behalf of the Deltona Corporation has submitted two requests related to the Marion Oaks Unit Seven Subdivision, a part of the overall Marion Oaks Vested Development of Regional Impact (**VDRI**) project initially established in 1973 via a series of subdivision plats approved by Marion County. In 1986, Marion Oaks Units One through Ten obtained vested rights recognition under Chapter 380.06, F.S., that established the State of Florida's Development of Regional Impact Program (**DRI Program**). In 1995, Marion Oaks Units Eleven and Twelve were completed following the establishment of the DRI Program; however, those units were granted vested rights by Marion County's Vesting Committee. Each of the Marion Oaks Units include a series of tracts subject to deed restrictions identifying the tracts as "green belts" that functioned to limit the range of uses on the tracts. A provision of the restrictions required Marion County approval and release for changes to the restriction's provisions; to date, Marion County has not granted any approvals for changes to the Marion Oaks Unit Seven green belt restrictions.

The *first request* seeks approval for a functional *Binding Letter of Modification to a Project with Vested Rights* pursuant to Chapter 380.06, F.S. (**BLIM**) related to the Marion Oaks VDRI. The *second request* is a "*Request for Joinder in Amendment to, and Partial Release of Tracts Subject to, Declaration of Restrictions (Green Belt)*" (Joinder) seeking Marion County's approval in releasing existing restrictions limiting the use of certain "green belt" tracts within Marion Oaks Unit Seven.

The requests are accompanied by concurrent applications for a Comprehensive Plan Amendment (**CPA 26-S03**) and Rezoning (**RZN 260507ZC**) to change the future land use designation of parts of Tract "H" and Tract "J" from Preservation to Commercial, with a rezoning from Single-Family Dwelling (**R-1**) to Community Business (**B-2**). The concurrent applications and these two applications are dependent upon each other. In the event one of the applications is not approved, then none of the applications are essentially eligible for approval as other conditions would then preclude the potential use/development. This application's consideration by the Planning & Zoning Commission (P&ZC) was continued for April 26, 2026, to May 27, 2026, at the applicant's request, with staff's concurrence, to enable staff and the applicant to further discuss and address alternatives related to the request and its concurrent applications. Discussions have been ongoing and moving forward; this request is being presented to obtain the P&ZC's input and recommendation for this and the other concurrent applications.

II. STAFF SUMMARY RECOMMENDATION

Staff recommend **DENIAL** for the requests as presented by the applicant. The BLIM would enable additional traffic accessibility not previously authorized or foreseen with the establishment of the Marion Oaks VDRI and Marion Oaks Unit Seven and may result in increased and uncontrolled transportation network impacts along two critical roadways that serve the area, specifically SW Hwy 484 and Marion Oaks Course. The Joinder proposes to remove the green belt restriction from sixteen (16) designated tracts, far more than the two tracts that are the focus of the BLIM and other concurrent applications. Additionally, the Joinder would authorize further restrictions releases on tracts not identified in this document without further or specific consideration by the County. Staff has significant reservations to such broad "blanket" releases without any supporting proposals for the noted tracts, and particularly for the yet to be "designated

tracts for future release” that may be changed in the future. Given these concerns, staff do not support the BLIM or Joinder as proposed.

