

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

February 3, 2011

The Marion County Board of County Commissioners met in a special session in Commission Chambers at 6:00 p.m. on Thursday, February 3, 2011 at the Marion County Governmental Complex located in Ocala, Florida.

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

Upon roll call the following members were present: Chairman Stan McClain, District 3; Vice-Chairman Charlie Stone, District 5; Commissioner Mike Amsden, District 1; Commissioner Kathy Bryant, District 2; and Commissioner Carl Zalak, District 4. Also present were County Attorney Matthew G. Minter and County Administrator Lee Niblock.

Comprehensive Plan/Ordinances – Deputy Clerk Bonvissuto presented Proof of Publication of a display advertisement entitled, “Notice of Change of Land Use Marion County Comprehensive Plan” published in the Star Banner newspaper on January 24, 2011. The Notice stated the Board would consider adoption of the Evaluation and Appraisal Report (EAR) based amendments to the Marion County Comprehensive Plan to complete the 2010 Comprehensive Plan Update.

Prior to commencement of the public hearing, Planning Department staff presented the following documents: a one page Agenda; and a spiral bound document entitled, “Marion County, Florida Comprehensive Plan 2035”.

Growth Management Director Jimmy Massey advised that today was the first of two adoption public hearings for the EAR-based amendments. He noted that agenda item I. Mineral Resource Overlay Zone (MROZ) was withdrawn and would no longer be considered for adoption by this Commission. Mr. Massey addressed an email request from the applicant’s agent relating to agenda item K. Equine Commercial Support District Map (M03) and Text (T01) requesting this matter be continued to the next public hearing scheduled for Thursday, February 10, 2011, which staff supported. He presented a copy of the 5 page (double-sided) email from Gray, Ackerman & Haines, P.A. to the Deputy Clerk and distributed to Commissioners as well as individuals in the audience.

A motion was made by Commissioner Stone, seconded by Commissioner Amsden, to continue agenda item K. Equine Commercial Support District Map (M03) and Text (T01) to Thursday, February 10, 2011. The motion was unanimously approved by the Board (5-0).

Mr. Massey stated another suggested change to the Agenda, noting there was very little objection to items on the agenda, except for item L. Irvine Regional Activity Center, which he requested be moved to the front of the agenda for discussion. It was the general consensus of the Board to concur.

Comprehensive Plan/Contracts & Agreements/Ordinances – Mr. Massey presented a 27 page document regarding the Irvine Regional Activity Center (RGAC) to follow along with the PowerPoint presentation prepared by Planning Department staff. It was noted that copies were also provided to the general public. He gave a brief

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overview of the PowerPoint presentation relating to the Irvine RGAC originally located at the intersection of I-75 and CR 318, noting staff was asking that the Board of County Commissioners (BCC) take action to remove the existing properties from the proposed RGAC leaving only the Heart of Florida property (Draft map on page 2 of the PowerPoint handout).

A motion was made by Commissioner Stone, seconded by Commissioner Amsden, to remove the properties on the west side of the boundary line of the proposed RGAC.

General discussion ensued.

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

Mr. Massey addressed the parcel commonly referred to Heart of Florida property located at the southeast corner at the intersection of I-75 and CR 318. He continued with the overview of the PowerPoint presentation.

General discussion was held with regard to the level of service standard (LOSS) to CR 318 (from I-75 to US 441).

Mr. Massey continued with the overview of the PowerPoint presentation.

Discussion ensued in relation to utilities. Utilities Director Flip Mellinger advised that he would want the site built utilities conveyed to the County. He addressed the rough estimate of associated costs from an Operations and Maintenance (O&M) standpoint as well as additional staff. General discussion continued with regard to capacity.

Mr. Massey continued with the overview of the PowerPoint presentation.

General discussion ensued with regard to proposed population and housing needs. Mr. Massey stated staff could have challenged the numbers, but chose not to for planning purposes. He stated staff assumed the numbers were accurate, noting the principal was present and could address the issue. Chairman McClain stated it was a 5 mile radius.

Mr. Massey continued on with the overview of the PowerPoint presentation. He advised that staff recommendation was to not adopt the amendment on the basis that it was not consistent with the WilsonMiller Economic Mode; not consistent with the Economic Development Corporation (EDC) Florida Business Park Market Study prioritized site list; not consistent with the Future Land Use Element (FLUE); not consistent with the Capital Improvements Element (CIE); and not financially feasible (page 24). Mr. Massey addressed the alternatives (page 27), which included: do not adopt; utilize the development of regional impact (DRI) process; utilize expedited permitting process; adopt the RGAC Overlay only: not specific land uses; and adopt with a Developer's Agreement. He commented further on staff's recommendations for a Developer's Agreement. Mr. Massey advised that staff was still recommending denial.

