

# PLANNING AND ZONING COMMISSION MEETING

April 26, 2021

## MINUTES

The Marion County Planning and Zoning Commission met on April 26, 2021 at 5:30 pm in the Board of County Commissioners Auditorium, 601 SE 25<sup>th</sup> Avenue, Ocala, Florida.

The following members were present: Chairman Greg Lord, Andy Bonner, Robert Colen, Jerry Lourenco and alternate Michael Behar.

The following staff members were present: County Attorney, Guy Minter. Director of Growth Services Mary Elizabeth Burgess. Planners- Ken Weyrauch, Chris Rison, Ken Odom and Kim Dinkins. Administrative Staff Assistant- Stephanie Soucey, Staff Assistant IV- Darlene Pocock and Staff Assistant IV-Teresa Brown. Tracy Straub, County Engineer. Jody Kirkman, Environmental Services Director.

Chairman, Greg Lord called the meeting to order at 5:30 pm., Director, Mary Elizabeth Burgess read the Proof of Publication and the Affidavit of Mailing and Posting of Notice, and advised that the meeting was properly advertised. Michael Behar led the Invocation and the Pledge of Allegiance. Stephanie Soucey called the roll and a quorum was confirmed.

*All records pertaining to notice to property owners, all correspondence and other related information pertaining to individual Zoning Change and Special Use Permit requests are located in the Zoning Department files for record purposes.*

Growth Services Director, Mary Elizabeth Burgess explained the item listed on the Consent Agenda. This item received no written opposition within 300 feet and staff recommends approval of the request.

	ITEM	OWNER	FROM-TO	ACREAGE
1	210503Z	Thi Nguyen Rev. Living Trust	A-1 and Conditional B-5 to RC-1	11.67
2	210504Z	Harry Hatton Straker, Jr.	R-E to A-1	14.35
3	210506Z	Cyrus and Julie Lott	R-4 to A-1	9
4	210507Z	HTM Developers, LLC	PUD to R-1	1
5	210509Z	Robert and Karen Martel	R-1 to A-1	3.11
6	210510Z	Marguerite McDermott	R-1 to A-1	3.62
7	210511Z	Pamela DeBoer, Jill Langford ET AL, Jason, Justin and Jene DeBoer	B-2 to A-1	50
8	210514SU	Sokol Vineyards LLC	Renewal of Special Use Permit in A-1	1.3
9	210516SU	Dollar Tree Distribution Inc.	Special Use Permit in PUD	200.13

Motion was made by Robert Colen and seconded by Andy Bonner to agree with staff's findings and recommendation, and recommend approval of the following Consent Agenda items (210503Z, 210504Z, 210506Z, 210507Z, 210509Z, 210510Z, 210514SU and 210516SU) based on the following findings of fact:

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

**The Motion passed 5-0**

**210505Z – Jayne Ward, B-4 to M-1, 14.83 Acres. PULLED FROM CONSENT**

**10. 210505Z** Jayne M. Ward, 5480 N. Shore Road, Pensacola, FL 32507, request a **Zoning Change**, Articles 2 and 4, of the Marion County Land Development Code, from B-4 (Regional Business) to M-1 (Light Industrial), for all uses permitted, including uses compatible with an airport, on approximately 14.83 Acres, on Parcel Account Nos. 34899-002-00 and 34899-004-00.

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 6= 0%

Ken Weyrauch, Growth Services, presented this request:

- This is a request from B-4 (Regional Business) to M-1(Light Industrial) on 14.83 Acres. The land use is Employment Center.
- Staff is recommending approval of this request.

The applicant was not in attendance

PUBLIC COMMENT:

Cindy Tveter, 15765 SW Hwy. 484, Dunnellon FL 34432:

- She lives next to the property
- The area has always been agricultural
- 7 or 8 years ago the applicant applied to have a flea market on this site
- Ms. Tveter opposed that request also.
- Ms. Tveter takes care of young kids and adults
- This area has always been family oriented and she does not want strangers in and out, day and night.
- There is industry at the airport but it has nothing to do with their homes
- Concerned about Gopher Tortoises on the subject property
- Her parents used to own the property- that is how she knows about the Gopher Tortoises
- She wants to know exactly what the applicant plans to do with this property

PUBLIC COMMENT CLOSED

Planning and Zoning Commission Recommendation

Motion was made by Robert Colen seconded by Andy Bonner to agree with staff’s findings and recommendation, and recommend approval of the requested Zoning Change based on the following findings of fact:

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

**The Motion passed 5 to 0**

**11. 210508Z**– Jason M. and Crystal I. Reed, 10181 SE 111<sup>th</sup> Court, Ocala, FL 34472, request a **Zoning Change**, Articles 2 and 4, of the Marion County Land Development Code, from R-E (Residential Estate) to A-1 (General Agriculture), for all uses permitted, including a flower nursery, on approximately 3.05 Acres, on Parcel Account No. 3758-014-000.

