



Ocala Planning & Zoning Commission Agenda - Final Wednesday, November 13, 2024

Meeting Information

Location

City Hall
City Council Chambers
(2nd Floor)
110 SE Watula Avenue
Ocala, FL 34471

Time

5:30 PM

Board Members

Jamie Boudreau
Kevin Lopez, Chairman
Daniel London
Justin MacDonald
Buck Martin
Allison Campbell (non-voting), School
Board Representative

Staff

Jeff Shrum, AICP
Director
Growth Management Department

Aubrey Hale
Planning Director
Growth Management Department

Endira Madraveren
Chief Planning Official
Staff Liaison

Gabriela Solano
Committee Secretary

WELCOME!

We are very glad you have joined us for today's meeting. The Planning and Zoning Commission (P & Z) comprises citizen members who voluntarily and without compensation devote their time and expertise to a variety of zoning and land development issues in the community. For many types of cases, the P& Z acts in an advisory capacity to the Ocala City Council with its recommendations subject to final action by Council.

GENERAL RULES OF ORDER

The P & Z is pleased to hear all non-repetitive comments. However, since a general time limit of five (5) minutes is allotted to the proponents/opponents of an issue, large groups are asked to name a spokesperson.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the P & Z Recording Secretary at (352) 629-8404 at least 48 hours in advance of the meeting.

APPEALS

Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is made.

This meeting and past meetings may be viewed by selecting it <https://www.ocalafl.gov/meetings>.

1. Call to Order

- a. Pledge of Allegiance
- b. Roll Call for Determination of a Quorum
- 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 Gazette on October 25, 2024.

- a. [Ocala Gazette Ad](#)

3. Approval of Minutes

- a. [October 21, 2024 Meeting Minutes](#)

4. Subdivision

- a. [Approve SUB24-45769 Ocala West Shopping Center Phase 2 Final Plat subject to completion of legal review and addressing staff comments](#)

Presentation by Karen Cupp

City Council Tentative Schedule: Upon recommendation of approval or denial by the P & Z Commission, this item will be presented to City Council at the **Tuesday, November 19, 2024**, City Council meeting.

5. Annexation / Land Use / Zoning

- a. [Public Hearing to annex approximately 1.29 acres for property located at 4001 NW Blitchton Road \(Parcel 21537-002-00\) \(Case ANX24-45820\) \(Quasi-Judicial\).](#)

Presentation By: Kristina L. Wright

- b. [Public Hearing to change future land use designation of approximately 1.29 acres for property located at 4001 NW Blitchton Road \(Parcel 21537-002-00\) from Commercial \(County\) to Medium Intensity/Special District \(City\) \(Case LUC24-45821\) \(Quasi-Judicial\).](#)

Presentation By: Kristina L. Wright

- c. [Public Hearing to rezone approximately 1.29 acres for property located at 4001 NW Blichton Road \(Parcel 21537-002-00\) from B-2, Community Business \(County\), to B-2, Community Business \(City\) \(Case ZON24-45822\) \(Quasi-Judicial\).](#)

Presentation By: Kristina L. Wright

- d. [Public Hearing to rezone approximately 15.00 acres of property generally located in the 2000-3000 block of NW 35th Avenue road, approximately 660-feet northwest of the intersection of NW 35th Avenue Road and NW 21st Street, \(Parcel 21466-000-00\) from R-1, Single-Family Residential, to B-2, Community Business \(Case ZON24-45826\) \(Quasi-Judicial\).](#)

Presentation By: Emily W. Johnson, AICP

6. Abrogation

- a. [Public Hearing to abrogate an approximate 0.57 acre portion of railroad spur and utility right-of-way lying north of Lots 9-13 \(Block F\) and south of Lot 8 \(Block F\) of the Ocala Industrial Park as recorded in Plat Book H, Page 46, of the public records of Marion County, FL \(Parcel 23656-000-01\) \(Case ABR24-45753\) \(Quasi-Judicial\).](#)

Presentation By: Kristina L. Wright

7. Public Hearing

- a. [Public Hearing for reduction in parking requirements in excess of ten percent for approximately 10.88 acres located at 2400 and 2394 SW College Road \(Parcel 23560-002-02 & 23560-002-12\) \(Case PH24-45854\) \(Quasi-Judicial\).](#)

Presentation By: Breah Miller

- b. [Public Hearing to allow required off-street parking facilities approximately 1.05 acres provided on land within 300 feet of the plot located at 1734 and 1748 W Silver Springs Blvd \(Parcel 22714-000-00 and 22715-000-00\) \(Case PH24-0002\) \(Quasi-Judicial\).](#)

Presentation By: Kristina L. Wright

8. Public Comment

9. Staff Comment

10. Board Comment

11. Next meeting: December 9, 2024 at 5:30 pm

12. Adjournment



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-0130

Agenda Item #: a.

Ocala Gazette Ad



NOTICE OF PUBLIC HEARING OCALA PLANNING AND ZONING COMMISSION

The Ocala Planning & Zoning Commission will consider the following petitions at its meeting on **Wednesday, November 13, 2024, commencing at 5:30 pm, in the City Council Chambers located on the Second Floor of City Hall at 110 SE Watula Avenue. The meeting may be viewed live by selecting it at <https://www.ocalafl.gov/meetings>.**

NORTHWEST

Petitioner: C.L.D. Properties, LTD; Case: LUC24-45821; A request to change the Future Land Use designation from Commerical (County) to Medium Intensity/Special District (City), for property located at 4001 NW Blitchton Rd. (Parcel 21537-002-00), approximately 1.29 acres.

Petitioner: C.L.D. Properties, LTD; Case: ZON24-45822; A request to rezone from B-2, Community Business (County), to B-2, Community Business (City), for property located at 4001 NW Blitchton Rd. (Parcel 21537-002-00), approximately 1.29 acres.

Petitioner: Clausson P. Lexow; Case: ZON24-45826; A request to rezone from R-1, Single-Family Residential, to B-2, Community Business, for property located approximately 660-feet northwest of the intersection at NW 35th Avenue Road and NW 21st Street and approximately 130-feet west of I-75 (Parcel 21466-000-00), approximately 15 acres.

SOUTHWEST

Petitioner: Lorven Holdings LLC; Agent: Robert D. Wilson; Case: ABR24-45753; A request to abrogate a portion of the railroad spur and utility right-of-way lying north of Lots 9-13, Block F and south of Lot 8, Block F of the Ocala Industrial Park as recorded in Plat Book H, Page 46, of the public records of Marion County, Florida. (Parcel 23656-000-01), approximately 0.57 acres.

Petitioner: George N. Snelling, LLC; Agent: Davis L. Dinkins, P.E., Davis Dinkins Engineering, P.A.; Case: PH24-45854; A request for Public Hearing for reduction in parking requirements in excess of ten percent located at 2400 and 2394 SW College Road (Parcel 23560-002-02 & 23560-002-12), approximately 10.88 acres.

Petitioner: Legacy View Church Inc.; Agent: Pastor Danny Nunn, Jr., Legacy View Church Inc.; Case: PH24-0002; A request for Public Hearing to allow required off-street parking facilities provided on land within 300 feet of the plot, for property located at 1734 and 1748 W Silver Springs Boulevard (Parcel 22714-000-00 and 22715-000-00); approximately 1.05 acres.

JEFF SHRUM, AICP
DIRECTOR, GROWTH MANAGEMENT DEPARTMENT

The agenda and material related to items on each agenda will be available in advance online at www.ocalafl.gov.

Interested parties may appear at the meeting and be heard regarding their opinion of the proposed cases. Copies of the proposed cases 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 a.m. and 5:00 p.m., Monday through Friday.

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

Any person who decides to appeal any decision of the Ocala Planning and Zoning Commission 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.



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-0131

Agenda Item #: a.

October 21, 2024 Meeting Minutes



Ocala

Planning & Zoning Commission

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

Monday, October 21, 2024

5:30 PM

1. Call to Order

- a. Pledge of Allegiance
- b. Roll Call for Determination of a Quorum

Present Daniel London, Chairperson Kevin Lopez, Justin MacDonald,
and Buck Martin

Excused Jamie Boudreau, and Allison Campbell

- 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 Gazette on September 27th, 2024.

- a.

Attachments: [P&Z Ad 10142024 Proof](#)

3. Approval of Minutes

- a.

Attachments: [9-9-24 Meeting Minutes.pdf](#)

RESULT: APPROVED

MOVER: Daniel London

SECONDER: Buck Martin

4. Subdivision

- a. Approve SUB23-45407 Market Street at Heath Brook Lot 1 Replat Final Plat

Attachments: [Final Plat Memo.pdf](#)
[Final Plat.pdf](#)
[Boundary Survey.pdf](#)

Development Coordinator, Karen Cupp displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact for SUB2345407.

Motion to approve SUB23-45407, Market Street at Heath Brook Lot 1 Re-plat Final Plat.

RESULT: APPROVED
MOVER: Daniel London
SECONDER: Kevin Lopez
AYE: London, Chairperson Lopez, MacDonald, and Martin
EXCUSED: Boudreau, and Campbell

- b. Approve SUB23-45257 Ridge at Heath Brook Phase 2 Final Plat and Developer’s Agreement

Attachments: [Final Plat and Dev Agmt Memo.pdf](#)
[Final Plat.pdf](#)
[Boundary Survey.pdf](#)
[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 for SUB23-45257.

Motion to approve SUB23-45257, Ridge at Heath Brook Phase 2 Final Plat and Developer's Agreement.

RESULT: APPROVED
MOVER: Buck Martin
SECONDER: Kevin Lopez
AYE: London, Chairperson Lopez, MacDonald, and Martin
EXCUSED: Boudreau, and Campbell

5. Zoning

- a. Public Hearing to rezone approximately 21.00 acres for property located at 2495 NW 21st Street along with the parcel to the north (Parcel 21404-000-00 and 21411-000-00) from INST, Institutional, R-2 and Two-Family Residential to R-3, Multi-Family Residential (Case ZON24-45772) (Quasi-Judicial).

Attachments: [ZON24-45772 Staff Report](#)
[ZON24-45772 Case Map SKC Development LLC](#)
[ZON24-45772 Aerial Map SKC Development LLC](#)

Senior Planner, Emily Johnson displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact to rezone ZON24-45772.

Mr. Lopez asked for the R-3 density. Ms. Johnson replied the density is based off the future land use category which is a maximum of 12 dwelling units for multifamily residential.

Rob Batsel, 1531 SE 36th Avenue, Ocala, FL, said they will be doing a traffic study. Mr. Lopez asked for the concepts of Multifamily Residential. Mr. Batsel replied that they were looking at a villa and a town home concept.

Motion to approve ZON24-45772 to rezone the subject property from Institutional, R-2, Two-Family Residential, and R-3, Multi-Family Residential, to R-3, Multi-Family Residential.

RESULT: APPROVED

MOVER: Justin MacDonald

SECONDER: Kevin Lopez

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

- b. Public Hearing to rezone approximately 1.20 acres for property located at the southeast corner of the intersection of E Silver Springs Boulevard and NE 39th Road (Parcel 2730-1000-00) from Limited Community Business (B-2A) to Multi-Family Residential (R-3) (Case ZON24-45770) (Quasi-Judicial).

Attachments: [ZON24-45770 Staff Report New Template](#)
[ZON24-45770 RST Cypress Point Estates LP Aerial Map](#)

Ms. Johnson displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact to rezone ZON24-45770.

Mr. Lopez said there is a lot of entrances and exits to Silver Springs. Ms. Johnson responded that a concept plan has not been submitted and the intention is to have the access on 39th Road instead of Silver Springs Boulevard.

Bob Colvard, 420 Snug Harbor Dr, Merritt Island, FL, said the parcel is going to be connected to the parcel that is behind the Windsor Apartments. The parcel that is being rezoned is for access.

Motion to approve ZON24-45770 to rezone the subject property from B-2A, Limited Community Business, to R-3, Multi-Family Residential.

RESULT: APPROVED

MOVER: Buck Martin

SECONDER: Daniel London

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

- c. Public Hearing to rezone approximately 1.99 acres for property located at 517 SW 27th Avenue along with the property located directly north (Parcels 22687-001-00 & 22686-000-00) from R-2, Two-Family Residential, and INST, Institutional, to B-1, Neighborhood Business (Case ZON24-45815) (Quasi-Judicial).

Attachments: [ZON24-45815 Staff Report](#)
[ZON24-45815 Case Map](#)
[ZON24-45815 Aerial Map](#)

Planner II, Kristina Wright displayed maps and various photos of the property and

adjacent properties while providing staff comments and the findings of fact to rezone ZON24-45815.

Paolo Mastroserio, Mastroserio Engineering, 170 SE 32nd Place, Ocala, FL, said they worked on a major conceptual plan and he applied for a minor site plan to get the bank started.

Motion to approve ZON24-45815, to rezone 0.99 acres from R-2, Two Family Residential District to B-1, Neighborhood Business District and rezone 1.01 acres of a 25.79 acre parcel from Institutional to B-1. Neighborhood Business to facilitate future commercial development.

RESULT: APPROVED

MOVER: Justin MacDonald

SECONDER: Daniel London

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

- d. Public Hearing to rezone approximately 10.88 acres for property located at 2400 SW College Road (Parcel 23560-002-02 and 23560-002-12) from B-4, General Business, to SC, Shopping Center (Case ZON24-45818) (Quasi-Judicial).

Attachments: [ZON24-45818 Staff Report](#)
[ZON24-45818 Case Map](#)
[ZON24-45818 Aerial Map](#)

Ms. Johnson displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact to rezone ZON24-45818.

Davis Dinkins, 125 NE 1st Avenue, Suite 2, Ocala, FL, said he was available for questions.

Motion to approve ZON24-45818 to rezone the subject property from B-4, General Business, to Shopping Center.

RESULT: APPROVED

MOVER: Daniel London

SECONDER: Buck Martin

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

6. Planned Development

- a. Public Hearing to rezone approximately 30.49 acres for property located at 5019 West Highway 40 along with the parcel to the northwest (Parcels 23176-003-00 & 23180-000-00) from Wholesale Business (B-5) and No Zoning to Planned Development (PD) (Case PD24-45515) (Quasi-Judicial).

Attachments: [PD24-45515 Staff Report](#)
[PD24-45515 Aerial Map CHI Ocala Rancho](#)

Chief Planning Official, Endira Madraveren said she wanted to clarify the Planned Development agenda items. The first agenda item will be for the rezoning for the ordinance that will proceed to City Council. The second item will be for the resolution, which includes the Planned Development standards book and the Planned Development plan. The Board is approving the ordinance and the resolution for the Planned Development and standards book.

Planner II Brea Miller displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact to rezone PD24-45515.

Mr. Lopez asked if the entrance/exit on State Road 40 cover the commercial properties. Ms. Miller replied yes and it is one of the conditions for the request.

Mr. Mastroserio said they received the condition items and they fixed the buffer to a 25-foot landscape, explicitly restricting access to one point onto State Road 40, changed the chain link fence with an opaque 6-foot and removing the inclusion for the potential for single-family residential development from the PD standards book. The only issue is with condition number five. Growth Management Director, Jeff Shrum said the staffs concern is that at sometime the non-conforming uses have to go away with a date. Mr. McDonald mentioned most conditions do not go past two years. Mr. Shrum said two years should be enough time and the applicant can comeback to make an amendment if he decides to extend the time.

Motion to approve PD24-45515, to rezone the subject property from B-5, Wholesale Business and No Zoning to Planned Development for future commercial and multi-family development with the condition of 5a. to be extended to 24 months.

RESULT: APPROVED

MOVER: Justin MacDonald

SECONDER: Kevin Lopez

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

- b. Public Hearing concerning a resolution for a Planned Development Plan and PD Standards for property located at 5019 West Highway 40 along with the parcel to the northwest (Parcels 23176-003-00 & 23180-000-00), approximately 30.49 acres (Case No. PD24-45515) (Quasi-Judicial).

Attachments: [Staff Report](#)
[EXHIBIT A - PD PLAN](#)
[EXHIBIT B - PD STANDARDS BOOK](#)

Motion to approve PD24-45515, a resolution for a Planned Development Plan and PD Standards for property located at 5019 West Highway 40 along with the parcel to the

northwest (Parcels 23176-003-00 & 23180-000-00) to be extended to 24 months.

RESULT: APPROVED

MOVER: Justin MacDonald

SECONDER: Buck Martin

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

- c. Public Hearing to rezone approximately 11.62 acres for property located at 3635 and 3521 SW 42nd Street (Parcels 23901-000-00 and 23900-000-00) from Community Business (B-2) and No Zoning to Planned Development (PD) (Case PD24-45730) (Quasi-Judicial).

Attachments: [PD24-45730 Staff Report](#)
[PD24-45730 Case Map](#)
[PD24-45730 Aerial Map](#)

Ms. Wright displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact to rezone PD24-45730.

Mr. Lopez asked if a retention area was needed since the property is in a flood zone. Ms. Wright replied yes and any modifications would go through the Board.

Fred Roberts, 40 SE 11th Avenue, Ocala, FL, said the code requires a more intense process than the old PUD standards for the first phase and any modifications will come through the Board

Motion to approve PD24-45730 to rezone the subject property from B-2, Community Business and No Zoning to PD, Planned Development for future commercial and multi-family development.

RESULT: APPROVED

MOVER: Daniel London

SECONDER: Buck Martin

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

- d. A resolution concerning a PD, Planned Development Plan, including PD Standards for property located at 3635 and 3521 SW 42nd Street (Parcels 23901-000-00 and 23900-000-00) from Community Business (B-2) and No Zoning to Planned Development (PD) (Case PD24-45730) (Quasi-Judicial).

Attachments: [Staff Report](#)
[Exhibit A SW 42nd Street](#)
[Exhibit B SW 42nd Street](#)

Motion to approve PD24-45730 to consider a resolution for a PD Plan and Standards Book for property located at the northeast corner of the intersection of NE 25th Avenue and NE 28th Street (Parcel 24274-000-00).

RESULT: APPROVED

MOVER: Kevin Lopez

SECONDER: Justin MacDonald

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

- e. Public Hearing to rezone approximately 12.61 acres for property located at the northeast corner of the intersection of NE 25th Avenue and NE 28th Street (Parcel 24274-000-00) from INST, Institutional to PD, Planned Development (Case PD24-45735) (Quasi-Judicial).

Attachments: [PD24-45735 Staff Report](#)
[PD24-45735 Case Map](#)
[PD24-45735 Aerial Map](#)

Ms. Johnson displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact to rezone PD24-45735.

David Tillman, Tillman Associates Engineering, 1720 SE 16th Avenue, Building 100, Ocala, FL, said the layout shows 53 lots and he would like the request to go up to 55 lots to be part of the approval.

Marianne Mylan, 2029 NE 25th Court, Ocala, FL, said the proposal is not compatible with the surrounding area, 55 houses is a minimum of 75 extra vehicles and will produce traffic jams and the reduction of open space is too much.

Alfred Carelli, 2905 NE 25th Court, Ocala, FL, said he is against the project because HUD and FEMA was financing this development for attainable housing and will be for illegal aliens that are flooding the country.

Georgia Bennett Harris, 2625 NE 27th Street, said she wanted more information about the type of apartment building. She said 28th Street will be opened up and have more cars. Mr. Lopez responded that development will be single family homes and not apartment buildings.

Mr. Tillman said they will be building single family homes and are not tied to a low income criteria. This is not a government subsidized project it is privately funded development.

Mr. Lopez asked if a traffic study will be conducted. Mr. Tillman replied yes it is required for development.

Mr. Sexton asked if the 55 lots still has the 40 percent open space. Mr. Tillman replied yes, they will not go 55 lots if there is not 40 percent open space.

Mr. London asked about the schools around the area. Mr. Lopez responded Ocala Springs Elementary, Fort King Middle and Vanguard High school.

Mr. McDonald asked if the site plan would have to be resubmitted with the 55 lots. Planning Director Aubrey Hale replied that they would work with the applicant to resubmit prior to City Council.

Motion to approve PD24-45735 rezone to Institutional to Planned Development.

RESULT: APPROVED

MOVER: Kevin Lopez

SECONDER: Justin MacDonald

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

- f. Public Hearing to consider a resolution for a PD Plan and Standards Book for property located at the northeast corner of the intersection of NE 25th Avenue and NE 28th Street (Parcel 24274-000-00), approximately 12.61 acres (Case No. PD24-45735) (Quasi-Judicial).

Attachments: [PD24-45735 Staff Report](#)
[EXHIBIT A - PD PLAN](#)
[EXHIBIT B - PD STANDARDS BOOK](#)

Motion to approve PD24-45735 to consider a resolution for a PD Plan.

RESULT: APPROVED

MOVER: Kevin Lopez

SECONDER: Buck Martin

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

7. Public Comment

None.

8. Staff Comment

Ms. Madraveren said the Board would need to vote on the meeting for November, because City offices will be closed on November 11 in observance of Veterans day.

Motion to change the Planning and Zoning meeting to November 13 at 5:30 pm.

Mr. Shrum said the last PD amendment item 5c. and 5d. presented a challenge for staff because of the lack of detail. There will be a couple of workshops to cover 2050 plan, Sunshine laws, roles and procedures and staff will be reaching out to schedule a date.

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

RESULT: APPROVED

MOVER: Kevin Lopez

SECONDER: Justin MacDonald

AYE: London, Chairperson Lopez, MacDonald, and Martin

EXCUSED: Boudreau, and Campbell

9. Board Comment

None.

10. Next meeting: November 13, 2024.

11. Adjournment



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-0024

Agenda Item #: a.

Approve SUB24-45769 Ocala West Shopping Center Phase 2 Final Plat subject to completion of legal review and addressing staff comments

Presentation by Karen Cupp

City Council Tentative Schedule: Upon recommendation of approval or denial by the P & Z Commission, this item will be presented to City Council at the **Tuesday, November 19, 2024**, City Council meeting.



CITY OF OCALA
Interdepartmental Correspondence
Engineering and Water Resources Department

DATE: October 3, 2024
TO: Planning & Zoning Commission
FROM: Sean Lanier, PE, CFM, City Engineer
SUBJECT: SUB24-45769 OCALA WEST SHOPPING CENTER PHASE 2 FINAL PLAT

Presented for your consideration is the Ocala West Shopping Center Phase 2 Final Plat. The plat consists of four lots on 11.01 acres with no proposed infrastructure improvements. This property was developed in 1984 as a shopping center under B-4 zoning. The plat was prepared by Rogers Engineering, LLC and the developer is George N. Snelling, LLC.

A master site plan for the shopping center was approved and improvements to serve the development were installed at that time. Newly created parcels, that are not currently developed, will require a site plan submitted for review and approval at the time of development.

The City Engineer's Office is recommending approval of the final plat subject to addressing outstanding staff comments and completion of legal review prior to recordation.

OCALA WEST SHOPPING CENTER PHASE 2

A PORTION OF SECTION 24, TOWNSHIP 15 SOUTH, RANGE 21 EAST,
CITY OF OCALA, MARION COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____.

SHEET 1 OF 4

ADVISORY NOTICES:

1. THE CURRENT FUTURE LAND USE DESIGNATION AND ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED HEREON IS LOW INTENSITY AND B-4.
2. ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM (N.F.I.P.) FLOOD INSURANCE RATE MAP (F.I.R.M.) COMMUNITY NUMBER 120330, PANEL 0516, SUFFIX E, MARION COUNTY, FLORIDA, DATED 4/19/2017, THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X". ALL PERSONS WITH AN INTEREST IN THE LANDS DESCRIBED HEREON SHOULD EVALUATE CURRENT FLOODPLAIN LIMITS AS THEY MAY BE AMENDED FROM TIME TO TIME AS DETERMINED BY F.E.M.A.
3. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED OR REFERENCED ON THIS PLAT THAT MAY BE FOUND IN THE MARION COUNTY OFFICIAL RECORDS.
4. CITY OFFICIALS EMPLOYED BY THE CITY BUILDING AND ZONING DEPARTMENT, CITY ENVIRONMENTAL HEALTH DEPARTMENT AND CITY ENGINEERING DEPARTMENT SHALL HAVE THE RIGHT TO ENTER UPON THE LANDS INCLUDED IN THIS PLAT FOR THE PURPOSES OF INSPECTING ANY AND ALL FACILITIES, STRUCTURES AND INFRASTRUCTURE IMPROVEMENTS IN ORDER TO ASSURE THAT THE SAME ARE IN KEEPING WITH THE PUBLIC SAFETY, HEALTH AND GENERAL WELFARE.

GENERAL NOTES:

1. THIS PLAT IS BASED ON A BOUNDARY SURVEY OF THESE SAME LANDS, PREPARED BY THIS FIRM, DATED 5/13/2024.
2. THIS PLAT CONTAINS 4 LOTS, NO ROAD RIGHTS-OF-WAY AND NO INFRASTRUCTURE IMPROVEMENTS.
3. BEARINGS SHOWN HEREON ARE BASED ON THE DEED RECORDED IN OFFICIAL RECORDS BOOK 7114, PAGE 1032, PUBLIC RECORDS OF MARION COUNTY, FLORIDA, IN PARTICULARLY THE NORTHEASTERLY MOST LINE OF SUBJECT PROPERTY BEARING N41°36'55"W; THE BEARINGS ARE NOT STATE PLANE GRID BEARINGS.
4. STATE PLANE COORDINATES SHOWN HEREON WERE ESTABLISHED BY THE BOUNDARY SURVEY OF THESE SAME LANDS, PREPARED BY THIS FIRM IN JULY 2024, WHICH WAS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, NAD-83, AND DERIVED FROM THE L-NET NETWORK.
5. WATER, SEWER, ELECTRIC, GAS AND TELECOMMUNICATION UTILITIES ARE CURRENTLY WITHIN THE EASEMENTS SHOWN OR NOTED HEREON. THIS PLAT PROPOSES NO NEW EASEMENTS.
6. THE EASEMENTS SHOWN HEREON AND RECORDED IN O.R.B. 270, PG. 74; O.R.B. 270, PG. 77; O.R.B. 1024, PG. 255; O.R.B. 1203, PG. 1975; O.R.B. 1203, PG. 1981; O.R.B. 1237, PG. 446 AND O.R.B. 1262, PG. 1876 CONTINUE ON TO THE ADJOINING PROPERTIES.
7. THE FOLLOWING EASEMENTS ARE BLANKET TYPE EASEMENTS APPLICABLE TO AND ENCUMBERING ALL OF THE PROPERTY SHOWN AND DESCRIBED HEREON: O.R.B. 1185, PG. 1644; O.R.B. 1203, PG. 2007; O.R.B. 1225, PG. 1513; O.R.B. 1262, PG. 1847; O.R.B. 1262, PG. 1865; O.R.B. 1714, PG. 1211; AND O.R.B. 3216, PG. 230.
8. THE FOLLOWING DOCUMENTS ARE APPLICABLE TO THE PROPERTY SHOWN HEREON BUT DO NOT REPRESENT A SURVEY MATTER: O.R.B. 1199, PG. 577; O.R.B. 1263, PG. 1539; O.R.B. 1327, PG. 203; O.R.B. 1665, PG. 1180 AND O.R.B. 7922, PG. 987.
9. THIS PROJECT HAS NOT BEEN GRANTED CONCURRENCY APPROVAL AND/OR GRANTED AND/OR RESERVED ANY PUBLIC FACILITY CAPACITIES. FUTURE RIGHTS TO DEVELOP THE RESULTING PROPERTIES ARE SUBJECT TO A DEFERRED CONCURRENCY DETERMINATION, AND FINAL APPROVAL TO DEVELOP THE PROPERTY HAS NOT BEEN OBTAINED. THE COMPLETION OF CONCURRENCY REVIEW AND/OR APPROVAL IS DEFERRED TO A LATER DEVELOPMENT REVIEW STAGE.
10. THE EXISTING SHOPPING CENTER DRIVEWAY CONNECTIONS TO S.W. COLLEGE ROAD AND S.W. 19th AVENUE ROAD ARE LOCATED ON LOT 1 AND THESE TWO DRIVEWAYS SHALL PROVIDE ACCESS TO LOTS 2, 3 AND 4 BY EXISTING EASEMENT RIGHTS OVER AND ACROSS LOT 1. NO NEW DRIVEWAY CONNECTIONS SHALL BE MADE TO THE ADJOINING PUBLIC RIGHTS-OF-WAY.
11. BOUNDARY PERMANENT REFERENCE MONUMENTS WERE EITHER FOUND AND ACCEPTED OR SET AS SHOWN AND NOTED HEREON.
12. THE EASEMENT AREA FOR THE MODIFICATION OF RECIPROCAL EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1288, PAGE 4, PUBLIC RECORDS OF MARION COUNTY, FLORIDA IS DEPICTED BY A HAND DRAWN SKETCH, WITH NO DIMENSIONS, IN EXHIBIT "A" OF THE DOCUMENT. THIS EASEMENT IS PLOTTED ON THIS PLAT BASED ON THE SURVEYED LOCATION OF THE PAVED DRIVE AISLE AND DRIVEWAY, AND TO MIMIC THE LOCATION AND SHAPE OF THE AREA REFERENCED IN EXHIBIT "A" OF THE EASEMENT DOCUMENT.

CERTIFICATE OF APPROVAL BY CITY ATTORNEY:

THIS CERTIFIES THAT THIS PLAT WAS PRESENTED TO THE ATTORNEY FOR THE CITY OF OCALA, MARION COUNTY, FLORIDA AND APPROVED BY HIM AS TO FORM AND LEGALITY ON THE _____ DAY OF _____, 20____.

BY: _____
WILLIAM E. SEXTON
CITY ATTORNEY

CERTIFICATE OF APPROVAL BY CITY SURVEYOR:

THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY WITH FLORIDA STATUTES CHAPTER 177, PART 1, BY THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY THE CITY OF OCALA, AND HAS BEEN FOUND TO CONFORM TO SUCH CHAPTER.

