



July 20, 2023

Barbara Powell
Deputy Bureau Chief
Florida Department of Economic Opportunity
Bureau of Community Planning and Growth
107 East Madison Street
Tallahassee, FL 32399-4120

RE: Proposed Text Amendment Transmittal Packet
2023-2 Amendment Series: Case No. FLUP23-45191

Dear Ms. Powell,

Enclosed is the Proposed Text Amendment Transmittal Package for City of Ocala future land use policy amendment Case No. FLUP23-45191. Please note the following required information:

- The Planning & Zoning Commission, sitting as the local planning agency, held a public hearing on June 12, 2023. City Council held a public hearing on July 18, 2023, and voted to transmit the proposed amendment to the Department of Economic Opportunity (DEO).
- A copy of the complete proposed amendment package including supporting data and analysis was sent to the following agencies on July 20, 2023:
 1. East Central Florida Regional Planning Council
 2. St. Johns Rivers Water Management District
 3. Department of Environmental Protection
 4. Department of State
 5. Department of Transportation, District Five
 6. Department of Education
 7. Marion County Growth Services Department
- Following is a summary of the proposed amendment that is being submitted under the expedited state review process:

FLUP23-45191: The Petitioner (4B Investments LLC) is requesting to amend the Future Land Use Element of the Comprehensive Plan by deleting Policy 18.3 relating to site-specific development conditions for property located at 2015 NE 14th Street and the parcel directly to the east, approximately 9.84 acres.

Deletion of the Policy is intended to allow for the subject properties to be developed in a manner consistent with the present Low Intensity future land use designation. The maximum development potential of this site with the requested deletion of the future land use policy is 177 dwellings, 59 more than presently permitted.

- Adoption of the amendment is anticipated to occur in October 2023.
- The amendment is not applicable to an area of critical state concern.
- Contact person is:

Emily W. Johnson, AICP
Senior Planner
Growth Management Department
201 SE 3rd Street, Second Floor
Ocala, Florida 34471
Phone: (352) 629-8313
Email: ewjohnson@ocalafl.gov

Please contact me with any questions. Thank you.

Sincerely,



Emily W. Johnson, AICP
Senior Planner
Growth Management Department
City of Ocala

Enclosure(s): Exhibit A – Proposed Text Amendment
Exhibit B – Staff Recommendation
Exhibit C – Proof of Publication
Exhibit D – June 12, 2023 Planning & Zoning Commission Minutes
Exhibit E – July 18, 2023 City Council Meeting Synopsis

Cc: East Central Florida Regional Planning Council
St. Johns River Water Management District
Southwest Florida Water Management District
Department of Environmental Protection
Department of State
Department of Transportation, District Five
Department of Education
Marion County Growth Services Department

Exhibit A

Proposed Text Amendment

POLICY 18.3: ~~Future Land Use Map (FLUM) Amendment LUC06-0002 adopted by Ordinance Number 5579 on October 25, 2006, changes the future land use on the amendment area from Low Density Residential and Public Buildings and Facilities to Medium Density Residential. Parcels affected include 26490 000 00 and 26490 001 00. Development shall meet the requirements of all applicable goals, objectives, and policies of the Comprehensive Plan; however, the land use and development potential made available by FLUM Amendment LUC06-0002 is hereby limited by the following conditions:~~

- ~~1. Development on the Amendment area shall not exceed 12 units per acre, with the dwelling unit type being restricted to those allowed under the Low Density Residential Future Land Use Classification;~~
- ~~2. The property shall be developed as a PD to address density, site design, architectural characteristics, buffers around the entire site and access along both frontages;~~
- ~~3. The development must provide secured access connection, to and from NE 19th Avenue;~~
- ~~4. Prior to final development approval, the property owner/developer will be required to submit a traffic analysis that is consistent with the City's Traffic Study Guidelines and Concurrence Management System requirements; and~~
- ~~5. The property owner/developer will be required to provide all necessary traffic improvements as determined by the traffic analysis, or provide (as to required improvements for which proportional share payments would be applicable by the City's Code of Ordinances) required proportionate share contribution payments.~~ Reserved.

Exhibit B

Staff Recommendation

July 18, 2023 City Council Agenda Packet



Legislation Text

File #: 2023-1390

Agenda Item #: 6b.

Submitted By: Emily W. Johnson

Presentation By: Emily Johnson

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Open a public hearing to transmit to the Florida Department of Economic Opportunity an amendment to the Future Land Use Element of the Comprehensive Plan by deleting Policy 18.3 relating to development conditions for property located at 2015 NE 14th Street and the parcel directly to the east, approximately 9.84 acres (FLUP23-45191)

OCALA'S RELEVANT STRATEGIC GOALS:

Economic Hub, Quality of Place

PROOF OF PUBLICATION:

Ad appeared in the Star Banner on July 7, 2023.

BACKGROUND:

- Petitioner: 4B Investments, LLC
- Property Owner: 4B Investments, LLC
- Agent: W. James Gooding III, Gooding & Batsel, PLLC

On October 25, 2006, the City Council adopted a Future Land Use Map (FLUM) Amendment LUC06-0002 by Ordinance No. 5579, which changed the future land use of the subject properties from Low-Density Residential and Public Buildings and Facilities to Medium Density Residential. Future Land Use Element Policy 18.3 was adopted by Ordinance No. 5580 in association with LUC06-002 and imposed the following development conditions on the subject properties:

1. Development on the Amendment area shall not exceed 12 units per acre, with the dwelling unit type being restricted to those allowed under the Low-Density Residential Future Land Use Classification;
2. The Property shall be developed as a PUD to address density, site design, architectural characteristics, buffers around the entire site, and access along both frontages;
3. The development must provide secured access connection, to and from NE 19th Avenue;
4. Prior to final development approval, the property owner/developer is required to submit a traffic analysis consistent with the City's Traffic Study Guidelines and Concurrency Management System requirements; and
5. The property owner/developer will be required to provide all necessary traffic improvements identified

in the traffic analysis, or provide (as to required improvements for which proportional share payments would be applicable by the City's Code of Ordinances) required proportionate share contribution payment.

The current request is to delete the policy and associated development conditions, to allow for the subject properties to be developed in a manner consistent with the present Low Intensity future land use designation. The maximum development potential of this site with the requested deletion of the future land use policy is 177 dwellings, 59 more than presently permitted.

Deletion of the Policy would allow for development of apartment dwellings on the subject properties. Presently, apartments are prohibited via the Policy's condition that dwelling unit types be restricted to those allowed under the Low-Density Residential Future Land Use Classification. The Low-Density Residential FLU exclusively allowed for detached and attached single-family houses, duplexes, townhouses, and mobile homes.

The remainder of the development conditions will be addressed as part of the City's development review process.