Figure 1
General Location Aerial Map
Tracts “H” and “J” Identified

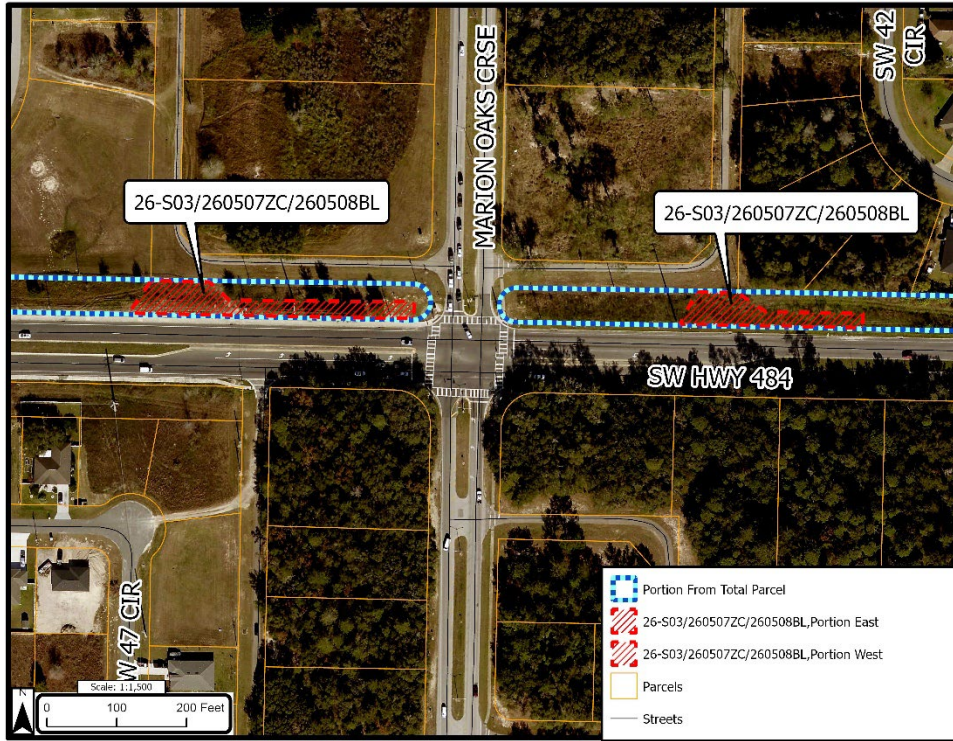
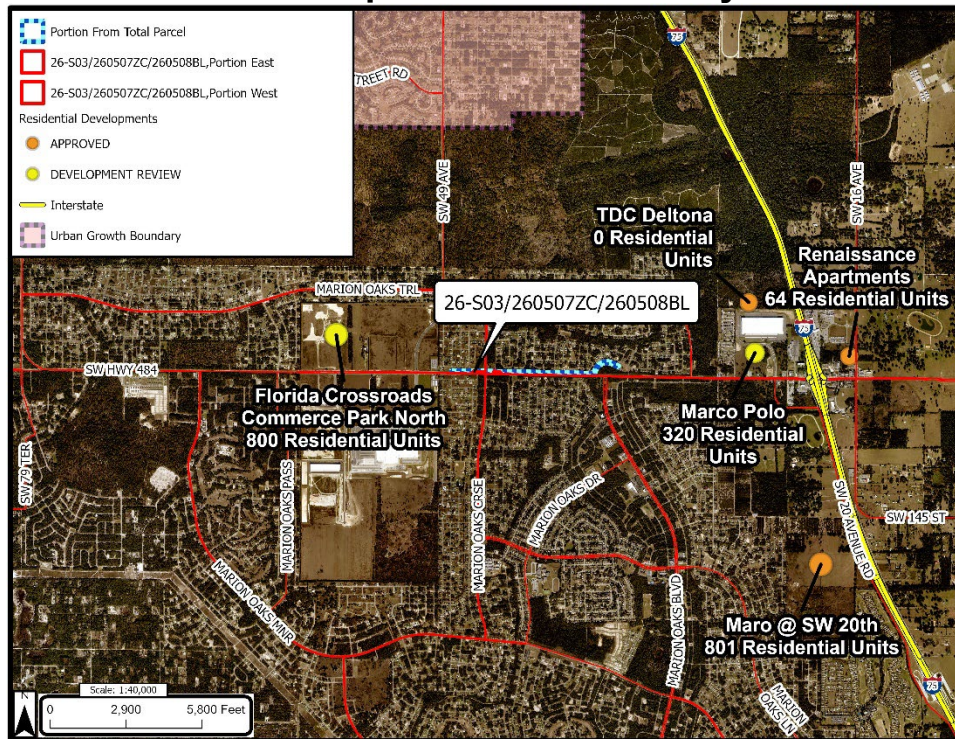


Figure 2
Aerial Map with Area Roadways



III. NOTICE OF PUBLIC HEARING

Notice of public hearing was provided in conjunction and pursuant to LDC Section 3.5.3.A and B regarding Comprehensive Plan Amendment Applications and LDC Section 2.7.3. regarding Rezoning Applications, serving to provide public notice as listed in following Table A.