General discussion ensued with regard to Developer's Agreements, issues with the Department of Community Affairs (DCA) in relation to Developer's Agreements and the DRI process. Mr. Minter advised that approval of the amendment should run parallel to the Developer's Agreement.

Ron Manley advised from his seat in the audience that he would address the Board after public comment.

It was noted that Susan Woods, NW 90th Avenue, and Tim Grant, SE 3rd Street, did not appear when called upon to speak.

Upon call for public comment, Darlene Weesner, SW 80th Street, noted her opposition as it was not appropriate at this time.

The following individuals advised that they would not speak: Peter Mills, NW Highway 225, Reddick; Jerome Feaster, North Highway 329, Micanopy; Vickie Dunn, PO Box 275, Micanopy; Pete Axson, Citra; and Pat DeLettre, SE 73rd Place.

William Alsmeyer, NW Highway 225, Reddick, commented on what should be included in a Developer's Agreement.

Ronald Burleigh, North Highway 329, Micanopy, commented on the Farmland Preservation Area, noting citizens continually had to appear before the Board and suggested the Board put an end to development in the Farmland Preservation Area.

Chad Campbell, Highway 329, Micanopy, suggested the Board deny the amendment as there was no Developer's Agreement.

Gail Sterns, NW Highway 225A, stated she supported staff's recommendation for denial, noting the Developer's Agreement would have to be consistent with the Comprehensive Plan. She presented a 4 page document entitled, "Excerpts from 2009 EAR and my responses in relation to Irvine".

Melissa Norman, attorney representing Save Our Rural Areas (SORA), addressed the Board at length in regard to SORA's opposition to the amendment. She suggested the Board require the developer to come back with a full economic report.

Don Seelig, SW 84th Terrace, stated it could be developed with a proper Developer's Agreement, noting the Irvine RGAC would be good for Marion County.

Peter Bowers, NW 21st Street, stated this was a major proposal with great potential, both positive and negative. He suggested the matter should move forward as a DRI and not as anything else.

Commissioner Zalak out at 7:47 p.m.

Douglas Shearer, SE 85th Street, commented on a Developer's Agreement as well as additional costs for services and questioned whether it was worth it.

Renee Andrews, NW Highway 320, Micanopy, stated she supported the Farmland Preservation Area and noted her opposition to the proposed amendment. She requested the Board to support staff's recommendation for denial.

Commissioner Zalak returned at 7:52 p.m.

Don Love, NW Highway 225, addressed his concerns with traffic and urged the Board to deny the amendment.

Esperanza Casteneda, SE 62nd Place, advised that she was a business owner for 24 years and a member of the Chamber of Commerce. She recommended the Board accept staff's recommendation to deny.

Ralf Brookes, attorney representing the Marion County Citizen's Coalition, Inc., presented a single page letter dated February 3, 2011 in regard to opposition of the proposed Irvine RGAC. He suggested the Board accept Planning Department staff's recommendation to not adopt the amendment.

Ron Love, West Highway 318, requested the Board not to surrender agriculture.

Joe Feaster, representing the Estate of Jake Feaster, voiced his opposition and supported staff's recommendation for denial.

Michelle Shearer, SE 85th Street, recommended the Board listen to Planning Department staff and not adopt the Irvine RGAC.

Judy Greenburg, NW CR 320, McIntosh, commented on changing the density in the Farmland Preservation Area to 1 dwelling unit per 10 acres, which was not farmland preservation.

Ira Stern, NW Highway 225A, commented on the Farmland Preservation Area and recommended the Board deny the Irvine RGAC and not forward to DCA.

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Ron Manley, Manley Consulting Group, LLC, Windermere, Land Planner for Heart of Florida, appeared to address the Board. Chairman McClain suggested he answer specific issues as to water/sewer. Mr. Manley commented on the Irvine RGAC location, which had access to I-75. He addressed the economic need, public facilities and services, noting water and sewer would be needed, but did not necessarily agree with cost estimates. Mr. Manley stated his client was committed to work with the County to create Sheriff/Emergency Medical Services (EMS)/Fire support facility, noting it was a 25 year plan. He stated his client was also committed to mitigate CR 318 impact costs. Mr. Manley concluded by stating that he encouraged and understood if a requirement was made that a more detailed joint study between the County and Developer for water, sewer and transportation was needed to develop a plan for mitigating improvements.