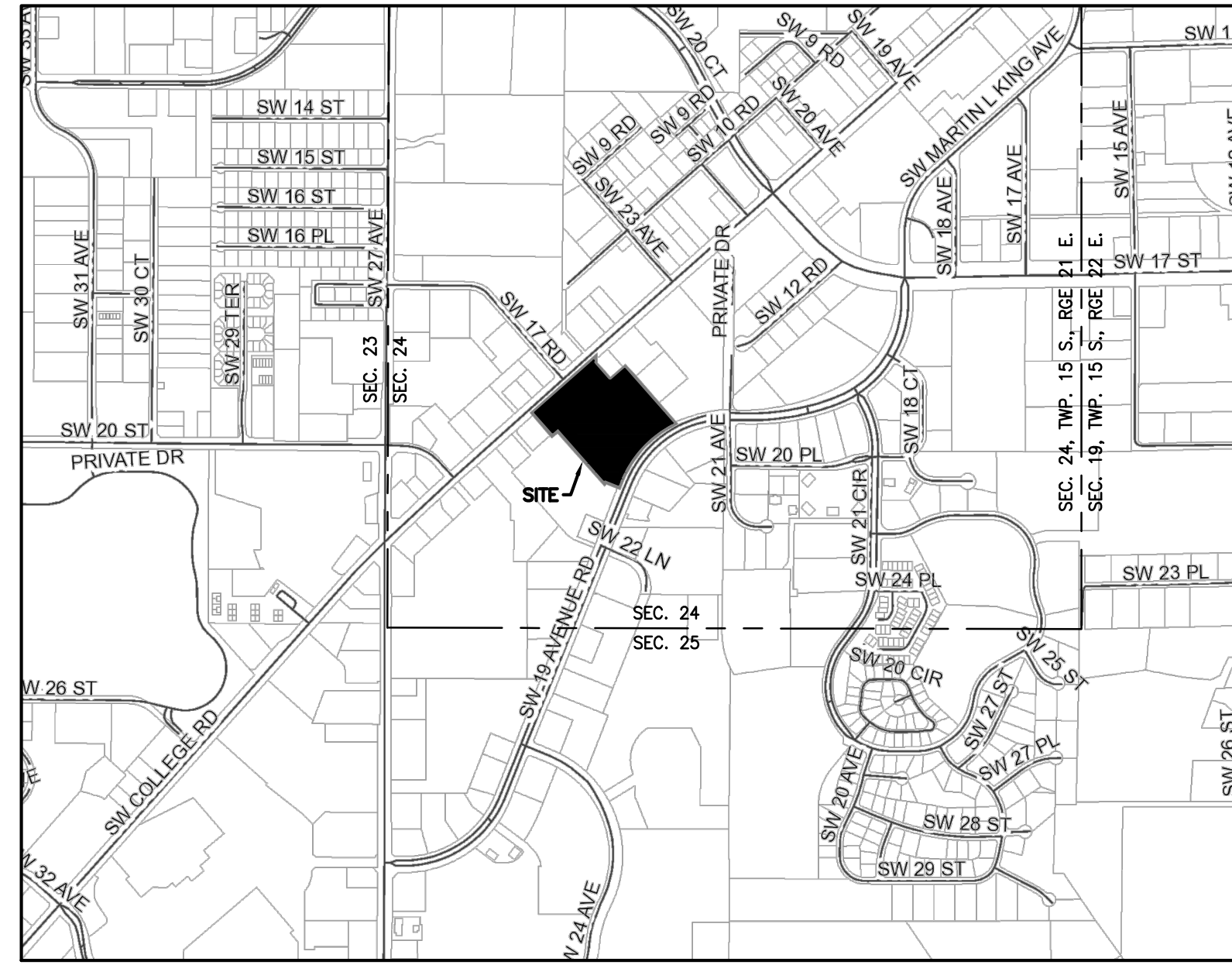
BY: _____
R. KELLY ROBERTS, PSM
CHIEF LAND SURVEYOR, CITY OF OCALA
FLORIDA PROFESSIONAL SURVEYOR & MAPPER No. 5558

CERTIFICATE OF APPROVAL BY PLANNING AND ZONING COMMISSION:

THIS CERTIFIES THAT THIS PLAT WAS PRESENTED TO THE PLANNING AND ZONING COMMISSION OF THE CITY OF OCALA, MARION COUNTY, FLORIDA, AND WAS APPROVED BY THE COMMISSION FOR RECORD ON THE _____ DAY OF _____, 20____.

ATTEST:
BY: _____
KEVIN LOPEZ, CHAIRPERSON
PLANNING & ZONING COMMISSION

BY: _____
SEAN LANIER, P.E.
CITY ENGINEER



LOCATION MAP

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF TAYLOR FIELD ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK C, PAGE 74, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 200 (100 FEET WIDE), THENCE S48°23'05"W 108.38 FEET TO THE NORTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1024, PAGE 222 AND 223, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE CONTINUE S48°23'05"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1326.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S48°23'05"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 587.75 FEET; THENCE S41°36'55"E 200.00 FEET; THENCE N48°20'32"E A DISTANCE OF 54.99 FEET; THENCE S41°37'56"E A DISTANCE OF 525.80 FEET; THENCE N48°22'04"E A DISTANCE OF 12.00 FEET; THENCE S41°37'56"E A DISTANCE OF 6.00 FEET; THENCE S68°04'18"E A DISTANCE OF 99.86 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SW 19th AVENUE ROAD; THENCE N22°05'59"E ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 26.46 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 850.00 FEET, A CHORD BEARING OF N42°01'06"E, A CHORD DISTANCE OF 591.28 FEET, RUN THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 40°42'26", A DISTANCE OF 603.91 FEET; THENCE N41°36'55"W A DISTANCE OF 543.88 FEET; THENCE S48°23'05"W A DISTANCE OF 130.62 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 45.00 FEET, A CHORD BEARING OF N86°36'55"W, A CHORD DISTANCE OF 27.41 FEET, RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°27'46", A DISTANCE OF 27.85 FEET; THENCE N41°36'55"W A DISTANCE OF 163.98 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 45.00 FEET, A CHORD BEARING OF N00°02'48"W, A CHORD DISTANCE OF 22.23 FEET, RUN THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°36'00", A DISTANCE OF 22.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.01 Acres, MORE OR LESS.

CERTIFICATE OF APPROVAL BY CITY COUNCIL:

THIS IS TO CERTIFY, THAT ON THIS _____ DAY OF _____, 20____, THE FOREGOING PLAT WAS APPROVED BY THE COUNCIL OF THE CITY OF OCALA, MARION COUNTY, FLORIDA.

ATTEST:
BY: _____
BARRY MANSFIELD
PRESIDENT, CITY COUNCIL

BY: _____
ANGEL B. JACOBS
CITY CLERK

CLERK'S CERTIFICATION:

I, CLERK OF CIRCUIT COURT OF MARION COUNTY, FLORIDA, DO HEREBY ACCEPT THIS PLAT OF OCALA WEST SHOPPING CENTER PHASE 2, FOR RECORDING. THIS PLAT FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT _____ A.M./P.M. AND RECORDED ON PAGE(S) _____ OF PLAT BOOK _____ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MARION COUNTY, FLORIDA.

BY: _____
GREGORY C. HARRELL
CLERK OF THE CIRCUIT COURT

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GEORGE N. SNELLING, LLC, AS FEE SIMPLE OWNER OF THE LAND DESCRIBED AND PLATTED HEREIN AS "OCALA WEST SHOPPING CENTER PHASE 2", LOCATED IN THE CITY OF OCALA, MARION COUNTY, FLORIDA, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON; AND THAT THE CITY OF OCALA HAS NO RESPONSIBILITY FOR THE MAINTENANCE OF THE IMPROVEMENTS, BUT IS GRANTED THE RIGHT TO PERFORM EMERGENCY MAINTENANCE ON ANY PRIVATE DRAINAGE SYSTEMS LOCATED WITHIN THIS PLAT IN THE EVENT OF A LOCAL, STATE OR FEDERAL STATE OF EMERGENCY WHEREIN THE DECLARATION INCLUDES THIS SUBDIVISION OR AN EMERGENCY WHEREIN HEALTH, SAFETY OR WELFARE OF THE PUBLIC IS DEEMED AT RISK. IT IS NOT THE INTENT OF THE OWNERS TO DEDICATE ANY LAND IN THIS SUBDIVISION TO THE GENERAL PUBLIC OR THE PROPERTY OWNER'S ASSOCIATION.

IN WITNESS WHEREOF GEORGE N. SNELLING, AS OWNER, HAS CAUSED THESE PRESENTS TO BE SIGNED ON THIS _____ DAY OF _____, 20____.

WITNESS #1: _____ OWNER/DEVELOPER:
GEORGE N. SNELLING, LLC

SIGNATURE _____

PRINT NAME _____
GEORGE N. SNELLING, MANAGER

WITNESS #2: _____

SIGNATURE _____

PRINT NAME _____

NOTARY ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____, BY GEORGE N. SNELLING AS OWNER.

NOTARY PUBLIC, STATE OF FLORIDA

NAME: _____
(PLEASE PRINT)

COMMISSION NUMBER: _____ COMMISSION EXPIRES: _____

_____ PERSONALLY KNOWN
-OR-
_____ PRODUCED IDENTIFICATION (IF THIS BOXED IS CHECKED, FILL IN THE BLANK BELOW)
TYPE OF IDENTIFICATION PRODUCED: _____

SURVEYOR'S CERTIFICATION:

I CERTIFY THIS PLAT, PREPARED UNDER MY DIRECTION AND SUPERVISION, COMPLIES WITH THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF OCALA DEVELOPMENT CODE AND CHAPTER 114 OF THE CITY OF OCALA CODE OF ORDINANCES, AND THAT THIS PLAT DOES NOT ADVERSELY AFFECT THE LEGAL ACCESS OF ADJACENT PARCELS.

BY: _____
MEKELLE M. BOYER, P.S.M.
REGISTRATION No. 7398
STATE OF FLORIDA

SHEET 1: LEGAL DESCRIPTION, NOTES, OWNER'S DEDICATION AND CITY OFFICIALS' APPROVALS
SHEET 2: PLAT MAP
SHEET 3: EASEMENT DETAILS
SHEET 4: EASEMENT DETAILS

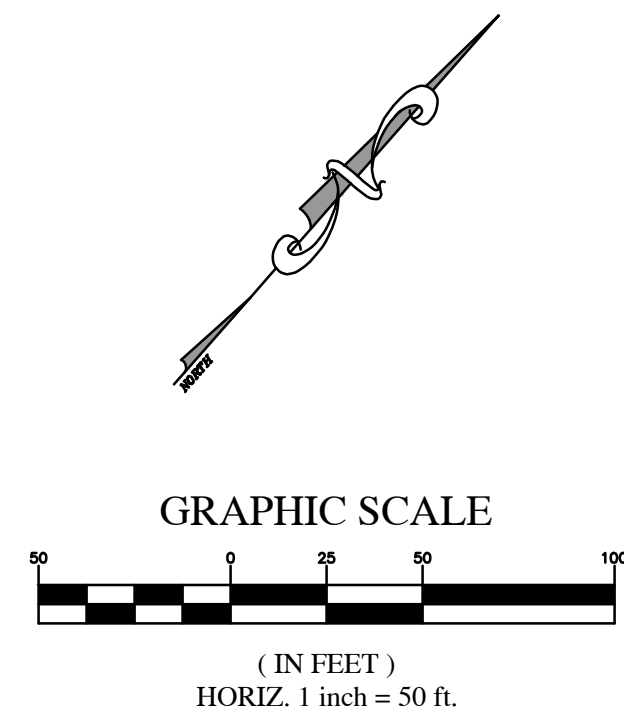
PREPARED BY:
ROGERS ENGINEERING, LLC
Civil Engineering & Land Surveying
1105 S.E. 3rd Avenue • Ocala, Florida 34471 • Ph. (352) 622-9214 • Lic. Bus. #4074

OCALA WEST SHOPPING CENTER PHASE 2

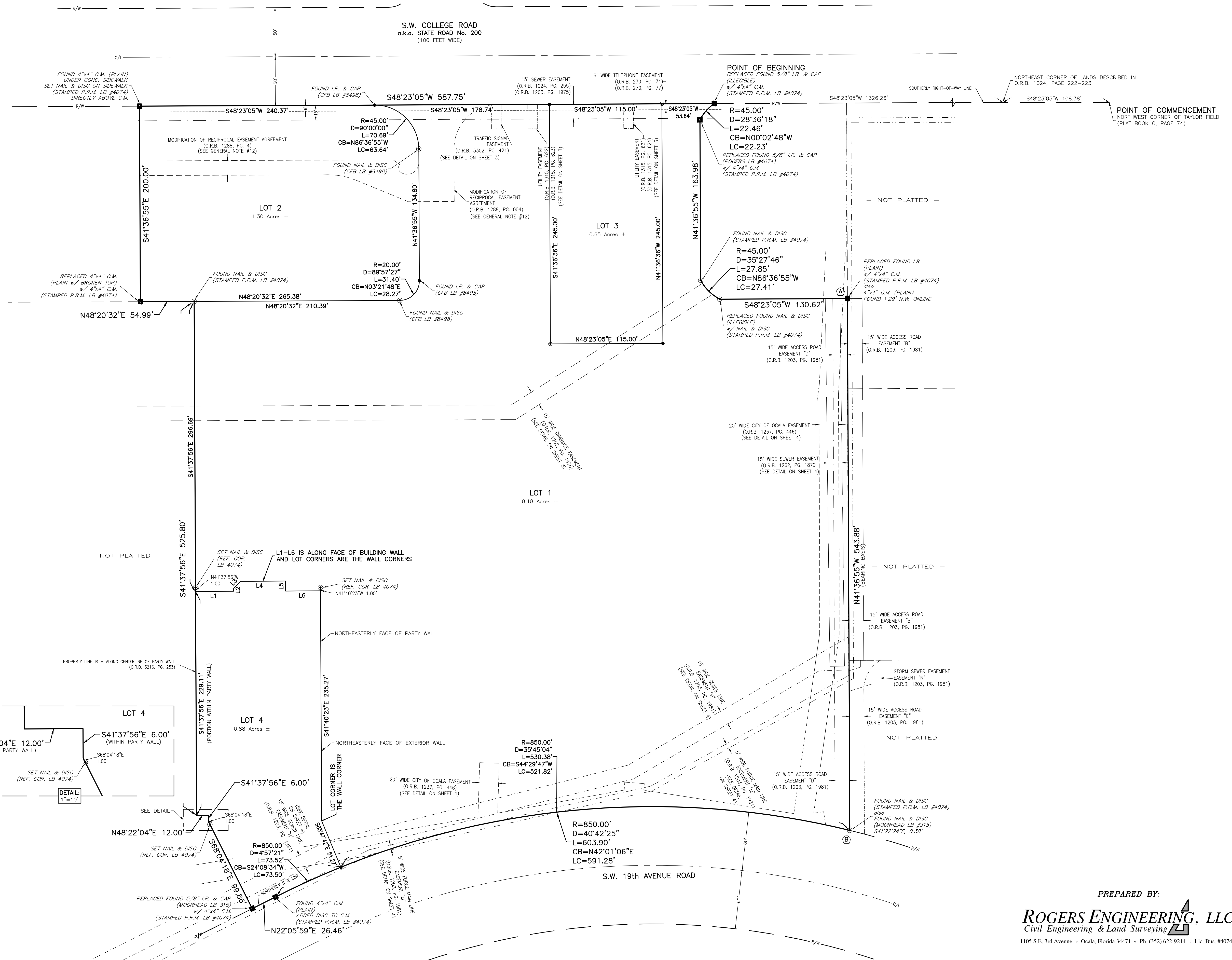
A PORTION OF SECTION 24, TOWNSHIP 15 SOUTH, RANGE 21 EAST,
CITY OF OCALA, MARION COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____

SHEET 2 OF 4



STATE PLANE COORDINATES	
Ⓐ	N: 1758013.397 E: 604079.966
Ⓑ	N: 1757605.259 E: 604439.451
BEARING BASIS: N41°22'24"W	



- LEGEND**
- 4"x4" CONCRETE MONUMENT
 - SET 5/8" IRON ROD & CAP (ROGERS ENG. LB #4074) (UNLESS OTHERWISE NOTED)
 - ⊙ SET NAIL & DISC (ROGERS ENG. LB #4074) (UNLESS OTHERWISE NOTED)
 - P.C.P. PERMANENT CONTROL POINT
 - P.R.M. PERMANENT REFERENCE MONUMENT
 - C.M. CONCRETE MONUMENT
 - I.R. IRON ROD
 - R/W RIGHT OF WAY
 - C/L CENTERLINE
 - P/L PROPERTY LINE
 - NR NON-RADIAL
 - SEC. SECTION
 - TWP. TOWNSHIP
 - RGE. RANGE
 - R RADIUS
 - D or Δ CENTRAL ANGLE
 - L ARC LENGTH
 - CB CHORD BEARING
 - LC LENGTH OF CHORD
 - O.R.B. OFFICIAL RECORDS BOOK
 - PG. PAGE
 - C1 CURVE NUMBER (SEE CURVE TABLE)

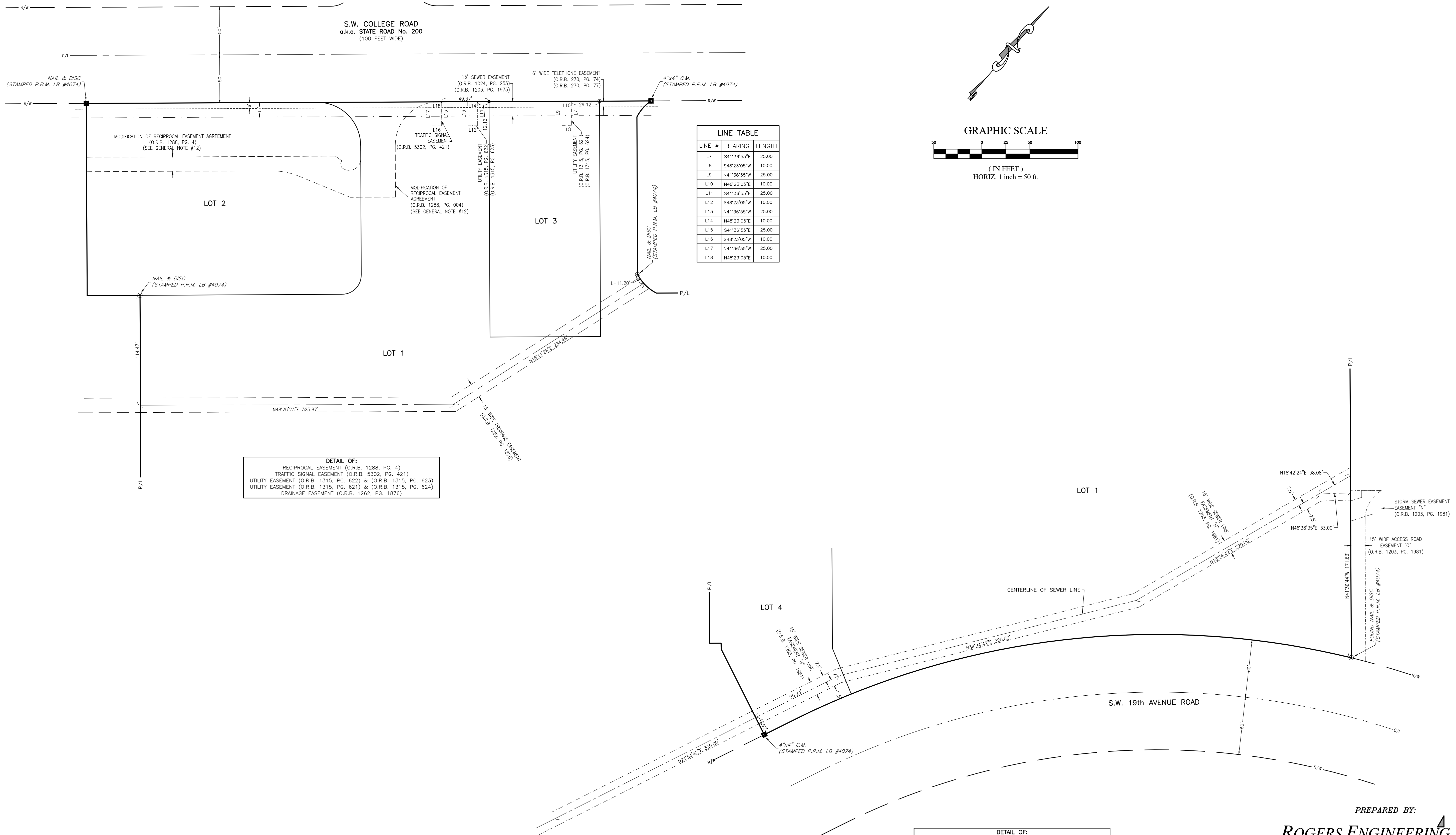
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OCALA WEST SHOPPING CENTER PHASE 2

A PORTION OF SECTION 24, TOWNSHIP 15 SOUTH, RANGE 21 EAST,
CITY OF OCALA, MARION COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____.

SHEET 3 OF 4



DETAIL OF:
 RECIPROCAL EASEMENT (O.R.B. 1288, PG. 4)
 TRAFFIC SIGNAL EASEMENT (O.R.B. 5302, PG. 421)
 UTILITY EASEMENT (O.R.B. 1315, PG. 622) & (O.R.B. 1315, PG. 623)
 UTILITY EASEMENT (O.R.B. 1315, PG. 621) & (O.R.B. 1315, PG. 624)
 DRAINAGE EASEMENT (O.R.B. 1262, PG. 1876)

DETAIL OF:
 SEWER LINE EASEMENT (O.R.B. 1203, PG. 1981)
 ADJACENT ACCESS ROAD EASEMENT (O.R.B. 1203, PG. 1981)
 ADJACENT STORM SEWER EASEMENT (O.R.B. 1203, PG. 1981)

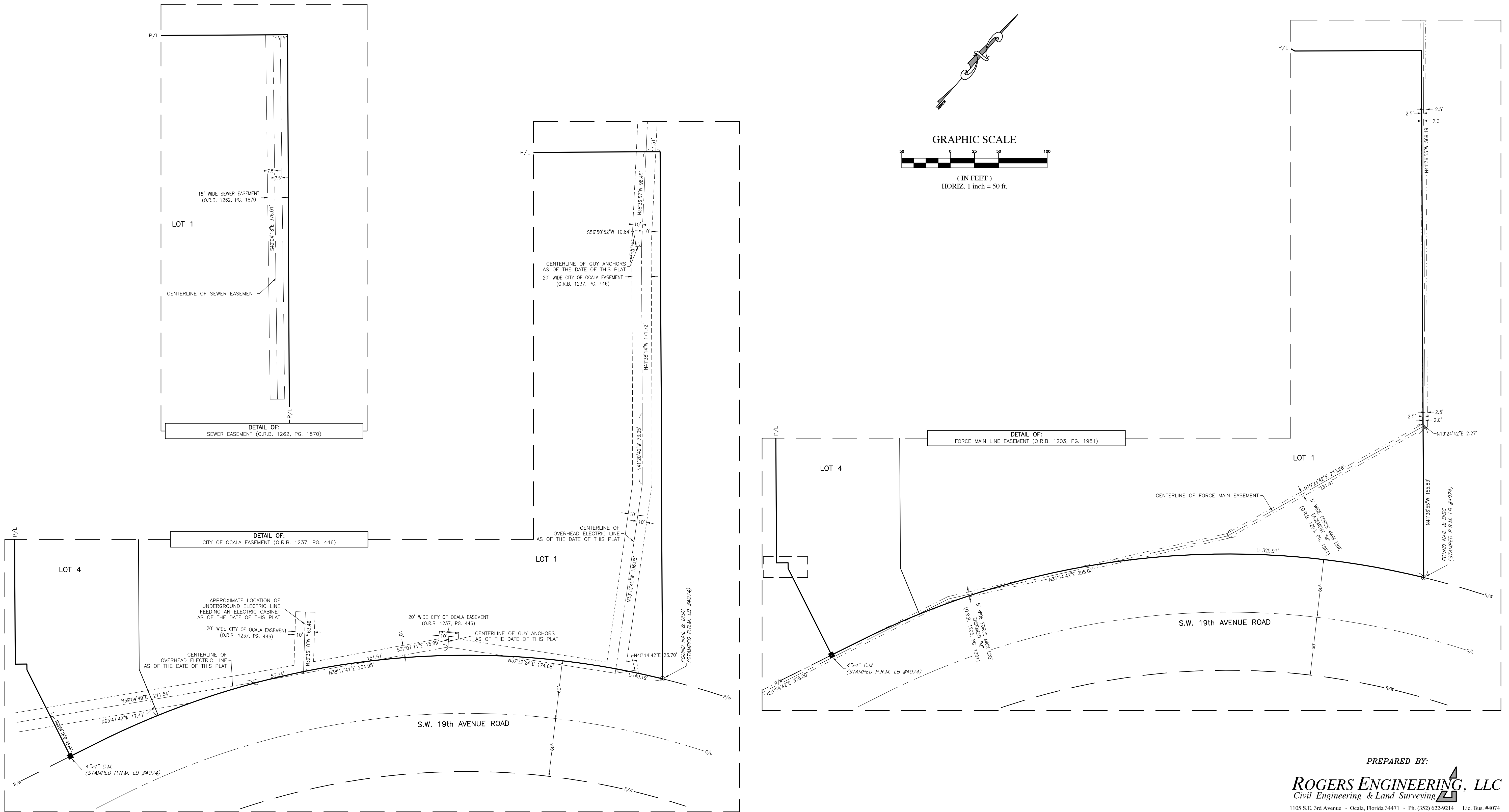
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OCALA WEST SHOPPING CENTER PHASE 2

A PORTION OF SECTION 24, TOWNSHIP 15 SOUTH, RANGE 21 EAST,
CITY OF OCALA, MARION COUNTY, FLORIDA

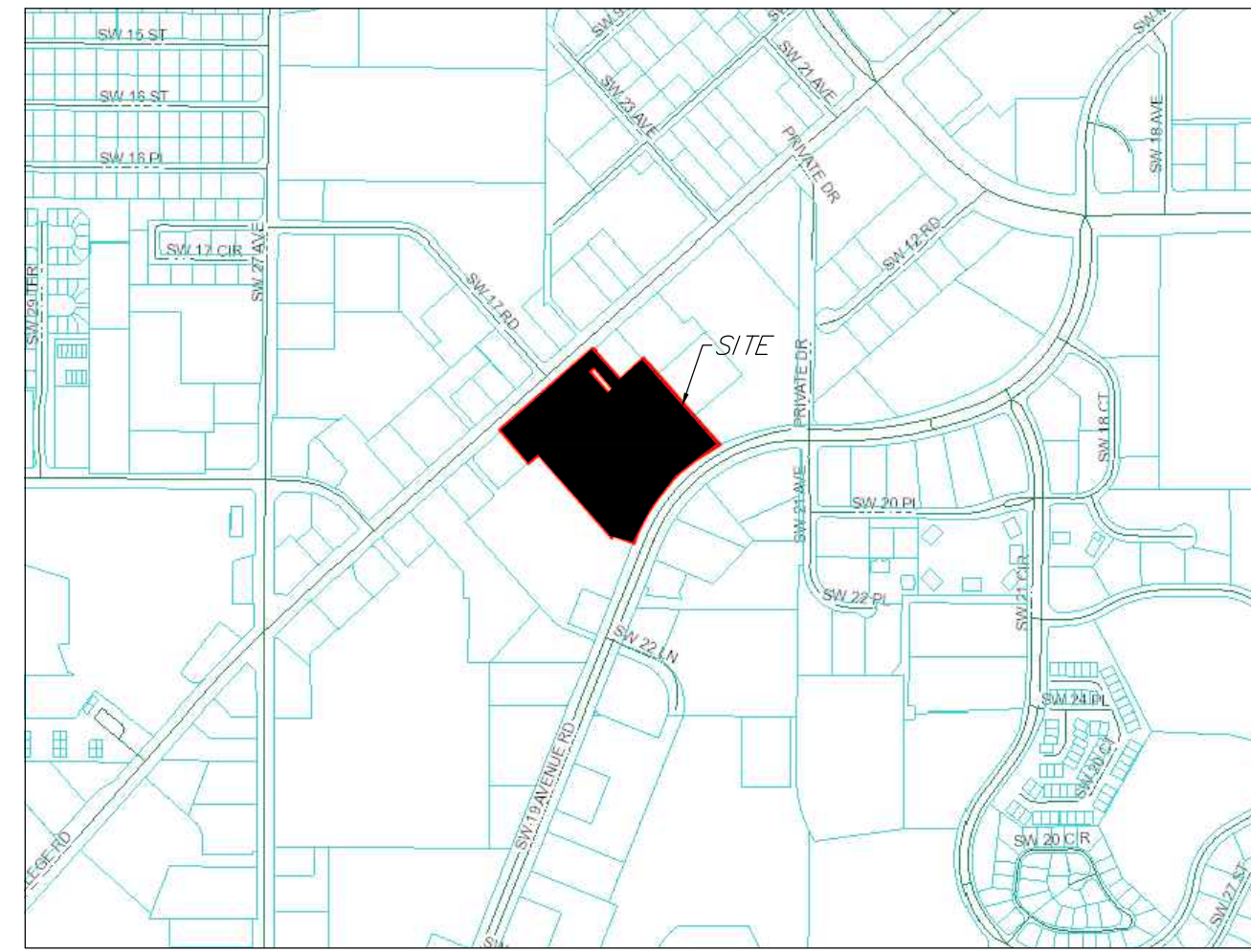
PLAT BOOK _____, PAGE _____.

SHEET 4 OF 4



PREPARED BY:
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Civil Engineering & Land Surveying
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A BOUNDARY SURVEY FOR GEORGE N. SNELLING, LLC



LOCATION MAP

SHEET INDEX:

- SHEET 1 - COVER SHEET
- SHEET 2 - BOUNDARY SURVEY MAP
- SHEET 3 - IMPROVEMENTS SURVEY MAP
- SHEET 4 - MAP OF EASEMENTS

TITLE COMMITMENT INFORMATION TABLE FIDELITY NATIONAL TITLE INSURANCE COMPANY FILE No. OCALA WEST SHOPPING CENTER; COMMITMENT No. 11884754 EFFECTIVE DATE: 7/25/2024				
SCH. B-2 EXC. No.	RECORDED DATA	APPLICABLE	PLOTTABLE	REASON IF NOT PLOTTABLE
1-4 STANDARD EXCEPTIONS				
5	O.R.B. 270, PG. 74	YES	YES	
6	O.R.B. 270, PG. 77	YES	YES	
7	O.R.B. 1024, PG. 255	YES	YES	
8	O.R.B. 1203, PG. 1975	YES	YES	
9	O.R.B. 1185, PG. 1644	YES	NO	BLANKET TYPE EASEMENT
10	O.R.B. 1252, PG. 1959	NO	NO	CANCELED OFF-SITE EASEMENT
11	O.R.B. 1185, PG. 1651	NO	NO	OFF-SITE EASEMENT
12	O.R.B. 1203, PG. 2026	NO	NO	OFF-SITE EASEMENT
13	O.R.B. 1263, PG. 1539	YES	NO	NOT A SURVEY MATTER
14	O.R.B. 1833, PG. 185	NO	NO	VACATED OFF-SITE EASEMENTS
15	O.R.B. 1199, PG. 577	YES	NO	NOT A SURVEY MATTER
16	O.R.B. 1203, PG. 1981	YES	YES	
17	O.R.B. 1252, PG. 1959	NO	NO	VACATED OFF-SITE EASEMENT
18	O.R.B. 1263, PG. 1539	NO	NO	OFF-SITE EASEMENT
19	O.R.B. 1833, PG. 185	NO	NO	EASEMENTS VACATED
20	O.R.B. 1203, PG. 2007	YES	NO	BLANKET TYPE EASEMENT
21	O.R.B. 1252, PG. 1959	NO	NO	VACATED OFF-SITE EASEMENT
22	O.R.B. 1203, PG. 2014	NO	NO	OFF-SITE EASEMENT
23	O.R.B. 1263, PG. 1539	YES	NO	NOT A SURVEY MATTER
24	O.R.B. 1225, PG. 1513	YES	NO	BLANKET TYPE EASEMENT
25	O.R.B. 1237, PG. 446	YES	YES	
26	O.R.B. 1262, PG. 1847	YES	NO	BLANKET TYPE EASEMENT
27	O.R.B. 1288, PG. 4	YES	YES	
28	O.R.B. 1262, PG. 1852	NO	NO	OFF-SITE EASEMENT
29	O.R.B. 1833, PG. 185	NO	NO	VACATED OFF-SITE EASEMENTS
30	O.R.B. 1262, PG. 1858	NO	NO	OFF-SITE EASEMENT
31	O.R.B. 1262, PG. 1865	YES	NO	BLANKET TYPE EASEMENT
32	O.R.B. 1262, PG. 1870	YES	YES	
33	O.R.B. 1262, PG. 1876	YES	YES	
34	O.R.B. 1315, PG. 621	YES	YES	
35	O.R.B. 1315, PG. 622	YES	YES	
36	O.R.B. 1315, PG. 623	YES	YES	
37	O.R.B. 1315, PG. 624	YES	YES	
38	O.R.B. 1327, PG. 203	YES	NO	NOT A SURVEY MATTER
39	O.R.B. 1665, PG. 1180	YES	NO	NOT A SURVEY MATTER
40	O.R.B. 1714, PG. 1211	YES	NO	BLANKET TYPE EASEMENT
41	O.R.B. 1796, PG. 1407	NO	NO	OFF-SITE EASEMENT
42	O.R.B. 1833, PG. 205	NO	NO	OFF-SITE EASEMENTS
43	O.R.B. 1833, PG. 228	NO	NO	OFF-SITE EASEMENTS
44	O.R.B. 3216, PG. 230	YES	NO	BLANKET TYPE EASEMENT
45	O.R.B. 3216, PG. 253	YES	YES	
46	O.R.B. 5302, PG. 421	YES	YES	
47	O.R.B. 7922, PG. 987	YES	NO	NOT A SURVEY MATTER
48	STANDARD EXCEPTION			

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF TAYLOR FIELD ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK C, PAGE 74, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 200 (100 FEET WIDE), THENCE S48°23'05"W 108.38 FEET TO THE NORTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1024, PAGE 222 and 223, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE CONTINUE S48°23'05"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1326.26 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S48°23'05"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 587.75 FEET; THENCE S41°36'55"E 200.00 FEET; THENCE N48°20'32"E A DISTANCE OF 12.00 FEET; THENCE S41°37'56"E A DISTANCE OF 525.80 FEET; N48°22'04"E A DISTANCE OF 603.91 FEET; THENCE S41°37'56"E A DISTANCE OF 6.00 FEET; THENCE S68°04'18"E A DISTANCE OF 99.86 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SW 19th AVENUE ROAD; THENCE N22°05'59"E ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 26.46 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 850.00 FEET, A CHORD BEARING OF N42°01'06"E, A CHORD DISTANCE OF 591.28 FEET, RUN THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 40°42'26", A DISTANCE OF 603.91 FEET; THENCE N41°36'55"W A DISTANCE OF 543.88 FEET; THENCE S48°23'05"W A DISTANCE OF 130.62 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 45.00 FEET, A CHORD BEARING OF N86°36'55"W, A CHORD DISTANCE OF 27.41 FEET, RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°27'46", A DISTANCE OF 27.85 FEET; THENCE N41°36'55"W A DISTANCE OF 163.98 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 45.00 FEET, A CHORD BEARING OF N00°02'48"W, A CHORD DISTANCE OF 22.23 FEET, RUN THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°36'00", A DISTANCE OF 22.46 FEET TO THE POINT OF BEGINNING.

