



Ocala City Council Minutes

Tuesday, July 6, 2021

Regular Meeting

110 SE Watula Avenue
Ocala, FL 34471
www.ocalafl.org

Angel B. Jacobs
(352) 629-8266

6. Public Hearings

- a. **Approved** an alcoholic beverage location permit for the sale of beer and wine for off-premise consumption for 7-Eleven, Inc d/b/a 7-Eleven #41806, located in the 2500 block of SE Maricamp Road (Quasi Judicial) Postponed from March 2, 2021, April 6, 2021 and May 4, 2021 City Council meetings to the July 6, 2021 Council meeting

Presentation by Tye Chighizola

Growth Management Director Tye Chighizola commented the request was tabled three times. The applicant is proposing an access drive on south of the bank that adjoins the subject property to the west. This drive would connect to a southerly extension of SE 25th Avenue, providing access to the signalized intersection. The purpose of the request is to allow the sale of beer and wine for off-premise consumption.

Council President Grabelle commented no motion was made by Council.

Fred Roberts, 40 SE 11th Avenue, requested to submit a presentation to Council prior to a motion. Assistant City Attorney Gilligan stated Council can make that decision; Council President Grabelle agreed to allow the presentation.

Mr. Roberts explained the purpose of the application is for an alcohol location permit only. If Council approves the application today, the applicant must operate under a one-year probationary period. However, due to the number of phases required before construction can begin, there is no feasible possibility that construction will be complete before this year period is up; therefore, the applicant will have to come before Council once again. The site has several previously proposed uses, such as a grocery store, which have been rejected. FDOT has approved the full point of access.

Mr. Roberts noted the frontage of the parcel is B-2, which allows for gas station and convenience store use as a matter of right under the zoning classification. He discussed the traffic study results and concerns with Council. Their goal is to alleviate concerns regarding SE 25th Avenue. In summary, the proposed development project is expected to have a relatively low traffic impact on the surrounding properties. Mr. Roberts commented he anticipates with other future developments in the area, there will be further upgrades with the road infrastructure including the 25th Ave and Maricamp Rd intersection.

Council Member Wardell asked what the proposed hours of operation are. Mr. Roberts responded the 7-Eleven will operate 24-hours and the sale of beer/wine will stop at 2:00 a.m., as well as no alcohol sales on Sundays as per City and County statutes. He noted zoning does

Eric Hayden, 2314 SE 19th Circle, spoke in opposition of the proposed development project. He expressed concern regarding safety, economic necessity and propriety.

Brad Chapello, 2420 SE 18th Circle, spoke in opposition of the proposed development project. He expressed concern regarding an increase in crime.

Mike Sizemore, 2205 SE 24th Avenue, Ocala, FL, spoke in opposition of the proposed development project. He expressed concern regarding safety, sale of alcohol, traffic, increased development on Maricamp Road and future development in the area. He noted the community does not want the proposed development in their neighborhood.

John Rudnianyn, 2441 NE 3rd Street, spoke in support of the proposed development project. He discussed how the traffic issue is being addressed with all the other land uses in the area. He noted the 7-Eleven is not adjoining Woodland Villages, and commented he is not aware of any residents outside of Woodland Villages complaining. In summary, the expressed concerns are addressed in the proposed site plan.

Council Member Wardell questioned how a denial would be appropriate, given the establishments across the street. Assistant City Attorney Gilligan referred to reasons for denial and procedure in the City Code and explained he would not comment on policy.

Mr. Morland, 4017 SE 18th Circle, spoke in opposition of the proposed development project. He noted the store across the street sell alcohol until 11:00 p.m. He expressed concern regarding the sale of alcohol until 2 a.m. and safety of residents.

Mr. Roberts commented the City donated 45 feet of heavily wooded land as a permanent buffer in anticipation of future development of 25th Avenue, and the proposed development will not increase crime in the area. He remarked the new Wawa just south of this intersection has had very few issues. He noted the sale of alcohol is largely available to citizens in the City of Ocala. Currently, there is a high demand for convenience stores and five applications are pending for convenience stores. Furthermore, no significant traffic will be added to Maricamp Road.

Mrs. Hayden, 2314 SE 19th Circle, spoke in opposition of the proposed development project. She expressed concern regarding safety, crime, loitering and sale of alcohol.

Council Member Musleh questioned how Council denies an application with both a store and restaurant across the street each serving alcohol. He noted they can revoke the permit if there is an increase in crime.

Council Member Wardell concurs with Council Member Musleh. He made a motion for approval of the alcohol permit.

Council Member Malever expressed concern regarding an increase in crime at 7-Eleven stores, Wawa and Race Trac. Particularly in the area of Pine and SR 200. Security is needed to protect

residents in the community. Council Member Musleh responded the crimes took place at different locations and do not apply to the proposed development.

Council Member Bethea asked how Council can deny the alcohol permit when the surrounding locations sell alcohol.

Council Member Musleh commented if Council denies the alcohol permit the applicant can sue the City. He requested clarification on the denial process. Assistant City Attorney Gilligan responded Council should refer to the City Code for the denial procedure. He noted the denial must be site specific and based on evidence, and clarified the application is for a location permit only; the liquor license itself is acquired from the State of Florida.

Mr. Chighizola discussed examples of denials and referenced sections (c) 2,4 and 6, compatibility with the residential, hours of operation and ingress/egress.

Council Member Musleh discussed how the area is being highly developed. He noted another access road will be constructed in the future.

Council President Pro Tem Malever stated he does not disagree with the proposed development. However, he is concerned approving the sale of alcohol.

There being no further discussion the motion carried by roll call vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Matthew Wardell, Council Member
SECONDER:	Jay A. Musleh, Council Member
AYES:	Malever, Bethea Sr., Musleh, Wardell, Grabelle