FINDINGS AND CONCLUSIONS:

The proposed deletion of the future land use Policy will allow for future development consistent with the Low Intensity future land use designation and is compatible with the surrounding area.

Staff recommends approval.

Planning & Zoning Commission voted unanimously to recommend approval at the June 12, 2023, meeting.

FISCAL IMPACT:

N/A

PROCUREMENT REVIEW:

N/A

LEGAL REVIEW:

The ordinance is pending review by the City Attorney, William E. Sexton.

ALTERNATIVE:

- Approve with changes
- Deny
- Table

PLANNING AND ZONING COMMISSION MEMO

Subject: Land Use Policy Amendment
Submitted By: Emily W. Johnson, AICP
City Council Date: July 18th, 2023 (transmittal for State review)

Staff Recommendation (Motion Ready): **Approval** of an amendment to the Future Land Use Element of the Comprehensive Plan by deleting Policy 18.3 relating to development conditions for property located at 2015 NE 14th Street and the parcel directly to the east, approximately 9.84 acres (Case FLUP23-45191).

OCALA'S RELEVANT STRATEGIC GOALS: Economic Hub

BACKGROUND:

- Petitioner: 4B Investments, LLC
- Property Owner: 4B Investments, LLC
- Agent: W. James Gooding III, Gooding & Batsel, PLLC
- On October 25, 2006, the City Council adopted a Future Land Use Map (FLUM) Amendment LUC06-0002 by Ordinance No. 5579, which changed the future land use of the subject properties from Low Density Residential and Public Buildings and Facilities to Medium Density Residential. Future Land Use Element Policy 18.3 was adopted by Ordinance No. 5580 in association with LUC06-0002 and imposed the following development conditions on the subject properties:
 1. Development on the Amendment area shall not exceed 12 units per acre, with the dwelling unit type being restricted to those allowed under the Low Density Residential Future Land Use Classification;
 2. The property shall be developed as a PUD to address density, site design, architectural characteristics, buffers around the entire site and access along both frontages;
 3. The development must provide secured access connection, to and from NE 19th Avenue;
 4. Prior to final development approval, the property owner/developer will be required to submit a traffic analysis that is consistent with the City's Traffic Study Guidelines and Concurrency Management System requirements; and
 5. The property owner/developer will be required to provide all necessary traffic improvements as determined by the traffic analysis, or provide (as to required improvements for which proportional share payments would be applicable by the City's Code of Ordinances) required proportionate share contribution payments.
- The current request is to delete the policy and associated development conditions, in order to allow for the subject properties to be developed in a manner consistent with the present

Low Intensity future land use designation. The maximum development potential of this site with the requested deletion of the future land use policy is 177 dwellings, 59 more than is presently permitted.

- Deletion of the Policy would allow for development of apartment dwellings on the subject properties. Presently, apartments are prohibited via the Policy's condition that dwelling unit types be restricted to those allowed under the Low Density Residential Future Land Use Classification. The Low Density Residential FLU exclusively allowed for detached and attached single-family houses, duplexes, townhouses and mobile homes.
- The remainder of the development conditions would be addressed as part of the City's development review process.

FINDINGS AND CONCLUSIONS: The proposed deletion of the future land use Policy would allow for future development consistent with the Low Intensity future land use designation and compatible with the surrounding area.

FISCAL IMPACT: N/A

ALTERNATIVES:

- Approve
- Deny
- Table

SUPPORT MATERIALS:

- Policy Redline
- Staff Report
 - Attachment "A" – Justification Table (Provided by Applicant)
- Case Map
- Case Aerial

POLICY 18.3: ~~Future Land Use Map (FLUM) Amendment LUC06-0002 adopted by Ordinance Number 5579 on October 25, 2006, changes the future land use on the amendment area from Low Density Residential and Public Buildings and Facilities to Medium Density Residential. Parcels affected include 26490-000-00 and 26490-001-00. Development shall meet the requirements of all applicable goals, objectives, and policies of the Comprehensive Plan; however, the land use and development potential made available by FLUM Amendment LUC06-0002 is hereby limited by the following conditions:~~

- ~~1. Development on the Amendment area shall not exceed 12 units per acre, with the dwelling unit type being restricted to those allowed under the Low Density Residential Future Land Use Classification;~~
- ~~2. The property shall be developed as a PD to address density, site design, architectural characteristics, buffers around the entire site and access along both frontages;~~
- ~~3. The development must provide secured access connection, to and from NE 19th Avenue;~~
- ~~4. Prior to final development approval, the property owner/developer will be required to submit a traffic analysis that is consistent with the City's Traffic Study Guidelines and Concurrence Management System requirements; and~~
- ~~5. The property owner/developer will be required to provide all necessary traffic improvements as determined by the traffic analysis, or provide (as to required improvements for which proportional share payments would be applicable by the City's Code of Ordinances) required proportionate share contribution payments.~~ Reserved.



Petitioner: 4B Investments, LLC
Property Owner: 4B Investments, LLC
Agent: W. James Gooding III, Gooding & Batsel, PLLC
Project Planner: Emily W. Johnson, AICP
Land Use Policy: Delete Future Land Use Element Policy 18.3 relating to development conditions adopted as a result of a previous Future Land Use Map (FLUM) Amendment (Ordinance No. 5580; LUC06-0002).
Zoning: R-1A, Single-Family Residential & INST, Institutional
Future Land Use: Low Intensity

Parcel Information

Acres: ±9.84 acres
Parcel(s)#: 26490-000-00 and 26490-001-00
Location: 2015 NE 14th Street and the parcel directly to the east.
Existing use: Undeveloped
Overlay(s): East Ocala Community Redevelopment Area (CRA)

Adjacent Land

<u>Direction</u>	<u>Future Land Use</u>	<u>Zone</u>	<u>Current Use</u>
North	Low Intensity	R-1A – Single-Family Residential	Undeveloped
East	Low Intensity	RO – Residential-Office	Single-Family Residential
South	Low Intensity	RO – Residential-Office	Offices – Wedgewood Condominiums
	Neighborhood	R-1A – Single-Family Residential	Single-Family Residential
West	Low Intensity	INST – Institutional	Undeveloped
	Low Intensity	B-2 – Community Business	Commercial

Background:

The subject properties, identified by Parcel Identification Numbers 26490-000-00 and 26490-001-00, contain an approximate 9.84 acres, and are generally located north of Northeast 14th Street (also known as SR 492 and Bonnie Heath Boulevard), between Northeast 19th Avenue and Northeast 22nd Avenue. More specifically, the properties are located within the 2000 Block of NE 14th Street; with PID No. 26490-000-00 having been previously assigned an address of 2015 NE 14th Street, and PID No. 26490-

001-00 being the parcel located directly to the east thereof. The subject properties are located within the East Ocala Community Redevelopment Area (CRA). Both parcels are currently vacant and undeveloped. A third adjacent property, identified by PID No. 26491-001-00, is under common ownership and has frontage on Northeast 19th Avenue, but is not subject to the application.