SURVEY REPORT:

1. FIELD MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, NAD-83, AND DERIVED FROM THE L-NET NETWORK.
2. FIELD SURVEY DATE: 4/4/2024.
3. THE LEGAL DESCRIPTION SHOWN HEREON IS THE FEE SIMPLE PROPERTY DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED IN O.R. BOOK 7114, PAGES 1032-1039, PUBLIC RECORDS OF MARION COUNTY, FLORIDA.
4. TITLE INFORMATION REFLECTING RIGHTS-OF-WAY OR EASEMENTS OF RECORD, WERE FURNISHED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT No.: 11884754, COMMITMENT DATE: 7/25/2024.
5. THE OFF-SITE EXTENSIONS OF THE PORTIONS OF THE EASEMENTS PLOTTED ON THE SURVEY MAP WERE NOT SHOWN AND THE EASEMENTS THAT ARE ENTIRELY OFF-SITE THAT DO NOT ENCUMBER OR BENEFIT THE SUBJECT PROPERTY (NOT APPLICABLE) WERE NOT SHOWN.
6. ALL RIGHTS OF WAY SHOWN HEREON ARE PHYSICALLY OPEN UNLESS OTHERWISE STATED.
7. UNDERGROUND IMPROVEMENTS OR UTILITIES WERE NOT LOCATED.
8. THIS PROPERTY APPEARS TO BE IN A ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY NUMBER 120330, PANEL 0516, SUFFIX E, WITH AN EFFECTIVE DATE OF 4/19/2017.
9. THIS SURVEY MEETS THE STANDARDS OF PRACTICE CONTAINED IN CHAPTER 5J-17.050 THROUGH .052, FLORIDA ADMINISTRATIVE CODE AND THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THE MINIMUM RELATIVE DISTANCE ACCURACY FOR COMMERCIAL/HIGH RISK LAND USE.
10. UNLESS IT BEARS THE DIGITAL SIGNATURE AND CERTIFICATION OR THE PHYSICAL SIGNATURE AND SEAL OF THE LICENSED SURVEYOR AND MAPPER, THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

LEGEND & ABBREVIATIONS

L1	LINE TABLE INFORMATION
C1	CURVE TABLE INFORMATION
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
D.E.	DRAINAGE EASEMENT
P.C.P.	PERMANENT CONTROL POINT
P.R.M.	PERMANENT REFERENCE MONUMENT
C.M.	CONCRETE MONUMENT
I.R.	IRON ROD
N&D	NAIL & DISC
R/W	RIGHT OF WAY
E/P	EDGE OF PAVEMENT
C/L	CENTERLINE
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
(D)	DESCRIPTION MEASUREMENT
(P)	PLAT MEASUREMENT
(F)	FIELD MEASUREMENT
(R)	RADIAL MEASUREMENT
R	RADIUS
Δ	CENTRAL ANGLE
L	ARC LENGTH
CB	CHORD BEARING
LC	LENGTH OF CHORD
P.B.	PLAT BOOK
O.R.B.	OFFICIAL RECORDS BOOK
PG.	PAGE
CONC.	CONCRETE
F.D.C.	FIRE DEPARTMENT CONNECTION
F.O.C.	FIBER OPTIC CABLE
D.D.C.	DOUBLE DETECTOR CHECK VALVE
TELE.	TELEPHONE
ELEC.	ELECTRIC
PVMT.	PAVEMENT
—○—	UTILITY POLE AND GUY ANCHOR
—○—	OVERHEAD WIRES
—○—	FENCE
—○—	CONCRETE
—○—	ASPHALT
⊠	TRAFFIC SIGNAL BOX
⊙	SANITARY MANHOLE
⊙	STORM MANHOLE
⊙	WATER METER
⊙	WATER VALVE
⊙	TRAFFIC SIGN
⊙	STREET SIGN
⊙	GAS MARKER
⊙	FIBER OPTIC CABLE MARKER
⊙	LIGHT POLE
⊙	FIRE HYDRANT
⊙	TELEPHONE PEDESTAL
⊙	ELECTRIC METER
⊙	BACKFLOW PREVENTER
⊙	LICENSED BUSINESS

	10-3-24	ADDRESSED CITY COMMENTS	PER NEW TITLE COMMITMENT FURNISHED
	7-30-24		DATE

Robert L. Rogers, PE Fl. Reg. No. 10027 rlrogers@rogerseng.com	Rodney K. Rogers, PSM Fl. Reg. No. 5274 rkrogers@rogerseng.com	Mekelle M. Boyer, PSM Fl. Reg. No. 7398 mboyer@rogerseng.com
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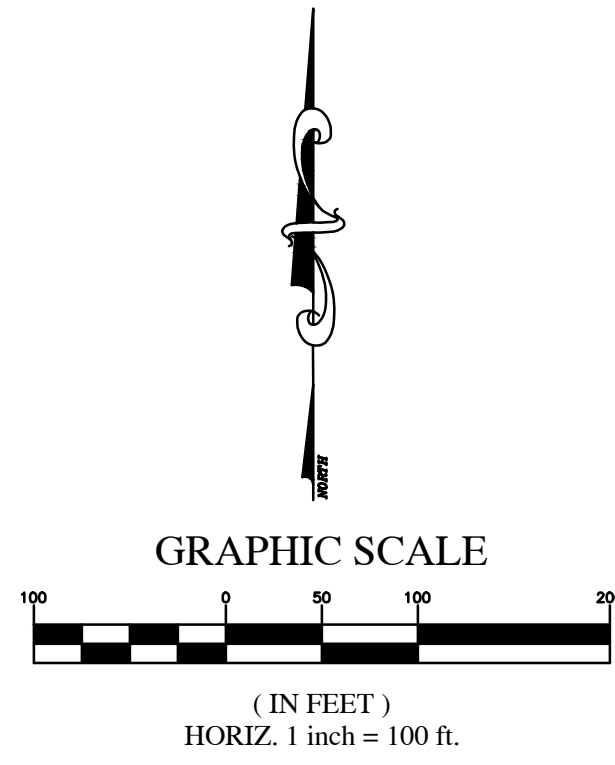
ROGERS ENGINEERING, LLC
Civil Engineering & Land Surveying

1105 S.E. 3rd Avenue • Ocala, Florida 34471 • Ph. (352) 622-9214 • Lic. Bus. #4074

A BOUNDARY SURVEY
FOR
GEORGE N. SNELLING, LLC
Cover Sheet

JOB No. 24_OCALA WEST	DATE 7/30/2024
SCALE N.A.	SHEET 1 OF 4

RODNEY K. ROGERS DATE
PROFESSIONAL SURVEYOR & MAPPER
REGISTRATION No. 5274
STATE OF FLORIDA



LINE TABLE

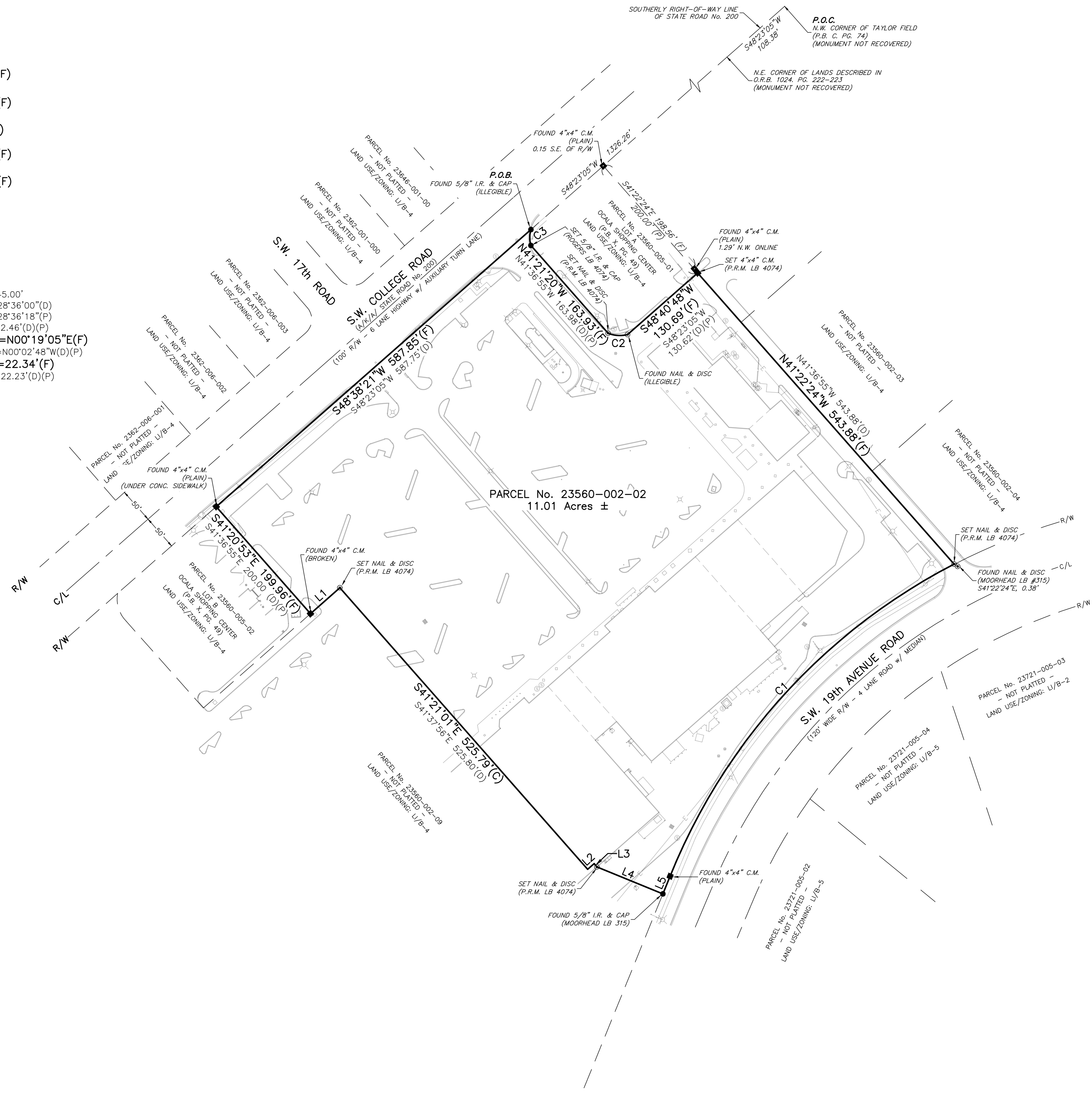
L1	N48°35'53"E 54.99'(F)
	N48°20'32"E 54.99'(D)
L2	N48°39'46"E 12.15'(F)
	N48°22'04"E 12.00'(D)
L3	S39°19'13"E 6.05'(F)
	S41°37'56"E 6.00'(D)
L4	S67°48'57"E 99.86'(F)
	S68°04'18"E 99.86'(D)
L5	N22°11'18"E 26.65'(F)
	N22°05'59"E 26.46'(D)

CURVE TABLE

C1	R=850.00'	C3	R=45.00'
	Δ=40°42'26"		Δ=28°36'00"(D)
	L=603.91'		Δ=28°36'18"(P)
	LC=591.28'(D)		L=22.48'(D)(P)
	CB=N42°17'49"E(F)		CB=N00°19'05"E(F)
	CB=N42°01'06"E(D)		CB=N00°02'48"W(D)(P)
	LC=591.60'(F)		LC=22.34'(F)
	LC=591.28'(D)		LC=22.23'(D)(P)

C2

R=45.00'
Δ=35°27'46"(D)
Δ=35°28'05"(P)
L=27.85'(D)
L=27.86'(P)
CB=N86°18'13"W(F)
CB=N86°36'55"W(D)(P)
LC=27.34'(F)
LC=27.41'(D)(P)



LEGEND & ABBREVIATIONS

L1	LINE TABLE INFORMATION
C1	CURVE TABLE INFORMATION
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
D.E.	DRAINAGE EASEMENT
P.C.P.	PERMANENT CONTROL POINT
P.R.M.	PERMANENT REFERENCE MONUMENT
C.M.	CONCRETE MONUMENT
I.R.	IRON ROD
N&D	NAIL & DISC
R/W	RIGHT OF WAY
E/P	EDGE OF PAVEMENT
C/L	CENTERLINE
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
(D)	DESCRIPTION MEASUREMENT
(P)	PLAT MEASUREMENT
(F)	FIELD MEASUREMENT
(R)	RADIAL MEASUREMENT
R	RADIUS
Δ	CENTRAL ANGLE
L	ARC LENGTH
CB	CHORD BEARING
LC	LENGTH OF CHORD
P.B.	PLAT BOOK
O.R.B.	OFFICIAL RECORDS BOOK
PG.	PAGE
CONC.	CONCRETE
F.D.C.	FIRE DEPARTMENT CONNECTION
F.O.C.	FIBER OPTIC CABLE
D.D.C.	DOUBLE DETECTOR CHECK VALVE
TEL.	TELEPHONE
ELEC.	ELECTRIC
PVMT.	PAVEMENT
U.P.A.	UTILITY POLE AND GUY ANCHOR
OW	OVERHEAD WIRES
FENCE	FENCE
CONC.	CONCRETE
ASPHALT	ASPHALT
TSB	TRAFFIC SIGNAL BOX
SM	SANITARY MANHOLE
SMH	STORM MANHOLE
WM	WATER METER
WV	WATER VALVE
TS	TRAFFIC SIGN
SS	STREET SIGN
GM	GAS MARKER
FOCM	FIBER OPTIC CABLE MARKER
LP	LIGHT POLE
FH	FIRE HYDRANT
TEP	TELEPHONE PEDESTAL
EM	ELECTRIC METER
BFP	BACKFLOW PREVENTER
LB	LICENSED BUSINESS

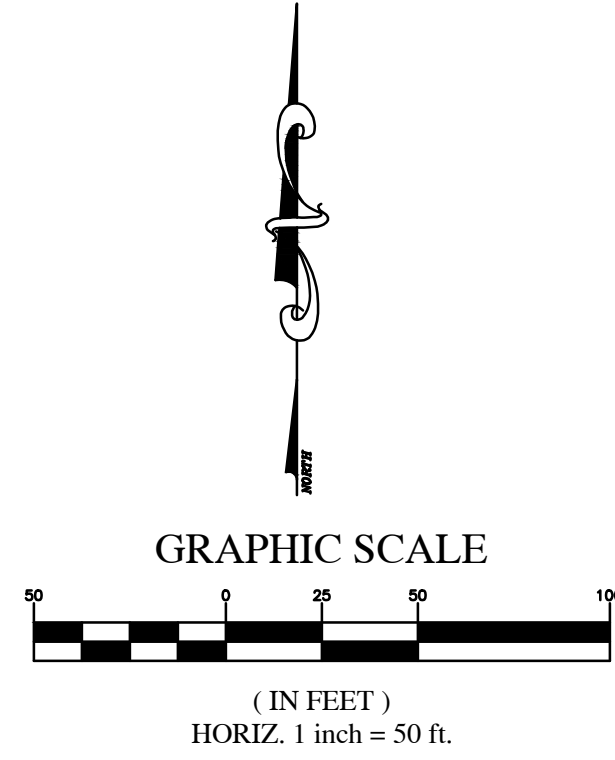
10-3-24	ADDRESSED CITY COMMENTS
7-30-24	PER NEW TITLE COMMITMENT FURNISHED
	REVISION

Robert L. Rogers, PE
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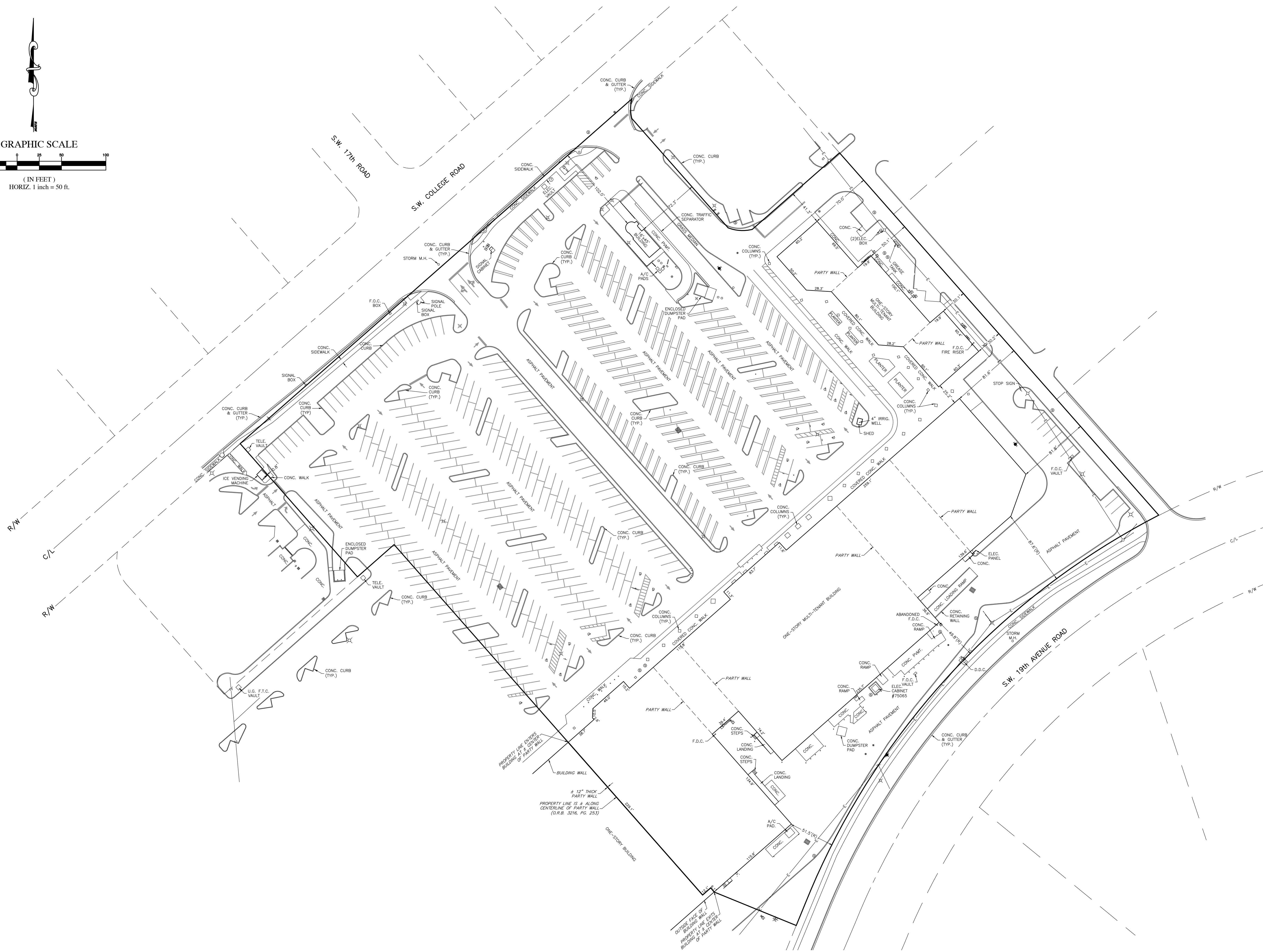
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1105 S.E. 3rd Avenue • Ocala, Florida 34471 • Ph. (352) 622-9214 • Lic. Bus. #4074

A BOUNDARY SURVEY FOR GEORGE N. SNELLING, LLC Boundary Survey Map
JOB No. 24_OCALA WEST
DATE 7/30/2024
SCALE 1" = 100'
SHEET 2 OF 4



GRAPHIC SCALE
 (IN FEET)
 HORIZ. 1 inch = 50 ft.



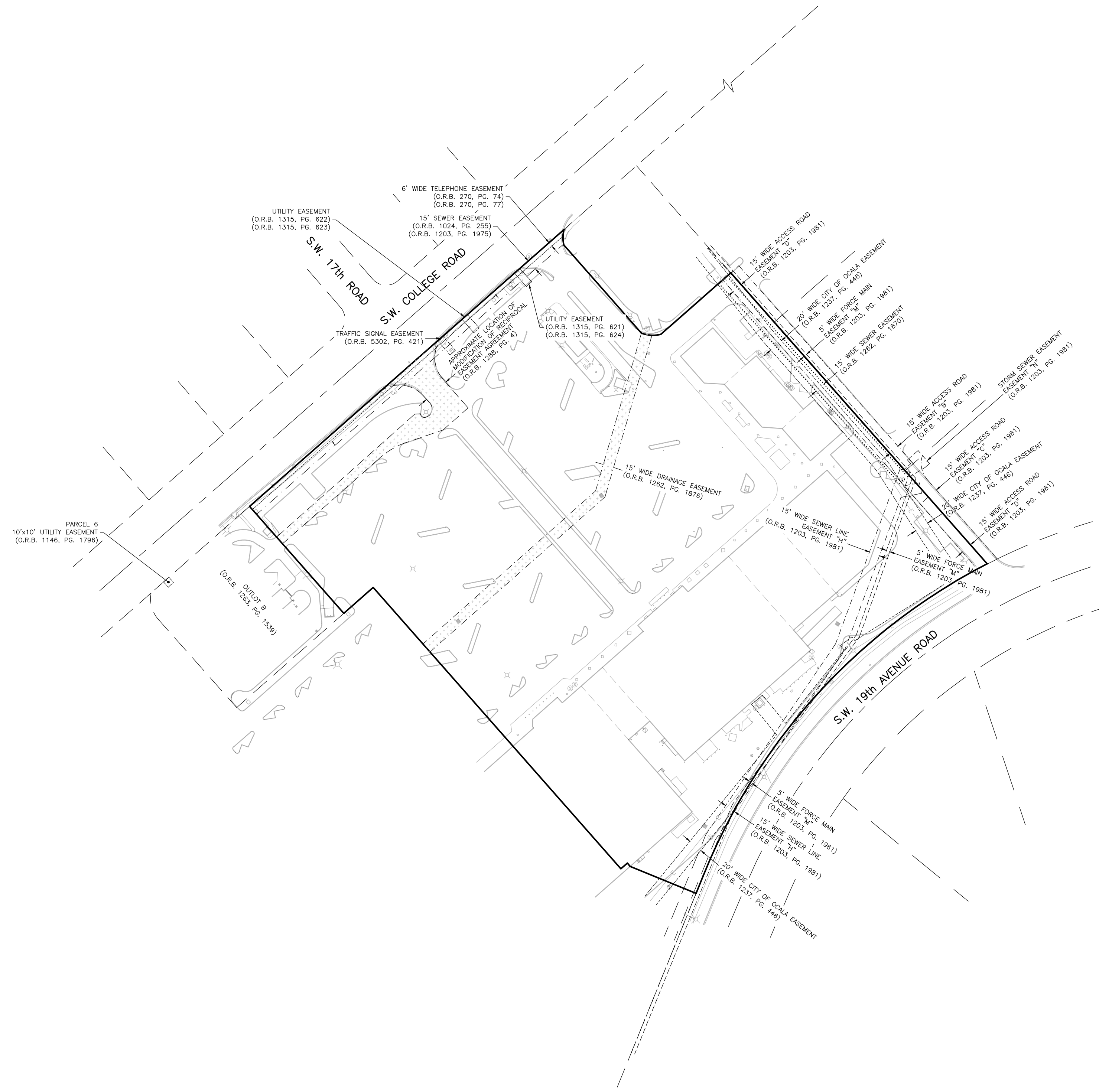
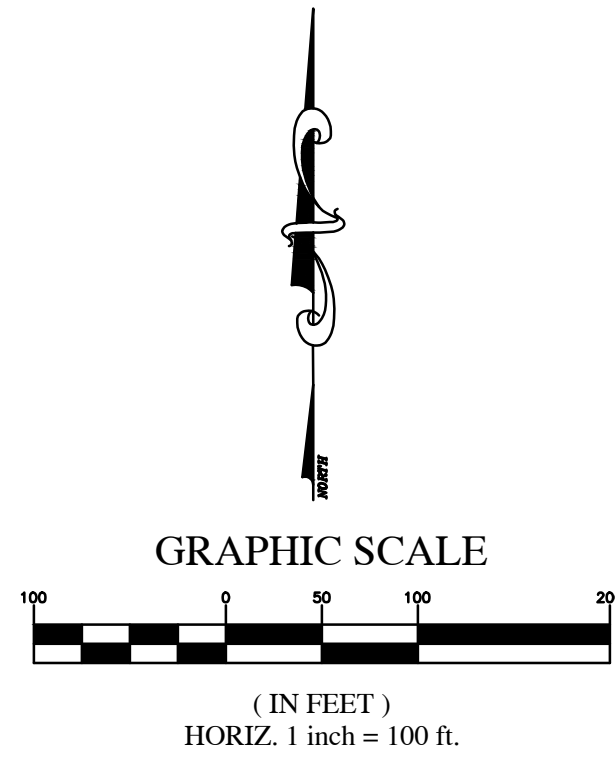
DATE	PER NEW TITLE COMMITMENT FURNISHED	ADDRESSSED CITY COMMENTS	REVISION
10-3-24			
7-30-24			

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ROGERS ENGINEERING, LLC
Civil Engineering & Land Surveying
 1105 S.E. 3rd Avenue • Ocala, Florida 34471 • Ph. (352) 622-9214 • Lic. Bus. #4074

A BOUNDARY SURVEY
 FOR
GEORGE N. SNELLING, LLC
Improvements Survey Map

JOB No.	24_OCALA WEST
DATE	7/30/2024
SCALE	1" = 50'
SHEET	3 OF 4



ROGERS ENGINEERING, LLC
Civil Engineering & Land Surveying

1105 S.E. 3rd Avenue • Ocala, Florida 34471 • Ph. (352) 622-9214 • Lic. Bus. #4074

A BOUNDARY SURVEY
 FOR
GEORGE N. SNELLING, LLC
Map of Easements

JOB No.
24_OCALA WEST

DATE
7/30/2024

SCALE
1" = 100'

SHEET
4 OF 4

Robert L. Rogers, PE
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 Mekelle M. Boyer, PSM
 Fl. Reg. No. 7398
 mboyer@rogerseng.com

DATE	PER NEW TITLE COMMITMENT FURNISHED	REVISION
10-3-24	ADDRESSED CITY COMMENTS	
7-30-24		



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-0069

Agenda Item #: a.

Submitted By: Kristina L. Wright

Presentation By: Kristina L. Wright

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Public Hearing to annex approximately 1.29 acres for property located at 4001 NW Blitchton Road (Parcel 21537-002-00) (Case ANX24-45820) (Quasi-Judicial).

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place.

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner/Property Owner: C.L.D. Properties, LTD
- Agent: Tracy Rains, Dinkins Realty, LLC

The subject property, located at 4001 NW Blitchton Road (Parcel ID 21537-002-00), spans approximately 1.29 acres. It was originally developed as a saloon in Marion County, but the building was destroyed by fire and demolished in 1995. Since then, the property has been used for overflow tractor-trailer truck parking for nearby commercial businesses.

The current request includes concurrent applications to change the property's land use classification from Commercial (County) to Medium Intensity/Special District (City) (LUC24-45821), and to rezone it from B-2 (Marion County, Community Business) to B-2 (City, Community Business) (ZON24-45822). The proposed annexation would not create an enclave and the subject property is adjacent to the City limits and to properties already served by City utilities.

FINDINGS AND CONCLUSIONS:

The requested annexation reduces an existing enclave. The proposed annexation will not create an enclave and the subject property is serviced by city utilities. Staff recommends approval.

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

SUPPORT MATERIALS

- Staff Report
- Case Map
- Aerial Map
- Site Sketch

ORDINANCE 2024-XX

AN ORDINANCE ANNEXING TO THE CITY OF OCALA, FLORIDA CERTAIN PROPERTY LOCATED AT 4001 NW BLITCHTON ROAD (PARCEL NUMBER 21537-002-00), APPROXIMATELY 1.29 ACRES (ANX24-45820), MARION COUNTY, FLORIDA, PURSUANT TO CHAPTER 171, FLORIDA STATUTES, PROVIDING FOR TERMS AND CONDITIONS OF SAID ANNEXATION, DESCRIBING THE AREA TO BE ANNEXED; PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATION AT A PUBLIC HEARING; PROVIDING DIRECTION TO THE CODIFIER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, owners of real property to an unincorporated area of Marion County which is contiguous to the City of Ocala, Florida, have petitioned the City Council of the City of Ocala that said property be annexed to the City of Ocala, Florida, in accordance with Section 171.044, Florida Statutes; and

WHEREAS, it has been determined by the City Council of the City of Ocala, Florida, that the petition bears the signature of all owners of property in the area proposed to be annexed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session as follows:

Section 1. City Council of the City of Ocala, Florida in accordance with the powers given and granted to said City of Ocala in and by Chapter 171, Florida Statutes, does hereby redefine the boundary lines of the City of Ocala, so as to include therein the property contiguous thereto and described below:

COMMENCING AT THE SOUTHEAST COMER OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 21 EAST, THENCE NORTH 89 DEGREES, 52'33"W., 47.08 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 75; THENCE NORTH 0 DEGREES 31'12"E., ALONG SAID RIGHT OF WAY LINE 275.35 FEET; THENCE NORTH 11 DEGREES, 07'06"E., ALONG SAID RIGHT OF WAY LINE 130.00 FEET; THENCE NORTH 89 DEGREES 52'33"W., 441.75 FEET;

THENCE SOUTH 21 DEGREES 45'13"W., 563.59 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 27; THENCE NORTH 61 DEGREES 53'33"W., ALONG SAID RIGHT OF WAY LINE 200.25 FEET FOR THE POINT OF BEGINNING; THENCE 61 DEGREES 53'33"W., ALONG SAID RIGHT OF WAY LINE 57.42 FEET TO THE SOUTH BOUNDARY OF SAID SECTION 3, SAID POINT BEING 60.00 FEET FROM AND AT RIGHT ANGLE TO THE CENTERLINE OF SAID U.S. HIGHWAY 27; THENCE NORTH 89 DEGREES, 52'33"W., ALONG SAID SOUTH BOUNDARY AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, 21.30 FEET TO A POINT THAT IS 50.00 FEET FROM AND AT RIGHT ANGLE TO SAID CENTERLINE; THENCE NORTH 61 DEGREES 53'33"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE AND PARALLEL WITH SAID CENTERLINE 122.93 FEET; THENCE NORTH 23 DEGREES 21'28"E., 285.03 FEET; THENCE SOUTH 61 DEGREES 53'33"E., 200.00 FEET; THENCE SOUTH 23 DEGREES 21'28"W., 275.00 FEET TO THE POINT OF BEGINNING.