TABLE A. PUBLIC NOTICE SUMMARY			
METHOD	FORMAT	DATE	LDC Section
Legal Notice	Webpage Ad	Ad Run: 4/13/2026	3.5.3.A & 3.5.3.B(1)(b)
Sign	w/Rezoning Sign	Posted: 4/16/2026	3.5.3.B(1)
300-foot Mail Notice	SPO Letter 163 - owners	Mailed: 4/10/2026	3.5.3.B(2)

IV. ANALYSIS

A. Binding Letter of Modification (BLIM) regarding green belt tracts

The BLIM request, as related to CPA 26-S03 and RZN 260507ZC, to change portions of Marion Oaks Unit Seven Tracts “H” and “J” east and west of the SW Hwy 484 & Marion Oaks Course intersection (**484/Crse intersection**), immediately south of commercial designated Blocks 1034 and 1035, to enable driveways, and their accompanying turn lanes, to be developed on the tracts and provide access from Hwy 484 to the commercial blocks and their corresponding alleys. SW Hwy 484 is a paved arterial roadway extending ±28 miles east-west across southernmost Marion County, connecting between S. US Hwy 41 and S. US Hwy 441 and featuring an interchange with Interstate 75 (**I-75**), with the portion of SW Hwy 484 adjoining the site currently being 4-lanes. Marion Oaks Course is a paved collector roadway that extends into the northern sections of Marion Oaks and then turns west to parallel SW Hwy 484; further ±1/2 mile to the north, Marion Oaks Course intersects with Marion Oaks Trail that extends east to parallel SW Hwy 484. The Marion Oaks Course & Marion Oaks Trail intersection features the Marion Oaks Elementary School on the southeast corner, and ±0.3 miles west is the Marion Oaks Course & SW 49th Avenue intersection, wherein SW 49th Avenue is a collector roadway that will extend north to the City of Ocala parallel to I-75. The function and operation of the 484/Crse intersection and its intersecting road segments is a key staff concern unless specific and specialized access management operations are established to avoid unsafe vehicular access and operations. As such, staff does not support the request as currently proposed.

Staff is not wholly opposed to the request, subject to establishing specific access and site design parameters to mitigate and manage any potential negative impacts through an appropriate design enforced by a suitable fixed agreement between the key parties of interest; such methods may include an extended BLIM Resolution inclusive of the parties, or the completion of Developer and/or Development Agreement.

B. Joinder regarding Binding Letter of Modification (BLIM)

The Joinder request seeks Marion County’s approval in releasing the existing restrictions limiting the use of certain “green belt” tracts within Marion Oaks Unit Seven. The Joinder identifies various green belt designated tracts in two forms as Encumbered Tracts, representing all of the Marion Oaks Unit Seven green belt tracts, and Released Tracts

representing tracts held by the Deltona Corporation and Sumter Electric Cooperative (SECO) that were mutually agreed for release from certain provisions; however, Marion County was not a party to those releases among those owners and the release is not fully valid unless and until Marion County provides it consents to join the release.