Mr. Manley addressed the residential portion of the project and stated Phase 1 was not unrealistic, 525 homes in a 5 year period was 100 homes per year or 8 homes per month. He stated the project was not a DRI as it stood today and commented on adjacent land uses. A property owners' association would be created that would be responsible for managing the common areas and funded by the association. Mr. Manley stated the type of project proposed was sustainable and briefly commented on a traffic analysis. He summarized by stating it was a good project and an opportunity for the County to be visionary and look at prospects to grow its economic base as well as the close proximity to I-75, Gainesville and the University of Florida (UF).

Scott Siemens, SE Ft. King, commented on costs and a Developer's Agreement, noting traffic studies were normally prepared once approved; the same with water and sewer. He noted this was an overlay zone and addressed the LOSS. Mr. Siemens requested that the Board adopt the Irvine RGAC.

Board discussion ensued with regard to market analysis, a Developer's Agreement and changing the CIE.

Mr. Massey noted staff's approach to the amendments was specific to objections raised by DCA and stated a summary impact was provided on all proposals. He stated staff did not typically require Developer's Agreements to address anything other than traffic studies and limits on density; however, comments normally received back from DCA state "inadequate infrastructure" as a deficiency was identified, but a way to address the deficiency was not addressed. Mr. Massey stated the Board was familiar with the frequent use of Developer's Agreements.

General discussion ensued with regard to a Developer's Agreement and alternatives presented by staff.

Mr. Siemens stated he could tender a Developer's Agreement tomorrow to address concerns and asked that the Board not deny the project tonight.

Board discussion ensued.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to allow the applicant one week to perform a Developer's Agreement, if possible.

Board discussion continued.

The motion was approved by the Board by a vote of 3-2, with Commissioners Amsden and Bryant voting nay.

There was a recess at 9:27 p.m.

The meeting resumed at 9:33 p.m., with all members present.

Comprehensive Plan/Ordinances – Mr. Massey addressed agenda item A. Not-In-Compliance Amendments (17) – 04-L28, 05-L33, 05-L51, 05-L52, 05-L54, 08-L01, 08-L03, 08-L04, 08-L06, 08-L08, 08-L09, 08-L12, 08-L14, 08-L15, 08-L19, 08-L26 and 08-L27, which the Board would not be readopting as they were adopted by Ordinance in 2008. He noted a couple of the amendments resulted from mediation and would require adoption of an Ordinance. It was noted that all Ordinances would be adopted at the second and final public hearing on Thursday, February 10, 2011.

The following individuals did not appear when called upon to address the Board: Janis Lentz, SW 100th Loop; Susan McClure, SW 100th Loop and Missy Norman, attorney representing SORA.

Upon call for public comment Peter Bowers, NE 21st Street, addressed Large Scale Amendment 05-L33 and suggested the Board not approve based on needs as it was leapfrog development.

Steve Gray, NE 1st Avenue, clarified that the 2008 Not-In-Compliance Amendments were not pending before the Board as they had already been adopted.

Mr. Massey advised that no motion was needed.

Comprehensive Plan/Ordinances – Mr. Massey addressed agenda item B. Amendments With No Objections – 10-PR-M01, M04, M15, M16, M20, M21, M22, M24, M26, M29 and M34, which were clean-up items mainly initiated by staff, noting a motion would be needed to adopt.

There was no public comment.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant to approve and adopt an Ordinance (on February 10th) for those items listed in agenda item B. The motion was unanimously approved by the Board (5-0).

Mr. Massey clarified that the way the amendments were advertised, the Board would have an official Ordinance to adopt at the next public hearing on Thursday, February 10, 2011. Mr. Minter stated the amendment numbers did not need to be called out in the motion, unless one would not be included in that motion.

Comprehensive Plan/Ordinances – Mr. Massey addressed agenda item C. Objection Not Applicable – 10-PR-M19 and M25, which staff cleaned-up as they were subdivisions already platted and built upon that had the wrong land use.

There was no public comment.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt agenda item C. The motion was unanimously approved by the Board (5-0).

Comprehensive Plan/Ordinances – Mr. Massey addressed agenda item D. Marion Oaks – 10-PR-M06, which was the Marion Oaks Subdivision to go from a Marion Oaks land use category (Parks) to a another land use category (Church) that was not made clear to DCA. He stated he had since discussed the matter with DCA and the recommendation was for approval.