Section 2. Direction to Staff. The City Council of the City of Ocala, Florida directs staff to take any and all steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation of the intent of this ordinance and the specific matters outlined herein.

Section 3. Repealing Inconsistent and/or Conflicting Provisions. The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures, and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 4. Severability of Ordinance Provisions. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 5. Modifications Arising from Consideration at a Public Hearing. It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 6. Direction to the Codifier. It is the intention of the City Council of the City of Ocala, Florida that (1) the property described in Section 1 of this ordinance be annexed; (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any scrivener's error(s) contained herein which do not affect the intent of this ordinance be corrected with the authorization of the City Manager or their designee and without the need for additional public hearings or consideration by City Council.

Section 7. This ordinance shall become effective upon approval by the mayor, or upon becoming law without such approval.

ATTEST:

CITY OF OCALA

By:
Angel B. Jacobs
City Clerk

By:
Barry Mansfield
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2024.

By: _____
Ben Marciano
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney

Ordinance No: 2024-XX
Introduced: 12/3/2024
Adopted: Click or tap to enter a date.
Legal Ad No: Click or tap here to enter text.



Staff Report

Case No. ANX24-45820

Planning & Zoning Commission: November 13, 2024

City Council (1st Reading): December 3, 2024

City Council (Adoption): December 17, 2024

Applicant: C.L.D. Properties, LTD
Property Owner: C.L.D. Properties, LTD
Agent: Tracy Rains, Dinkins Realty, LLC
Project Planner: Kristina L. Wright, CNU-A, FRA-RA
Applicant Request: Annexation of a contiguous, 1.29-acre property from unincorporated Marion County.

Existing Future Land Use: Commercial (County)
Existing Zoning District: B-2, Community Business (County)

Associated Applications: LUC24-45821, ZON24-45822

Parcel Information

Acres: ±1.29 acres
Parcel(s)#: 21537-002-00
Location: 4001 NW Blitchton Road
Existing use: Vacant, previously developed as a saloon in Marion County and later used for overflow tractor-trailer parking for adjacent commercial uses.
Overlay(s): N/A

Figure 1. Aerial Location Map



Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Commercial (County)	B-2, (County) Community Business	Budget Host Inn
South	Low Intensity	No Zoning	Vacant/undeveloped
East	Medium Intensity/Special District	B-2, Community Business	Car wash
West	Commercial (County)	B-2, (County) Community Business	Budget Host Inn

Applicant Request

The petitioner is requesting annexation to connect to City utilities and facilitate future commercial development of a drive-thru restaurant.

The petitioner has submitted concurrent applications to change the land use classification from Commercial (County) to Low Intensity (City) (LUC24-45821); and to rezone from B-2, Community Business (County), to B-2, Community Business (City) (ZON24-45822).

Background

The subject property, identified by Parcel Identification Number 21537-002-00, contains an approximate 1.29 acres, and is located at 4001 NW Blitchton Road. The property was once developed as a saloon in Marion County, until it was destroyed by a fire and demolished in 1995. It appears that this property has been utilized as overflow tractor-trailer truck parking for adjacent commercial uses since that time.

The subject property is contiguous to the City limits and are adjacent to properties currently serviced by City utilities. The adjacent property to the east (parcel 21544-000-00) was annexed into the city in 1986 through Ordinance 1892.

Staff Analysis

The subject property is contiguous to the City limits to the east, and the requested annexation does not create an enclave. In fact, the annexation of this property will reduce an existing enclave. Adequate public facilities exist to service the subject properties.

Factual Support

1. The requested annexation is consistent with the following Objectives and Policies of the City of Ocala Comprehensive Plan:
 - a. Future Land Use Element 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.

- i. Policy 12.1: The City shall require that all development have adequate services and facilities including water, roads, sewage collection and treatment, stormwater drainage, recreation, and solid waste disposal, to the extent required by state law, other provisions of this Comprehensive Plan, or the City's Land Development Code.
- b. Future Land Use Element Policy 13.2: The City shall continue to enforce the provisions of the Land Development Code that requires new development to pay for its share of existing or planned capital facilities through an impact fee charge, mobility fee, or other appropriate means.
- c. Sanitary Sewer Sub-Element Policy 5.1: The City shall require that any land or development receiving sanitary sewer services from the City of Ocala will annex into the City if or when it becomes contiguous to the City.
- d. Potable Water Sub-Element Policy 5.1: The City shall require that any land or development receiving potable water services from the City of Ocala will annex into the City if or when it becomes contiguous to the City.

Staff Comment: The subject properties are contiguous to City limits and are adjacent to properties currently serviced by City utilities.

2. The requested annexation is consistent with the following Sections of the City of Ocala Code of Ordinances:

- a. Section 122-246 – Annexed territory:

- (a) All territory which may be annexed to the city after the effective date of the ordinance from which this section is derived (May 8, 1992) shall be considered to be zoned in the zoning classification given it by the county zoning code; provided that if no such classification exists in the zoning ordinance of the city then the property shall be zoned within the city under that classification most closely corresponding to the existing county classification.

Staff Comment: The associated rezoning application (ZON24-45822) proposes to rezone the property to B-2, Community Business (City). The City's B-2 zoning district is the most closely corresponding classification to the existing B-2, Community Business (County) zoning in terms of intensity and allowable uses.

- (b) All annexed territory shall, at the earliest available date, be subject to the land use change process to bring the land use into compliance with the comprehensive plan. This process may result in a different land use designation and zoning classification.

Staff Comment: The petitioner has submitted concurrent applications to change the land use classification from Commercial (County) to Medium Intensity/Special District (City) (LUC24-45821); and to rezone from B-2, Community Business (County) to B-2, Community Business (City) (ZON24-45822).

3. Approval of this request will not adversely affect the health, safety, convenience, prosperity, or general welfare of the community.

Level of Service Analysis

Transportation: The subject property has approximately 200-feet of frontage along NW Blitchton Road. The congestion management data from the Ocala-Marion TPO for the affected roadway is provided below. 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	2023 AADT	Existing LOS
US HWY 27/NW Blitchton RD (From I-75 to NW 44 th Ave)	4	45 MPH	Arterial	D	55,700	21,700	B

The affected segment of NW Blitchton Road is currently operating above the adopted Level of Service.

Potable Water: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A 16-inch city water distribution main runs along NW Blitchton Road.

- *Adopted Level of Service (LOS) Potable Water:* 300 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 167 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of the City’s water system is 24.4 million gallons daily (mgd).

Sanitary Sewer: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. An 8-inch gravity main runs along NW Blitchton Road.

- *Adopted Level of Service (LOS) Sanitary Sewer:* 250 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 80 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of Water Reclamation Facility #2 is 6.5 million gallons daily (mgd) and the permitted capacity of Water Reclamation Facility #3 is 4.0 million gallons daily (mgd).

Solid Waste: The subject property is located within the City’s service area; refuse pickup will be determined during the site plan or subdivision review process.

- *Adopted Level of Service (LOS) Solid Waste:* 3.54 pounds per capita per day for residential development.
- *Available Capacity:* Solid waste is transported to facilities outside of the City.

Parks and Recreation Facilities:

- *Adopted Level of Service (LOS) Solid Waste:* 4.6 developed park acres per 1,000 population for each Regional Park Service Area (RPSA).
- *Available Capacity:* Capacity is available. Per the 2024 population projections from the Florida Bureau of Economic and Business Research (BEBR), the City’s estimated 69,283 population requires 318.70 developed park acres. The city currently owns and maintains 622.27 developed park acres, pursuant to the Fall 2024 Activity Guide released by the Recreation and Parks Department.

Other Public Facilities:

The following public facilities do not have adopted Level of Service standards and are provided as additional information.

Stormwater: The subject property is not located within a Flood Zone. For any future redevelopment, 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.

Electric: The subject property is currently serviced by Ocala Electric Utility.

Fiber: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A City fiber optic cable runs along NW Blitchton Road..

Fire Service: Ocala Fire Rescue Station #1 is located approximately 2.4 miles from the subject property, which exceeds the desired industry standard of 1.5 miles for fire service.

Schools: Potential school impact will be evaluated at the time of development.

Staff Findings and Recommendation

- The subject property is contiguous to the City limits to the east.
- The requested annexation reduces an existing enclave.
- Public facilities exist to service the subject property.

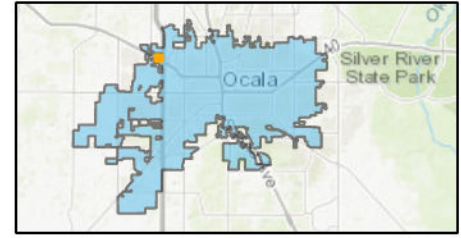
Staff Recommendation: <i>Approval</i>
--

CASE MAP

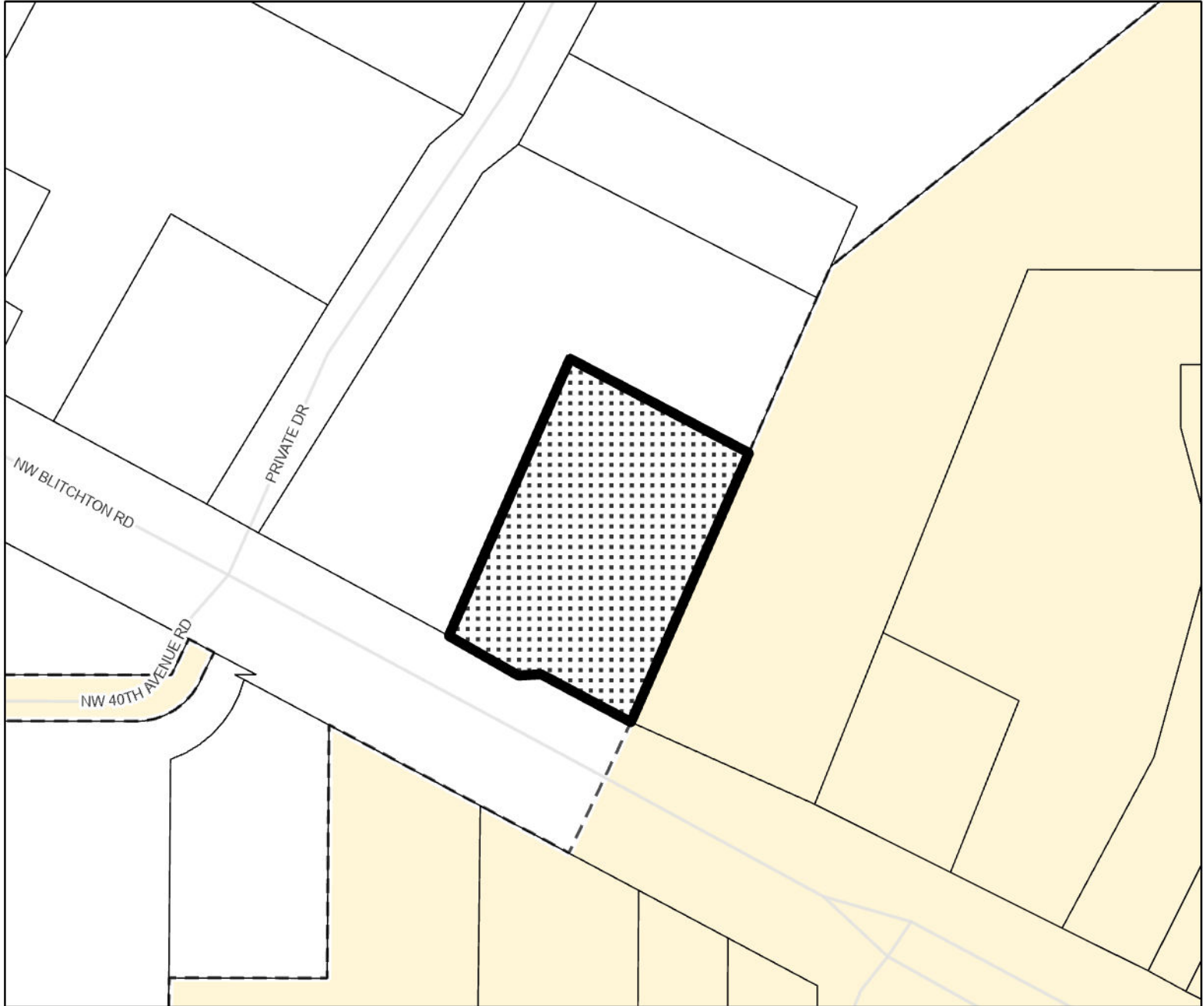
P&Z Meeting: November 13, 2024



Case Number: ANX24-45820
Parcel: 21537-002-00

Location Map



Property Size: Approximately 1.29 acres
Land Use Designation: Commercial (County)
Zoning: B-2, Community Business (County)
Proposal: A request to annex parcel 21537-002-00 (approximately 1.29 acres) from Marion County.



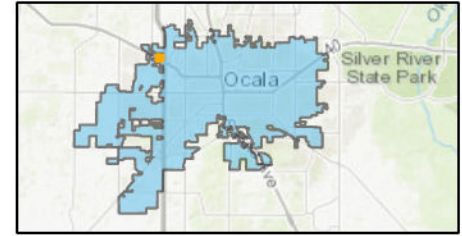
-  Parcels
-  Subject Property



AERIAL MAP

Case Number: ANX24-45820
Parcel: 21537-002-00

Location Map



Property Size: Approximately 1.29 acres
Land Use Designation: Commercial (County)
Zoning: B-2, Community Business (County)
Proposal: A request to annex parcel 21537-002-00 (approximately 1.29 acres) from Marion County.



-  Parcels
-  Subject Property





Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-0125

Agenda Item #: b.

Submitted By: Kristina L. Wright

Presentation By: Kristina L. Wright

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Public Hearing to change future land use designation of approximately 1.29 acres for property located at 4001 NW Blitchton Road (Parcel 21537-002-00) from Commercial (County) to Medium Intensity/Special District (City) (Case LUC24-45821) (Quasi-Judicial).

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place.

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner/Property Owner: C.L.D. Properties, LTD
- Agent: Tracy Rains, Dinkins Realty, LLC

The petitioner requests concurrent applications for annexation (ANX24-45820) and rezoning (ZON24-45822) to connect to city services. The subject property, identified by Parcel Identification Number 21537-002-00, contains an approximate 1.29 acres, and is located at 4001 NW Blitchton Road. The subject property is contiguous to the City limits.

The property was originally developed as a saloon in Marion County but was destroyed by fire and demolished in 1995. The property has been used for overflow tractor-trailer truck parking for nearby commercial businesses.

FINDINGS AND CONCLUSIONS:

The requested Medium Intensity/Special District future land use change is consistent with the proposed future use of the property and is compatible with the surrounding properties, the Comprehensive Plan, and the Land Development Code. The subject property is serviced by city utilities, and there are no level of service issues

identified for public facilities as a result of the land use amendment.

Staff recommends approval.

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

SUPPORT MATERIALS:

- Staff Report
- Case Map
- Aerial Map
- Site Sketch

ORDINANCE 2024-XX

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP SERIES OF THE CITY OF OCALA, FLORIDA, COMPREHENSIVE PLAN AS REQUIRED IN SECTION 163.3161 THROUGH AND INCLUDING SECTION 163.3248, FLORIDA STATUTES; DETAILING THE FUTURE LAND USE CHANGE (CASE NO. LUC24-45821) INVOLVED AND TO AMEND THE FUTURE LAND USE MAP SERIES FROM COMMERCIAL (COUNTY) TO MEDIUM INTENSITY/SPECIAL DISTRICT (CITY) FOR PROPERTY LOCATED AT 4001 NW BLITCHTON ROAD (PARCEL NUMBER 21537-002-00), APPROXIMATELY 1.29 ACRES; PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATION AT A PUBLIC HEARING; PROVIDING DIRECTION TO THE CODIFIER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida adopted the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as contained in Section 163.3161 through and including Section 163.3248, Florida Statutes, which required the City of Ocala, Florida, to prepare and adopt a comprehensive plan in accord with the requirements of the said act; and

WHEREAS, the City of Ocala has prepared a comprehensive plan which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the City of Ocala on October 22, 1991, adopted this plan including a Future Land Use Element consisting of a land use map series; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 provides for the amendment of an adopted plan or element or portion thereof; and

WHEREAS, on October 19, 2010, City Council adopted the Ocala 2035 Vision; and

WHEREAS, one of the strategies of the Ocala 2035 Vision was to initiate Comprehensive Plan Amendments (adopted on January 22, 2013) to be consistent with the Ocala 2035 Vision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF OCALA, FLORIDA, in regular session, as follows:

Section 1. The City of Ocala Comprehensive Plan, Future Land Use Element and Map Series is hereby amended as required by the Florida Local Government Comprehensive Planning and Land Development Regulation Act of 1985 contained in Section 163.3161 through and including Section 163.3248, Florida Statutes and pursuant to Section 106-38 of the Code of Ordinances, City of Ocala, Florida. The lands described below are hereby reclassified according to the City of Ocala Comprehensive Plan, Future Land Use Element as Public and the attached land use map is incorporated by reference into this ordinance:

COMMENCING AT THE SOUTHEAST COMER OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 21 EAST, THENCE NORTH 89 DEGREES, 52'33"W., 47.08 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 75; THENCE NORTH 0 DEGREES 31'12"E., ALONG SAID RIGHT OF WAY LINE 275.35 FEET; THENCE NORTH 11 DEGREES, 07'06"E., ALONG SAID RIGHT OF WAY LINE 130.00 FEET; THENCE NORTH 89 DEGREES 52'33"W., 441.75 FEET; THENCE SOUTH 21 DEGREES 45'13"W., 563.59 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 27; THENCE NORTH 61 DEGREES 53'33"W., ALONG SAID RIGHT OF WAY LINE 200.25 FEET FOR THE POINT OF BEGINNING; THENCE 61 DEGREES 53'33"W., ALONG SAID RIGHT OF WAY LINE 57.42 FEET TO THE SOUTH BOUNDARY OF SAID SECTION 3, SAID POINT BEING 60.00 FEET FROM AND AT RIGHT ANGLE TO THE CENTERLINE OF SAID U.S. HIGHWAY 27; THENCE NORTH 89 DEGREES, 52'33"W., ALONG SAID SOUTH BOUNDARY AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, 21.30 FEET TO A POINT THAT IS 50.00 FEET FROM AND AT RIGHT ANGLE TO SAID CENTERLINE; THENCE NORTH 61 DEGREES 53'33"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE AND PARALLEL WITH SAID CENTERLINE 122.93 FEET; THENCE NORTH 23 DEGREES 21'28"E., 285.03 FEET; THENCE SOUTH 61 DEGREES 53'33"E., 200.00 FEET; THENCE SOUTH 23 DEGREES 21'28"W., 275.00 FEET TO THE POINT OF BEGINNING.

Section 2. Direction to Staff. The City Council of the City of Ocala, Florida directs staff to take any and all steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation of the intent of this ordinance and the specific matters outlined herein.

Section 3. Repealing Inconsistent and/or Conflicting Provisions. The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures, and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 4. Severability of Ordinance Provisions. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 5. Modifications Arising from Consideration at a Public Hearing. It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 6. Direction to the Codifier. It is the intention of the City Council of the City of Ocala, Florida that (1) the Future Land Use Map of the City of Ocala is hereby amended to reflect the change in land use from Commercial (County) to Public (City) as to lands described in Section 1 of this ordinance; (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any scrivener’s error(s) contained herein which do not affect the intent of this ordinance be corrected with the authorization of the City Manager or their designee and without the need for additional public hearings or consideration by City Council.

Section 7. This ordinance shall become effective upon approval by the mayor, or upon becoming law without such approval.

Section 8. The effective date of this small-scale development amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5), F.S. If challenged, the effective date of the amendment shall be the date a final order is issued by the state land planning agency, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency, 107 East Madison Street, MSC 160, Tallahassee, Florida 32399-6545.

ATTEST:

CITY OF OCALA

By:
Angel B. Jacobs
City Clerk

By:
Barry Mansfield
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2024.

By: _____

Ben Marciano
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney

Ordinance No: 2024-XX
Introduced: 12/3/2024
Adopted: Click or tap to enter a date.
Legal Ad No: Click or tap here to enter text.



Staff Report

Case No. LUC24-45821

Planning & Zoning Commission: November 13, 2024

City Council (1st Reading): December 3, 2024

City Council (Adoption): December 17, 2024

Petitioner: C.L.D. Properties, LTD
Property Owner: C.L.D. Properties, LTD
Agent: Tracy Rains, Dinkins Realty, LLC
Project Planner: Kristina L. Wright, CNU-A, FRA-RA
Applicant Request: Land use change from Commercial (County) to Medium Intensity/Special District (City).
Existing Zoning: B-2, Community Business (County)
Parcel Information
Acres: ± 1.29 acres
Parcel(s)#: 21537-002-00
Location: 4001 NW Blitchton Road
Existing use: Vacant, previously developed as a saloon in Marion County and later used for overflow tractor-trailer parking for adjacent commercial uses.
Overlay(s): N/A

Figure 1. Aerial Location Map



Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Commercial (County)	B-2, (County) Community Business	Budget Host Inn
South	Low Intensity	No Zoning	Vacant/undeveloped
East	Medium Intensity/Special District	B-2, Community Business	Car wash
West	Commercial (County)	B-2 (County) Community Business	Budget Host Inn

Applicant Request

The petitioner is requesting a future land use change to Medium Intensity/Special District, in association with an annexation to connect to City utilities.

The petitioner has submitted concurrent applications to annex the subject property into City limits (ANX24-45820); and to rezone from B-2, Community Business (County), to B-2, Community Business (City) (ZON24-45822).

Background

The subject property, identified by Parcel Identification Number 21537-002-00, contains an approximate 1.29 acres, and is located at 4001 NW Blitchton Road. The property was once developed as a saloon in Marion County, until it was destroyed by a fire and later demolished in 1995. It appears that this property has been utilized as overflow tractor-trailer truck parking for adjacent commercial uses since that time.

The subject property is contiguous to the City limits and are adjacent to properties serviced by City utilities. The adjacent property to the east (parcel 21544-000-00) was annexed into the city in 1986 through Ordinance 1892.

Existing and Proposed Development Standards

	Future Land Use Category	Permitted Land Uses	Allowable Density	Allowable FAR
Existing (County)	Commercial	Office, Commercial, Public, Recreation, Residential, Campgrounds, Recreational Vehicle Park (RVP)	0-8 du/ac	0 - 1.0

Proposed	Medium Intensity/Special District	Residential, office, commercial, public, recreation, institutional, light industrial, educational facilities	5 to 30 du/ac	0 – 4.0
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Staff Analysis

Pursuant to Code of Ordinances Section 122-246, all annexed territory shall be subject to the land use change process to bring the land use into compliance with the City’s comprehensive plan. The Case Map reflects adjacent, annexed properties to the east being designated as Medium Intensity/Special District Future Land Use classification.

The intent of the Medium Intensity/Special District land use classification is to identify neighborhood and community-serving activity centers. Permitted uses include residential, office, commercial, public, recreation, educational facilities, and institutional uses.

As such, the petitioner’s request is consistent with the expectations of the land use classification within the Comprehensive Plan.

Factual Support

a. The requested land use change is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:

a. Future Land Use Element Policy 6.2: Medium Intensity/Special District: The intent of the Medium Intensity/Special District is to identify neighborhood and community-serving activity centers, generally represented as “Medium Low” or “Medium High” on the Ocala 2035 Vision. The Medium Intensity/Special District should facilitate developments with two (2) or more uses. Permitted uses include residential, office, commercial, public, recreation, educational facilities, and institutional. Light industrial shall only be allowable in designated locations as specified in the Land Development code and must meet the intent of the Medium Intensity/Special District category, including form and design guidelines as applicable.

The character, function, and form of new buildings or development on vacant land shall be regulated by a form-based code zoning district that includes design standards adopted specifically for a Medium Intensity/Special District identified in Objective 8, a Planned Development (PD) zoning district that includes specific design standards related to the surrounding uses, or a chapter 163 Development agreement with specific design standards. Existing developed and public properties shall be regulated by the Land Development Code.

A Medium Intensity/Special District is intended to promote a walkable urban form with buildings at moderate build-to lines from the street and public right-of-way. Parking may occur on-street or in the moderate build-to line of buildings, though rear and side yard parking is encouraged. Shade for pedestrians should be provided through landscaping or building design. Open space in Medium Intensity/Special District areas consists of large neighborhood and community parks.

The minimum density and intensity before any incentives in this future land use category is 5 dwelling units per gross acre of 0.15 FAR. The maximum density and intensity before any incentives is 30 dwelling units per acre of 4.0 FAR. The location and application of incentives shall be set forth in the Land Development Code.

Increased density and intensity incentives may be approved for inclusion of workforce housing, green building, and sustainable design standards, setting aside right-of-way for trails, employment-generating uses, exemplary urban design, or other benefits to the city as specified in the Land Development Code. The location and application of incentives shall be set forth in the Land Development Code.

Staff Comment: Commercial land uses are permitted within the Medium Intensity/Special District Future Land Use Classification. Existing commercial uses surround the subject property and serve the commercial corridor on NW Blitchton Road/US Highway 27 and traffic exiting Interstate 75 due to the proximity to the interchange. Further, the surrounding properties have a Medium Intensity/Special District land use classification, and the request promotes consistency and compatibility and meets the intent of the caveat under Sec. 122-244: "Existing development, public uses, or vacant parcels less than 5 acres in the Medium Intensity/Special District land use classification shall be regulated by their existing zoning district."

- b. Future Land Use Element Policy 12.1: The City shall require that all development have adequate services and facilities including water, roads, sewage collection and treatment, stormwater drainage, recreation, and solid waste disposal, to the extent required by state law, other provisions of this Comprehensive Plan, or the City's Land Development Code.

Staff Comment: As identified in the Level of Service Analysis below, adequate public facilities exist to service the subject property.

- b. 2. The requested land use change is consistent with the following Sections of the City of Ocala Code of Ordinances:
 - c. a. Subsection 122-246(b): All annexed territory shall, at the earliest available date, be subject to the land use change process to bring the land use into compliance with the comprehensive plan. This process may result in a different land use designation and zoning classification.
 - d. *Staff Comment: The land use change application has been submitted in conjunction with an application to annex the subject properties.* Consistent with the following principles of the Ocala 2035 Vision (2010):
 - a. Vision 2035 Principle: Ocala has diverse mixed-use centers offering convenient shopping and services easily accessible by neighborhood residents wishing to either walk, bicycle, or drive.

Level of Service Analysis

Transportation:

The 2023 Congestion Management Data from the Ocala-Marion TPO for the affected roadway is provided below. 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	2023 AADT	Existing LOS
US Hwy 27/NW Blitchton RD (From I-75 to NW 44 th Ave)	4	45 MPH	Arterial	D	55,700	21,700	B

The affected segment of NW Blitchton Road is currently operating above the adopted Level of Service.

Potable Water: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A 16-inch city water distribution main runs along NW Blitchton Road.

- *Adopted Level of Service (LOS) Potable Water:* 300 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 167 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of the City’s water system is 24.4 million gallons daily (mgd).

Sanitary Sewer: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A city 8-inch gravity main runs along NW Blitchton Road.

- *Adopted Level of Service (LOS) Sanitary Sewer:* 250 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 80 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of Water Reclamation Facility #2 is 6.5 million gallons daily (mgd) and the permitted capacity of Water Reclamation Facility #3 is 4.0 million gallons daily (mgd).

Solid Waste: The subject property is located within the City’s service area; refuse pickup will be determined during the site plan or subdivision review process.

- *Adopted Level of Service (LOS) Solid Waste:* 3.54 pounds per capita per day for residential development.
- *Available Capacity:* Solid waste is transported to facilities outside of the City.

Parks and Recreation Facilities:

- *Adopted Level of Service (LOS) Solid Waste:* 4.6 developed park acres per 1,000 population for each Regional Park Service Area (RPSA).
- *Available Capacity:* Capacity is available. The City’s 69,283 population requires 318.70 developed park acres. The city currently owns and maintains 622.27 developed park acres, pursuant to the Fall 2024 Activity Guide released by the Recreation and Parks Department.

Other Public Facilities:

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

Internet: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A City fiber optic cable runs along NW Blitchton Road.

Stormwater: The subject property is not located within a FEMA Flood Zone. For any future

redevelopment, 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.

Fire Service: Service is available. Ocala Fire Rescue Station #1 is located approximately 2.4 miles from the subject property, which exceeds the desired industry standard of 1.5 miles for fire service.

Schools: The future commercial development is not anticipated to have an impact on schools.

Conclusions

The requested Medium Intensity/Special District land use is consistent and compatible with the surrounding area. The proposed B-2, Community Business zoning district is consistent with the requested Medium Intensity/Special District future land use classification, pursuant to Section 122-244 of the Ocala Code of Ordinances. Adequate public facilities exist to service the proposed development.

Staff Findings and Recommendation

- The requested Medium Intensity/Special District future land use change is compatible with the surrounding area.
- This request brings the property into compliance with Section 122-26 of the Code of Ordinances, by assigning a land use to properties being annexed into the city.
- Annexation of the subject property diminishes an existing enclave.
- Adequate public facilities exist to service the proposed development.

Staff Recommendation: *Approval*

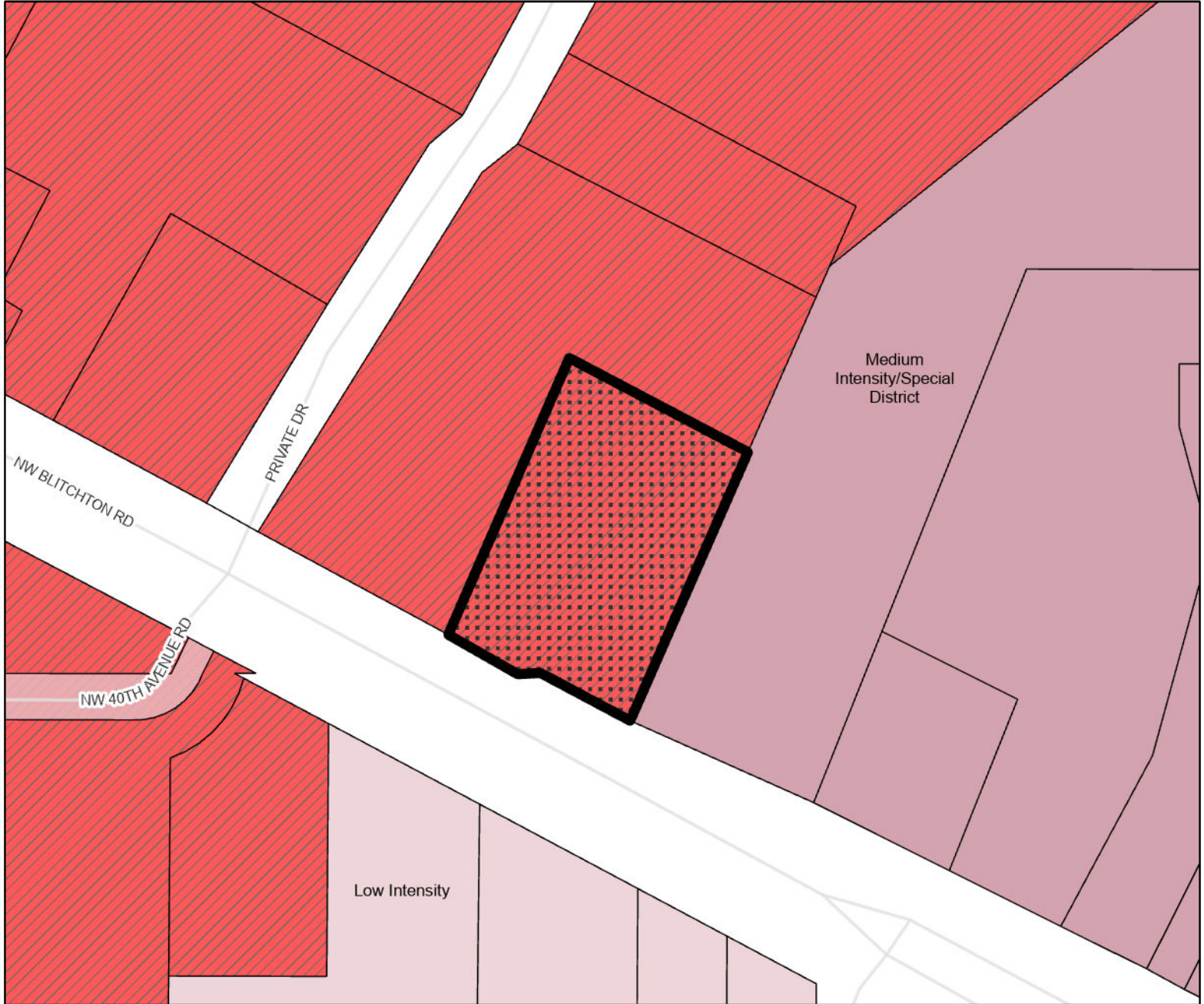
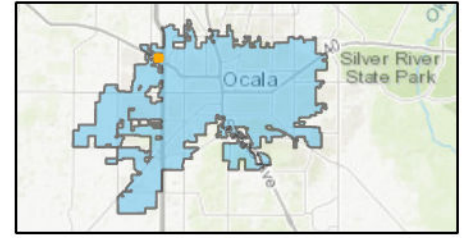
CASE MAP


P&Z Meeting: November 13, 2024

Case Number: LUC24-45821
Parcel: 21537-002-00

Property Size: Approximately 1.29 acres
Land Use Designation: Commercial (County)
Zoning: B-2, Community Business (County)
Proposal: A request to change future land use from Commercial (County) to Medium Intensity/Special District (City).