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 13= 0%

Kim Dinkins, Growth Services, presented this request:

- REQUEST: R-E (Residential Estate) to A-1 (General Agriculture) on 3.05 Acres
- LOCATION: SE 111<sup>th</sup> Court, north of Maricamp Road, South of Locust Road
- Applicant purchased the property in 2019
- The site has 2 homes and a metal building

- Their intended use is for a flower nursery, greenhouse, garden and poultry
- R-E zoning allows these uses by right (non-commercial) including horses and cows
- A-1 allows for high intensity agricultural uses
- Does adversely affect the public interest:
  - o The parcel is 1/3 the minimum size required for A-1 Zoning
  - o Intense agricultural uses allowed cannot reasonably be accommodated on the parcel
  - o A number of parcels in the vicinity have rezoned to R-E
  - o No surrounding parcels are being used for bona fide agriculture
  - o The current R-E zoning allows personal-use agricultural activities by right and the Board could authorize additional limited uses under a Special Use Permit
- Consistent with the current Comprehensive Plan.
  - o A-1 may be compatible with Low Residential, but only if large enough parcel or other development limitations exist.
- Not compatible with land uses in the surrounding area
  - o The surrounding area is a mix of single family, site built and mobile homes and commercial uses. Allowing the subject property to rezone to A-1 is not consistent with the current uses in the surrounding area and the long term plan for the area.
- Staff recommended DENIAL and advises the applicant to return with a Special Use Permit application to request certain agricultural and commercial uses.

Jason Reed, 10181 SE 111<sup>th</sup> Court, Ocala FL 34472, the applicant:

- The former owner did not want to change to R-E.
- He is ready to file with the USDA Nursery Certification and fulfill a bond if considered
- His hardship with a Special Use Permit is that he is a government contractor enrolled in sam.gov with the NSF SBIR program. For some SUP permits would be compliant with many of the agricultural requirements. Even contracts where an SUP could work the process would just take too long. He was told a little bit over a month. This would not work because he can get contracts at a moment's notice. It depends on fiscal quarters and subjects like that.
- Having A-1 zoning would expand his capabilities as a small business.
- Just this past year they have built garage using a county required major site plan. They built a retention pond working with the stormwater department and the driveway they repaired an apron by the county's request.
- He has 40 neighbors who have A-1 zoning.

Crystal Reed, 10181 SE 111<sup>th</sup> Court, Ocala FL 34472, the applicant:

- They purchased the property from her grandparents in 2019. Her grandparents owned the property from 1993 to 2019. When her grandparents purchased the property it was A-1. Her grandparents were required to change the zoning to R-E in 1994 in order to build a house on the property.
- Her husband has his business and does very well.

Kim Dinkins- Since 1992 this property has been designated Low Density Residential. This property has always been 10 acres. Changing the property from A-1 to R-E made it compatible with the Land use.

Mary Elizabeth Burgess stated that if the Reeds would like to go for a SUP staff could place the request on next month's P&Z Agenda.

The Reeds stated that the SUP would not work for their small business.

Mary Elizabeth Burgess stated that she was afraid this was going to turn into a commercial use and would need a SUP anyway.

Jason Reed stated that it would be stocking of the flowers for a Florida Certificate for a small nursery. All my neighbors except for 5 (at least 80 neighbors) have A-1 and they are all under 10 acres (or 90% of them are).

**PUBLIC COMMENT:**

There was no one in attendance that spoke for or against this item.

**PUBLIC COMMENT CLOSED**

Planning and Zoning Commission Recommendation

**Motion 1 was made by Jerry Lourenco to disagree with staff's findings and recommendation, and recommend approval if the requested zoning change. This motion died for lack of a second.**

Motion 2 was made Andy Bonner seconded by Robert Colen to agree with staff's findings and recommendation, and recommend denial of the requested zoning change based on the following findings of fact:

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

**The Motion passed 4 to 1 with Jerry Lourenco dissenting**

**12. 210513SU**– Michael J. and Trudi J. Moore, 12203 NW 35<sup>th</sup> Street, Ocala, FL 34482, requests a **Special Use Permit**, Articles 2 and 4, of the Marion County Land Development Code, for three (3) RV sites for personal use, in an A-1 (General Agriculture) zone, on approximately 27.53 Acres, on Parcel Account No. 12627-000-01.