Upon call for public comment, Darlene Weesner, SW 80th Street, recalled that she served on the Planning Commission when this issue was brought up and advised that the consensus was that it was designated as a park and should remain as a park.

Jimmy Gooding, SE 36th Avenue, attorney representing the applicant, advised that Ms. Weesner was correct. He stated the property was not being used as a park and the request was exactly what Marion Oaks needed and was a great use of the property.

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A motion was made by Commissioner Amsden, seconded by Commissioner Zalak, to adopt agenda item D, 10-PR-M06. The motion was unanimously approved by the Board (5-0).

Comprehensive Plan/Ordinances – Mr. Massey addressed agenda item E. Marion Oaks Regional Activity Center, noting the objection included that staff needed to incorporate the associated details. He noted some years ago the property was given a Medium Density Residential designation, a recent amendment designated another portion as Specialized Commerce District and staff included a detailed map which he opined satisfied DCA's objections. Mr. Massey stated staff recommended approval.

There was no public comment.

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to approve the Marion Oaks RGAC. The motion was unanimously approved by the Board (5-0).

Comprehensive Plan/Ordinances – Mr. Massey addressed agenda item F. Employment Activity Centers – Romeo, Belleview Bypass, Dunnellon Airport, and 1-75 / SR 326. He recommended the Board not adopt at this time in order to give staff time to address the objection, noting the need to get with property owners and developers for a detailed Master Plan. Mr. Massey stated each one already had a Specialized Commerce District so staff was not changing anything. He noted staff had to meet with Office of Economic and Small Business Development Manager Rick Michael to try and incorporate his efforts with designating employment activity centers to get a site ready. Mr. Massey reiterated that staff was recommending the amendment not be adopted at this time as there were existing land uses in place and staff was trying to designate employment centers so it would be obvious as to where the County was prioritizing and targeting areas for economic improvement.

Susan Woods, NW 90th Avenue, declined comment from her seat in the audience.

Upon call for public comment, Darlene Weesner, SW 80th Street, noted her support for denial.

Tony Beresford, NW 90th Avenue, commented on the Urban Growth Boundary (UGB) and the existing rural land use designation. Commissioner Stone stated it was a discussion for the next meeting when the Board discussed the UGB lines.

A motion was made by Commissioner Stone, seconded by Commissioner Amsden, to not adopt agenda item F regarding the Employment Activity Centers. The motion was unanimously approved by the Board (5-0).

Comprehensive Plan/Ordinances – Mr. Massey addressed agenda item G. 10-PR-M12, M13, M14, M30, M31, M32 and M33, which staff was recommending approval.

Susan Woods, NW 90th Avenue, declined comment from her seat in the audience.

There was no public comment.

A motion was made by Commissioner Amsden, seconded by Commissioner Stone, to approve agenda item G. 10-PR-M12, M13, M14, M30, M31, M32 and M33. The motion was unanimously approved by the Board (5-0).

Comprehensive Plan/Ordinances – Mr. Massey addressed agenda item H. 10-

PR-M10, M23, M27 and M28. He noted staff's original recommendation was not to adopt; however, staff was now recommending adoption of M10 and M23, but not M27 and M28.

Susan Woods, NW 90th Avenue, declined comment from her seat in the audience.

The following individuals did not appear when called upon to speak: Janis Lentz, SW 100th Loop; Carmen Gerber, SW 62nd Court; Susan McClure, SW 100th Loop; and Mike Radcliffe, SE Lake Weir Avenue.

Upon call for public comment, Jimmy Gooding, SE 36th Avenue, recalled that M10 was the rest of the Perry parcel, which was already approved in the In-Compliance. He stated M10 was left out originally as the applicant did not know the Belleview Bypass was going through there and his client wanted to entitle all of the property.

David MacKay, SW College Road, spoke in favor of staff's recommendation in regard to M23. He noted it was a small parcel that was surrounded by developed property and adjacent to Cherrywood. Water and sewer was available as well as all infrastructure.

Board discussion ensued.

Mr. Massey noted there were two individuals in the audience who requested that staff voice their opposition. He commented on conversation with the applicant in regard to access off 100th Street, noting at the time the BCC wanted access through the north from 95th, which had to be resolved. Mr. Massey stated the applicant would work with the County to resolve concerns.