Location Map



-  Parcels
-  Subject Property

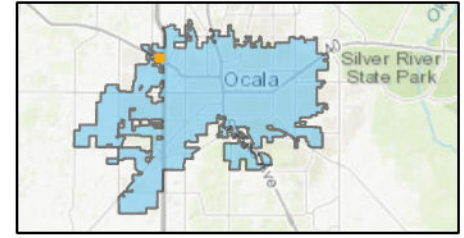


Prepared by the City of **48**
Growth Management Department
by ewjohnson on 10/23/2024

AERIAL MAP


Case Number: LUC24-45821
Parcel: 21537-002-00

Location Map



Property Size: Approximately 1.29 acres
Land Use Designation: Commercial (County)
Zoning: B-2, Community Business (County)
Proposal: A request to change future land use from Commercial (County) to Medium Intensity/Special District (City).



-  Parcels
-  Subject Property





Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-0126

Agenda Item #: c.

Submitted By: Kristina L. Wright

Presentation By: Kristina L. Wright

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Public Hearing to rezone approximately 1.29 acres for property located at 4001 NW Blitchton Road (Parcel 21537-002-00) from B-2, Community Business (County), to B-2, Community Business (City) (Case ZON24-45822) (Quasi-Judicial).

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner/Property Owner: C.L.D. Properties, LTD
- Agent: Tracy Rains, Dinkins Realty, LLC

A rezoning request has been made to rezone a 1.29-acre parcel (21537-002-00) from B-2 (Marion County), Community Business to B-2 (City), Community Business to allow facilitate future commercial development.

The subject property, identified by Parcel Identification Number 21537-002-00, contains an approximate 1.29 acres, and is located at 4001 NW Blitchton Road. This request is accompanied by concurrent applications to annex to obtain City services also reducing an existing enclave (ANX24-45820); and to change the future land use designation from Commercial (County) to Medium Industrial/Special District (City) (LUC24-45821). The subject property is contiguous to the City limits.

The property was originally developed as a saloon in Marion County, but the building was destroyed by fire and later demolished in 1995. The property has been used for overflow tractor-trailer truck parking for nearby commercial businesses.

FINDINGS AND CONCLUSIONS:

- The proposed rezoning is consistent with the proposed Medium Intensity/Special District Future Land

Use (LUC24-45821) classification pursuant to Code of Ordinances Section 122-244.

- The requested B-2 zoning district allows for a variety of commercial uses and allows similar uses to the existing county B-2 zoning classification.
- Adequate public facilities exist to service the proposed development.

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

SUPPORT MATERIALS:

- Staff Report
- Case Map
- Aerial Map
- Site Sketch

ORDINANCE 2024-XX

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM B-2, COMMUNITY BUSINESS (COUNTY), TO B-2, COMMUNITY BUSINESS (CITY), FOR THE PROPERTY LOCATED AT 4001 NW BLITCHTON ROAD (PARCEL 21537-002-00), APPROXIMATELY 1.29 ACRES (CASE NO. ZON24-45822); PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATIONS AT A PUBLIC HEARING; PROVIDING DIRECTION TO THE CODIFIER; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session, as follows:

Section 1. The following described lands are hereby rezoned and reclassified according to the zoning regulation of the City of Ocala, Florida, as B-2, Community Business:

Commencing at the Southeast corner of Section 3, Township 15 South, Range 21 East, thence North 89 degrees, 52'33"W., 47.08 feet to the Westerly right of way line of Interstate Highway 75; thence North 0 degrees 31'12"E., along said right of way line 275.35 feet; thence North 11 degrees, 07'06"E., along said right of way line 130.00 feet; thence North 89 degrees 52'33"W., 441.75 feet; thence South 21 degrees 45'13"W., 563.59 feet to the Northerly right of way line of U.S. Highway 27; thence North 61 degrees 53'33"W., along said right of way line 200.25 feet for the point of beginning; thence 61degrees 53'33"W., along said right of way line 57.42 feet to the South boundary of said Section 3, said point being 60.00 feet from and at right angle to the centerline of said U.S. Highway 27; thence North 89 degrees, 52'33"W., along said South boundary and along said Northerly right of way line, 21.30 feet to a point that is 50.00 feet from and at right angle to said centerline; thence North 61 degrees 53'33"W., along said Northerly right of way line and parallel with said centerline 122.93 feet; thence North 23 degrees 21'28"E., 285.03 feet; thence South 61 degrees 53'33"E., 200.00 feet; thence South 23 degrees 21'28"W., 275.00 feet to the point of beginning.

Section 2. Direction to Staff. The City Council of the City of Ocala, Florida directs staff to take any and all steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation of the intent of this ordinance and the specific matters outlined herein.

Section 3. Repealing Inconsistent and/or Conflicting Provisions. The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures, and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 4. Severability of Ordinance Provisions. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 5. Modifications Arising from Consideration at a Public Hearing. It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 6. Direction to the Codifier. It is the intention of the City Council of the City of Ocala, Florida that (1) the zoning map of the City of Ocala is hereby amended to reflect the change in zoning classification from B-2 (Marion County), Community Business, to B-2, Community Business, as to lands described in Section 1 of this ordinance; (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any scrivener's error(s) contained herein which do not affect the intent of this ordinance be corrected with the authorization of the City Manager or their designee and without the need for additional public hearings or consideration by City Council.

Section 7. This ordinance shall become effective upon the later of:

1. Approval by the mayor, or upon becoming law without such approval;
- or

2. The effective date of Ordinance 2024- ____ (Ref Land Use Case LUC24-45821)

ATTEST:

CITY OF OCALA

By:
Angel B. Jacobs
City Clerk

By:
Barry Mansfield
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2024.

By: _____
Ben Marciano
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney

Ordinance No: 2024-XX
Introduced: Click or tap to enter a date.
Adopted: Click or tap to enter a date.
Legal Ad No: Click or tap here to enter text.



Staff Report: Rezoning

Case No. ZON24-45822

Planning & Zoning Commission: November 13, 2024

City Council (1st Reading): December 3, 2024

City Council (Adoption): December 17, 2024

Property Owner/Applicant: C.L.D. Properties, LTD
Agent: Tracy Rains, Dinkins Realty, LLC
Project Planner: Kristina L. Wright, CNU-A, MAURP, FRA-RA
Amendment Request: Rezone the subject property from B-2 (County), Community Business to B-2 (City), Community Business.

Subject Property Information

Acres: ±1.29 acres
Parcel(s)#: 21537-002-00
Location: 4001 NW Blitchton Road
Existing use: Vacant, previously developed as a saloon in Marion County and later used for overflow tractor-trailer parking for adjacent commercial uses.
Future Land Use Designation: Commercial (County)
Zoning Designation: B-2 (County), Community Business
Concurrent Applications: Annexation (ANX24-45821) and future land use change (LUC24-45821) requesting Medium Intensity/Special District
Special District(s)/Plan(s): N/A
Approved Agreement(s): N/A

Figure 1. Aerial Location Map



Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Commercial (County)	B-2 (County), Community Business	Budget Host Inn
South	Low Intensity	No Zoning	Vacant/undeveloped
East	Medium Intensity/Special District	B-2, Community Business	Car wash
West	Commercial (County)	B-2 (County), Community Business	Budget Host Inn

Applicant Request

The petitioner is requesting to rezone a 1.29-acre parcel (21537-002-00) from B-2, Community Business (County), to B-2, Community Business (City).

The petitioner has submitted concurrent applications to annex the subject property into City limits (ANX24-45820); and to change the future land use designation from Commercial (County), to Medium Industrial/Special District (City) (LUC24-45821).

Background:

The subject property, identified by Parcel Identification Number 21537-002-00, contains an approximate 1.29 acres, and is located at 4001 NW Blichton Road. The property was once developed as a saloon in Marion County, until it was destroyed by a fire and later demolished in 1995. It appears that this property has been utilized as overflow tractor-trailer truck parking for adjacent commercial uses since that time.

The subject property is contiguous to the City limits and are adjacent to properties serviced by City utilities. The adjacent property to the east (parcel 21544-000-00) was annexed into the city in 1986 through Ordinance 1892.

Staff Analysis

Factual Support

Comparison of Zoning District Standards

	Zoning District	Intent and Purpose	Minimum Lot Area	Maximum Building Height
Existing (County)	B-2, Community Business	Intended for shopping and limited service needs of several neighborhoods, a community, or substantial land area. Retail stores are intended to include general merchandise, fashion, durable goods, and	None	50 feet

		personal services. All commercial activity involving retail sales or rentals shall take place in a completely enclosed building.		
Proposed	B-2, Community Business	Intended for community businesses, including retail sales, personal and business services, and all office uses. Businesses shall be based on walk-in trade, rather than delivery of supplies and large commodities.	10,000 square feet	50 feet

Also see Exhibit A: Permitted Uses Table below.

Consistency with Comprehensive Plan and Land Development Regulations

1. The requested zoning change is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:

- a. Future Land Use Element Policy 6.2: Medium Intensity/Special District: The intent of the Medium Intensity/Special District is to identify neighborhood and community-serving activity centers, generally represented as “Medium Low” or “Medium High” on the Ocala 2035 Vision. The Medium Intensity/Special District should facilitate developments with two (2) or more uses. Permitted uses include residential, office, commercial, public, recreation, educational facilities, and institutional. Light industrial shall only be allowable in designated locations as specified in the Land Development code and must meet the intent of the Medium Intensity/Special District category, including form and design guidelines as applicable.

The character, function, and form of new buildings or development on vacant land shall be regulated by a form-based code zoning district that includes design standards adopted specifically for a Medium Intensity/Special District identified in Objective 8, a Planned Development (PD) zoning district that includes specific design standards related to the surrounding uses, or a chapter 163 Development agreement with specific design standards. Existing developed and public properties shall be regulated by the Land Development Code.

A Medium Intensity/Special District is intended to promote a walkable urban form with buildings at moderate build-to lines from the street and public right-of-way, as depicted in Figure C. Parking may occur on-street or in the moderate build-to line of buildings, though rear and side yard parking is encouraged, as depicted in Figure D. Shade for pedestrians should be provided through landscaping or building design. Open space in Medium Intensity/Special District areas consists of large neighborhood and community parks.

The minimum density and intensity before any incentives in this future land use category is 5 dwelling units per gross acre of 0.15 FAR. The maximum density and intensity before any incentives is 30 dwelling units per acre of 4.0 FAR. The location and application of incentives shall be set forth in the Land Development Code.

Increased density and intensity incentives may be approved for inclusion of workforce housing, green building, and sustainable design standards, setting aside right-of-way for trials, employment-generating uses, exemplary urban design, or other benefits to the city as specified in the Land Development Code. The location and application of incentives shall be set forth in the Land Development Code.

Staff Comment: Commercial land uses are permitted within the Medium Intensity/Special District Future Land Use Classification. Existing commercial uses surround the subject property and serve the commercial corridor on NW Blitchton Road/US Highway 27 and traffic exiting Interstate 75 due to the proximity to the interchange.

- b. Future Land Use Element Policy 12.1: The City shall require that all development have adequate services and facilities including water, roads, sewage collection and treatment, stormwater drainage, recreation, and solid waste disposal, to the extent required by state law, other provisions of this Comprehensive Plan, or the City’s Land Development Code.

Staff Comment: As identified in the Level of Service Analysis below, adequate public facilities exist to service the subject property.

2. The requested rezoning is consistent with the following Sections of the Land Development Regulations:

- a. Section 122-133(b)(1): The application requests to rezone parcel or parcels that are a minimum of 30,000 square feet of area not separated by a right-of-way for a street, a street, or a drainage retention area.

Staff Comment: The subject property contains approximately 1.29 acres and meets the requirements for consideration of rezoning set forth by the Code of Ordinances.

- b. Section 122-244 – *District criteria*: Zoning districts allowed under the current land use classification.

Medium Intensity/Special District	R-1**, R-1A**, R-1AA**, R-2**, R-3**, RZL**, RO**, O-1**, OP**, B-1**, B-1A**, B-2**, B-2A**, B-4**, SC**, M-1**, M-2**, G-U**, INST**, A-1***, PD**, FBC**
--	---

*** New development of vacant parcels on 5 acres or more shall be regulated by a Form-Based Code (FBC) Zoning District, a Planned Development (PD) District, or a Chapter 163 Development Agreement. Existing development, public uses, or vacant parcels less than 5 acres in the Medium Intensity/Special District land use classification shall be regulated by their existing zoning district.*

**** As of June 1, 2014, a rezoning application for A-1 must be associated with an annexation case where a portion of the annexed property is already zoned A-1 in the county.*

Staff Comment: As indicated in Section 122-244 above, the B-2 zoning district is a permitted district within the subject property’s proposed Medium Intensity/Special District future land use with the caveat that “Existing development, public uses, or vacant parcels less than 5 acres in the Medium Intensity/Special District land use classification shall be regulated by their existing zoning district.” However, since this is a property being annexed into the city with the same corresponding zoning code and since the adjacent parcels are Medium Intensity/Special District, this request is the most consistent and compatible.

- c. Section 122-621: The Community Business (B-2) district is intended for community businesses, including retail sales, personal and business services, and all office uses.

Staff Comment: The proposed B-2 zoning district is consistent with the intended use of community business (Sec. 122-622(3)c(4)).

Level of Service (LOS)

Transportation: The 2023 Congestion Management Data from the Ocala-Marion TPO for the affected roadway is provided below. Developments proposing to generate 100 or more peak hour trips are required to submit a traffic study as part of the site plan review.

• **Adopted LOS / Available Capacity:**

Road/Street Name	Lanes	Speed Limit	Functional Classification	Adopted LOS	LOS Capacity	2023 AADT	Existing LOS
US HWY 27/NW Blitchton RD (From I-75 to NW 44 th Ave)	4	45 MPH	Arterial	D	55,700	21,700	B

The affected segment of NW Blitchton Road is currently operating above the adopted Level of Service.

Potable Water: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A 16-inch city water distribution main runs along NW Blitchton Road.

- *Adopted Level of Service (LOS) Potable Water:* 300 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 167 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of the City’s water system is 24.4 million gallons daily (mgd).

Sanitary Sewer: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A city 8-inch gravity main runs along NW Blitchton Road.

- *Adopted Level of Service (LOS) Sanitary Sewer:* 250 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 80 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of Water Reclamation Facility #2 is 6.5 million gallons daily (mgd) and the permitted capacity of Water Reclamation Facility #3 is 4.0 million gallons daily (mgd).

Solid Waste: The subject property is located within the City’s service area; refuse pickup will be determined during the site plan or subdivision review process.

- *Adopted Level of Service (LOS) Solid Waste:* 3.54 pounds per capita per day for residential development.
- *Available Capacity:* Solid waste is transported to facilities outside of the City.

Parks and Recreation Facilities:

- *Adopted Level of Service (LOS) Solid Waste:* 4.6 developed park acres per 1,000 population for each Regional Park Service Area (RPSA).
- *Available Capacity:* Capacity is available. Per the 2024 population projections from the Florida Bureau of Economic and Business Research (BEBR), the City’s estimated 69,283 population requires 318.70 developed park acres. The city currently owns and maintains 622.27 developed park acres, pursuant to the Fall 2024 Activity Guide released by the Recreation and Parks Department.

Other Public Facilities:

The following public facilities do not have adopted Level of Service standards and are provided as additional information.

Stormwater: The subject property is not located within a Flood Zone. For any future redevelopment, 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.

Electric: The subject property is currently serviced by Ocala Electric Utility.

Fiber: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A City fiber optic cable runs along NW Blitchton Road.

Fire Service: Ocala Fire Rescue Station #1 is located approximately 2.4 miles from the subject property, which exceeds the desired industry standard of 1.5 miles for fire service.

Schools: The future commercial subject development is not anticipated to have an impact on schools.

Conclusions

Property History:

Land Development Code / Comprehensive Plan Consistency: Pursuant to Code of Ordinances Section 122-286 properties in the requested B-2 zoning district shall be at least 100-foot-wide and contain at least 10,000 square feet. The subject property meets the minimum lot width and lot area requirements of the B-2 zoning district. The requested B-2 zoning district is consistent with the existing Medium Intensity/Special District Future Land Use classification pursuant to Code of Ordinances Section 122-244 which stipulates that vacant parcels less than 5 acres shall be regulated by their existing zoning district.

Zoning Comparison: The requested B-2 zoning district permits many of the same retail and eating/drinking establishments as the existing B-2 in the county. A significant difference of note is the number of low intensity industrial uses that are permitted in the existing B-2 within the county. The proposed B-2 in the city has two low intensity industrial uses, whereas the county permits ten, as reflected in Exhibit A: Permitted Uses Table.

Surrounding Area / Compatibility: The applicant is seeking a similar zoning classification to match the existing county zoning; therefore, remaining consistent and compatible with the surrounding properties. The requested B-2 zoning is compatible with the surrounding uses. Overall, commercial development, including restaurants, hotels, and retail are prominent along the corridor. NW Blitchton Road is a major arterial roadway and serves as a primary thoroughfare and interchange for Interstate 75.

Staff Findings and Recommendation

- The proposed rezoning is consistent with the proposed Medium Intensity/Special District Future Land Use (LUC24-45821) classification pursuant to Code of Ordinances Section 122-244.
- The requested B-2, Community Business zoning district allows for a variety of commercial uses and allows similar uses to the existing county B-2 zoning classification.
- Public facilities exist to service the proposed development.

Staff Recommendation: *Approval*

Exhibit A. Permitted Uses Table

Permitted Use Type	B-2, Community Business(County)	B-2, Community Business (City)
<i>Agricultural</i>	<ul style="list-style-type: none"> • Horses or cattle, not a sales operation (See special lot area and number requirements in Sec. 4.2.6.F) * • Lumberyards, building material sales. • Plant nursery wholesale* 	
<i>Residential Operation</i>		<ul style="list-style-type: none"> • Bed and breakfast • Community residential home (max 14 residents) • Fraternity or sorority house • Residence-gallery • Residence-office • Rooming/boarding house
<i>Residential Type</i>		<ul style="list-style-type: none"> • Single-family dwelling • Single-family (attached) dwelling • Two-family dwelling • Multi-family dwelling*
<i>General Retail</i>	<ul style="list-style-type: none"> • Automobile parts, new • Bar, alcohol sales • Employment office • Food catering • Game arcade, coin-operated • Garden supply • Gun shop • Stores, drug • Paint and wallpaper • Produce, outside building* • Used merchandise, outside building, including flea market* • Swimming pool supplies* 	<ul style="list-style-type: none"> • Auto supply store • Bakery store • Department store • Drugstore • Electronics store • Furniture store • Garden and nursery sales • Grocery store • Hardware store • Home decorating store • Pharmacy • Roadside fruit and vegetable sales • Specialty retail stores • Swimming pool sales (enclosed) • Used merchandise store • Videotape store
<i>Business Service</i>	<ul style="list-style-type: none"> • Advertising specialties • Air-conditioning, heating, ventilation equipment sales, service repair • Automobile rental • Automobile, truck sales, new, used* • Bicycle sales, rentals • Boats, marine motor sales, service • Golf cart, LSV sales 	<ul style="list-style-type: none"> • Equipment rental and leasing • General business service • Parking garage • Parking lot • Pest control service • Radio/TV broadcasting facility • Security systems service

	<ul style="list-style-type: none"> • Household appliance, furnishings, sales, repair • Lawn mowers, power, sales, repair • Model home sales lot, model home complex • Motorcycle sales, service* • Office furniture, equipment, sales, service • Pest control agency, supplies* • Pawnshop • Recreational vehicle rental • Recreational vehicle sales* • Tattoo, body-piercing parlor • Taxidermist • Storage warehouses* • Trailers, sales, and service* 	
<i>Eating or Drinking Establishment</i>	<ul style="list-style-type: none"> • Restaurant, including fast food, drive-through • Seafood shop • Nightclub • Package liquor store 	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establishment (on-premises consumption) • Fast-food restaurant • Restaurant (enclosed), (drive-through window permitted as an accessory use)
<i>Hospitality and Tourism</i>	<ul style="list-style-type: none"> • Hotel, motel 	<ul style="list-style-type: none"> • Antique gallery/art gallery/museum • Conference center • Hotel/convention center • Motel
<i>Office Use</i>		<ul style="list-style-type: none"> • Commercial photography (art and graphic design service) • Computer maintenance and repair • Financial institution • Photocopying and duplicating services • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office
<i>Personal Service</i>		<ul style="list-style-type: none"> • Check cashing establishment • Coin-operated laundry • Emergency shelter • Funeral home/crematory • Hairstyling shop • Laundry and dry-cleaning pickup • Laundry and dry-cleaning service • Major household repair establishment • Mini warehouse (self-service storage facility)

		<ul style="list-style-type: none"> • Minor household repair establishment • Recreational vehicle park • Recycling collection point • Tattoo or body piercing establishment
<i>Vehicular Service</i>	<ul style="list-style-type: none"> • Automobile repair, no paint or body work • Automobile paint and body shop* 	<ul style="list-style-type: none"> • Auto repair, minor • Automobile cleaning, detailing service • Drive-through facility (non-restaurant) • Full-service station • Self-service station/convenience store
<i>Community Service</i>	<ul style="list-style-type: none"> • Church, Places of Worship 	<ul style="list-style-type: none"> • Church/place of worship • Day care facility • Library • Private club
<i>Educational Use</i>		<ul style="list-style-type: none"> • College/university • Community education center • School, private elementary and secondary • Speech and language center/school • Vocational/professional school
<i>Recreational Use</i>	<ul style="list-style-type: none"> • Bowling alley • Marina • Poolroom • Recreation building • Theater 	<ul style="list-style-type: none"> • Bowling center • Commercial recreation, indoor • Dance/art/music studio • Motion picture theaters, except drive-in • Physical fitness center • Recreation facility, indoor • Commercial outdoor baseball batting facility* • Commercial recreation, outdoor* • Driving range* • Miniature golf*
<i>Public Use</i>	<ul style="list-style-type: none"> • Parking garage, public • Post office, privately owned, leased • Utility company service yards • Water wellfields* 	<ul style="list-style-type: none"> • Post office • Park/open space area* • Public transportation terminal*
<i>Health Care Use</i>		<ul style="list-style-type: none"> • Assisted living facility • Medical and dental laboratory • Medical and dental office • Transitional recovery facility • Transitional treatment facility • Veterinarian office
<i>Low-Impact Industrial Use</i>	<ul style="list-style-type: none"> • Bakery, industrial, commercial • Bottling plant (non-alcoholic beverages)* 	<ul style="list-style-type: none"> • Microbrewery/microdistillery • Assembly of electronics components*

	<ul style="list-style-type: none">• Cemetery, crematory, mausoleum*• Construction or contractor yard*• Garbage transfer station*• Gas, bottled, refill cylinders*• Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations) *• Parking of commercial vehicles in excess of 16,000lbs. not used by permitted business*• Sewage treatment plants (inflow exceeding 5,000 gpd)*• Spray fields (or other type of effluent disposal area when application rate exceeds 5,000 gpd, if allowed by law)*	
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*Permitted by Special Exception

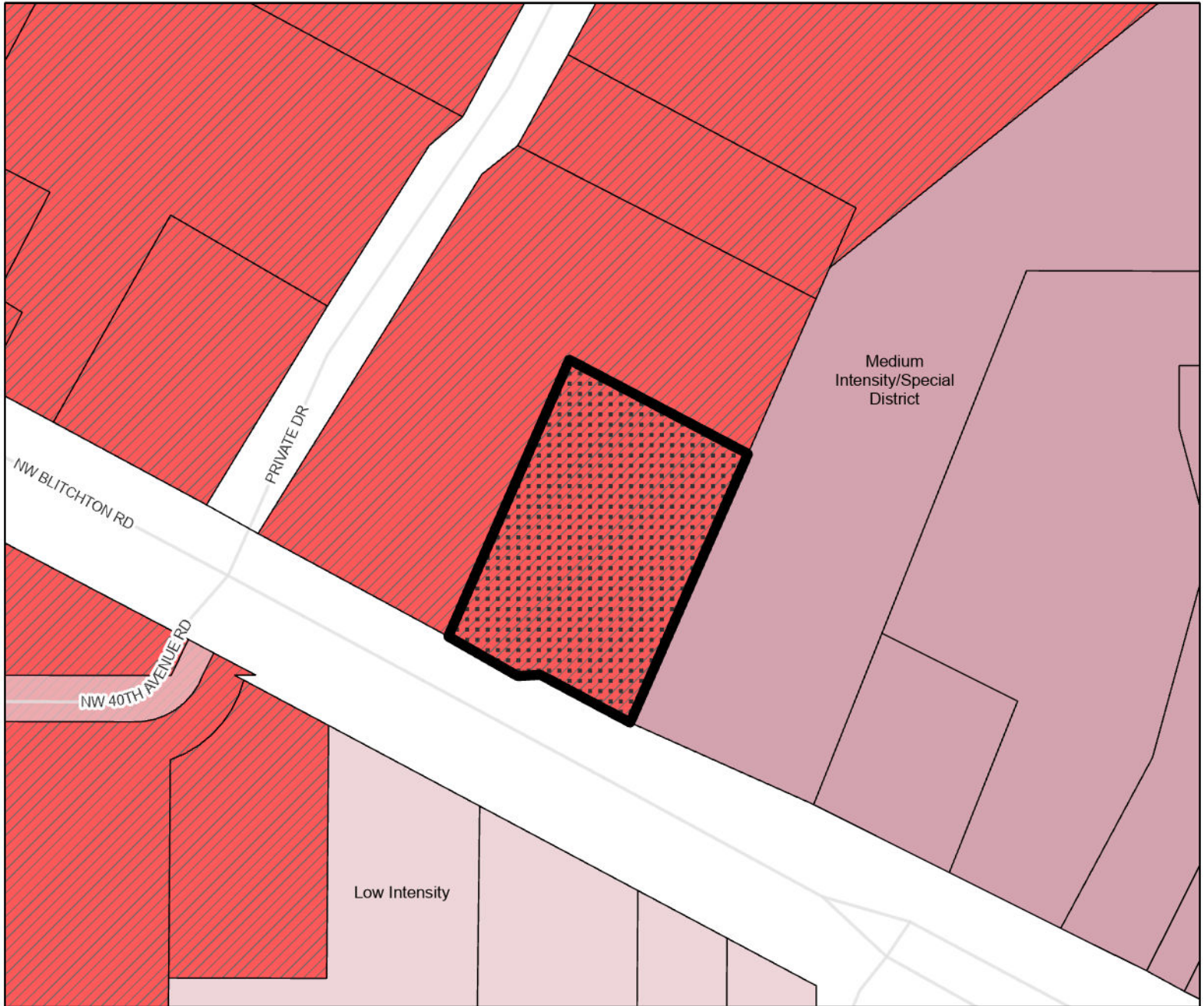
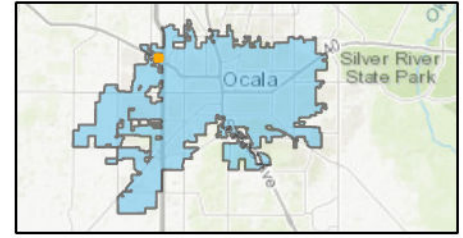
CASE MAP



P&Z Meeting: November 13, 2024

Case Number: LUC24-45821
Parcel: 21537-002-00

Property Size: Approximately 1.29 acres
Land Use Designation: Commercial (County)
Zoning: B-2, Community Business (County)
Proposal: A request to change future land use from Commercial (County) to Medium Intensity/Special District (City).