Staff objects to the proposed Joinder as the Joinder identifies the Deltona and SECO tracts specifically but then enables the other tracts to arrange release by being “pre-released” by Marion County with this Joinder. This is a significant concern as no information, knowledge, or planning has been provided or committed as to what may occur in the future. As such staff find the request is inappropriate and premature. Staff notes some tracts or parts of tracts may be suitable for release; however, the Joinder requires revision to specify the specific acceptable tracts along with providing the reasoning for the tract releases. Further, the applicant has proposed providing a separate Joinder related to the Transwestern PUD (221208ZP; 23-R-202) holdings and that document is under review by staff. Based on that document’s review, the applicant proposes to update the original Joinder once the review of the second Joinder is complete. As such, staff remain unable to support the request(s), pending the final outcome of the two Joinders and the other concurrent applications. Table B following lists Marion Oaks Unit Seven green belt tracts with the primary tracts highlighted.

TABLE B. MARION OAKS UNIT SEVEN - ALL GREEN BELT TRACTS - ("ENCUMBERED TRACTS")					
Yellow highlighted tracts are “Released Tracts” between Deltona & SECO					
Owner	Parcel ID No.	Tract	Acres	Staff Position for Release	“Roadside” Tract
Marion County ROW	8007-0000-01	A – West/ROW	0.43	YES	NO
F.H. & E. Marr	8007-0000-01	A - East	8.60	NO	NO
M.G. Honorat	8007-0000-03	C	6.50	NO	NO
Marion County Public Schools	8007-0000-05	D	9.49	NO	NO
SECO (adjoins Substation)	41200-056-06	G	0.19	YES	YES
Deltona Corporation	8007-0000-08	H	1.42	PART – ONLY LU & ZONE CHANGE AREA	YES
Deltona Corporation	8007-0000-10	J	6.06	PART – ONLY LU & ZONE CHANGE AREA	YES
T. Spiraksa	8007-0000-11	K	1.71	NO	NO
Golden Acre Enterprises, LLC	8007-0000-13	M	25.34	NO	NO
Marion County DRA	8007-0000-18	R – West/DRA	0.10	YES	YES
Deltona Corporation	8007-0000-18	R - East	2.61	NO	YES
C.M. Gelin	8007-0000-19	S	0.40	NO	NO
J. Parra (adjoins TWC PUD)	8007-0000-22	V	1.13	NO	YES
Deltona Corporation	8007-0001-23	W - North	0.83	NO	YES
Deltona Corporation	8007-0000-23	W - South	0.64	NO	YES
Deltona Corporation	8007-0000-24	X	0.52	NO	YES
Deltona Corporation	8007-0000-25	Y	0.88	NO	YES
TDC Deltona Land LLC (PUD)	8007-1099-02	Z - North	0.10	YES	YES
Deltona Corporation	8007-0001-26	Z - South	0.45	NO	YES
Deltona Corporation	8007-0000-26	Z - South	0.27	NO	YES
TDC Deltona Land LLC (PUD)	8007-1099-02	AA	0.47	YES	YES
TOTAL			68.14		

TABLE B. MARION OAKS UNIT SEVEN - ALL GREEN BELT TRACTS - ("ENCUMBERED TRACTS") Yellow highlighted tracts are "Released Tracts" between Deltona & SECO
MCPS - Marion Oaks Elementary School (west)
Sumter Electric Cooperative Substation
Marion County ROW & DRA (part)
Parra Adjoins Transwestern Commerce Park PUD
Transwestern Commerce Park PUD
Transwestern Commerce Park PUD
"Roadside" Tract = Narrow tracts (widths vary – 15' to 50') adjoining and parallel to a roadway that separate and potentially buffer areas from those roadways.

Figure 3 following is a map illustration of the locations of the green belt tracts as listed in Table B, and a more detailed version of the map is provided as Attachment E.