WRITTEN OPPOSITION WITHIN 300 FEET 1 of 11= 9%

Ken Weyrauch, Growth Services, presented this request:

- Requesting 3 RV sites. Two for personal use and one is for non-commercial guest.
- This site is inside the farmland preservation area with rural land use.
- Staff is recommending approval with conditions of this request

The applicant was not in attendance

**PUBLIC COMMENT:**

Robert Bruni, 12233 NW 35<sup>th</sup> Street, Ocala FL 34482:

- His property is adjacent to the west of the subject property
- Why is construction allowed to go on while they are waiting on a SUP?

Ken Weyrauch, Growth Services: When he did his site visit he saw that they were building a pool and the barn which are both allowed by rite within the A-1 zoning. The construction has nothing to do with this application.

- He objects to this because it looks like a lot more than what they are asking for. There is a lot of construction going on out there. It looks to him like there is plumbing already installed. Are these RV sites going to be for people to live in or strictly for storage? They are going to impact the water.
- He has lived in the area for 42 years.

Marilyn Burnham, 12225 NW 35<sup>th</sup> Street, Ocala FL 34482:

- Her and her mother live to the north of the property
- She is downhill to the property and is concerned about the water that runs down the hill. She does not want her garage underwater.
- She goes by there every day and she cannot figure out what they are doing. She wants more information.

**PUBLIC COMMENT CLOSED**

Planning and Zoning Commission Recommendation

Motion was made by Andy Bonner seconded by Michael Behar to agree with staff's findings and recommendation, and recommend approval of the requested special use permit based on the following findings of fact:

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

**The Motion passed 5 to 0**

**13. 21-L01-** James R. and Diane T. Schilling, New Direction IRA FBO, and Richard J. Schilling IRA, 7524 N. Chief Lake Road, Hayward, WI 54843, request a **Large-Scale Land Use Amendment**, from commercial and medium density residential to employment center, on approximately 39.28 Acres, on Parcel Account No. 48320-000-00.

**14. 210501Z-** James R. and Diane T. Schilling, New Direction IRA FBO, and Richard J. Schilling IRA, 7524 N. Chief Lake Road, Hayward, WI 54843, request a **Zoning Change**, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) and PMH (Mobile Home Park), to PUD (Planned Unit Development) for the intended use of Multi-Family and Commercial development, on approximately 39.28 Acres, on Parcel Account No. 48320-000-00.

WRITTEN OPPOSITION WITHIN 300 FEET 20 of 125= 16%

Chris Rison, Growth Services, presented this request:

- This request is a combination Comprehensive Plan Future Land Use Map Amendment and a PUD rezoning
- They are requesting a Future Land Use change from Commercial and Medium Residential to Employment Center. In 2001 a large-scale land use change was approved (2001-L04) that designated the north half of the site Commercial and the south half Medium Residential. That approval was accompanied by a companion developer's agreement that established maximum development amounts for the resulting commercial and medium residential portions of the site. An amendment or repeal of this developer's agreement will be required in order to have this project move forward as it is being proposed.
- The requested future land use designation of Employment Center will allow for higher density and intensity residential and commercial uses.
- The project's PUD rezoning application was accompanied by two pairs of conceptual plans- one pair each for the commercial and residential portions of the site. The applicant has proposed the plans as alternatives to allow for development flexibility as end users for the commercial area have not yet been determined, while the residential development is continuing to evaluate market opportunities before making a final determination of the housing form.
- Staff recommendations:
  - o The residential area requires an A-Type Buffer and extension of the buffer to the PUD's commercial area is recommended.
  - o Staff recommends exterior buffers not be eligible for further design waiver without obtaining Board consideration for their approval in a duly noticed public hearing wherein the notices (e.g. mailing, ads, etc.) are funded by the applicant.
  - o Staff recommends that phased buffer installation is acceptable; however recommends that the Development Review Committee (DRC) be authorized to require the installation of other buffer segments when it deems appropriate, with the then applicant being eligible to appeal that determination to the Board consistent with DRC's waiver review process.
  - o Staff recommends that shifts in development areas be authorized to accommodate final design adjustments such as for access/connectivity, recreation, stormwater, along with adjustments to accommodate opportunities to modify the locations of the authorized development amounts.
  - o Staff recommends that prior to obtaining any final PUD Master Plan or equivalent approval, a traffic study (ies) must be provided and it shall include projections related to the overall PUD.
- Staff recommends approval of both requests with development conditions for the PUD

David Tillman, Tillman & Associates Engineering, 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala FL 34471, represented the applicant:

- They are willing to work with Hilltop Estates to have a shared access for them to come through the commercial portion that they are doing and to provide better access.
- There is a disconnect between their location and the Villages. You will see that on a regular basis. That is to limit the connectivity for the golf cart access for those properties. So that opportunity does not exist for them there.
- He has worked on many other projects in this region. He has worked on the 2500 acres of the Villages here in Marion County many years ago. They look at this as primarily an infill project.
- The commercial designation land use across the front has been in place for some period of time. It was medium density in the back. They are asking to go to Employment Center across the board because it meets with their request for the higher intensity, multi-family product that is on the south side of their project. This is a step down from commercial to a single-family residential type product.
- They are leaving in considerable buffers. They are going to try to leave as many trees across the south side to create a very significant separation in between their multi-family and the single-family residential to the south. That is the reason why you see the larger buffers specified in their plan and the larger setbacks. It is so they can provide that separation between the two types of development.

**PUBLIC COMMENT:**

Paul Floramo, 16718 SE 95<sup>th</sup> Terrace, Summerfield FL 34491:

- He lives within 300' of the proposed plan
- He is speaking in behalf of a lot of the residents in Hilltop Estates
- They are a resident owned, 55+ plus community. They are all 55+ not 80/20.
- What is being proposed -multi-family with no age restriction – would hurt their land values as well as the possibility of having younger folks in their community that do not belong there.
- The impact on their water – they are on wells- is strongly a problem
- Concerned about commercial traffic in and out of there
- There is a buffer issue; there is no way to protect their community from the proposed plan
- They strongly oppose this and wish that you would just leave the zoning as is and let someone come in and develop it for age restricted, single family homes. That is what surrounds it.

Holly Didden, 16906 SE 93<sup>rd</sup> Court Cuthbert Circle, The Villages, FL 32162: (speaker spoke extremely fast-hard to understand)

- She lives within 300' of the subject property; She is opposed to the requests
- The property is surrounded by single family, one story, age restricted homes
- Request not compatible with the area

Bob Riedel, 16669 SE 95<sup>th</sup> Terrace, Summerfield FL 34491:

- The President of Hilltop Estates Home Owners Association
- Presented a petition against the project

Annette Crespi, 16918 SE 93<sup>rd</sup> Cuthbert Circle, The Villages, FL 32162:

- She conceded her time to Holly Didden

Holly Didden, 16906 SE 93<sup>rd</sup> Court Cuthbert Circle, The Villages, FL 32162: (speaker spoke extremely fast-hard to understand)

- Concerned about people looking at them when they are in the pool?
- Applicants are cruel?
- Elderly cannot fight; they are preying on the weak

Richard Kornicki, 16918 SE 93<sup>rd</sup> Cuthbert Circle, The Villages, FL 32162:

- He lives in the Villages
- Agrees with everything that was said

- Told by a realtor that his house value would go down 10 to 20%. He can look right at the buildings
- Existing Employment Center in the area was developed when nothing else was around it. It was a planned effort.

William Patterson, 9260 SE 167<sup>th</sup> Ford Street, The Villages, FL 32162:

- He is one house over from the fence that is going to be there
- There is a nice row of trees on the west side that he was told that were protected
- He agrees with everything that was said

Deborah Schoonover, 16839 SE 91<sup>st</sup> Crenshaw Terrace, The Villages, FL 32162:

- She lives to the west of the request
- The commercial side sounds intriguing and she thinks they could use some of that
- If you put two and three story homes next door they will be able to look down at every area of the homes around there.
- She is a realtor and the values of the homes will deteriorate significantly
- Neither Hilltop nor Phillips Villas has a manned gate for safety. They already have problems with people coming across the street to their pool
- She is opposed and agrees with what has already been said

Teresa Daniels, 16624 SE 95<sup>th</sup> Court, Summerfield FL 34491:

- Her property abuts the subject property
- She agrees with what is already been said
- Concerned about traffic
- Hilltop has problems with burglaries and people climbing into their backyards

Fred Didden, 16906 SE 93<sup>rd</sup> Cuthbert Circle, The Villages FL 32162:

- Strongly object
- What does Employment Center allow them to do?