On October 25, 2006, the City Council adopted a Future Land Use Map (FLUM) Amendment LUC06-0002 by Ordinance No. 5579, which changed the future land use of the subject properties from Low Density Residential and Public Buildings and Facilities to Medium Density Residential. Future Land Use Element Policy 18.3 was adopted by Ordinance No. 5580 in association with LUC06-0002 and imposed the following development conditions on the subject properties:

1. Development on the Amendment area shall not exceed 12 units per acre, with the dwelling unit type being restricted to those allowed under the Low Density Residential Future Land Use Classification;
2. The property shall be developed as a PD to address density, site design, architectural characteristics, buffers around the entire site and access along both frontages;
3. The development must provide secured access connection, to and from NE 19th Avenue;
4. Prior to final development approval, the property owner/developer will be required to submit a traffic analysis that is consistent with the City's Traffic Study Guidelines and Concurrency Management System requirements; and
5. The property owner/developer will be required to provide all necessary traffic improvements as determined by the traffic analysis, or provide (as to required improvements for which proportional share payments would be applicable by the City's Code of Ordinances) required proportionate share contribution payments.

On January 22, 2013, the City Council adopted Comprehensive Plan Amendments consistent with the 2035 Vision, which eliminated the Medium Density Residential and Low Density Residential Future Land Use Classifications; the subject properties are currently designated as Low Intensity.

The current request is to delete the policy and associated development conditions, in order to allow for the subject properties to be developed in a manner consistent with the present Low Intensity future land use designation. The maximum development potential of this site with the requested deletion of the future land use policy is 177 dwellings, 59 more than is presently permitted. Additionally, apartments are presently prohibited via the Policy's condition that dwelling unit types be restricted to those allowed under the Low Density Residential Future Land Use Classification; this Classification exclusively allowed for detached and attached single-family houses, duplexes, townhouses and mobile homes. Deletion of the Policy would allow for development of apartment dwellings on the subject properties.

During a recent visit to the subject property, staff ascertained that the site slopes towards Northeast 14th Street. Due to the flow of stormwater runoff, development of the site with mixed or multi-family uses will necessitate rezoning and design as a Planned Development (PD); a multi-family residential (R-3) zoning district would not allow for drainage retention in the front yard. The remainder of the development conditions would be addressed as part of the City's development review process, as indicated in the Justification Table provided by the Petitioner's Agent (Attachment "A").

Staff Recommendation: <i>Approval</i>
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Basis for Approval:

The proposed deletion of the future land use Policy would allow for future development consistent with the Low Intensity future land use designation and compatible with the surrounding area.

Factual Support:

1. Consistent with the following Objective and Policies of the City of Ocala Future Land Use Element:
 - a. Objective 12: The Future Land Use Element shall require efficient use of existing services, facilities and infrastructure to discourage urban sprawl and promote a clustered urban development pattern.
 - b. Policy 6.3: Low Intensity. The intent of the Low Intensity land use classification is to identify areas that are generally oriented towards the automobile as the primary mode of transportation, with pedestrian circulation and activity being generally less than High Intensity / Central Code and Medium Intensity / Special District districts. Low Intensity may contain a single use. Mixed use development is encouraged. Permitted uses include office, commercial, public, recreation, institutional, educational facilities and residential. Light industrial shall only be allowable in designated locations as specified in the Land Development Code and must meet the intent of the Low Intensity category, including form and design guidelines as applicable. It is also the intent of this category to promote a walkable suburban form. The minimum density and intensity in this future land use category is 3 dwelling units per gross acre or 0.00 FAR. The maximum density and intensity is 18 dwelling units per acre or 0.75 FAR.
2. Approval of this request will not adversely affect the health, safety, convenience, prosperity, or general welfare of the community.

Level of Service Impact Analysis:

Transportation:

The subject properties have frontage along Northeast 14th Street (also known as SR 492 and Bonnie Heath Boulevard), the congestion management data for the affected roadway is provided below¹; a third adjacent parcel under common ownership offers frontage and an opportunity for access on Northeast 19th Avenue but is not subject to the application. Developments proposing to generate 100 or more peak hour trips are required to submit a traffic study as part of the site plan review.

Road/Street Name	Lanes	Speed Limit	Functional Classification	Adopted LOS	LOS Capacity	2021 AADT	Existing LOS
SR 492	4	45 MPH	Arterial	D	39,800	20,200	C

Electric: The subject properties are within the Ocala Electric Utility service territory.

Internet: Service is available. A City fiber optic cable runs along NE 14th Street in front of the subject properties.

Potable Water: Service is available. A City water main runs along NE 14th Street in front of the subject properties and provides service from Water Treatment Plant (WTP) #1. WTP #1 has a permitted capacity of 24.42 million gallons per day (mgd), and a total maximum daily flow of 15.670 mgd. Connections will be determined during the site plan or subdivision review and approval process.

¹ Ocala-Marion TPO, *Congestion Management Plan Roadway Database*, October 2021.

Sanitary Sewer: Service is available. A City gravity main runs along NE 14th Street in front of the subject properties and provides service from Water Reclamation Facility (WRF) #2. WRF #2 has a permitted capacity of 6.5 mgd. Connections will be determined during the site plan or subdivision review and approval process.

Stormwater: The subject properties are not located within a Flood Zone. For any future development, runoff must be retained on-site to match pre-development conditions. Facilities must be designed to provide flood protection for a 100 year, 24-hour storm event.²

Solid Waste: Service is available.

Fire Service: Ocala Fire Rescue Station #5 is located approximately 0.76 miles from the subject properties, at 2340 NE 25th Avenue.

Schools: The subject property is serviced by Wyomina Park Elementary (operating at 94.13% capacity), Ft. King Middle (81.61%) and Vanguard High Schools (84.98%).³ The applicant has not provided insight into the future development intentions for the subject properties; however, deletion of the Policy may generate between 9 and 17 additional Elementary School-aged students, between 3 and 6 additional Middle School-aged students, and between 2 and 8 additional High School-aged students.⁴

School Level	Project Dwelling Units (SFR)			Project Dwelling Units (MFR)		
	SFR Student Generation Rate	118 (max 12 d.u. / ac)	177 (max 18 d.u. / ac)	MFR Student Generation Rate	118 (max 12 d.u. / ac)	177 (max 18 d.u. / ac)
E	0.158	18	27	0.097	0	17
M	0.097	11	17	0.04	4	7
H	0.13	15	23	0.043	5	7

Land Use Designation

Low Intensity. The intent of the Low Intensity land use classification is to identify areas that are generally oriented towards the automobile as the primary mode of transportation, with pedestrian circulation and activity being generally less than High Intensity/Central Core and Medium Intensity/Special District districts. It is also the intent of this category to promote a walkable suburban form. While Low Intensity developments may contain a single use, mixed use development is encouraged. Permitted uses include office, commercial, public, recreation, institutional, educational facilities and residential. Light industrial uses shall only be allowable in designated locations as specified in the Land Development Code, and must meet the intent of the Low Intensity category. The minimum density and intensity in this future land use category is 3 dwelling units per gross acre or 0.00 Floor Area Ratio (FAR). The maximum density and intensity is 18 dwelling units per acre, or 0.75 FAR. Increased density and intensity incentives may be approved for inclusion of workforce housing, green building and sustainable design standards.