Location Map



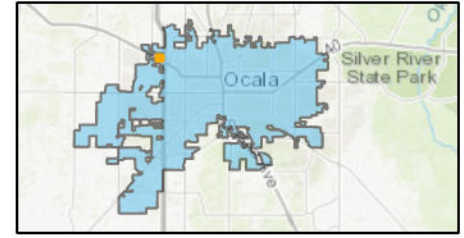
-  Parcels
-  Subject Property



AERIAL MAP

Case Number: LUC24-45821
Parcel: 21537-002-00

Location Map

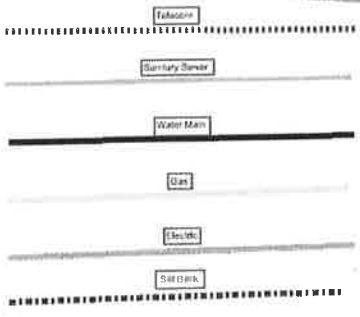
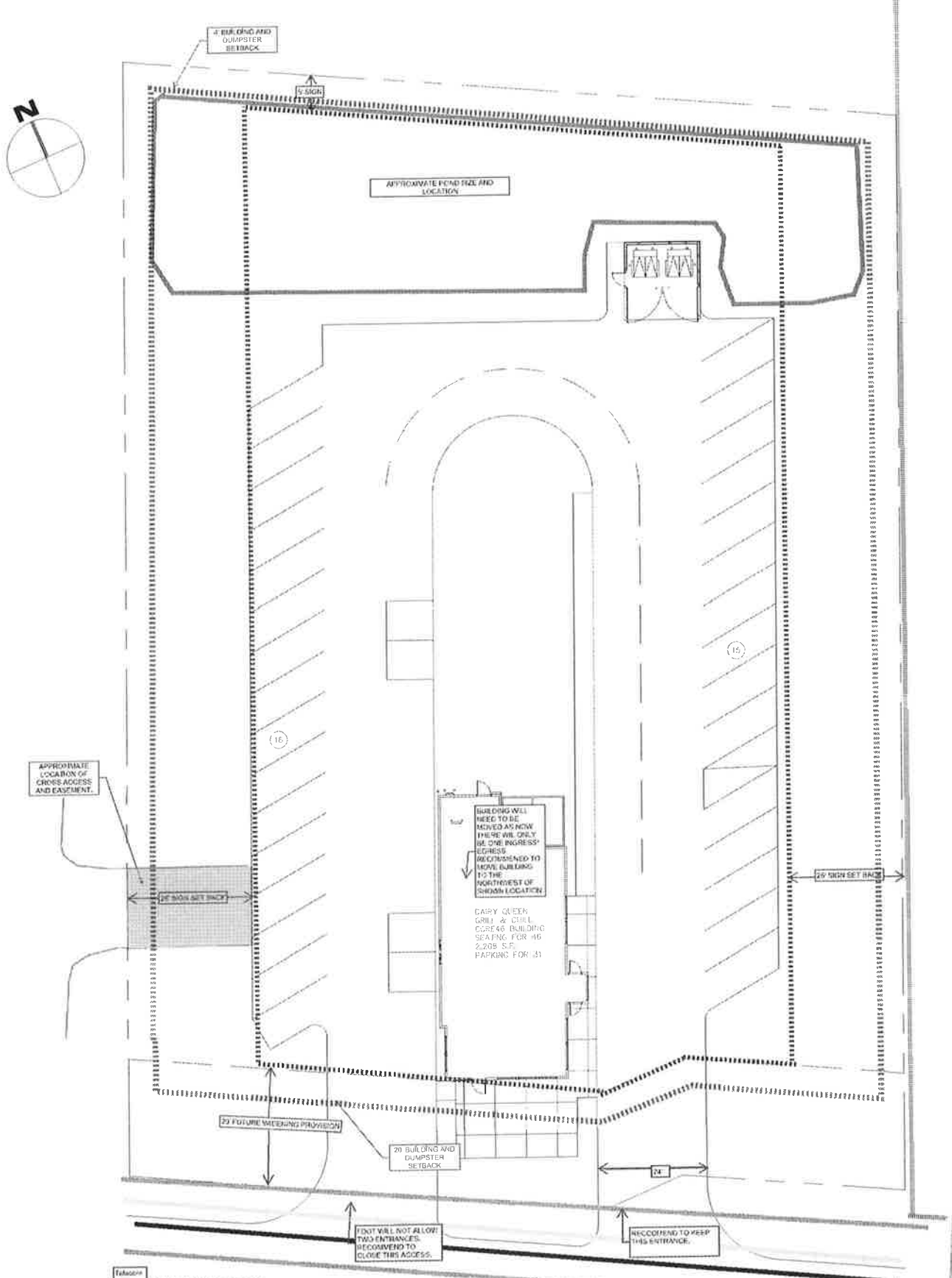


Property Size: Approximately 1.29 acres
Land Use Designation: Commercial (County)
Zoning: B-2, Community Business (County)
Proposal: A request to change future land use from Commercial (County) to Medium Intensity/Special District (City).



-  Parcels
-  Subject Property





OCALA, FL
 NW BLITCHTON RD
 SITE SKETCH #1
 NO SCALE - 07.18.2024 - S.PITHEY

UTILITY LINE LOCATIONS ARE NOT EXACT.
 PLEASE CONFIRM WITH PROVIDER. THIS IS CURRENTLY UNRECORRECTED TO CONNECT TO CITY UTILITIES AN ANNEXTION MUST OCCUR.



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2024-2222

Agenda Item #: d.

Submitted By: Emily W. Johnson, AICP

Presentation By: Emily W. Johnson, AICP

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Public Hearing to rezone approximately 15.00 acres of property generally located in the 2000-3000 block of NW 35th Avenue road, approximately 660-feet northwest of the intersection of NW 35th Avenue Road and NW 21st Street, (Parcel 21466-000-00) from R-1, Single-Family Residential, to B-2, Community Business (Case ZON24-45826) (Quasi-Judicial).

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner/Property Owner: Clausson P. Lexow, Trustee

Key Points:

The petitioner is requesting to change the zoning from R-1, Single-Family Residential to B-2, Community Business to bring the zoning into compliance with the underlying future land use classification.

Zoning and Land Use Details:

On November 4, 2008, the City Council adopted Ordinance 5934, which amended the Future Land Use Map (FLUM) to change the designation of a property from Low Density Residential to Retail Services. This was followed by the adoption of Ordinance 5935, which included development conditions, such as a cap on development intensity, limiting total Average Daily Trips (ADT) to 1,128,970.

Subsequent changes to the Comprehensive Plan eliminated the Retail Services FLUM designation and the Land Use Blending Overlay (LUBO), replacing it with an Employment Center future land use classification. The current proposed zoning change to B-2 would allow non-residential uses that appropriately align with the Employment Center designation, in contrast to the existing R-1 zoning, which is intended for single-family

residential development and is not compatible with the Employment Center land use.

FINDINGS AND CONCLUSIONS:

- The subject property must be rezoned to provide consistency with the existing Employment Center Future Land Use classification pursuant to Code of Ordinances Section 122-244.
- The rezoning would allow for the development of non-residential uses which are more appropriately aligned with the Employment Center future land use and is compatible with the existing development of the surrounding area.
- The request is consistent with the West Ocala Vision and Community Plan, the Comprehensive Plan, and the City’s Code of Ordinances.
- No Level of Service issues have been identified for public facilities as a result of the zoning amendment.

Staff recommends approval.

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

SUPPORT MATERIALS:

- Staff Report
- Ordinance #5935 - Future Land Use Policy
- Adopted LUBO Transmittal Packet
- Case Map
- Aerial Map

ORDINANCE 2025-XX

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM R-1, SINGLE-FAMILY RESIDENTIAL, TO B-2, COMMUNITY BUSINESS, FOR CERTAIN PROPERTY LOCATED GENERALLY LOCATED IN THE 2000-3000 BLOCK OF NW 35TH AVENUE ROAD, APPROXIMATELY 660-FEET NORTHWEST OF THE INTERSECTION OF NW 35TH AVENUE ROAD AND NW 21ST STREET (PARCEL NO. 21466-000-00), APPROXIMATELY 15.00 ACRES (CASE NO. ZON24-45826); PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR

CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATIONS AT A PUBLIC HEARING; PROVIDING DIRECTION TO THE CODIFIER; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session, as follows:

Section 1. The lands described below are hereby rezoned and reclassified according to the zoning regulation of the City of Ocala, Florida, as B-2, Community Business:

THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 15 SOUTH, RANGE 21 EAST, LYING EAST OF INTERSTATE HIGHWAY 75. EXCEPT WEST 60 FEET LYING ADJACENT TO I-75 OF SOUTH 1/3 OF NORTH 1/2 OF SOUTHWEST 1/4 OF SOUTHWEST 1/4.

SUBJECT TO EASEMENT TO CITY OF OCALA AS SHOWN IN OFFICIAL RECORDS BOOK 144, PAGE 299.

Section 2. Direction to Staff. The City Council of the City of Ocala, Florida directs staff to take any and all steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation of the intent of this ordinance and the specific matters outlined herein.

Section 3. Repealing Inconsistent and/or Conflicting Provisions. The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures, and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 4. Severability of Ordinance Provisions. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 5. Modifications Arising from Consideration at a Public Hearing. It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 6. Direction to the Codifier. It is the intention of the City Council of the City of Ocala, Florida that (1) the zoning map of the City of Ocala is hereby amended to reflect the change in zoning classification from R-1, Single-Family Residential, to B-2, Community Business, as to lands described in Section 1 of this ordinance; (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any scrivener's error(s) contained herein which do not affect the intent of this ordinance be corrected with the authorization of the City Manager or their designee and without the need for additional public hearings or consideration by City Council.

Section 7. This ordinance shall become effective upon approval by the mayor, or upon becoming law without such approval.

ATTEST:

CITY OF OCALA

By:
Angel B. Jacobs
City Clerk

By:
Barry Mansfield
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2024.

By: _____
Ben Marciano
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney

Ordinance No: 2025-XX
Introduced: Click or tap to enter a date.
Adopted: Click or tap to enter a date.
Legal Ad No: Click or tap here to enter text.



Staff Report: Rezoning

Case No. ZON24-45826

Planning & Zoning Commission: November 13, 2024

City Council (1st Reading): December 3, 2024

City Council (Adoption): December 17, 2024

Applicant/Property Owner:

Clausson P. Lexow, Trustee

Project Planner:

Emily W. Johnson, AICP

Amendment Request:

Rezone the subject property from R-1, Single-Family Residential, to B-2, Community Business.

Subject Property Information

Acres:

±15.00 acres

Parcel(s)#:

21466-000-00

Location:

Approximately 660-feet northwest of the intersection at NW 35th Avenue Road and NW 21st Street and approximately 130-feet west of I-75

Existing use:

Vacant/Undeveloped

Future Land Use Designation:

Employment Center

Zoning Designation(s):

R-1, Single-Family Residential

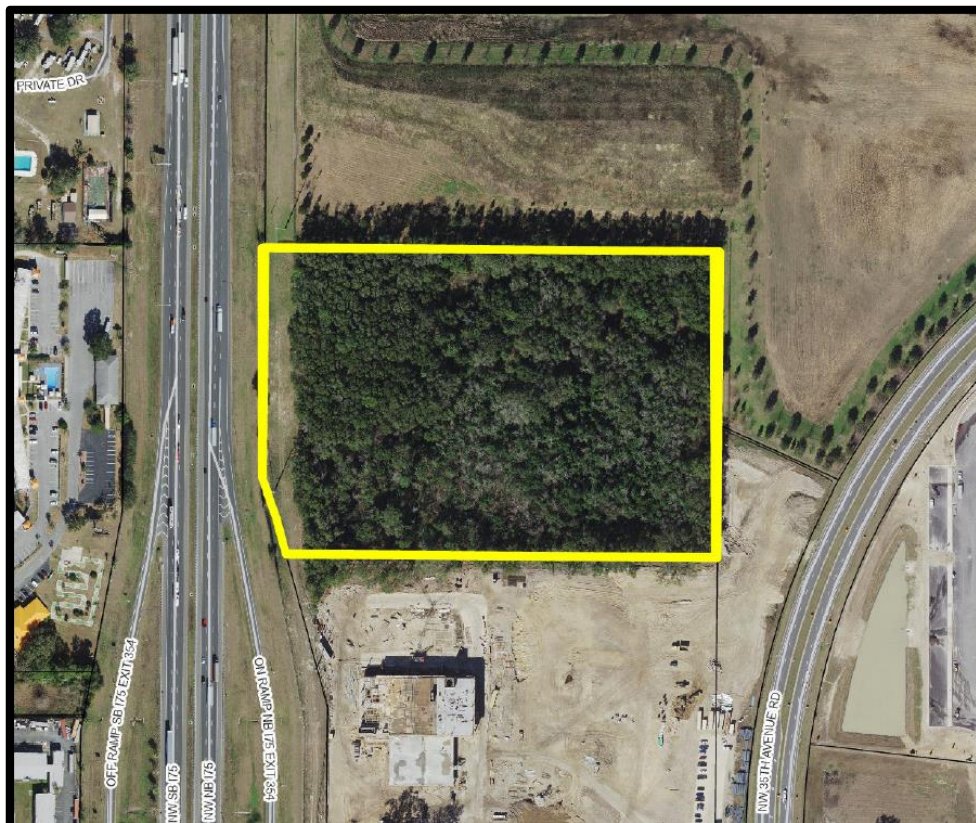
Special District(s)/Plans(s):

West Ocala Vision and Community Plan (2011)

Approved Agreement(s):

Future Land Use Policy 18.29 (Ordinance No. 5935)

Figure 1. Aerial Location Map



Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Employment Center	B-2, Community Business	Warehouse and Distribution Center (Fedex)
South	Medium Intensity/Special District	PD, Planned Development	Mixed-use development with hospital (UF Health Ocala Neighborhood Hospital)
East	Employment Center	M-1, Light Industrial PD, Planned Development	Drainage Retention Areas for Fedex and UF Health Ocala Neighborhood Hospital
West	Medium Intensity/Special District	B-2, Community Business	Motel (Howard Johnson), adjacent to I-75

Applicant Request

The applicant has submitted a petition to rezone the subject property from R-1, Single-Family Residential, to B-2, Community Business, in order to bring the zoning into compliance with the underlying Employment Center future land use classification.

Background:

The approximate 15-acre subject property is currently undeveloped and heavily wooded. It is bordered to the west by I-75. Access to the property is provided via a 20-foot-wide access easement along the northern boundary of parcel 21465-006-00 which connects to NW 35th Avenue Road. This access easement is identified in the approved PD, Planned Development (PD21-44384) and on the approved Site Plan SPL22-44660) for the development located to the south and east UF Health Shands Ocala.

- On November 4, 2008, City Council adopted a Future Land Use Map (FLUM) Amendment LUC08-0022 through Ordinance 5934, which changed the future land use of the subject property from Low Density Residential to Retail Services. At the time of the land use change, the property was planned to be developed as a retail shopping center to complement the industrial park to the north. A Future Land Use Policy (FLUP) was subsequently adopted through Ordinance 5935 and originally numbered as Policy 12.31 and was renumbered as Policy 18.32 with adoption of Ordinance 2013-13 amending the Comprehensive Plan pursuant to the 2035 Ocala Vision Plan. The Policy number was again readjusted to 18.29 with the adoption of the Evaluation and Appraisal Report (EAR) amendments adopted by Ordinance 2021-20. The Future Land Use Element Policy imposes the following development conditions on the subject property:
 1. The aggregate development of the Amendment Parcel along with the aggregate development for the property associated with Case LUC08-0005 shall not exceed what was previously adopted under the City and Council future land use designations;
 2. Prior to final development approval, the property owner will be required to submit a traffic study, capacity reservation and development plan that is consistent with the City’s Traffic Study Guidelines and Concurrency Management System;

3. The property owner/developer will be required to provide (as to required improvements for which proportionate share payments may or must be made under the City's Code of Ordinances) required proportionate share contribution payments; and
4. The developer/property owner shall coordinate with FDOT, Marion County and the City to formulate an Access Management Plan that takes into account the existing roadway network, including I-75, US 27, NW 27th Avenue and NW 35th Street and is consistent with the proposed MEC industrial park/retail development adjacent to the north and east.

*It is noted that, development condition one of the adopted future land use policy, includes language which states "previously adopted under the City and Council future land use designation." This appears to be a scrivener's error and should read; "previously adopted under the City and County future land use designation".

- On June 13, 2012, the City transmitted the adoption of a Land Use Blending Overlay (LUBO) through Ordinance 2012-30, which designated the subject property as part of an overall 503.84-acre mixed-use development without fixed Future Land Use Map classification boundaries. The LUBO restricted the total development to not exceed what was previously allowed by the county and city future land uses, or 1,128,970 Average Daily Trips (ADT).
- On January 22, 2013, City Council adopted Comprehensive Plan Amendments consistent with the 2035 Vision, which eliminated the Retail Services Future Land Use Classification and the LUBO. The subject property is currently designated with an Employment Center Future Land Use.

Staff Analysis

Factual Support

The subject property has not been rezoned since the adoption of the Employment Center future land use change. As a result, the existing R-1 zoning designation for the subject property remains inconsistent with the Employment Center future land use, pursuant to Ocala Code of Ordinances Section 122-244.

The subject property lies within the West Ocala Vision and Community Plan (2011) study area. The West Ocala Vision identified six districts, including an Employment Center district, in which the subject property resides. The intent of the Plan's Employment Center district is to promote a regionally important and vibrant hub for business, enterprise, research and development, and employment activities.

B-2, Community Business zoning is compatible with the Employment Center land use designation but restricts residential uses.

Comparison of Zoning District Standards

	Zoning District	Intent and Purpose	Minimum Lot Area	Maximum Building Height
Existing	R-1, Single-Family Residential	Intended to preserve established single-family neighborhoods and to provide for new areas of low and moderate density single-family development.	27,000 square feet	35 feet
Proposed	B-2, Community Business	Intended for community businesses, including retail sales, personal and business services, and all office uses. Businesses shall be based on walk-in trade, rather than delivery of supplies and large commodities.	10,000 square feet	50 feet

Also see Exhibit A: Permitted Uses Table below.

Consistency with Comprehensive Plan and Land Development Regulations

1. The requested zoning change is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:

- a. Future Land Use Element Policy 6.5: Employment Center. The intent of the Employment Center land use is to provide a regionally-important hub for business, enterprise, research and development, and employment activities. Employment Centers are generally single use districts, but may include more than one (1) use if there are appropriate buffers and transitions between complementary uses. Permitted uses shall include a primary use and may include a secondary use. Primary uses are industrial, office and commercial. Secondary uses are public, recreation, institutional, and residential, as well as educational facilities. There are no form requirements in this land use category.

Access is primarily from major collectors, arterials, or limited-access highways. The primary modes of transportation include automobiles, trucks, freight rail, bus, and commuter rail transit. Provisions should be made for walking, bicycles, and transit.

There is no minimum density and intensity in this future land use category. The maximum density and intensity before any incentives is 24 dwelling units per gross acre or 2.00 FAR. The location and application of incentives shall be set forth in the Land Development Code.

Staff Comment: The Employment Center Future Land Use classification identifies commercial as a primary use and emphasizes that the area is a regionally important hub for business and employment activities. The proposed B-2 zoning district is compatible with the existing Employment Center land use classification, whereas the existing R-1 zoning district is not.

- b. Future Land Use Element Policy 7.2: City guidelines shall be context-sensitive to providing appropriate transitions between adjacent land uses with particular emphasis on building compatibility between neighborhoods and non-residential uses.

Staff Comment: The proposed B-2 is compatible with the surrounding area, which is primarily characterized by employment center and commercial healthcare uses. The uses allowed within

the B-2 zoning district would provide for an appropriate transition between the existing Employment Center land use and the adjacent Medium Intensity/Special District land use.

- c. Future Land Use Element Policy 12.1: The City shall require that all development have adequate services and facilities including water, roads, sewage collection and treatment, stormwater drainage, recreation, and solid waste disposal, to the extent required by state law, other provisions of this Comprehensive Plan, or the City’s Land Development Code.

Staff Comment: As identified in the Level of Service Analysis, public facilities exist to service the subject property.

- 2. The requested rezoning is consistent with the West Ocala Vision and Community Plan:
 - a. Recommendation 15 – Employment Center District: The intent of the Employment Center land use category is to promote a regionally important and vibrant hub for business, enterprise, research and development, and employment activities.
- 3. The requested rezoning is consistent with the following Sections of the City of Ocala Code of Ordinances:
 - a. Section 122-133(b)(1): The application requests to rezone parcel or parcels that are a minimum of 30,000 square feet of area not separated by a right-of-way for a street, a street, or a drainage retention area.

Staff Comment: The subject property contains approximately 15.00 acres and meets the requirements for consideration of rezoning set forth by the Code of Ordinances.

- b. Section 122-244 – District criteria: Zoning districts allowed under the current land use classification.

Employment Center	O-1, OP, B-1, B-1A, B-2 , B-2A, B-4, B-5, SC, M-1, M-2, M-3, G-U, INST, A-1, PD, FBC
--------------------------	---

Staff Comment: As indicated in Section 122-244 above, the B-2 zoning district is a permitted district within the subject property’s current Employment Center future land use.

Level of Service (LOS)

Transportation: The 2023 congestion management data from the Ocala-Marion TPO for the affected roadway is provided below.

- **Adopted LOS / Available Capacity:**

Road/ Street Name	Lanes	Speed Limit	Functional Classification	Adopted LOS	LOS Capacity	2023 AADT	Existing LOS
NW 35 th Ave	4	40 MPH	Local	E	67,770	9,800	B

Developments proposing to generate 100 or more net new PM peak hour trips are required to submit a traffic study as part of the site plan review. The affected segment of NW 35th Avenue is currently operating above the adopted Level of Service.

Potable Water: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A city water main runs along NW 35th Avenue Road.

- *Adopted Level of Service (LOS) Potable Water:* 300 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 167 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of the City's water system is 24.4 million gallons daily (mgd).

Sanitary Sewer: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. City gravity mains run along NW 35th Avenue Road.

- *Adopted Level of Service (LOS) Sanitary Sewer:* 250 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 80 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of Water Reclamation Facility #2 is 6.5 million gallons daily (mgd) and the permitted capacity of Water Reclamation Facility #3 is 4.0 million gallons daily (mgd).

Solid Waste: The subject property is located within the City's service area; refuse pickup will be determined during the site plan or subdivision review process.

- *Adopted Level of Service (LOS) Solid Waste:* 0.0112 pounds per square foot of occupied building space per day for nonresidential development.
- *Available Capacity:* Solid waste is transported to facilities outside of the City.

Parks and Recreation Facilities:

- *Adopted Level of Service (LOS) Solid Waste:* 4.6 developed park acres per 1,000 population for each Regional Park Service Area (RPSA).
- *Available Capacity:* Capacity is available. The City's 69,283 population requires 318.70 developed park acres. The city currently owns and maintains 622.27 developed park acres, pursuant to the Fall 2024 Activity Guide released by the Recreation and Parks Department.

Other Public Facilities:

The following public facilities do not have adopted Level of Service standards and are provided as additional information.

Stormwater: The subject property is not located within a FEMA Flood Zone. The subject property was evaluated during the Ocala Flood Study and has a Base Flood Elevation (BFE) of 68.00. For any future redevelopment, 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.

Electric: The subject property is currently serviced by Ocala Electric Utility.

Fiber: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A City fiber optic cable runs along NW 35th Avenue Road.

Fire Service: Ocala Fire Rescue Station #1 is located 2.6 miles from the subject property, at 505 NW Martin Luther King Jr. Avenue. This distance exceeds the desired industry standard of 1.5 miles for fire service by 1.1 miles.

Schools: This rezoning is not anticipated to impact Schools.

Conclusions

Property History: Pursuant to Ocala Code of Ordinances Section 122-244, the current R-1 zoning district is not compatible with the existing Employment Center future land use. The subject property

was not rezoned after the adoption of the land use change(s). Rezoning to the requested B-2 zoning district will bring the subject property into compliance with the underlying Employment Center land use classification.

Land Development Code / Comprehensive Plan Consistency: Pursuant to Code of Ordinances Section 122-286 properties in the requested B-2 zoning district shall be at least 100-feet-wide and contain at least 10,000 square feet. The subject property meets the minimum lot width and area requirements of the B-2 zoning district. The requested B-2 zoning district is consistent with the existing Employment Center future land use classification pursuant to Code of Ordinances Section 122-244. The underlying Employment Center Future Land Use classification has a maximum intensity of 2.0 Floor Area Ratio (FAR) for nonresidential development. Based on the 15.00-acre size of the subject property, there would be a potential for 1,306,800 square feet of building area; however, development of the subject property is limited in scale by the restrictions of FLUP 18.29. The total development of the subject property, as well as the parcels affected by the LUBO cannot exceed 1,128,970 Average Daily Trips (ADT) as established through a Traffic Study. Any future development will have to meet the requirements for site plan approval, including the traffic study requirements provided in the City of Ocala Traffic Impact Analysis Guidelines.

Zoning Comparison: The existing R-1 zoning district is primarily intended for single-family residential neighborhood development. The proposed B-2 zoning district would expand non-residential uses which are more aligned with the Employment Center land use and compatible with the development of the surrounding area, which are included in the attached permitted uses table.

Surrounding Area / Compatibility: The proposed B-2 is compatible with the surrounding area, which is primarily characterized by employment center and commercial healthcare uses. The UF Health Ocala Neighborhood Hospital, located to the south and east, is part of a mixed-use development and provides access to the subject property via an easement. The subject property is also directly adjacent to B-2, and M-1, Light Industrial, uses located within the Ocala/Marion County Commerce Center.

Staff Findings and Recommendation

- The subject property must be rezoned to provide consistency with the existing Employment Center Future Land Use classification pursuant to Code of Ordinances Section 122-244.
- The rezoning would allow for the development of non-residential uses which are more appropriately aligned with the Employment Center future land use and is compatible with the existing development of the surrounding area.
- The request is consistent with the West Ocala Vision and Community Plan, the Comprehensive Plan, and the City's Code of Ordinances.
- No Level of Service issues have been identified for public facilities as a result of the zoning amendment.

Staff Recommendation: <i>Approval</i>
--

Exhibit A. Permitted Uses Table

Permitted Use Type	R-1, Single-Family Residential	B-2, Community Business
<i>Residential Operation</i>	<ul style="list-style-type: none"> • Community residential home (max 6 residents) • Home occupation 	<ul style="list-style-type: none"> • Bed and breakfast • Community residential home (max 14 residents) • Fraternity or sorority house • Residence – Gallery • Residence – Office • Rooming/boarding house
<i>Residential Type</i>	<ul style="list-style-type: none"> • Single-family dwelling 	<ul style="list-style-type: none"> • Single-family dwelling • Single-family (attached) dwelling unit • Two-family dwelling • Multi-family dwelling (maximum of 20 dwelling units per acre)*
<i>General Retail</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Auto Supply Store • Bakery Store • Department Store • Drugstore • Electronics Store • Furniture Store • Garden and nursery sales • Grocery store • Hardware store • Home decorating store • Pharmacy • Roadside fruit and vegetable sales • Specialty retail store • Swimming pool sales (enclosed) • Used merchandise store • Videotape Store
<i>Vehicular Sales</i>	<i>None Permitted</i>	<i>None Permitted</i>
<i>Business Service</i>	<ul style="list-style-type: none"> • Parking lot* 	<ul style="list-style-type: none"> • Equipment rental and leasing • General business service • Parking garage • Parking lot • Radio/TV broadcasting facility • Security systems service
<i>Eating or Drinking Establishment</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establishment (on-premises consumption) • Fast food restaurant • Restaurant (enclosed), drive-through window permitted as an accessory use • Drive-in or drive-through restaurant*
<i>Hospitality and</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Antique gallery/art gallery/museum

<i>Tourism</i>		<ul style="list-style-type: none"> • Conference center • Hotel/convention center • Motel
<i>Office Use</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Commercial photography (art and graphic design service) • Computer maintenance and repair • Financial institution • Photocopying and duplicating service • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office
<i>Personal Service</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Check cashing establishment • Coin-operated laundry • Emergency shelter • Funeral home/crematory • Hairstyling shop • Laundry and dry-cleaning pickup • Laundry and dry-cleaning service • Major household repair establishment • Mini-warehouse • Minor household repair establishment • Recreational vehicle park • Recycling collection point • Tattoo or body piercing establishment
<i>Vehicular Service</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Auto repair, minor • Automobile cleaning, detailing service • Drive-through facility (non-restaurant), accessory use only • Full-service station • Self-service station/convenience store
<i>Community Service</i>	<ul style="list-style-type: none"> • Church/place of worship* • Day care facility* 	<ul style="list-style-type: none"> • Church/place of worship • Day care facility • Library • Private club
<i>Educational Use</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • College/university • Community education center • School, private elementary and secondary • Speech and language center/school • Vocational/professional school
<i>Recreational Use</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Bowling center • Commercial recreation, indoor • Dance/art/music studio • Motion picture theatres, except drive-in • Physical fitness center • Recreation facility, indoor • Commercial, outdoor baseball batting

		facility* <ul style="list-style-type: none"> • Commercial recreation, outdoor* • Driving range* • Miniature golf*
<i>Public Use</i>	<ul style="list-style-type: none"> • Park/open space area* 	<ul style="list-style-type: none"> • Post office • Park/open space area* • Public transportation terminal*
<i>Health Care Use</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Assisted living facility • Medical and dental laboratory • Medical and dental office • Transitional recovery facility • Transitional treatment facility • Veterinarian office
<i>Low Impact Industrial Use</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Microbrewery/microdistillery • Assembly of electronic components*

*Permitted by Special Exception

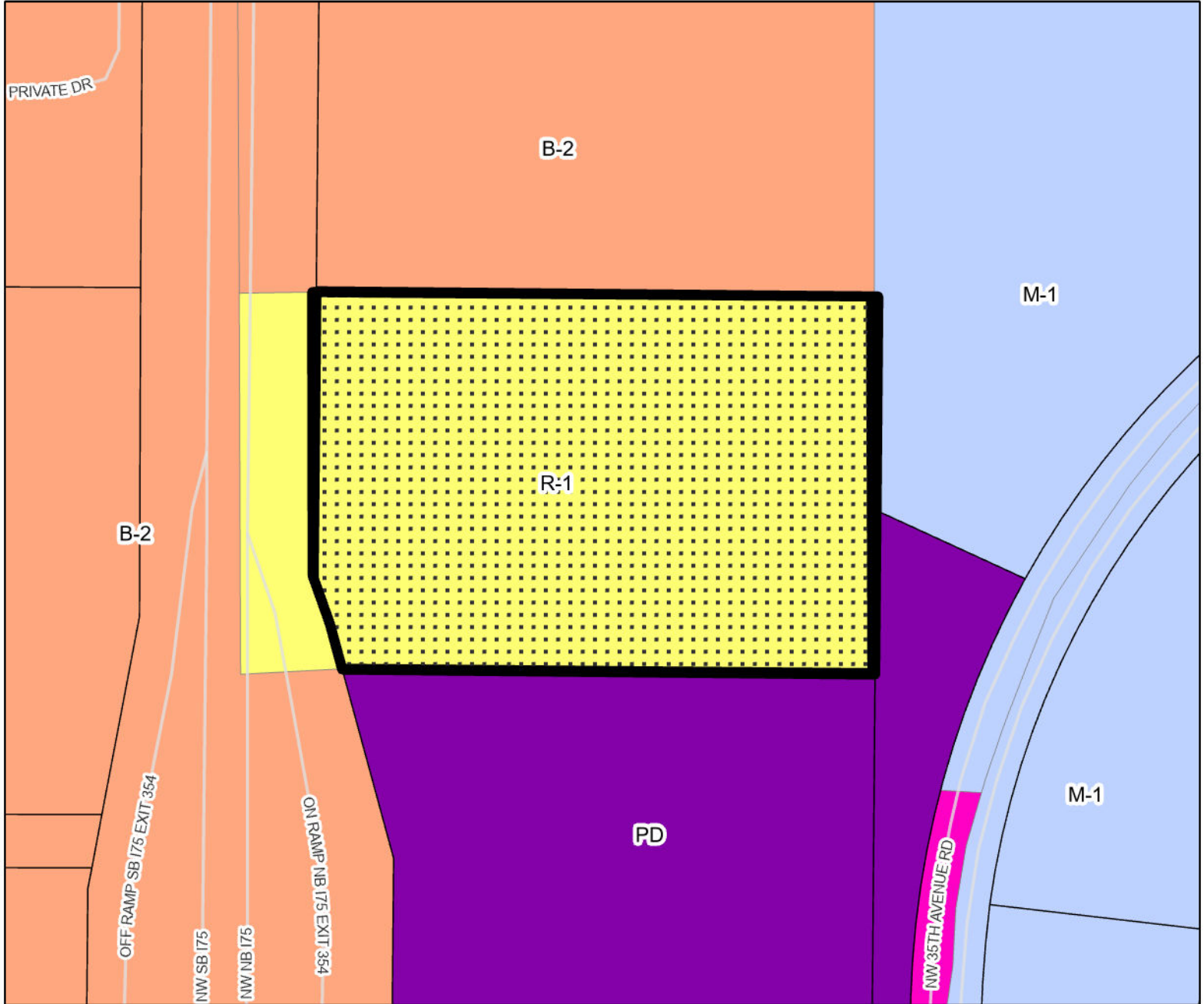
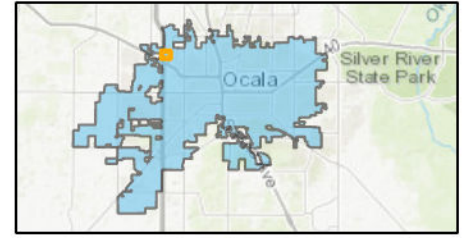
CASE MAP

P&Z Meeting: November 13, 2024

Case Number: ZON24-45826
Parcel: 21466-000-00

Property Size: Approximately 15.00 acres
Land Use Designation: Employment Center
Zoning: R-1, Single-Family Residential
Proposal: A request to rezone from R-1, Single-Family Residential to B-2, Community Business.