Henry Rodriguez, 16655 SE 95<sup>th</sup> Court, Summerfield FL 34491:

- He directly looks out to the subject property
- He objects

Karen Tynes, 16921 SE 93<sup>rd</sup> Cuthbert Circle, The Villages FL 32162:

- Will they be housing people from the Substance Abuse Facility here?
- Proposed dog park directly abuts their retention pond

Zoe King, 6315 SE 96<sup>th</sup> Street, Belleview, FL 34420:

- Does not live in the Villages – 34 years old
- Used to work there
- Proposal not of any value to anyone
- Concerned about medical response

Dan Deakin, 7220 SE 172<sup>nd</sup> Hazelwood Loop, The Villages, FL 32162:

- He is a supervisor for the community development district 4 which is district 3 for the Marion County Commission. He represents 5400 roof tops which adds up to over 10,000 residents. They are all seniors, age restricted and all live in single family homes.
- This is the wrong project in the wrong place
- Project should be single family age restricted

Andrew Kresch, 16563 SE 96<sup>th</sup> Court, Summerfield FL 34491:

- He lives in the Hilltop Estates Community
- Concerned for the Safety of First Responders
- Hospital currently usually has a five hour wait in the Emergency Room
- Concerned about trees

Linda Gilbert, 16699 SE 92<sup>nd</sup> Stokes Court, The Villages FL 32162:

- Agrees with everything already said
- Concerned about the oak trees with Eagles and Owls

Nancy Fallon, 9247 SE 166<sup>th</sup> Sprung Lane, The Villages FL 32162:

- Concerned about traffic on 42 and Mulberry Lane

**REBUTTAL:**

David Tillman, Tillman & Associates Engineering, 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala FL 34471, represented the applicant:

- This is not planned as an age restricted project
- We do not intend to save all the trees, but the intent is to save the trees on the outer perimeter so that they can provide a buffer in between the two types of uses.
- The best way to put uses together is with a better buffer. The better the buffer you put together the more compatible your adjacent uses are.
- Employment Center could allow a lot of additional uses, but the accompanying PUD limits the development to the submitted concept plan.
- The requested commercial project is considerably less than what is allowed even with the current development agreement restriction
- They are not owned by the rehab facility and do not have any intentions to house anyone from there
- They are asking for 324 units
- They will be a very small impact compared to all the commercial that is still available for development on the Villages property
- He was not aware of any previous application
- We are going to be a small impact on traffic
- There is more than one fire department in the region that can access this property
- If you look at all the calls that are made within this region, the majority of the calls come from the age restricted communities.
- This project will be on centralized water and sewer

**PUBLIC COMMENT CLOSED**

21-L01 Planning and Zoning Commission Recommendation

Motion was made by Robert Colen seconded by Michael Behar to agree with staff's findings and recommendation, and recommend approval of the requested Large-Scale 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 3 to 2 with Greg Lord and Andy Bonner dissenting**

210501Z Planning and Zoning Commission Recommendation

Motion was made Michael Behar seconded by Andy Bonner to disagree with staff's findings and recommendation, and recommend denial of the requested zoning change based on the following findings of fact:

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

**The Motion passed 3 to 2 With Jerry Lourenco and Robert Colen dissenting**

**15. 210502Z**– Maro Investment Ocala, LLC, c/o Rock Cloutier, 132 Olivera Way, Palm Beach Garden, FL 34418, request a **Modification and Renewal of Zoning Change #140807Z**, Articles 2 and 4, of the Marion County Land Development Code, from PUD (Planned Unit Development) to PUD (Planned Unit Development), for the intended use of a proposed single family residential subdivision with 980 units, and neighborhood commercial, on approximately 221.75 Acres, on Parcel Account Nos. 41201-000-00, 41338-001-00, 44639-001-00 and 44645-002-00.

WRITTEN OPPOSITION WITHIN 300 FEET 0 of 137= 0%

Ken Weyrauch, Growth Services, presented this request:

- Request from expired PUD (Residential and Commercial) to PUD (Residential and Commercial)
- Located on SW 20<sup>th</sup> Avenue, south of HWY 484
- Size is 221-75 Acres
- Current Land Use is Medium Density and Commercial
- Staff Concerns:
  - o Traffic Study/Access:
    - A traffic study has not been completed for this project. Project has access on SW 20<sup>th</sup> Avenue, a 2-Lane road that dead ends to the south. To the north, SW 20<sup>th</sup> ends at SW Hwy 484. A constrained roadway with more traffic is a concern. At Buildout, the residential component of the proposed PUD would add 4,814-5,987 new daily trips (according to ITE).
  - o Multiple Concept Plans:
    - Applicant submitted three (3) concept plans, the differences being the 24.03 acres of commercial area along SW 20<sup>th</sup>. Two plans propose commercial uses (1 large plaza vs 4 commercial parcels) and one plan proposes multifamily in the area.
    - This causes concerns when it comes to use, buildout, and the traffic study.
    - All other PUDs are bound by one plan and with the option to come back to modify the PUD through the public hearing process.
  - o Open Space Requirement not met:
    - PUD proposes 22 acres or 11.3% open space for the residential area. Nothing is proposed for the commercial area. For residential area only, this is 17.54 acres (8.87%) short. Commercial area needs 20% open space as well.
  - o Parallel access for commercial areas is required by the LDC.
    - Area to the north is not developed nor is it proposed to develop commercially. Future development would need parallel access to allow for proper access management in this constrained area.
- Staff recommends denial with alternative approval conditions (proposal does not meet minimum LDC requirements)