² Ocala Comprehensive Plan, Stormwater Sub-Element Policy 3.1.

³ MCPS SY2022-2023 Membership by Grade, Summary Table – 160th Day.

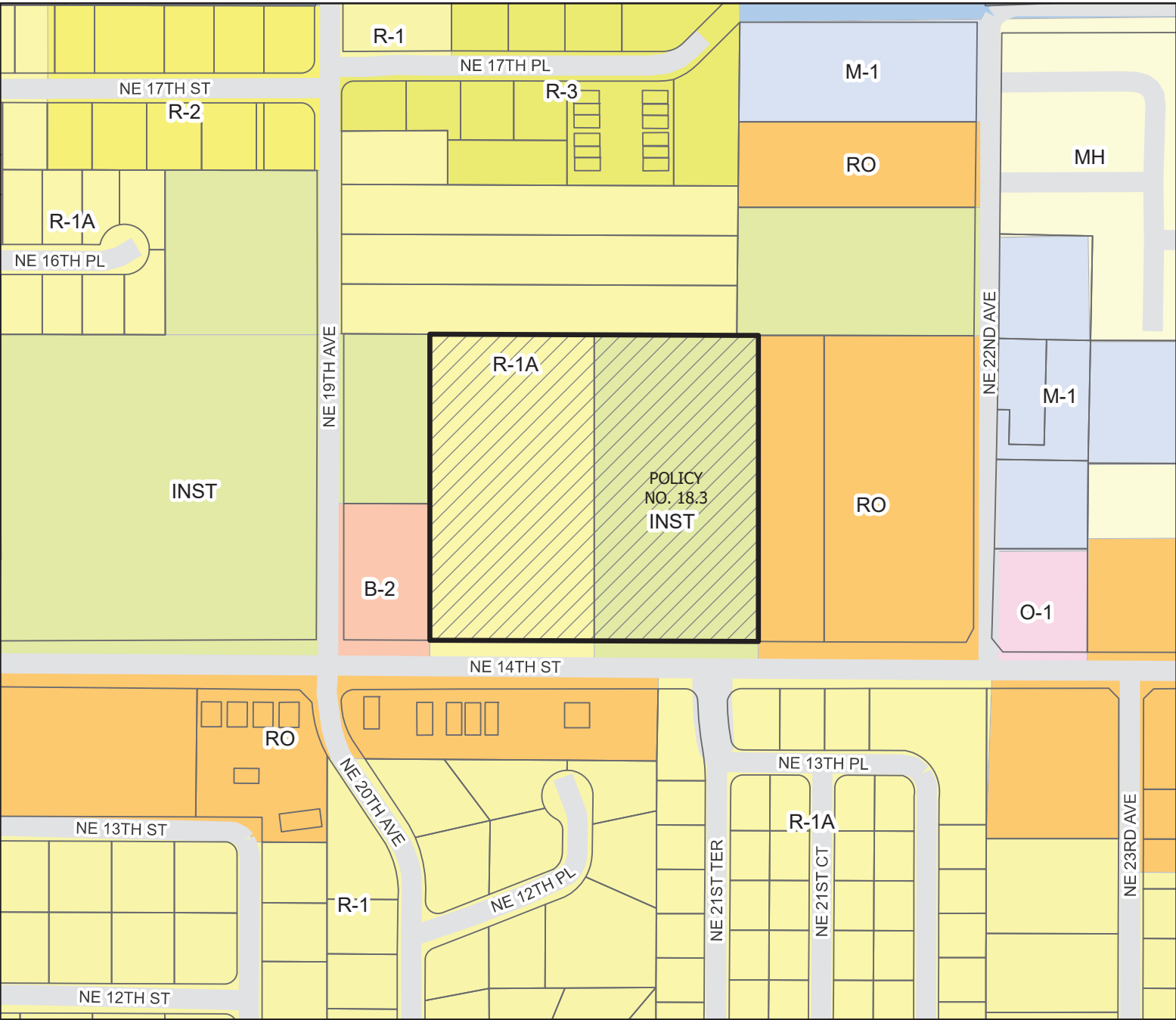
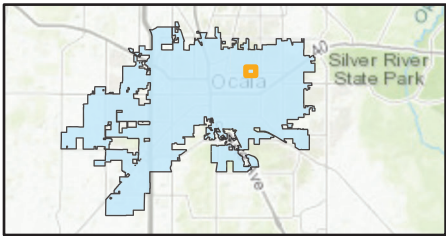
⁴ MCPS Planning & Governmental Relations Department, Student Generation Multipliers.

Attachment “A” – Justification Table

CURRENT TEXT	JUSTIFICATION FOR DELETION
1. Development on the Amendment area shall not exceed 12 units per acre, with the dwelling unit type being restricted to those allowed under the Low Density Residential Future Land Use Classification;	<p>The Policy was adopted in connection with a Comprehensive Plan Amendment that assigned the Property a Medium Density Residential FLU designation; such designation, which no longer exists, permitted Residential Densities of up to 12 units per acre. Rather, the property has a Low Intensity which caps density at 18 units per acre. This is the lowest density under the City of Ocala Comprehensive Plan.</p> <p>The language limiting the “dwelling type unit” to those allowed in the (now defunct) Low Density Residential FLU permitted “dwelling types include detached and attached single family houses, duplexes, townhouses and mobile homes.” It was apparently designed to prohibit apartments which were permitted under the Medium Residential FLU. It would be almost impossible to construct 18 units per acre (as permitted by the Low Intensity FLU) without apartments.</p>
2. The property shall be developed as a PD to address density, site design, architectural characteristics, buffers around the entire site and access along both frontages;	As can be seen by the attached Zoning Map, the two parcels have different zoning classifications, one of which being INST. Therefore, a rezoning will be required. If the City believes that a PUD zoning is required at that time, it can so indicate at that stage.
3. The development must provide secured access connection, to and from NE 19 th Avenue;	The third parcel that is not subject to the Policy provides this access.
4. Prior to final development approval, the property owner/developer will be required to submit a traffic analysis that is consistent with the City’s Traffic Study Guidelines and Concurrency Management System requirements; and	This is already required by the City Code.
5. The property owner/developer will be required to provide all necessary traffic improvements as determined by the traffic analysis, or provide (as to required improvements for which proportional share payments would be applicable by the City’s Code of Ordinances) required proportionate share contribution payments.	This is already required by the City Code.