Location Map



-  Subject Property
-  B-2:Community Business
-  M-1:Light Industrial
-  OP:Office Park
-  Planned Development
-  R-1:Single Family Residential
-  Parcels

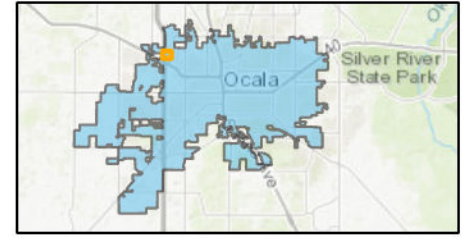


AERIAL MAP

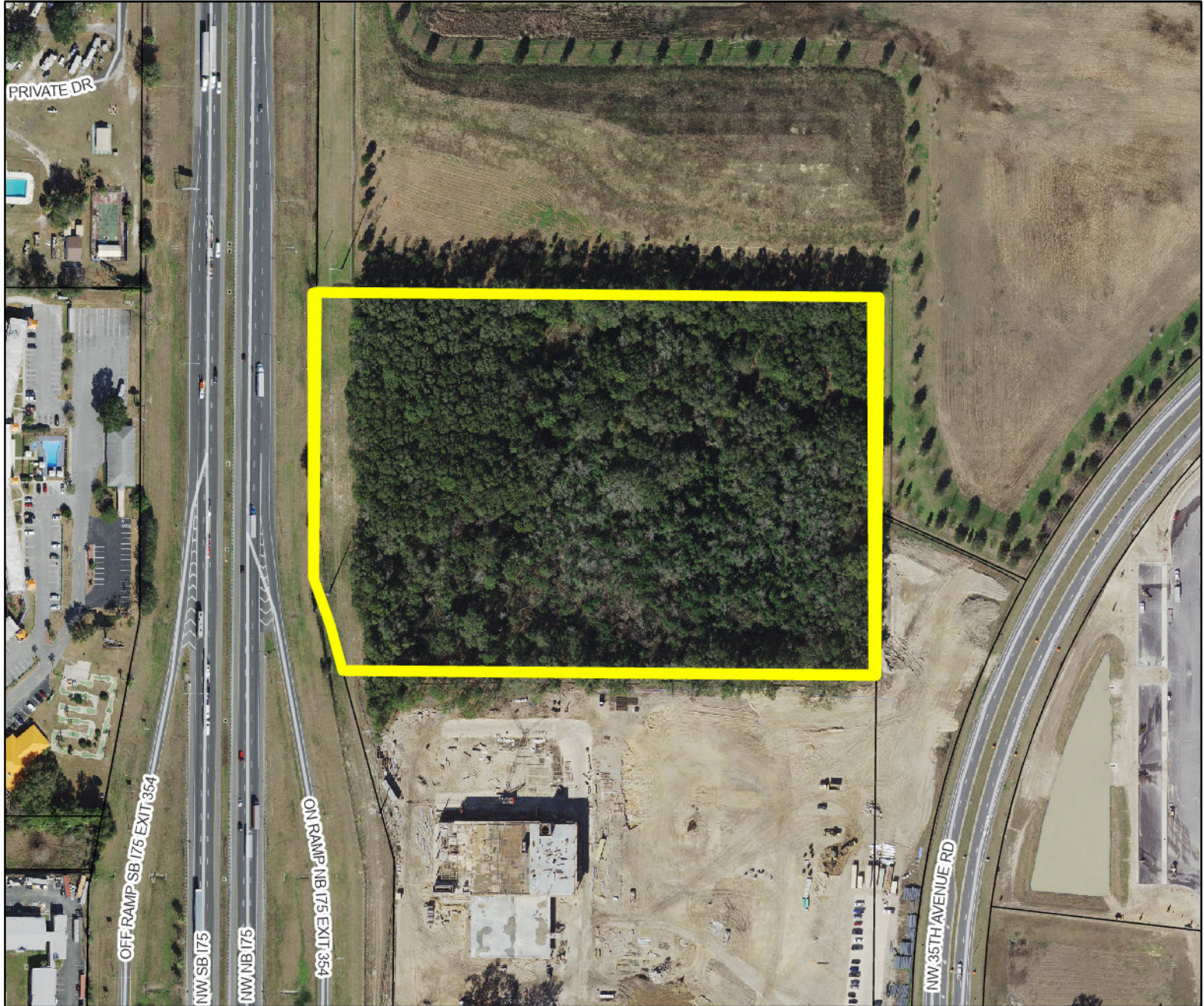
P&Z Meeting: November 13, 2024

Case Number: ZON24-45826
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Proposal: A request to rezone from R-1, Single-Family Residential to B-2, Community Business.



 Subject Property

 Parcels

0 350 Feet



Prepared by the City of Ocala
Growth Management Department
by ewjohnson on 10/23/2024

Ordinance

No. 5935

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF OCALA, FLORIDA CONCERNING LAND USE; AMENDING THE FUTURE LAND USE ELEMENT BY ADDING A POLICY ADDRESSING DEVELOPMENT CONDITIONS RELATED TO FUTURE LAND USE MAP AMENDMENT LUC08-0022; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the legislature of the State of Florida adopted the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as contained in Section 163.3161 through and including Section 163.3245, Florida Statutes, which required the City of Ocala, Florida to prepare and adopt a comprehensive plan in accordance with the requirements of the said act; and

WHEREAS, the City of Ocala has prepared a comprehensive plan which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the City of Ocala on October 22, 1991, adopted this plan including a Future Land Use Map as part of the Future Land Use Map Series; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 provides for the amendment of an adopted plan or element or portion thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF OCALA, FLORIDA, in regular sessions as follows:

Section 1. As required by the Florida Local Government Comprehensive Planning and Land Development Regulation Act of 1985, contained in Section 163.3161 through and including Section 163.3245, Florida Statutes and pursuant to Section 106-38 of the Code of Ordinances, City of Ocala, Florida, the City of Ocala Comprehensive Future Land Use Element is hereby amended by adding Policy 12.31

POLICY 12.31 Future Land Use Map (FLUM) Amendment LUC08-0022 adopted by Ordinance Number 5934 on Dec. 16, 2008, changes the future land use on the amendment area from Low Density Residential to Retail Services. 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 LUC08-0022 is hereby limited based on the following:

1. The aggregate development of the Amendment Parcel along with the aggregate development for the property associated with Case LUC 08-0005 shall not exceed what was previously adopted under the City and Council future land use

designations.

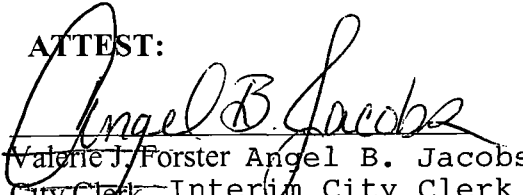
2. Prior to final development approval, the property owner will be required to submit a traffic study, capacity reservation and development plan that is consistent with the City's Traffic Study Guidelines and Concurrency Management System.
3. The property owner/developer will be required to provide (as to required improvements for which proportionate share payments may or must be made under the City's Code of Ordinances) required proportionate share contribution payments.
4. The developer/property owner shall coordinate with FDOT, Marion County and the City of Ocala to formulate an Access Management Plan that takes into account the existing roadway network, including I-75, US 27, NW 27th Avenue and NW 35th Street and is consistent with the proposed MEC industrial park/retail development adjacent to the north and east.

Section 2. Severability Clause. Should any provision or section of this ordinance be held by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

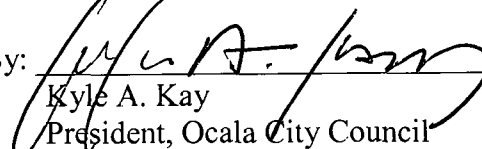
Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. This ordinance shall take effect on the 21st day of April, 2009.

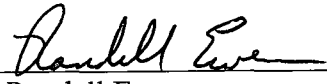
ATTEST:


 Valerie J. Forster Angel B. Jacobs
 City Clerk Interim City Clerk

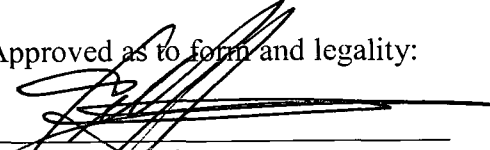
CITY OF OCALA

By: 
 Kyle A. Kay
 President, Ocala City Council

Approved / Denied by me as Mayor of the City of Ocala, Florida, on DECEMBER 16th, 2009.

By: 
Randall Ewers
Mayor

Approved as to form and legality:


Patrick G. Gilligan
City Attorney

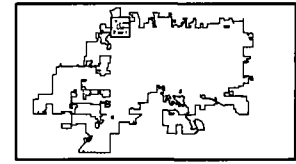
Ordinance No. 5935
Introduced: December 2, 2008
Adopted: December 16, 2008
Legal Ad No. SRO5174477

ORDINANCE MAP

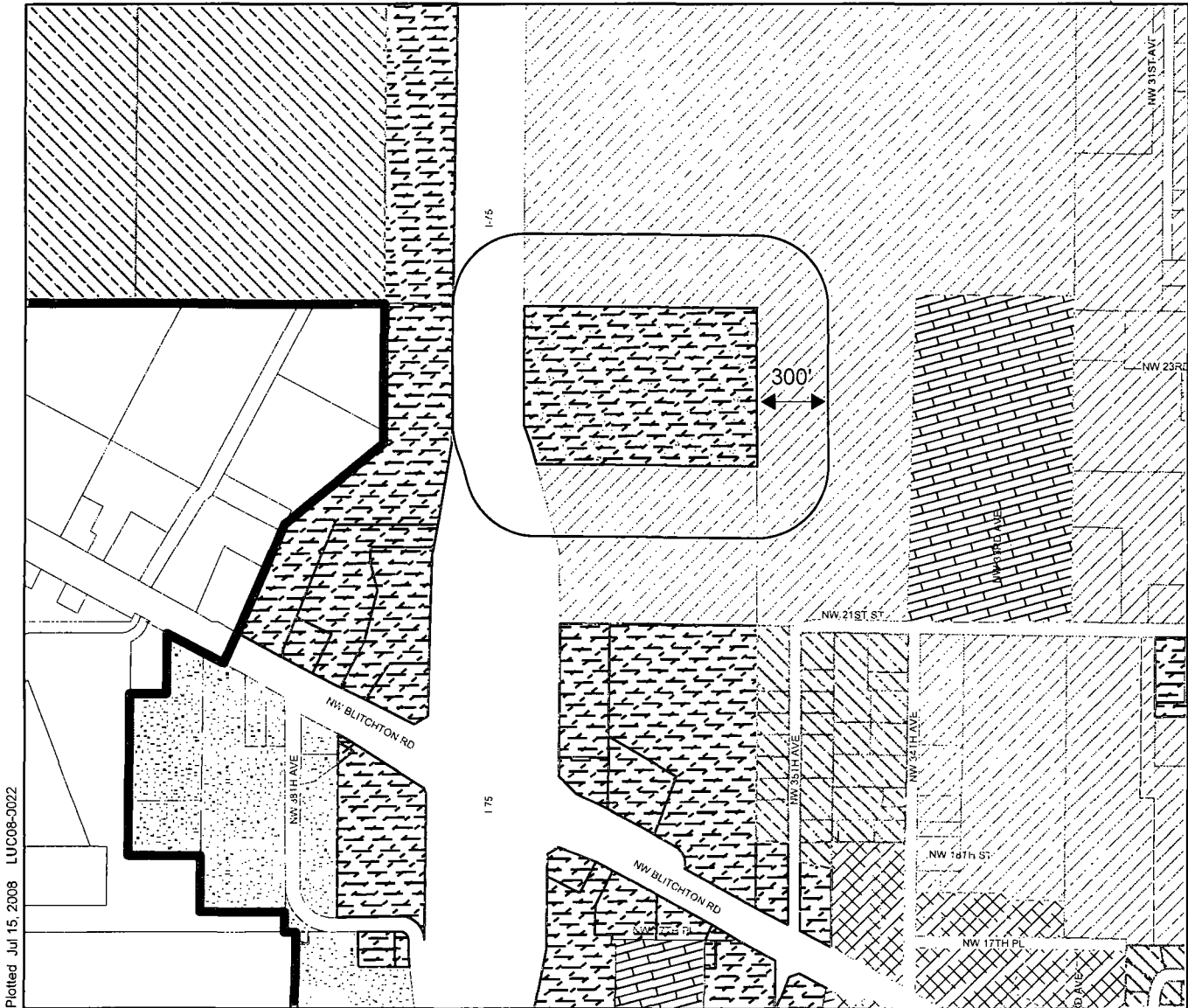
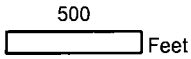
P&Z MEETING: 8/11/2008

CASE NUMBER: LUC08-0022
PARCEL NUMBER: 21466-000-00
PROPERTY SIZE: APPROX 15.0 ACRES
ZONING: R-1, SINGLE FAMILY RESIDENTIAL
PROPOSED: CHANGE THE COMPREHENSIVE PLAN AMENDMENT LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO RETAIL SERVICES

LOCATION MAP



SEC 2 TWP 15 RNG 21



Plotted Jul 15, 2008 LUC08-0022

FUTURE LAND USE 2012

- | | | | | | |
|-------------------------------|----------------------------|-------------------------------|--------------------------|-------------------------|---------------|
| Low Density Residential | Neighborhood Business | Light Industrial | Recreation & Open Space | Public Facilities (CRA) | Marion County |
| Medium Density Residential | Professional Services | Medium Industrial | Agricultural | PARKS:(CRA) | City Limits |
| High Density Residential | Retail Services | Heavy Industrial | Pending Land Use | Mixed Use 1 (CRA) | |
| Very High Density Residential | Wholesale & Other Business | Public Buildings & Facilities | Downtown Commercial(CRA) | Mixed Use 2 (CRA) | |

Prepared by CITY OF OCALA PLANNING DEPARTMENT



City of Ocala

GROWTH MANAGEMENT DEPARTMENT

201 SE 3rd Street, Second Floor
Ocala, Florida 34471
(352) 629-8304
(352) 629-8308 FAX

June 13, 2012

Department of Economic Opportunity
Attention: Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

RE: Adopted Amendment Transmittal Packet
2012-1 Amendment Series: Case No. LUC11-0006
DEO Reference: Ocala 12-1ESR

Dear Mr. Eubanks:

Enclosed is the Adopted Amendment Transmittal Package for City of Ocala large scale land use plan amendment Case No. LUC11-0006. Please note the following required information:

- The State Land Planning Agency identification number is: Ocala 12-1ESR.
- Following is a summary of the adopted amendment:

In 2008/2009, City Council approved Ordinances 5915 and 5934 designating the land uses on the 503.84 acre subject property as Retail Services, Light Industrial and Medium Industrial. The proposed amendment is to designate the subject property as Land Use Blending Overlay (LUBO). The LUBO designation is intended to promote and facilitate mixed use development. It allows for development design to blend or locate uses without the restriction of fixed land use designation boundaries. However, the maximum development potential allowed by the underlying future land use classifications remains unchanged.

The proposed amendment that was transmitted by the City contained a total of 516.54 acres. However, the owner of a 12.66 acre parcel did not join in the application and was not included in the adopted amendment.

- Ordinance 2012-30 was adopted by the Ocala City Council on June 5, 2012.
- No parties provided comments on the amendment to the City of Ocala, other than the state agencies listed below. A copy of the adopted amendment has been mailed to the following agencies:
 1. Department of Environmental Protection
 2. Department of State
 3. Department of Transportation, District Five
 4. Withlacoochee Regional Planning Council

5. St. Johns River Water Management District
6. Marion County Growth Management Department

- Contact person is:

Patricia Z. Hitchcock, AICP, Senior Planner
Growth Management Department
City of Ocala
201 SE 3rd Street, Second Floor
Ocala, Florida 34471
Phone: (352) 629-8304
FAX: (352) 659-8308
Email: phitchcock@ocalafl.org

Please contact Patricia Hitchcock with any questions. Thank you.

Sincerely,



Tye Chighizola, Director
Growth Management Department

Cc: Department of Environmental Protection
Department of State
Department of Transportation, District Five
Withlacoochee Regional Planning Council
St. Johns River Water Management District
Marion County Growth Management Department

CITY OF OCALA 2012-1 AMENDMENT
Adopted Amendment Packet

LUC11-0006:

Policy 1.8 of the City of Ocala Future Land Use Plan provides for designation of property with a Land Use Blending Overlay (LUBO). The LUBO designation allows for mixed-use development without fixed Future Land Use Map classification boundaries. The maximum development potential allowed within the LUBO shall not exceed the maximum development potential allowed by the underlying future land use classifications.

On June 5, 2012, the Ocala City Council adopted Ordinance 2012-30 to designate 503.84 acres as a Land Use Blending Overlay (LUBO). Enclosed is the Adopted Amendment Package including the following required items:

1.	All proposed text in a strike-through/underline format (or similar easily identifiable format)	N/A
2.	For future land use map amendments, color maps depicting:	
a.	The future land use map designations of the subject properties and abutting properties	Exhibit A
b.	The adopted future land use designation of the subject property	Exhibit B
3.	A copy of any data and analyses the local government deems appropriate if the local government is relying on previously submitted data and analysis, no additional data and analysis is required.	N/A
4.	Adopted Ordinance 2012-30	Exhibit C
5.	List of additional changes made in the adopted amendments that the State Land Planning Agency did not previously review.	N/A
6.	List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment.	N/A
7.	Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency	N/A
8.	A submittal cover letter transmitting the proposed amendment that includes the following: <ul style="list-style-type: none"> • State Land Planning Agency identification number for adopted amendment package; • A summary description of the adoption package, including any amendments proposed but not adopted; • Ordinance number and adoption date; • Certification that the adopted amendment has been submitted to all parties that provided timely comments to the local government; • The name, title, address, telephone, fax number, and e-mail of the local contact person. 	Provided

Exhibit A

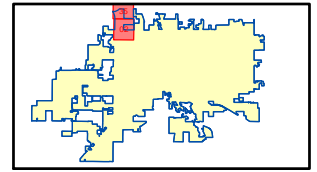
Present future land use designations

AMENDMENT MAP

P&Z MEETING: 2/13/2012

CASE NUMBER: LUC11-0006
PARCEL NUMBER: 21465-000-00, 21490-000-00, 13718-000-00, 13717-001-00, 21780-000-00
 21466-000-00 & 21782-000-00 THRU 21787-000-00
PROPERTY SIZE: APPROX 503.84 ACRES TOTAL
 RETAIL SERVICES 47.82 ACRES, LIGHT INDUSTRIAL 323.91 ACRES
 & MEDIUM INDUSTRIAL 132.15 ACRES
ZONING: M-1 LIGHT INDUSTRIAL, M-2 HEAVY INDUSTRIAL & B-2
 COMMUNITY BUSINESS
PROPOSED: AMEND THE FUTURE LAND USE MAP TO DESIGNATE A
 LAND USE BLENDING OVERLAY ZONE (LUBO) WITH LIGHT INDUSTRIAL,
 MEDIUM INDUSTRIAL & RETAIL SERVICES DESIGNATIONS

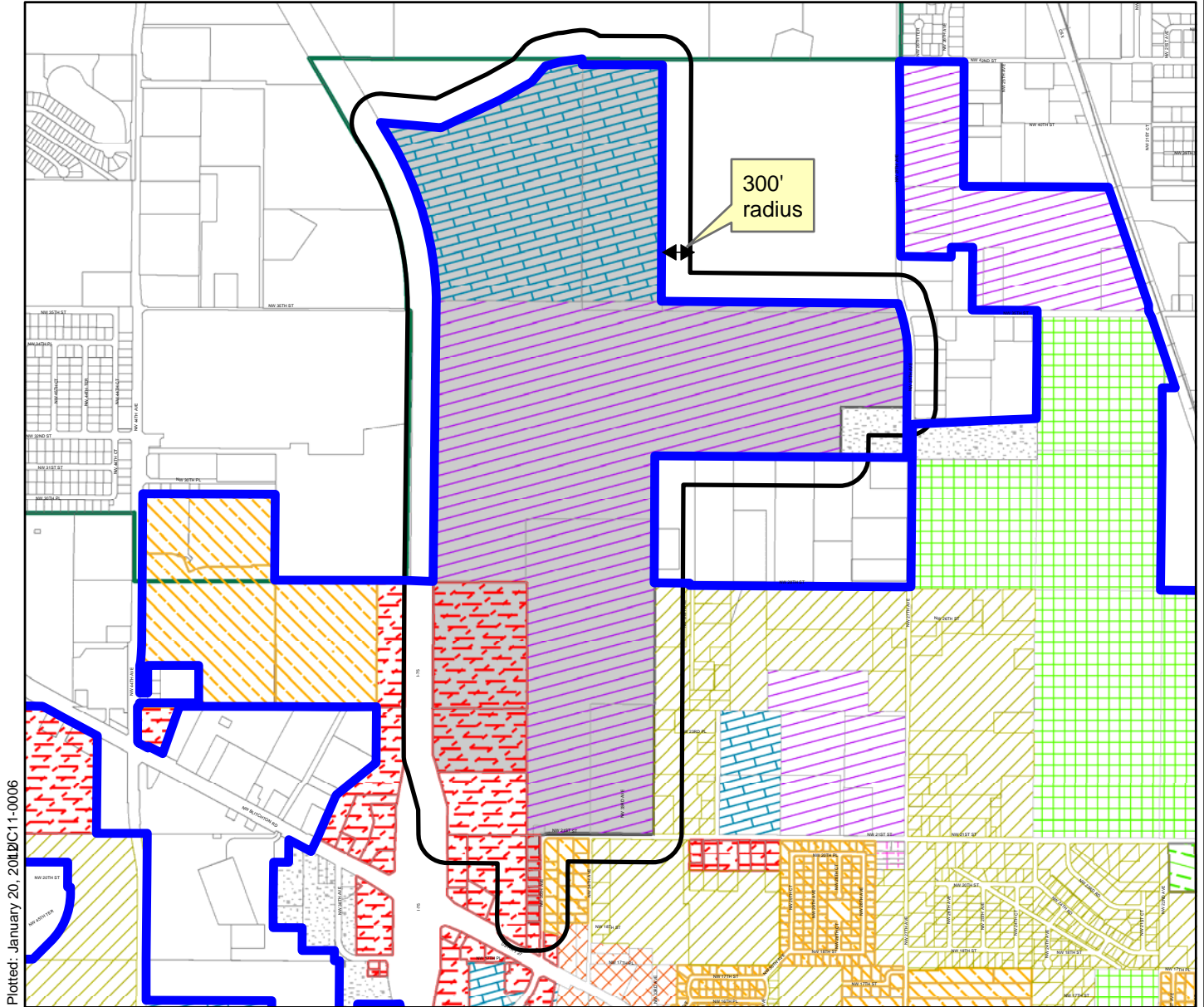
LOCATION MAP



SEC 2 TWP 15 RNG 21
 SEC 35 TWP 14 RNG 21



500
 Feet



Plotted: January 20, 2012 \ C11-0006

FUTURE LAND USE 2012

- | | | | | | |
|-------------------------------|----------------------------|-------------------------------|--------------------------|-------------------------|---------------|
| Low Density Residential | Neighborhood Business | Light Industrial | Recreation & Open Space | Public Facilities (CRA) | Marion County |
| Medium Density Residential | Professional Services | Medium Industrial | Agricultural | PARKS:(CRA) | City Limits |
| High Density Residential | Retail Services | Heavy Industrial | Pending LandUse | Mixed Use 1 (CRA) | |
| Very High Density Residential | Wholesale & Other Business | Public Buildings & Facilities | Downtown Commercial(CRA) | Mixed Use 2 (CRA) | |

Prepared by CITY OF OCALA PLANNING DEPARTMENT

Exhibit B

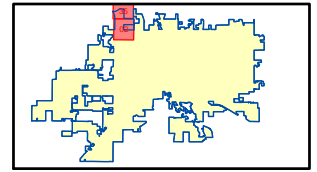
Adopted future land use designation

DEO MAP

P&Z MEETING: 2/13/2012

CASE NUMBER: LUC11-0006
PARCEL NUMBER: 21465-000-00, 21490-000-00, 13718-000-00, 13717-001-00, 21780-000-00
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PROPOSED: AMEND THE FUTURE LAND USE MAP TO DESIGNATE A
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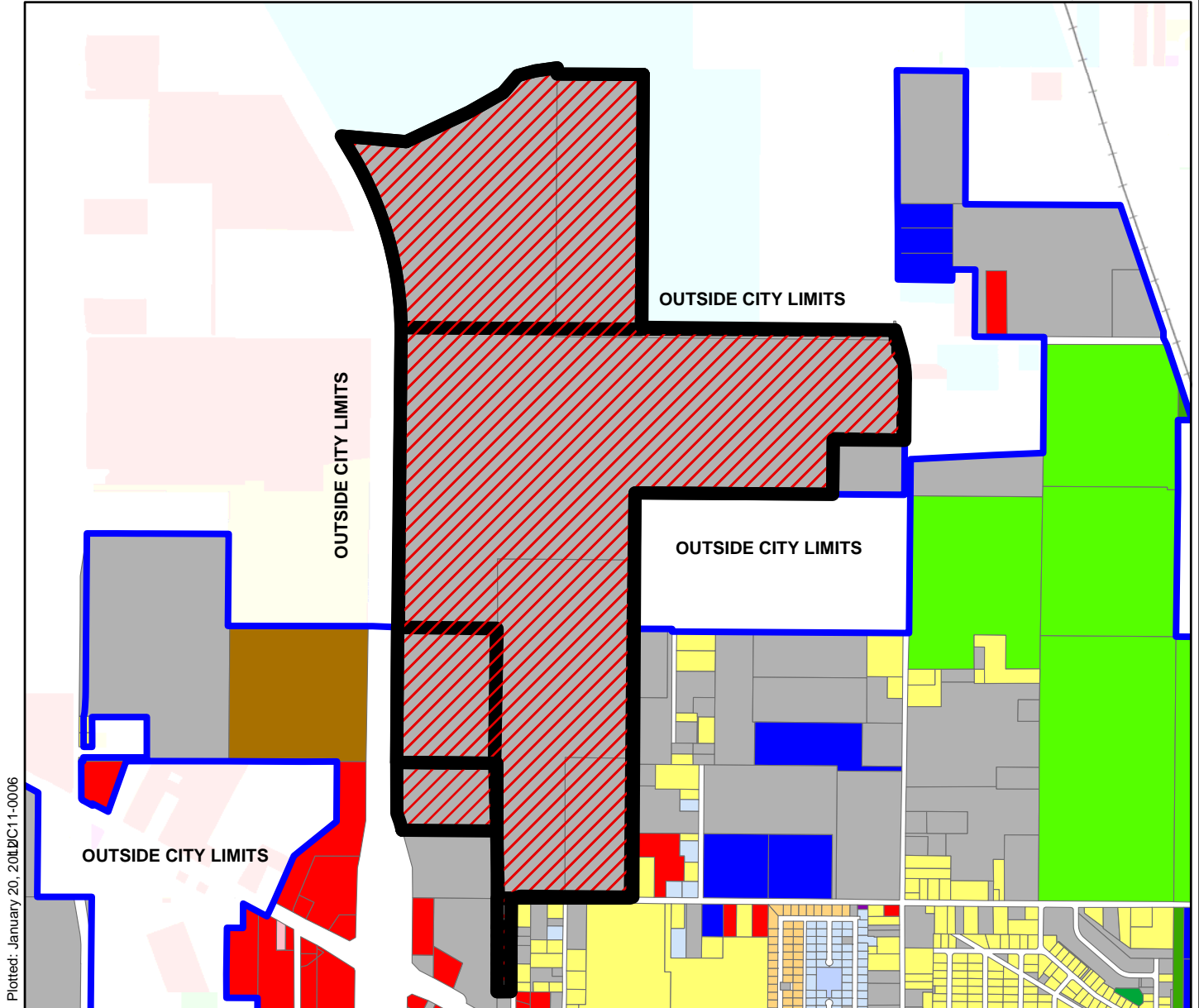
LOCATION MAP



SEC 2 TWP 15 RNG 21
 SEC 35 TWP 14 RNG 21



500
 Feet



Plotted: January 20, 2011/C11-0006

EXISTING LAND USE

- | | | | | | |
|---------------------------------|----------------------|---------------------------------------|-----------------------|---------------|---------------|
| Single Family Residential/Condo | Triplex Residence | Assisted Living Facility/Nursing Home | Industrial | Agricultural | Retention |
| Mobile Home/Mobile Home Park | Quadraplex Residence | Commercial | Governmental | Institutional | City Limits |
| Duplex Residence | Apartments | Office | Recreation/Open Space | Undeveloped | Proposed Lubo |

Prepared by DEPARTMENT OF GROWTH MANAGEMENT

Exhibit C

Copy of Executed Ordinance adopting amendment

ORDINANCE 2012-30

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP SERIES OF THE CITY OF OCALA, FLORIDA, COMPREHENSIVE PLAN AS REQUIRED IN SECTIONS 163.3161 THROUGH AND INCLUDING SECTION 163.3245, FLORIDA STATUTES; DETAILING THE LAND USE CHANGE INVOLVED AND TO AMEND THE FUTURE LAND USE MAP TO DESIGNATE A LAND USE BLENDING OVERLAY (LUBO) ZONE WITH EXISTING LIGHT INDUSTRIAL, MEDIUM INDUSTRIAL AND RETAIL SERVICES LAND USE CLASSIFICATIONS (CASE NO. LUC11-0006), FOR PROPERTY GENERALLY LOCATED EAST OF I-75 AND WEST OF NW 27TH AVENUE, NORTH OF NW 21ST STREET AND SOUTH OF NW 42ND STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the legislature of the State of Florida adopted the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as contained in Section 163.3161 through and including Section 163.3245, Florida Statutes, which required the City of Ocala, Florida to prepare and adopt a comprehensive plan in accordance with the requirements of the said act; and

WHEREAS, the City of Ocala has prepared a comprehensive plan which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the City of Ocala on October 22, 1991, adopted this plan including a Future Land Use Map as part of the Future Land Use Map Series; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 provides for the amendment of an adopted plan or element or portion thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF OCALA, FLORIDA, in regular sessions as follows:

Section 1. The City of Ocala Comprehensive Plan, Future Land Use Map Series is hereby amended as required by the Florida Local Government Comprehensive Planning and Land Development Regulation Act of 1985 contained in Section 163.3161 through and including Section 163.3245, Florida Statutes, and pursuant to Section 106-38 of the Code of Ordinances, City of Ocala, Florida. The following described lands are hereby designated on the City of Ocala Comprehensive Plan, Future Land Use Map as a Land Use Blending Overlay (LUBO) zone with existing Light Industrial, Medium Industrial and Retail Services land use classifications, and the attached map, dated February 13, 2012 is incorporated by reference into this ordinance:

MEDIUM INDUSTRIAL:

A PORTION OF SECTIONS 34 AND 35, TOWNSHIP 14 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE S.W CORNER OF THE EAST 1/4 OF THE S.W. 1/4 OF SAID SECTION 35; THENCE ALONG THE WEST BOUNDARY OF SAID EAST 1/4 OF THE S.W. 1/4 OF SAID SECTION 35, N.00°28'20"E., A DISTANCE OF 2584.65 FEET TO THE SOUTH BOUNDARY OF THE NORTH 60 FEET OF THE SOUTH 1/2 OF SAID SECTION 35, AND THE POINT OF BEGINNING. THENCE DEPARTING SAID WEST BOUNDARY, ALONG SAID SOUTH BOUNDARY, S.89°43'20"E., A DISTANCE OF 842.27 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, S.00°28'07"W., A DISTANCE OF 2487.46 FEET; THENCE N.89°30'56"W., A DISTANCE OF 2340.73 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (A 300 FOOT RIGHT OF WAY), ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 3424.17 FEET, A CENTRAL ANGLE OF 29°04'56", AND A CHORD BEARING AND DISTANCE OF N. 15°57'23"W., 1719.44 FEET; THENCE ALONG SAID RIGHT OF WAY AND THE ARC OF SAID CURVE, A DISTANCE OF 1738.04 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT OF WAY, N.30°29'08"W.,