Tracy Straub, County Engineer:

- 484 and I-75 is about to go out to bid with DOT. They will do that project in their new fiscal year which begins in July. You are going to see them improve the on ramp flow and off flow as well as the turn lanes to get on and off of those on ramps. Moving all the way up to the signal at 475-A. There has been an ultimate need that has been realized to put additional lanes underneath it, but they cannot do that because of the way the bridge is constructed. At this time they can change all the turn lane configurations and the link for the turn lanes. What happens now is you want to take the turn onto the interstate and the turn lane is not long enough so you are stacking out into the freeway. They are going to lengthen all of that, they are going to lengthen the ability of the turn lanes to receive traffic going into the interstate. All of that motion is to be corrected. They are going to put that out for bid in July. It is at least a year's worth of construction activity.

David Tillman, Tillman & Associates Engineering, 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala FL 34471, represented the applicant:

- This is an expired PUD which had the majority of this use already on the site.
- Planning and Zoning staff has asked him to pick one of the options for out front. He wanted to get it approved with multiple options out front and then he would not have to come back if they wanted to modify it. Our primary interest is the residential development. A 40-foot lot type villa product in front.
- They are working on modifying the plan to meet the 20% open space requirement. The original plan was developed under a different code criteria.
- They will provide parallel access.
- The connection to Marion Oaks would be for emergencies only. The primary access will be off of 20<sup>th</sup> and up to 484.
- There is a considerable traffic impediment out on 484 and they will be having to do a traffic study to resolve any traffic issues that they have or any impacts they create on this roadway. They will have to be remedied with them paying their fair share for impact and the improvements that are going to be required to allow this traffic to flow and meet a level of service criteria that is required by county code.
- PUD will have 841 units
- They will relocate the driveway further up on 20<sup>th</sup> to create some separation from Summer Glen

**PUBLIC COMMENT:**

Jan Lemon, 1824 SW 158<sup>th</sup> Lane, Ocala FL 34473:

- I am here as a resident of our community. I believe that there will be other speakers from our community and Marion Oaks next door to us.
- I recognize the developer of this parcel is entitled to request a PUD because it is within the development code of the Master Plan for the County, but there are many concerns about this project.
- Number one being that they would like it to be an over 55 too.
- There is a huge concern about the traffic flow on CR 484. A million square foot distribution center is approved and building. That commerce center still has many acres to develop. The truck traffic from these projects continues to grow.
- The interchange on I-75 (Exit 341) will start new construction this year. The exits north and south will start this year. Lane rebuild and turn lanes on CR 484 from CR 475A and SW 20<sup>th</sup> Lane Road are included in this project. That construction is projected to take 30+ months.
- It seems that traffic light signals from CR 475A and SW 20<sup>th</sup> Lane Road could be better synchronized. Many times in left lanes vehicles are beyond stacking points and block adjacent Lanes when lights change it barely allows 3 cars to make it through. Because of the Pilot Gas Station the amount of trucks using SW 20<sup>th</sup> is huge. Back up at peak times is extreme. (And just as an insight if you have to leave our community early in the AM around 7:00, tractor trailers are using the roadside for sleeping. That should be prohibited).

Bruce Halgren, 16394 SW 14<sup>th</sup> Court, Ocala FL 34473:

- Concerned that the rear setback is 10 feet with no buffer. A nonage restricted community next to an age restricted community with no buffer.
- Amenities package is not big enough; SummerGlen has a lot of amenities. Afraid that people will come over to use their amenities.