**Figure 2
Aerial Map with Area Roadways**

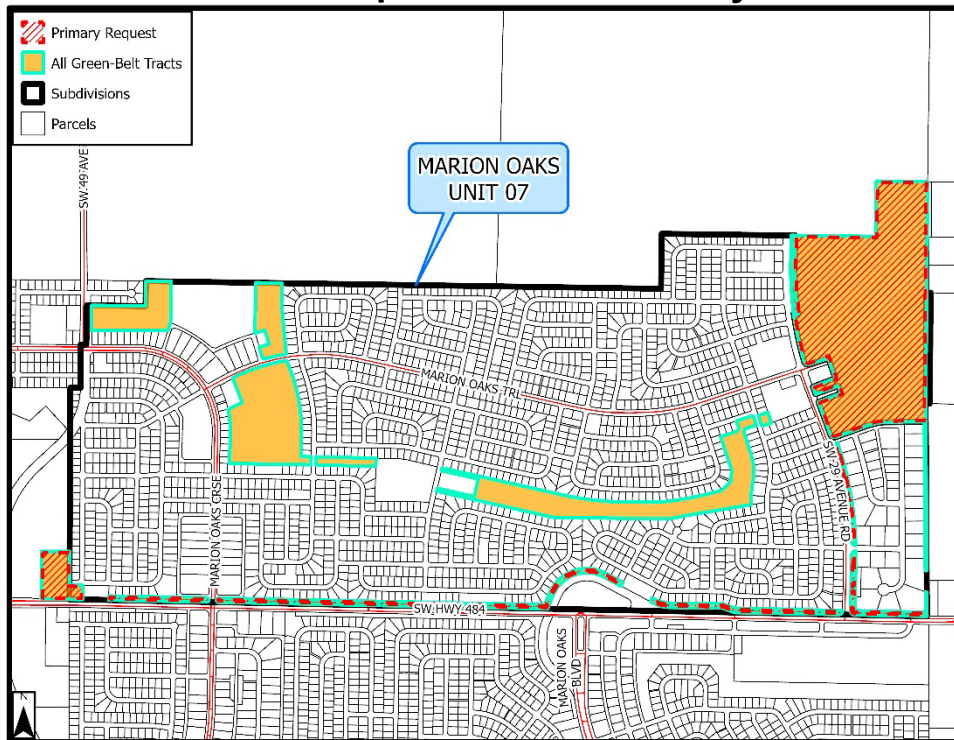


Table C below identifies each section of the Agreement and provides staff's remarks regarding the Agreement sections.

TABLE C-1. Original Request for Joinder in Amendment to, and Partial Release of Tracts Subject to, Declaration of Restrictions (Green Belt)"		
Section	PROVISION	STAFF REMARKS, DISCUSSION, RECOMMENDATIONS
1	Release of Tracts.	Staff Objects – release does not clearly indicate release is solely related to Restriction Section 1.01 and 1.02 while all other Sections remain, that may lead to confusion related to application, etc.
1.1.1	Release "Released Tracts"	Staff Objects – release extends beyond parts of tracts affected by proposed development.

TABLE C-1. Original Request for Joinder in Amendment to, and Partial Release of Tracts Subject to, Declaration of Restrictions (Green Belt)”		
1.1.2	Release of “Addition Tracts”	Staff Objects – release functionally clears all tracts for Marion County release, without any information, data, or timing on future uses.
1.2	Summary	See above.
2	Vote by Execution	Staff Objects – release does not clearly indicate release is solely related to Restriction Section 1.01 and 1.02 while all other Sections remain, that may lead to confusion related to application, etc.
3	Effective Dates	
3.1.	Released Tracts	Staff Objects – release extends beyond parts of tracts affected by proposed development.
3.2	General Provisions.	Staff Objects – release functionally clears all tracts for Marion County release, without any information, data, or timing on future uses.
4	Subject to Applicable Laws and Regulations	Staff Objects – other releases should be conducted with the other actions listed (e.g., Plan Amendment or Rezoning) in a concurrent review to enable adequate and appropriate review and consideration.
5	Effect on Current Declaration	Staff Objects – release does not clearly indicate release is solely related to Restriction Section 1.01 and 1.02 while all other Sections remain, that may lead to confusion related to application, etc.