CASE MAP

Case Number: FLUP23-45191
Parcel Number: 26490-001-00 & 26490-000-00
Property Size: Approximately 9.84 acres
Land Use Designation: Low Intensity
Zoning: INST, Institutional & R-1A, Single Family Residential
Proposal: A request to amend the City's Future Land Use Element of the Comprehensive Plan by deleting Policy 18.3 relating to development conditions

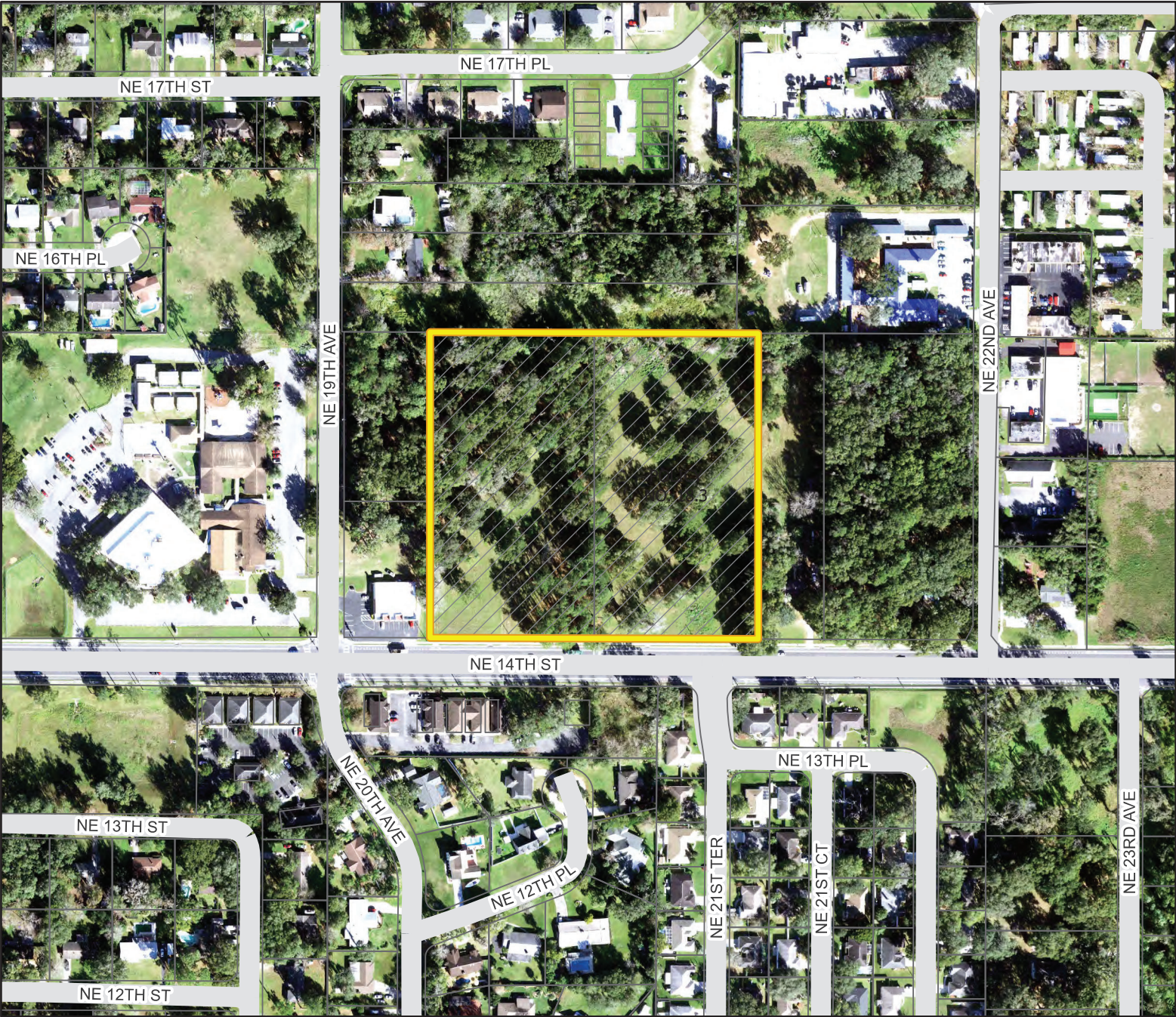
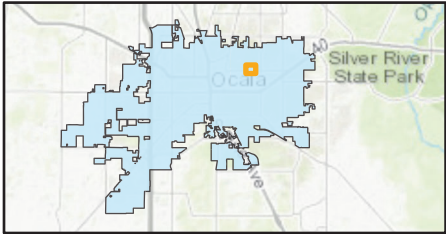


- | | | |
|------------------------|--------------------------------|------------------------------|
| Property | M-2:Medium Industrial | R-2:Two-Family Residential |
| Parcels | MH:Mobile Home Park | R-3:Multi-Family Residential |
| B-2:Community Business | O-1:Office | RO:Residential Office |
| INST:Institutional | R-1:Single Family Residential | Future Land Use Policy |
| M-1:Light Industrial | R-1A:Single Family Residential | |



AERIAL MAP

Case Number: FLUP23-45191
Parcel Number: 26490-001-00 & 26490-000-00
Property Size: Approximately 9.84 acres
Land Use Designation: Low Intensity
Zoning: INST, Institutional & R-1A, Single Family Residential
Proposal: A request to amend the City's Future Land Use Element of the Comprehensive Plan by deleting Policy 18.3 relating to development conditions



- Property
- Parcels
- Future Land Use Policy



Exhibit C

Proof of Publication

Ocala StarBanner – July 7, 2023



The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Emily W. Johnson
City Of Ocala Planning & Devel
201 SE 3RD ST
OCALA FL 34471

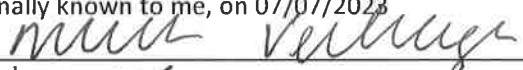
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Star Banner, published in Marion County, Florida; that the attached copy of advertisement, being a Main Legal CLEGL, was published on the publicly accessible website of Marion County, Florida, or in a newspaper by print in the issues of, on:


07/07/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/07/2023



Legal Clerk



Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$431.20

Order No: 9021317

of Copies:

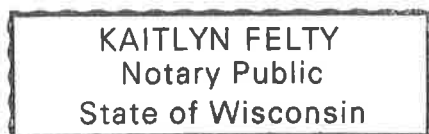
Customer No: 522377

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PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.