Robert Saltzman, 1481 SW 16<sup>th</sup> Lane, Ocala FL 34473:

- This is not compatible with the surrounding area
- Negatively affect their house values

Barbara Gaynor, 1504 SW 160<sup>th</sup> Street, Ocala FL 34473:

- Egress from the back for emergencies only- you cannot have an additional 700-1400 cars coming off of 20<sup>th</sup> avenue road

Lou Farinella, 15338 SW 15<sup>th</sup> Terrace Road, Ocala FL 34473:

- He backs up right up to the proposed development
- A Florida Panther lives at this site

Beverly Hanawalt, 1726 SW 157<sup>th</sup> Place Road, Ocala FL 34473:

- The commercial site down the road is a tree farm

Bob Lemon, 1824 SW 158<sup>th</sup> Lane, Ocala FL 34473:

- He gave his two minutes to his wife

Jan Lemon, 1824 SW 158<sup>th</sup> Lane, Ocala FL 34473:

- Now we will be dealing with construction vehicles for this new residential project on SW 20<sup>th</sup>. This is a small local road. Our road will need turn lanes, shoulders, and widening. More construction.
- Every design plan that was submitted has the main entrance right next to SummerGlen. I would request that entrance be moved to the north end of this project on SW 20<sup>th</sup>. That would allow for more space between the two subdivisions for ingress and egress.
- The only green space depicted on these plans appear to be DRAs. The amount of open space around the multi-family buildings appears to be minimum. How many apartments units are there?
- Summer Glen has an 8 foot fence around most of our border. We would want that same fencing along this property that borders our community It is difficult to see the setbacks from the SummerGlen border. How far is it? What plans will be approved to provide a barrier with SummerGlen?
- Does the developer know what price range these homes will be? Not one of the lot sizes is the size of home lots in SummerGlen. There was mention of "waivers" granted with the previous PUD expired request. What were they?
- It seems the density of this project might meet allowances but the removal of multi-family units would make the project more compliant with the existing area. This area is out of the way. Now we would be dealing with School buses and children that really have nowhere to go if they leave their community except my car. The concern is that they will be attracted to SummerGlen and its amenities. Our community is very safe and we would like to keep it that way.
- There are folks that would like the extra people for the purpose of golf play and customers to our restaurant. Those are attractive possibilities but the overall concern has to be for the people who live there now. For the ability to accommodate the traffic this will bring and what will follow with approvals of this community. Marion County is growing by leaps and bounds and planning approvals must be done with the future in mind. Growth is a red herring. What we gain and what we end up paying should balance.
- How soon will we know what the recommendation will be to the County Commissioners and will this packet be available to the public before that meeting for comment purposes?
- Thanks for your time

William Rodrigues, 16038 SW 15<sup>th</sup> Court, Ocala FL 34473:

- He agrees with everything that has been said
- Are they going to develop the property or are they changing the zoning to increase the resale value?

Roland Lafontaine, 15711 SW 16<sup>th</sup> Avenue Road, Ocala FL 34473:

- Worried about people visiting their golf course
- How much are the homes going to cost?

Richard Knowles, 15696 SW 14<sup>th</sup> Avenue Road, Ocala FL 34473:

- Concerned about emergency services being able to reach them in a timely manner
- Concerned about people's safety walking on 20<sup>th</sup>

Sandra Lafontaine, 15711 SW 16<sup>th</sup> Avenue Road, Ocala FL 34473:

- Concerned about the present owner not being the same owner next year
- Wants to know what the houses will cost

**REBUTTAL:**

David Tillman, Tillman & Associates Engineering, 1720 SE 16<sup>th</sup> Avenue, Bldg. 100, Ocala FL 34471, represented the applicant:

- Any previously approved waivers will not apply to this project
- He does not know the price of the homes but will have that information at the BCC
- It is not all 40 feet lots; the front will have the smaller lots and there will be similar sized lots adjacent to the homes in SummerGlen.
- The conditions of the PUD will be carried out by the new owner
- This property is for sale; they do have a prospective buyer
- They plan on buffering in between the two developments; He will take the request for the fence to the owner to consider
- The Amenities site will be 12+ acres. They will have a club house, a pool, park setting, playground equipment, basketball-tennis-pickle ball courts.
- 20<sup>th</sup> has a tremendous amount of capacity left. There are issues at the intersection that have to be resolved and will be addressed with their traffic study.
- He agrees that the Pilot station allowing trucks to sleep along the roadway is an issue.
- There is no proposed connection to be made to SummerGlen.
- If there are any multi-family components they would be located in the very center of the project away from existing developments.

**PUBLIC COMMENT CLOSED**

Planning and Zoning Commission Recommendation

Motion was made by Jerry Lourenco seconded by Robert Colen to disagree with staff's findings and recommendation, and recommend approval with alternative development conditions of the requested 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 3 to 2 with Michael Behar and Andy Bonner dissenting**

**16. 210512Z-** Flying Eagle Resources, LLC, c/o Ursula Henning, 150 SE 2<sup>nd</sup> Avenue, Suite 304, Miami, FL 33131, request a **Zoning Change**, Articles 2 and 4, of the Marion County Land Development Code, from R-1 (Single Family Dwelling) to R-2 (One and Two-Family Dwelling), for all uses permitted, including a 140 unit residential development, on approximately 35.07 Acres, on Parcel Account No. 37515-000-11.