TABLE C-2. Transwestern PUD Request for Joinder in Amendment to, and Partial Release of Tracts Subject to, Declaration of Restrictions (Green Belt)”		
Section	PROVISION	STAFF REMARKS, DISCUSSION, RECOMMENDATIONS
1	Release of Tracts.	Staff support.
1.1.1	Tract “AA”.	Staff support.
1.1.2	Part of Tract “Z” corresponding to original Block 1493, Lots 2 & 3.	Staff support.
1.2	Tracts “AA” and part of “Z” no longer encumbered are privately released tract.	Staff support.
1.3	County releases tracts from encumbrance.	Staff support.
2	Vote by Execution.	Staff support.
2.1	Votes in favor for “AA” and part of “Z” above.	Staff support.
2.2	Approved revision/alteration of restrictions in Section 1.01 and 1.02 for “AA” and part of “Z” above.	Staff support.
3	Effective Dates.	
3.1	Released Tracts.	Staff support.
3.1.1	Deltona/SECO and Marion County ownership statement for privately Released Tracts.	Staff support.
3.1.2	County is owning party; County consents to “AA” and part of “Z” above as Released Tracts.	Staff support.
3.1.3	Amendment related to “AA” and part of “Z” above effective.	Staff support.
3.2	Future Consent to Release of (other) Released Tracts.	Staff support.
3.2.1	County consent to portion only as noted for “AA” and part of “Z” above.	Staff support.
3.2.2	County may consent to other Released Tracts in future, but under no obligation.	Staff support.
4	Subject to Applicable Laws and Regulations	Staff support.
5	Effect on Current Declaration	Staff support.

V. STAFF RECOMMENDATION

Staff recommend the Commission **DENY** the proposed BLIM and Joinder as presented. Staff note that with the inclusion of binding commitments to the use and development of portions of Tracts “H” and “J” and some other tracts/portions of tract may be acceptable to staff; subject to an appropriate obligation to comply with specific design and development needs to minimize and/or mitigate potential traffic and compatibility for SW Hwy 484, Marion Oaks Course, and the surrounding area.

Staff and the applicant are discussing alternatives related to this request and its concurrent applications. As such, the staff recommendation remains DENIAL, but further resolution prior to the final Board of County Commission consideration is anticipated and the P&ZC’s input regarding the requests is desired.

VI. PLANNING & ZONING COMMISSION (LOCAL PLANNING AGENCY) – 4/27/2026

TBD

VII. BOARD OF COUNTY COMMISSIONERS ACTION #2 – 6/2/2026

TBD

VIII. LIST OF ATTACHMENTS

- A. Letter of Application
- B. Staff Draft BLIM Modification Resolution.
- C. Draft for County Joinder in Release of Restrictions for Green Belt Tracts
 1. Applicant’s Original Overall Draft for County Joinder in Release of Restrictions for Green Belt Tracts
 2. Applicant’s Revised Draft for County Joinder in Release of Restrictions for Transwestern PUD Green Belt Tracts “AA” and part of Tract “Z” adjoining Block 1493, Lots 2 and 3.
- D. Marion Oaks Unit Seven Declaration of Restrictions for Green Belt Tracts
- E. Marion Oaks Unit Seven Subdivision Plat Image with identified Joinder in Release green belt tracts.
- F. Marion Oaks Draft Master Plan Illustration (date unknown, refers to “SBA” consistent with recorded restrictions – OR Bk/Pg: 569/341).
- G. 1986 State of Florida Binding Letter of Determination for Development with Vested Rights (BLIVR), Marion Oaks Units One through Ten.
- H. 1995 Marion County Vesting Order Marion Oaks for Marion Oaks Units Eleven and Twelve.
- I. 2009 BLIM for Marion Oaks Unit One, August 12, 2009.
- J. Marion Oaks Unit Seven Subdivision Plat (full detail plat).
- K. Site/Sign Photos
- L. Office of the County Engineer – W. Hwy 484 and Marion Oaks Course - Commercial Area North - Preliminary Concepts – Short & Long Term