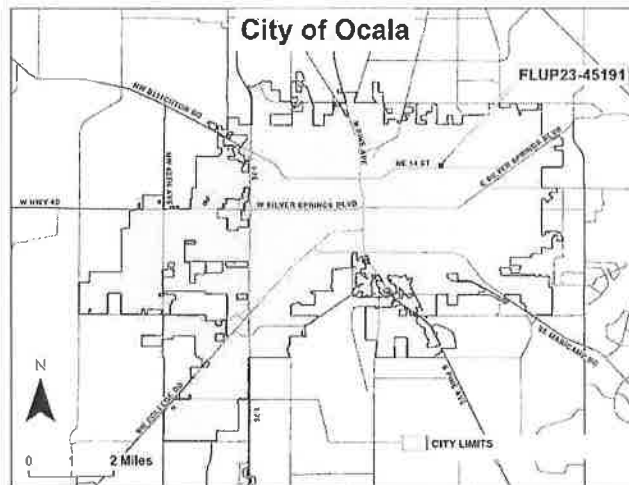
Tuesday, July 18, 2023

4:00 P.M.

(or, as soon thereafter as possible)
City Hall City Council Chambers (2nd Floor)
110 SE Watula Avenue

**NOTICE OF PUBLIC HEARING
OCALA CITY COUNCIL
TRANSMITTAL HEARING TO
SEND A
COMPREHENSIVE PLAN
TEXT AMENDMENT TO THE
DEPARTMENT OF ECONOMIC
OPPORTUNITY (DEO)
FOR REVIEW PURSUANT TO
CHAPTER 163.3184(3)
AND 163.3184(11) FLORIDA
STATUTES
(2023-2 AMENDMENT SERIES)**

Petitioner: 4B Investments, LLC; Agent: W. James Gooding III, Gooding & Batsel, PLLC; Case: FLUP23-45191; A request to amend the City's Future Land Use Element of the Comprehensive Plan by deleting Policy 18.3 relating to development conditions for property located at 2015 NE 14th Street and the parcel directly to the east, approximately 9.84 acres.



Interested parties may appear at the meeting and be heard regarding their opinion of the proposed comprehensive plan text amendment. Copies of the proposed text amendment are available and may be reviewed at the Growth Management Department, 201 SE 3rd Street, Second Floor., Ocala, telephone (352) 629-8404 between the hours of 8:00 am and 5:00 pm, Monday through Friday.

If reasonable accommodations are needed for you to participate in this meeting, please contact the Growth Management Department at (352) 629-8404 forty-eight (48) hours in advance so arrangements can be made.

Any person who decides to appeal any decision of the Ocala City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made.

OF-36420335

Exhibit D

June 12, 2023 Planning & Zoning Commission Minutes

Please see Agenda Item 6a



Ocala

Planning & Zoning Commission

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.org

Monday, June 12, 2023

5:30 PM

1. Call to Order

Present Vice Chair Arthur "Rus" Adams, Richard "Andy" Kesselring, Todd Rudnianyn, Chairperson Kevin Lopez, Brent Malever, and Allison Campbell

Absent William Gilchrist Jr., and Branson Boone

a. Pledge of Allegiance

b. Roll Call for Determination of a Quorum

Present Vice Chair Arthur "Rus" Adams, Richard "Andy" Kesselring, Todd Rudnianyn, Chairperson Kevin Lopez, Brent Malever, and Allison Campbell

Absent William Gilchrist Jr., and Branson Boone

c. Agenda Notes:

Cases heard by the Planning and Zoning Commission will be presented to City Council in accordance with the schedule provided after each case in the agenda. Please note that the City Council meetings will begin at 4:00 p.m.

2. Proof of Publication

It was acknowledged that a Public Meeting Notice was posted at City Hall (110 SE Watula Avenue, Ocala, Florida 34471) and published in the Ocala Star Banner on May 26, 2023.

a. Proof of Publication

Attachments: [061223 star banner proof.pdf](#)

3. Consideration of Minutes

a. May 8, 2023, Minutes

Attachments: [5-8-23 minutes.pdf](#)

RESULT: APPROVED

MOVER: Arthur "Rus" Adams

SECONDER: Brent Malever

AYE: Vice Chair Adams, Kesselring, Rudnianyn, Chairperson Lopez, and Malever

ABSENT: Gilchrist, and Boone

4. Subdivisions

- a. Approve SUB23-45118 Watula South Final Plat & Developers Agreement

Attachments: [Watula South boundary survey.pdf](#)
[Watula South plat.pdf](#)
[Memo Final Plat and Dev Agmt.doc](#)
[Developers Agreement.pdf](#)

Ms. Cupp displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact.

Discussion:

No board discussion or public comment.

Motion to approve the final plat and developer's agreement subject to completion of legal review.

RESULT: APPROVED

MOVER: Richard "Andy" Kesselring

SECONDER: Todd Rudnianyn

AYE: Vice Chair Adams, Kesselring, Rudnianyn, Chairperson Lopez, and Malever

ABSENT: Gilchrist, and Boone

5. Rezoning

- a. **ZON23-45179** / P.A.S.D. Investments LLC and Priscilla Investments LLC

Ms. Hitchcock requested the Commission table discussion regarding case ZON23-45179.

Discussion:

No board discussion or public comment.

Motion to table ZON23-45179.

RESULT: TABLED

MOVER: Arthur "Rus" Adams

SECONDER: Brent Malever

AYE: Vice Chair Adams, Kesselring, Rudnianyn, Chairperson Lopez, and Malever

ABSENT: Gilchrist, and Boone

- b. **ZON23-45189** / Equa-USA LLC

Attachments: [Memo](#)
[Staff Report](#)
[CaseMap](#)
[AerialMap](#)

Ms. Johnson displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact.

Discussion:

Mr. Dante Glasso, 34 Wood Ridge Drive, Ocala, FL, thanked the Commission for considering their application. The goal is to provide housing for the medical community.

No board discussion or public comment.

Motion to rezone from B-1A, Limited Neighborhood Business, to R-3 Multi Family Residential.

RESULT: APPROVED

MOVER: Richard "Andy" Kesselring

SECONDER: Arthur "Rus" Adams

AYE: Vice Chair Adams, Kesselring, Rudniansyn, Chairperson Lopez, and Malever

ABSENT: Gilchrist, and Boone

6. Comprehensive Plan Amendment

a. FLUP23-45191 / 4B Investments, LLC

Attachments: [FLUP23-45191 Memo](#)
[Policy 18.3 Redline](#)
[FLUP23-45191 Staff Report](#)
[CaseMap](#)
[Aerial Map](#)

Ms. Johnson displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact.