WRITTEN OPPOSITION WITHIN 300 FEET 14 of 33= 42%

Ken Odom, Growth Services, presented this request:

- Request to rezone from R-1 to R-2
- Land use is Medium Density Residential
- Size is 35.07 Acres
- This section was part of the Gulf Park LLC. Master Plan Community, It has been split into Gulf Park Unit 1 and Unit 2 and also the Fountains at Gulf Park
- They intend to sell a duplex property to a single owner and the owner could rent one or both
- They plan on building 140 affordable homes; 4 per acres
- There are minimum size housing requirements in the surrounding developments
- Their plan does not fit in with what is already in the area
- Staff recommends denial of this request
- The proposed zoning change will adversely affect the public interest
- The proposed zoning change is consistent with the Comprehensive Plan
- The proposed zoning change is not compatible with land uses in the surrounding area

David MacKay, 2801 SW College Road, Suite 9, Ocala FL 34474 represented the applicant:

- There are no covenants or restrictions that would restrict an R-2 use on this parcel
- With the medium density R-1 would allow the same number of units that would be allowed in R-2
- It will have water and sewer provided by the city of Belleview
- The setbacks are further in a R-2 structure instead of R-1
- This is not going to be subsidized housing
- It is much more efficient to serve a two unit house than an one unit house
- Good starter homes and homes for retirement
- R-2 will not add any more traffic than the R-1
- The mix of uses in not incompatible

**PUBLIC COMMENT:**

Dennis Durkin, 9890 SE 64<sup>th</sup> Avenue, Belleview FL 34420:

- Lives in Phase one of Gulf Park Estates
- Not compatible with the area
- Told the history of Gulf Park Estates

Kat Tuck, 6730 SE 99<sup>th</sup> Place, Belleview FL 34420:

- Acting President of the Gulf Park Property Owners Association
- Turned in a petition
- Concerned about deteriorating county roads
- Gulf Park pays for the lights
- In Gulf Park they have one to two acres lots
- Belleview Utilities cannot handle the growth
- Both the Fountains and Gulf Park are deed restricted communities
- Their medium home value is \$400,000

Zue King, 6315 SE 96<sup>th</sup> Street, Belleview FL 34420:

- She agrees with everything that has already been said
- The Fountains is all custom built houses
- Concerned about traffic
- They all have HOAs that they have to abide by

Bob Powell, 9909 SE 67<sup>th</sup> Avenue Road, Belleview FL 34420:

- Concerned about traffic
- This was part of the original plan and was always planned to be single family homes

Todd Basso, 9628 SE 61<sup>st</sup> Terrace, Belleview FL 34420:

- President of the HOA in the Fountains of Belleview
- The smallest lots are 1/3 of an acre in the surrounding developments

Charles White, 6926 SE 99<sup>th</sup> Place, Belleview FL 34420:

- The zoning is there to protect the homeowners in the community

Larry Miller, 9865 SE 64<sup>th</sup> Avenue, Belleview FL 34420:

- He understands that everyone needs a place to live but this is not compatible

Neva Wise, 6670 SE 96<sup>th</sup> Place Road, Belleview FL 34420:

- Agreed with everything already said
- Concerned about traffic
- Concerned about existing sinkholes on the property

**REBUTTAL:**

David MacKay, 2801 SW College Road, Suite 9, Ocala FL 34474 represented the applicant:

- A dwelling unit houses one family whether it is two dwelling units under one roof or one dwelling unit under one roof. The same amount of dwelling units either way.
- Whether or not there is a second entrance is the county's decision
- The developer did not place any deed restrictions or covenants on this particular property
- This property is actually intended to be a separate standalone community
- There are no rental restrictions in the county
- It is going to be market rate housing
- It is extremely expensive to build single family structures with water and sewer

**PUBLIC COMMENT CLOSED**

Planning and Zoning Commission Recommendation

Motion was made by Jerry Lourenco seconded by Andy Bonner to agree with staff's findings and recommendation, and recommend denial of the requested zoning change based on the following findings of fact:

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

**The Motion passed 5 to 0**

**MINUTES:**

Motion was made by Jerry Lourenco, seconded by Andy Bonner to approve the minutes of the March 29, 2021 Planning & Zoning Commission meeting.

**The motion passed 5 to 0**

**ADJOURNMENT:**

The meeting adjourned at 9:39 PM

Attest:

\_\_\_\_\_  
Greg Lord, Chairman

\_\_\_\_\_  
Stephanie Soucey  
Administrative Staff Assistant