Mr. MacKay noted he represented the applicant and concurred with Mr. Massey's comment with regard to access. He stated the obligation was with the property owners to the north, which was addressed in a Developer's Agreement that was adopted in 2008. Mr. MacKay stated the '08 piece would have an obligation to provide access, if approved during this process.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve adoption of 10-PR-M10 and M23.

Board discussion ensued.

Mr. MacKay advised that 399 units was a typographical error as there were actually 107 single family residential units, maximum.

General discussion ensued with regard to a Developer's Agreement.

Commissioner Stone called the question. In response to Commissioner Bryant, Commissioner Stone withdrew his motion and Commissioner Zalak withdrew his second.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve adoption of 10-PR-M10. The motion was unanimously approved by the Board (5-0).

A motion was made by Commissioner Zalak, seconded by Commissioner Amsden, to approve adoption of 10-PR-M23. The motion was approved by the Board by a vote of 4-1, with Commissioner Bryant voting nay.

Mr. Massey advised that staff recommended 10-PR-M27 and M28 not be adopted.

General discussion ensued.

There was no public comment.

A motion was made by Commissioner Stone, seconded by Commissioner Amsden, to adopt 10-PR-M27. The motion was unanimously approved by the Board (5-

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0).

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to adopt 10-PR-M28.

In response to Chairman McClain, there was no public comment.

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

Comprehensive Plan/Ordinances – Mr. Massey addressed agenda item J. 10-PR-M07 and M09A, which staff was recommending approval. He noted staff originally recommended denial of M07; however, it represented a deminimus impact in terms of numbers and staff was now recommending approval.

Upon call for public comment, Darlene Weesner, SW 80th Street, stated the parcels were karst sensitive and the proposals were not appropriate. Mr. Massey clarified that medium density was not being proposed. He noted M09A was basically a new category that would allow 1 unit per 5 acres. Ms. Weesner stated it was best to stay with the 1 unit per 10 acres.

Douglas Shearer, SE 85th Street, stated his support for both amendments.

Peter Bowers, NW 21st Street, voiced his objections and suggested the Board not adopt the amendments.

Jimmy Gooding, SE 36th Avenue, stated the project needed to be approved.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to approve agenda item J. 10-PR-M07 and M09A. The motion was unanimously approved by the Board (5-0).

Comprehensive Plan/Ordinances – Mr. Massey recapped and noted staff would bring back the Irvine RGAC on February 10th and would get the packet and agenda out for public input.

In response to Commissioner Stone, Chairman McClain stated there would be no public comment in regard to agenda item L. Mr. Minter noted that the Board acted on the items tonight and there would be no public comment next week to adopt the Ordinances.

Mr. Massey stated staff was instructed to bring back the Equine, Irvine, needs analysis and other elements. Chairman McClain stated the Developer's Agreement would be discussed on the 10th, but noted public comment had already been had. Commissioner Stone noted the UGB would also be discussed on the 10th of February.

Mr. Massey commented on the February 10, 2011 agenda.

It was noted for the record that the Deputy Clerk was in receipt of the following: 1 email in opposition to the Equine Commerce District; 1 email in regard to the UGB; a 3 page letter dated February 1, 2011 from David MacKay regarding Amendment 10-PR23; a Future Land Use Designation map relating to 08-L09, 08-L08, 08-L26, 08-L27, 08-L19, 08-L15 and 10-PR23; 1 email in support of 10-PR23; 1 email in opposition to 10-PR-M03; a letter dated February 3, 2011 from School Superintendent Jim Yancey in regard to the I-75 interchange (west of SW 95th Street); letter dated February 3, 2011 from Susan G. Mehaffey in regard to the Farmland Preservation Area; letter from Nancy Crenshaw regarding the Irvine RGAC; letter from Marian Halpin regarding the Irvine RGAC; letter dated February 3, 2011 from Melissa A. Norman regarding the 2010 EAR-based Amendments, DCA 10-2ER; letter dated February 2, 2011 from Steven H. Gray in regard to the Marion County Comprehensive Plan EAR Amendments Mineral

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Resources Overlay Zone; 1 email in opposition to the Irvine RGAC; email from Jerome Feaster in opposition to the Irvine RGAC; email from Gail Stern in opposition to the Irvine RGAC; and a 10 page email from Melissa Norman in regard to Fiscal Costs of Irvine RGAC.

There being no further business to come before the Board, the meeting thereupon adjourned at 10:26 p.m.

Stan McClain, Chairman

Attest:

David R. Ellspermann, Clerk

Adopted by the Board of County Commissioners on Tuesday, March 15, 2011.

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