Discussion:

Ms. Campbell stated the School District approved a new student generation number last week.

Mr. James Gooding, 1531 SE 36th Avenue, Ocala, FL, stated text policies are used to add conditions to comp plan approvals and they were used to put restrictions on permitted uses. The applicant is requesting to delete density restrictions to allow development of the property with the current land use.

No public comment.

Motion to amend the City's Future Land use Element of the Comprehensive Plan by deleting Policy 18.3 relating to development conditions for property located at 2015 NE 14th Street and the parcel directly to the east, approximately 9.84 acres.

RESULT: APPROVED
MOVER: Arthur "Rus" Adams
SECONDER: Brent Malever
AYE: Vice Chair Adams, Kesselring, Chairperson Lopez, and Malever
ABSENT: Gilchrist, and Boone
RECUSED: Rudnianyn

7. Code Amendment

a. COD23-45175 / City of Ocala

Attachments: [COD23-45175_Memo](#)
[Ordinance draft_COD23-45175](#)

Ms. Johnson presented the request to amend Section 122-1314 for supplementary regulation for daycare facility play areas.

Discussion:

Ms. Johnson confirmed the City is classified as an urban area by the US Census Bureau.

Mr. Kesselring asked if the new ordinance includes a play area space per child requirement. Ms. Johnson responded the City follows the State guidelines set forth in The Childcare Facility Handbook.

No public comment.

Motion to amend the supplementary regulations for daycare facility play areas to accommodate indoor play areas for licensed urban childcare facilities.

RESULT: APPROVED
MOVER: Brent Malever
SECONDER: Richard "Andy" Kesselring
AYE: Vice Chair Adams, Kesselring, Rudnianyn, Chairperson Lopez, and Malever
ABSENT: Gilchrist, and Boone

b. COD23-45170 / City of Ocala

Attachments: [District Criteria ord- memo](#)
[Sec 122-244 District Criteria ordinance](#)

Ms. Hitchcock presented the request to amend Section 122-244 (District Criteria Chart).

Discussion:

Ms. Hitchcock confirmed the requirement applies to parcels larger than 2-acres with Mr. Rudnianyn. She clarified the 10% secondary use for parcels larger than 5-acres.

Developers who choose PD zoning, can pursue a Chapter 163 Developers Agreement to layout the perimeters for the development project.

Mr. Rudnianyn stated the amendment might create a bureaucratic burden on the developer.

Ms. Hitchcock said the Form-Based Code applies to parcels with Medium Intensity/Special District. The City is working on cleaning up the Zoning Code regulations regarding B-2 zoning, which is not consistent with the underlying land use category.

Mr. Rudnianyn suggested the City create a Form-Based Code.

Growth Management Director Jeff Shrum talked about the 2035 update and revisited some of the approaches that were done. There were conflicts in some areas The goal is to modify the City's zoning code and start the public involvement.

Ms. Hitchcock spoke on the importance of improving the zoning code for the staff and the property owner.

No public comment.

Motion to amend Section 122-244 (District Criteria Chart) concerning the zoning districts allowed in each land classification.

RESULT: APPROVED

MOVER: Arthur "Rus" Adams

SECONDER: Richard "Andy" Kesselring

AYE: Vice Chair Adams, Kesselring, Rudnianyn, Chairperson Lopez, and Malever

ABSENT: Gilchrist, and Boone

Next meeting: July 10, at 5:30 pm.

Adjournment

The meeting adjourned at 6:03 pm.

Exhibit E

July 18, 2023 City Council Minutes Summary

Please see Agenda Item 6b



Ocala

City Council

Synopsis

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.org

Tuesday, July 18, 2023

4:00 PM

1. Call to Order

- a. Opening Ceremony
 - 1. Invocation
 - 2. Pledge of Allegiance
- b. Welcome and Roll Call

Present: Mayor Reuben Kent Guinn
Pro Tem Barry Mansfield
Council Member Ire J. Bethea Sr
Council Member Kristen M. Dreyer
Council Member Jay A. Musleh
Council President James P. Hilty Sr

- c. New Employees
 - Austin Fearday - Engineering/Water Resources Intern
 - Saniya Johnson - Engineering/Water Resources Intern
 - Julia Richard - Engineering/Water Resources Intern
 - Abigail Taylor - Engineering/Water Resources Intern
 - Tariq Williams - Engineering/Water Resources Intern
 - Katy Wirthlin - Growth Management
 - James Harris - Public Works
 - William Remines - Public Works
 - Nyla Nguyen - Water Resources

2. Public Notice

Public Notice for the July 18, 2023 City Council Regular Meeting was posted on June 20, 2023

3. Proclamations & Awards

- 3a. North Marion High School Baseball Day Proclamation will be presented to Coach Dale Hall and to all the North Marion High School Baseball team members known as the "Colts"
- 3b. Key to the City will be presented to the North Marion High School Baseball Coach Dale Hall and to all the team members known as the "Colts"
- 3c. Parks and Recreation Month Proclamation will be presented to the Director of Recreation and Parks Preston Pooser and Department Staff

4. Presentations

- 4a. The United Way of Marion County President and CEO Bob Haight and Vice President of Resource Development Niki Tripodi will be presenting the 2022 Chairman's Award and the 2022 Local Government Award to the City of Ocala staff members
- 4b. Ocala Juneteenth Celebration Scholarship Presentation by Scholarship Chair Wantanisha Dawson-Morant and Vice-President/Scholarship Co-Chair TiAnna Harris

5. Public Comments

6. Public Hearings

- 6a. Approve substantial amendment to the 2019-2023 Consolidated Plan and 2021 Annual Action Plan to align with the general ledger account by reassigning \$251,944 from CDBG Public Facilities/Infrastructure to CDBG Housing Rehabilitation

Presentation By: James Haynes

RESULT: APPROVED

MOVER: Ire J. Bethea Sr

SECONDER: Jay A. Musleh

AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr

- 6b. Open a public hearing to transmit to the Florida Department of Economic Opportunity an amendment to the Future Land Use Element of the Comprehensive Plan by deleting Policy 18.3 relating to development conditions for property located at 2015 NE 14th Street and the parcel directly to the east, approximately 9.84 acres (FLUP23-45191)

Presentation By: Emily Johnson

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: Barry Mansfield

AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr

7. Second and Final Reading of Ordinances - None

8. General Business

- 8a. Adopt Resolution 2023-33 providing for the reimposition of non-ad valorem Fire Assessments, establishing proposed rates for Fiscal Year 2023-2024, directing preparation of the Fire Assessment Roll, setting a date for a public hearing, and directing published and mailed notices of proposed Fire Assessments

Presentation By: Tammi Haslam

RESULT: ADOPTED

MOVER: Jay A. Musleh

SECONDER: Ire J. Bethea Sr

AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr

- 8b. Adopt the Fiscal Year 2023-2024 tentative millage rates: Basic City - 6.6177; District A - 1.7185; District B - 1.6332; District C - 1.4699

- Presentation By: Tammi Haslam
RESULT: ADOPTED
MOVER: Kristen M. Dreyer
SECONDER: Jay A. Musleh
AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr
- 8c.** Adopt Budget Resolution 2023-150 amending the Fiscal Year 2022-2023 budget to appropriate American Rescue Plan Act funds totaling \$5,101,070
- Presentation By: Tammi Haslam
RESULT: ADOPTED
MOVER: Kristen M. Dreyer
SECONDER: Barry Mansfield
AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr
- 8d.** Adopt Budget Resolution 2023-151 amending the Fiscal Year 2022-2023 budget to appropriate funds from the reserve for building related expenses account in the amount of \$100,838
- Presentation By: Tammi Haslam
RESULT: ADOPTED
MOVER: Ire J. Bethea Sr
SECONDER: Barry Mansfield
AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr
- 8e.** Approve the purchase of roofing materials from Henry Company, Inc, for various roof repairs not to exceed \$250,000
- Presentation By: John King
RESULT: APPROVED
MOVER: Kristen M. Dreyer
SECONDER: Jay A. Musleh
AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr
- 8f.** Approve the use of The Interlocal Purchasing System (TIPS) cooperative purchasing contract with Periscope Holdings, Inc. for the purchase of the BidNet eProcurement software solution, for an initial three-year term, in an amount not to exceed \$124,725
- Presentation By: Daphne Robinson
RESULT: APPROVED
MOVER: Barry Mansfield
SECONDER: Ire J. Bethea Sr
AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr
- 8g.** Approve an agreement with Antebellum Manufacturing, LLC for an Economic Investment Program incentive in an amount not to exceed \$150,000
- Presentation By: Aubrey Hale
-

RESULT: APPROVED

MOVER: Jay A. Musleh

SECONDER: Kristen M. Dreyer

AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr

- 8h.** Approve employee-paid insurance plans for vision, group Medicare, short and long-term disability, pet, legal services, life, and cancer/accident/critical illness and City paid insurance plan life insurance for Fiscal Year 2024

Presentation By: Devan Kikendall

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: Ire J. Bethea Sr

AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr

9. Consent Agenda

Consent Agenda items are considered to be routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of Council or the public request specific items to be removed for separate discussion and action.

RESULT: APPROVED THE CONSENT AGENDA

MOVER: Jay A. Musleh

SECONDER: Kristen M. Dreyer

AYE: Mansfield, Bethea Sr, Dreyer, Musleh, and Hilty Sr

- 9a.** Approve Labor Attorney invoices for May 2023 in the amount of \$175.45

Presentation By: Devan Kikendall

- 9b.** Adopt Resolution 2023-34 accepting a donation of three treadmills from Orangetheory Fitness

Presentation By: Clint Welborn

- 9c.** Approve a one-year renewal with Squeekie Klean Landscaping, LLC for city complex grounds maintenance with a maximum expenditure of \$35,850

Presentation By: Darren Park

- 9d.** Approve a Developer's Agreement between the City of Ocala, Lake Louise, LLC, and The Rosemere Apartments, LLC for the construction of utility improvements for the Lake Louise apartment development

Presentation By: Sean Lanier

- 9e.** Approve and authorize City Engineer to execute Amendment No.2 for NF069 grant with Florida Department of Environmental Protection for Wastewater Service Area Expansion project

Presentation By: Sean Lanier

- 9f.** Approve the construction of offices for the Customer Service Center with Advanced Commercial Contractors, Inc. in the amount of \$58,130

Presentation By: John King

- 9g.** Approve amendment to the 2022-2025 Local Housing Assistance Plan

Presentation By: James Haynes

- 9h.** Approve the Watula South Final Plat and Developer's Agreement (SUB23-45118)

Presentation By: Patricia Hitchcock

- 9i.** Adopt Budget Resolution 2023-152 to appropriate funds from the West Ocala Community Redevelopment Area Reserve for Fund Balance for the installation of a screen wall at the Mary Sue Rich Community Center at Reed Place in the amount of \$47,896

Presentation By: Tammi Haslam

- 9j.** Approve June 2023 outside counsel invoices for general city business legal services in the amount of \$3,778.75 and for risk management-related legal services in the amount of \$23,906.06

Presentation By: William E. Sexton

- 9k.** Approve Minutes from June 20, 2023 City Council meeting

Presentation By: Angel Jacobs

10. Consent Agenda Items Held for Discussion

Should any items be removed from the Consent Agenda for discussion, they will be discussed at this time.

11. Introduction and First Reading of Ordinances

(Second and Final Reading - August 1, 2023)

- 11a.** Introduce Ordinance 2023-51 concerning a zoning change from B-1A, Limited Neighborhood Business, to R-3, Multi-Family Residential, for a property located at the SE corner of the intersection of SW 12th Street and SW Sixth Avenue, approximately 0.29 acres (ZON23-45189) (Quasi-Judicial)

Introduced By: Ire J. Bethea Sr

- 11b.** Introduce Ordinance 2023-52 to amend the supplementary regulations for daycare facility play areas, to accommodate indoor play areas for licensed urban childcare facilities

Introduced By: Kristen M. Dreyer

12. Internal Auditor's Report - None

13. City Manager's Report

Main Street Conference Update

Golf Course Update

14. Police and Fire Department Report

Police Chief Mike Balken – Public Safety Opioid Response Efforts

Fire Chief Clint Welborn – Public Safety Opioid Response Efforts & Community Paramedicine

15. Mayor's Report

Congressman Stern's scholarship donation to Discovery Science Center

16. City Attorney's Report

17. Informational Items

17a. Calendaring Items

- City Council Workshop: Proposed FY 23/24 Budget - August 22, 2023, 12:00pm - Council Chambers

17b. Comments by Mayor

Homeless Camps Update

17c. Comments by Council Members

Council Member Dreyer commented on the Mary Sue Rich Center and Skate Park

Council Member Dreyer commented on the School Board's impact on affordable housing

17d. Informational

17d1. Power Cost Adjustment Report - May 2023

17d2. Monthly budget to actual report and Capital Improvement Project status report as of May 31, 2023

17d3. Executed Contracts Under \$50,000

17d4. Inform Council of the expenditure of residual Infrastructure Surtax Revenue from previously budgeted funds to be utilized for office space buildouts within the Ocala Police Department in the amount of \$175,000

18. Adjournment

Adjourned at 5:13 pm