A DISTANCE OF 250.41 FEET; THENCE DEPARTING SAID RIGHT OF WAY, S.84°55'49"E., A DISTANCE OF 645.12 FEET THENCE N.64°45'40"E., A DISTANCE OF 681.07 FEET; THENCE N.60°36'06"E., A DISTANCE OF 381.15 FEET; THENCE N. 40°43'00"E., A DISTANCE OF 221.62 FEET; THENCE N. 75° 17'28 "E., A DISTANCE OF 177. 19 FEET; THENCE N.82°02'27"E., A DISTANCE OF 214.93 FEET TO THE AFORESAID WEST BOUNDARY OF THE EAST 1/4 OF THE S.W. 1/4 OF SECTION 35; THENCE ALONG SAID WEST BOUNDARY, S.01°01 '37"W., A DISTANCE OF 60.55 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED LAND CONTAINS 132.15 ACRES, MORE OR LESS. (AKA: A PORTION OF 13718-000-00 & A PORTION OF 13171-001-00)

Together with (LIGHT INDUSTRIAL):

A PORTION OF SECTION 35, TOWNSHIP 14 SOUTH, RANGE 21 EAST, AND SECTION 2, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE CENTER OF SAID SECTION 2; THENCE ALONG THE EAST BOUNDARY OF THE S.W. 1/4 OF SAID SECTION 2, S.00°26'33"W., A DISTANCE OF 1325.32 FEET; THENCE CONTINUE ALONG SAID EAST BOUNDARY, S.00°26'10"W., A DISTANCE OF 1300.48 FEET TO THE NORTH RIGHT OF WAY LINE OF N.W. 21ST STREET (A 50 FOOT RIGHT OF WAY); THENCE DEPARTING SAID EAST BOUNDARY, ALONG SAID NORTH RIGHT OF WAY LINE, N.89°25'18"W., A DISTANCE OF 664.21 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE, N.89°25'12"W., A DISTANCE OF 523.15 FEET TO THE WEST RIGHT OF WAY LINE OF N.W. 35TH AVENUE (A 50 FOOT RIGHT OF WAY); THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, ALONG SAID WEST RIGHT OF WAY LINE, S.00°55'00"W., A DISTANCE OF 25.00 FEET TO THE N.E. CORNER OF LOT 1 OF "TAYLOR'S SUBDIVISION" AS PER PLAT THEREOF RECORDED IN PLAT BOOK 'F', PAGE 85 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, ALONG SAID NORTH BOUNDARY, N.89°25'04"W., A DISTANCE OF 141.05 FEET TO THE N.W. CORNER OF SAID LOT 1; THENCE DEPARTING SAID NORTH BOUNDARY, N.00°28'40"E., A DISTANCE OF 1325.20 FEET TO THE N.E. CORNER OF THE S.W. 1/4 OF THE S.W. 1/4 OF SAID SECTION 2; THENCE N.00°29'28"E., A DISTANCE OF 1325.21 FEET TO THE NORTH BOUNDARY OF THE S.W. 1/4 OF SAID SECTION 2; THENCE ALONG SAID NORTH BOUNDARY, N.89°31'30"W., A DISTANCE OF 983.62 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (A 300 FOOT RIGHT OF WAY); THENCE DEPARTING SAID NORTH BOUNDARY, ALONG SAID EASTERLY RIGHT OF WAY LINE, N.00°30'29"E., A DISTANCE OF 2822.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 3424.17 FEET, A CENTRAL ANGLE OF 01°54'59", AND A CHORD BEARING AND DISTANCE OF N.00°23'10"W., 114.52 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY, AND THE ARC OF SAID CURVE, A DISTANCE OF 114.52 FEET TO THE END OF SAID CURVE; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY, S.89°30'56"E., A DISTANCE OF 2340.73 FEET TO THE NORTH BOUNDARY OF THE SOUTH 100 FEET OF THE S.E. 1/4 OF SAID SECTION 35; THENCE ALONG SAID NORTH BOUNDARY, S.89°30'54"E., A DISTANCE OF 2472.91 FEET TO THE EAST BOUNDARY OF THE S.E. 1/4 OF SAID SECTION 35; THENCE S.89°42'50"E., A DISTANCE OF 12.39 FEET TO THE WESTERLY RIGHT OF WAY LINE OF N. W. 27TH AVENUE (A 60 FOOT RIGHT OF WAY) AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1039.91 FEET, A CENTRAL ANGLE OF 06°24'47", AND A CHORD BEARING AND DISTANCE OF S. 17°14'38"E., 116.33 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY, AND THE ARC OF SAID CURVE, A DISTANCE OF 116.39 FEET TO THE END OF SAID CURVE, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT REVERSE CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 1116.28 FEET, A CENTRAL ANGLE OF 20°53'38" AND A CHORD BEARING AND DISTANCE OF S.09°55'22"E., 404.82 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY, AND THE ARC OF SAID CURVE, A DISTANCE OF 407.07 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, S.00°40'48"W., A DISTANCE OF 571.88 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE, N.89°33'35"W., A DISTANCE OF 699.70 FEET; THENCE S.00°31'53"W., A DISTANCE OF 529.65 FEET TO THE SOUTH BOUNDARY OF THE NORTH 1/2 OF THE N.E. 1/4 OF SAID SECTION 2; THENCE ALONG SAID SOUTH BOUNDARY, N.89°33'47"W., A DISTANCE OF 1921.25 FEET TO THE WEST BOUNDARY OF THE N.E. 1/4 OF SAID SECTION 2; THENCE DEPARTING SAID SOUTH BOUNDARY, AND ALONG SAID WEST BOUNDARY, S.00°30'25"W., A DISTANCE OF 1325.84 FEET TO THE POINT OF BEGINNING. (AKA: A PORTION OF 13718-000-00 & A PORITON OF 21465-000-0 & 21490-000-00)

Together with (RETAIL SERVICES):

A PORTION OF THE S.W. 1/4 OF SECTION 2, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE ALONG THE NORTH BOUNDARY OF SAID S.W. 1/4, S.89°28'13"E., A DISTANCE OF 343.76 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (A 300 FOOT RIGHT OF WAY), AND THE POINT OF BEGINNING. THENCE CONTINUE ALONG SAID NORTH BOUNDARY, S.89°31'30"E., A

DISTANCE OF 983.62 FEET THENCE DEPARTING SAID NORTH BOUNDARY, S.00°29'28"W., A DISTANCE OF 1325.21 FEET TO THE N.E. CORNER OF THE S.W. 1/4 OF THE S.W. 1/4 OF SAID SECTION 2; THENCE ALONG THE NORTH BOUNDARY OF THE S.W. 1/4 OF THE S. W. 1/4 OF SAID SECTION 2, N.89°28'05"W. A DISTANCE OF 983.91 FEET TO THE AFORESAID EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75; THENCE DEPARTING SAID NORTH BOUNDARY. ALONG SAID RIGHT OF WAY, N.00°30'14"E., A DISTANCE OF 1324.23 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED LAND CONTAINS 29.92 ACRES, MORE OR LESS. (AKA: A PORTION OF 21465-000-00)

Together with (RETAIL SERVICES):

LOTS 1 THROUGH 10 INCLUSIVE OF "TAYLOR'S SUBDIVISION" AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 'F', PAGE 85 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE N.W. CORNER OF SAID LOT 1; THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 1, S.89°25'04"E., A DISTANCE OF 141.05 FEET TO THE N.E. CORNER OF SAID LOT 1 AND THE WEST RIGHT OF WAY LINE OF N. W. 35TH AVENUE (A 50 FOOT RIGHT OF WAY); THENCE DEPARTING SAID NORTH BOUNDARY, ALONG SAID WEST RIGHT OF WAY LINE, S.00°41'08"W., A DISTANCE OF 899.90 FEET TO THE S.E CORNER OF SAID LOT 10; THENCE DEPARTING SAID RIGHT OF WAY, ALONG THE SOUTH BOUNDARY OF SAID LOT 10, N.89°28'49"W., A DISTANCE OF 139.80 FEET TO THE S. W. CORNER OF SAID LOT 10; THENCE DEPARTING SAID SOUTH BOUNDARY, ALONG THE WEST BOUNDARY OF SAID SUBDIVISION, N.00°36'21"E., A DISTANCE OF 900.05 FEET TO THE POINT OF BEGINNING. (AKA: 21780-000-00, 21782-000-00, 21873-000-00, 21784-000-00, 21875-000-00, 21786-000-00, 21787-000-00)

Together with (RETAIL SERVICES):

North 1/2 of the Southwest 1/4 of Southwest 1/4 of Section 2, Township 15 South, Range 21 East, lying east of Interstate Highway 75. EXCEPT West 60 feet lying adjacent to I-75 of South 1/3 of North 1/2 of Southwest 1/4 of Southwest 1/4. (AKA:21466-000-00)

Section 2. Severability Clause. Should any provision or section of this ordinance be held by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

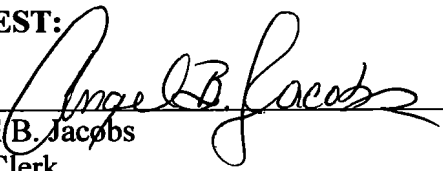
Section 4. This ordinance shall become effective upon approval by the mayor, or upon becoming law without such approval.

Section 5. If this ordinance becomes effective, effective date of the comprehensive plan amendment adopted hereby, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

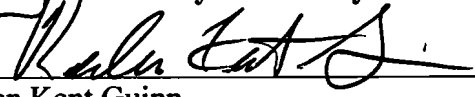
CITY OF OCALA

By: 
 Suzy Heinbockel
 President, Ocala City Council


ATTEST:

By: 
Angel B. Jacobs
City Clerk

~~Approved~~ Denied by me as Mayor of the City of Ocala, Florida, on June 5, 2012.

By: 
Reuben Kent Guinn
Mayor

Approved as to form and legality:


By: _____
Patrick G. Gilligan
City Attorney

Ordinance No: ORD-2012-30
Introduced: 5/15/12
Adopted: 6/5/12
Comprehensive Plan Amendment Effective:
Legal Ad No: A000744941 – 5/18/12

ORDINANCE MAP 2012-30

P&Z MEETING: 2/13/2012

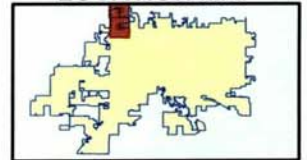
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 & MEDIUM INDUSTRIAL 132.15 ACRES

ZONING: M-1 LIGHT INDUSTRIAL, M-2 HEAVY INDUSTRIAL & B-2
 COMMUNITY BUSINESS

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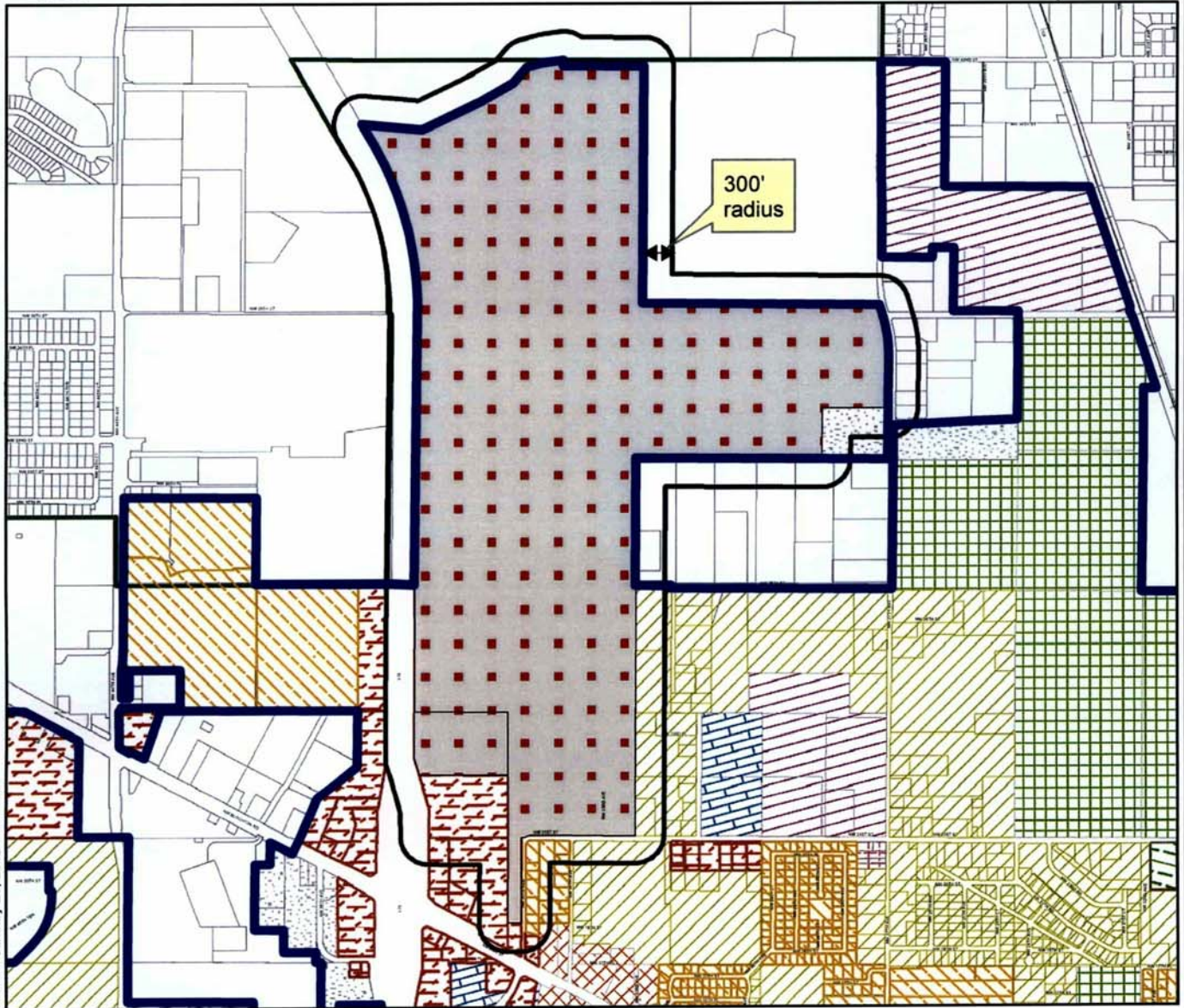
LOCATION MAP



SEC 2 TWP 15 RNG 21
 SEC 35 TWP 14 RNG 21



500
 Feet



Plotted: January 20, 2011 LUC11-0006

FUTURE LAND USE 2012

- | | | | | | |
|-------------------------------|----------------------------|-------------------------------|--------------------------|-------------------------|---------------|
| Low Density Residential | Neighborhood Business | Light Industrial | Recreation & Open Space | Public Facilities (CRA) | Marion County |
| Medium Density Residential | Professional Services | Medium Industrial | Agricultural | PARKS:(CRA) | City Limits |
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| Very High Density Residential | Wholesale & Other Business | Public Buildings & Facilities | Downtown Commercial(CRA) | Mixed Use 2 (CRA) | |

Prepared by CITY OF OCALA PLANNING DEPARTMENT

AERIAL MAP 2012-30

P&Z MEETING: 2/13/2012

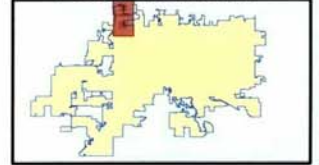
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LOCATION MAP



SEC 2 TWP 15 RNG 21
SEC 35 TWP 14 RNG 21



500
Feet



Plotted: January 20, 2012 \ C11-0006



City of Ocala

GROWTH MANAGEMENT DEPARTMENT

201 SE 3rd Street, Second Floor
Ocala, Florida 34471
(352) 629-8304
(352) 629-8308 FAX

June 13, 2012

Department of Economic Opportunity
Attention: Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

RE: Adopted Amendment Transmittal Packet
2012-1 Amendment Series: Case No. LUC11-0006
DEO Reference: Ocala 12-1ESR

Dear Mr. Eubanks:

Enclosed is the Adopted Amendment Transmittal Package for City of Ocala large scale land use plan amendment Case No. LUC11-0006. Please note the following required information:

- The State Land Planning Agency identification number is: Ocala 12-1ESR.
- Following is a summary of the adopted amendment:

In 2008/2009, City Council approved Ordinances 5915 and 5934 designating the land uses on the 503.84 acre subject property as Retail Services, Light Industrial and Medium Industrial. The proposed amendment is to designate the subject property as Land Use Blending Overlay (LUBO). The LUBO designation is intended to promote and facilitate mixed use development. It allows for development design to blend or locate uses without the restriction of fixed land use designation boundaries. However, the maximum development potential allowed by the underlying future land use classifications remains unchanged.

The proposed amendment that was transmitted by the City contained a total of 516.54 acres. However, the owner of a 12.66 acre parcel did not join in the application and was not included in the adopted amendment.

- Ordinance 2012-30 was adopted by the Ocala City Council on June 5, 2012.
- No parties provided comments on the amendment to the City of Ocala, other than the state agencies listed below. A copy of the adopted amendment has been mailed to the following agencies:
 1. Department of Environmental Protection
 2. Department of State
 3. Department of Transportation, District Five
 4. Withlacoochee Regional Planning Council

5. St. Johns River Water Management District
6. Marion County Growth Management Department

- Contact person is:

Patricia Z. Hitchcock, AICP, Senior Planner
Growth Management Department
City of Ocala
201 SE 3rd Street, Second Floor
Ocala, Florida 34471
Phone: (352) 629-8304
FAX: (352) 659-8308
Email: phitchcock@ocalafl.org

Please contact Patricia Hitchcock with any questions. Thank you.

Sincerely,



Tye Chighizola, Director
Growth Management Department

Cc: Department of Environmental Protection
Department of State
Department of Transportation, District Five
Withlacoochee Regional Planning Council
St. Johns River Water Management District
Marion County Growth Management Department

CITY OF OCALA 2012-1 AMENDMENT
Adopted Amendment Packet

LUC11-0006:

Policy 1.8 of the City of Ocala Future Land Use Plan provides for designation of property with a Land Use Blending Overlay (LUBO). The LUBO designation allows for mixed-use development without fixed Future Land Use Map classification boundaries. The maximum development potential allowed within the LUBO shall not exceed the maximum development potential allowed by the underlying future land use classifications.

On June 5, 2012, the Ocala City Council adopted Ordinance 2012-30 to designate 503.84 acres as a Land Use Blending Overlay (LUBO). Enclosed is the Adopted Amendment Package including the following required items:

1.	All proposed text in a strike-through/underline format (or similar easily identifiable format)	N/A
2.	For future land use map amendments, color maps depicting:	
a.	The future land use map designations of the subject properties and abutting properties	Exhibit A
b.	The adopted future land use designation of the subject property	Exhibit B
3.	A copy of any data and analyses the local government deems appropriate if the local government is relying on previously submitted data and analysis, no additional data and analysis is required.	N/A
4.	Adopted Ordinance 2012-30	Exhibit C
5.	List of additional changes made in the adopted amendments that the State Land Planning Agency did not previously review.	N/A
6.	List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment.	N/A
7.	Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency	N/A
8.	A submittal cover letter transmitting the proposed amendment that includes the following: <ul style="list-style-type: none"> • State Land Planning Agency identification number for adopted amendment package; • A summary description of the adoption package, including any amendments proposed but not adopted; • Ordinance number and adoption date; • Certification that the adopted amendment has been submitted to all parties that provided timely comments to the local government; • The name, title, address, telephone, fax number, and e-mail of the local contact person. 	Provided

Exhibit A

Present future land use designations

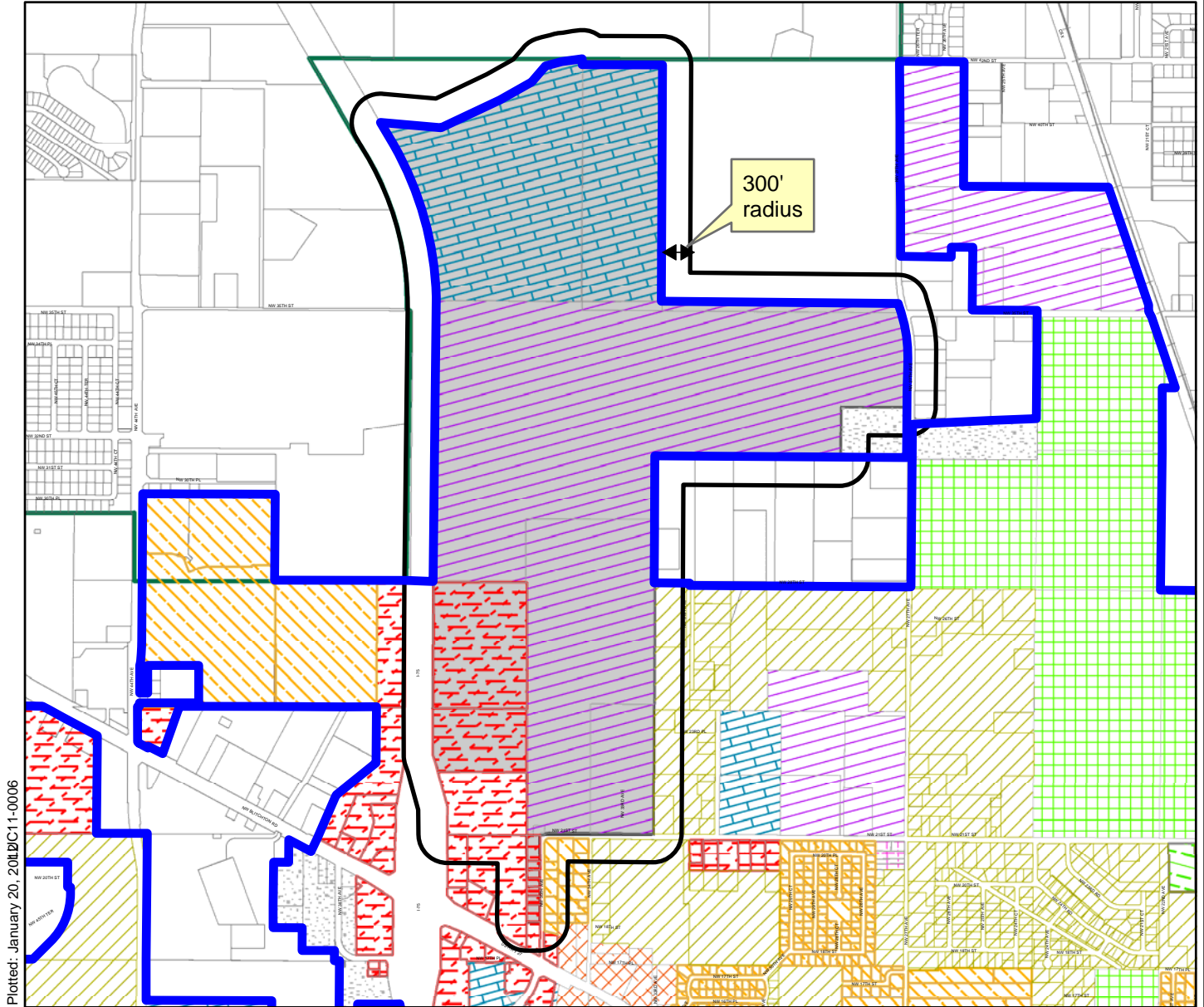
AMENDMENT MAP

P&Z MEETING: 2/13/2012

CASE NUMBER: LUC11-0006
PARCEL NUMBER: 21465-000-00, 21490-000-00, 13718-000-00, 13717-001-00, 21780-000-00
 21466-000-00 & 21782-000-00 THRU 21787-000-00
PROPERTY SIZE: APPROX 503.84 ACRES TOTAL
 RETAIL SERVICES 47.82 ACRES, LIGHT INDUSTRIAL 323.91 ACRES
 & MEDIUM INDUSTRIAL 132.15 ACRES
ZONING: M-1 LIGHT INDUSTRIAL, M-2 HEAVY INDUSTRIAL & B-2
 COMMUNITY BUSINESS
PROPOSED: AMEND THE FUTURE LAND USE MAP TO DESIGNATE A
 LAND USE BLENDING OVERLAY ZONE (LUBO) WITH LIGHT INDUSTRIAL,
 MEDIUM INDUSTRIAL & RETAIL SERVICES DESIGNATIONS
 500 Feet

LOCATION MAP

SEC 2 TWP 15 RNG 21
 SEC 35 TWP 14 RNG 21



Plotted: January 20, 2012 \ C11-0006

FUTURE LAND USE 2012

- | | | | | | |
|-------------------------------|----------------------------|-------------------------------|--------------------------|-------------------------|---------------|
| Low Density Residential | Neighborhood Business | Light Industrial | Recreation & Open Space | Public Facilities (CRA) | Marion County |
| Medium Density Residential | Professional Services | Medium Industrial | Agricultural | PARKS:(CRA) | City Limits |
| High Density Residential | Retail Services | Heavy Industrial | Pending LandUse | Mixed Use 1 (CRA) | |
| Very High Density Residential | Wholesale & Other Business | Public Buildings & Facilities | Downtown Commercial(CRA) | Mixed Use 2 (CRA) | |

Prepared by CITY OF OCALA PLANNING DEPARTMENT

Exhibit B

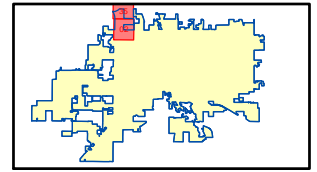
Adopted future land use designation

DEO MAP

P&Z MEETING: 2/13/2012

CASE NUMBER: LUC11-0006
PARCEL NUMBER: 21465-000-00, 21490-000-00, 13718-000-00, 13717-001-00, 21780-000-00
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PROPOSED: AMEND THE FUTURE LAND USE MAP TO DESIGNATE A
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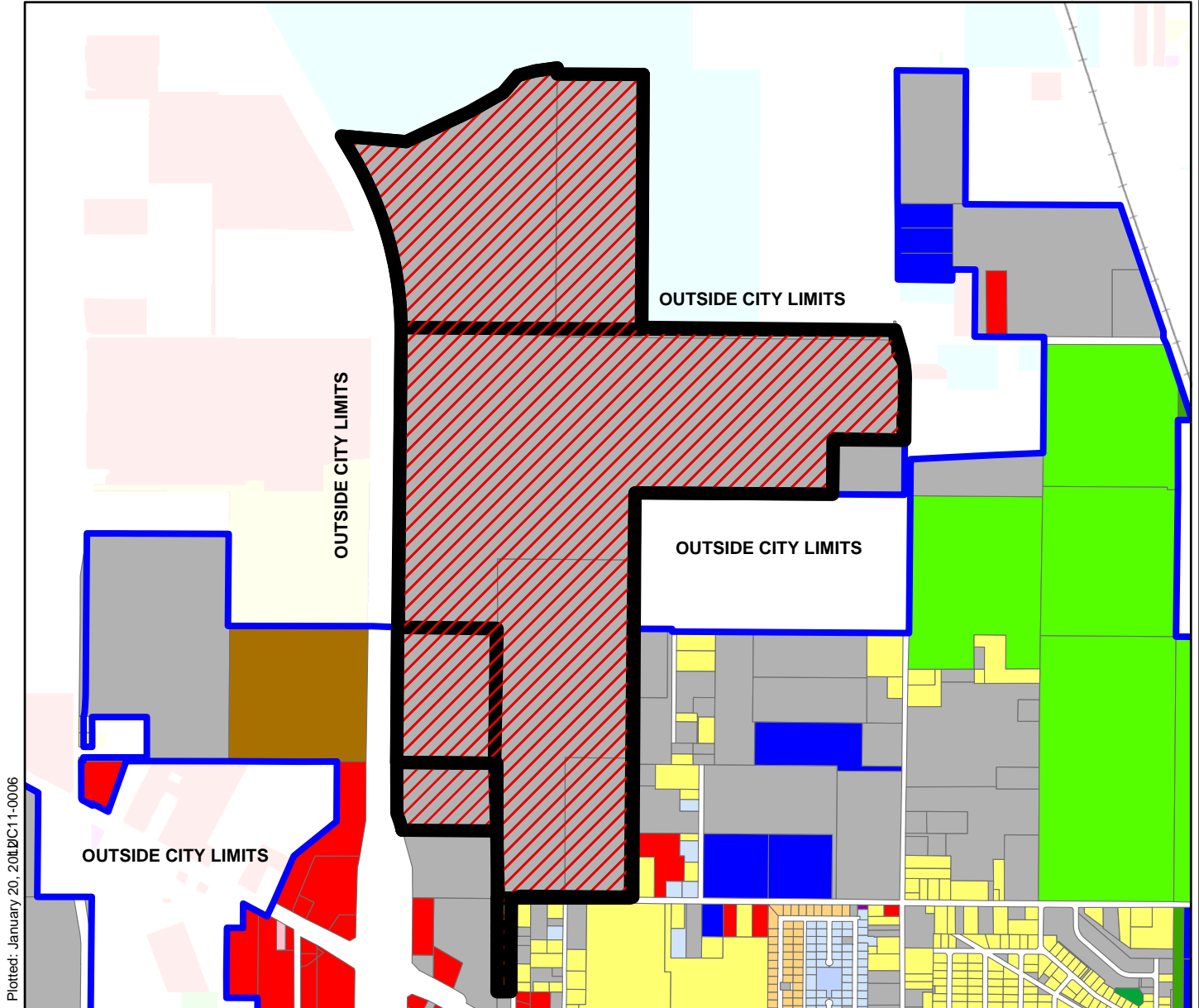
LOCATION MAP



SEC 2 TWP 15 RNG 21
 SEC 35 TWP 14 RNG 21



500
 Feet



Plotted: January 20, 2011/C11-0006

EXISTING LAND USE

- | | | | | | |
|---------------------------------|----------------------|---------------------------------------|-----------------------|---------------|---------------|
| Single Family Residential/Condo | Triplex Residence | Assisted Living Facility/Nursing Home | Industrial | Agricultural | Retention |
| Mobile Home/Mobile Home Park | Quadraplex Residence | Commercial | Governmental | Institutional | City Limits |
| Duplex Residence | Apartments | Office | Recreation/Open Space | Undeveloped | Proposed Lubo |

Prepared by DEPARTMENT OF GROWTH MANAGEMENT

Exhibit C

Copy of Executed Ordinance adopting amendment

ORDINANCE 2012-30

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP SERIES OF THE CITY OF OCALA, FLORIDA, COMPREHENSIVE PLAN AS REQUIRED IN SECTIONS 163.3161 THROUGH AND INCLUDING SECTION 163.3245, FLORIDA STATUTES; DETAILING THE LAND USE CHANGE INVOLVED AND TO AMEND THE FUTURE LAND USE MAP TO DESIGNATE A LAND USE BLENDING OVERLAY (LUBO) ZONE WITH EXISTING LIGHT INDUSTRIAL, MEDIUM INDUSTRIAL AND RETAIL SERVICES LAND USE CLASSIFICATIONS (CASE NO. LUC11-0006), FOR PROPERTY GENERALLY LOCATED EAST OF I-75 AND WEST OF NW 27TH AVENUE, NORTH OF NW 21ST STREET AND SOUTH OF NW 42ND STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the legislature of the State of Florida adopted the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as contained in Section 163.3161 through and including Section 163.3245, Florida Statutes, which required the City of Ocala, Florida to prepare and adopt a comprehensive plan in accordance with the requirements of the said act; and

WHEREAS, the City of Ocala has prepared a comprehensive plan which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the City of Ocala on October 22, 1991, adopted this plan including a Future Land Use Map as part of the Future Land Use Map Series; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 provides for the amendment of an adopted plan or element or portion thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF OCALA, FLORIDA, in regular sessions as follows:

Section 1. The City of Ocala Comprehensive Plan, Future Land Use Map Series is hereby amended as required by the Florida Local Government Comprehensive Planning and Land Development Regulation Act of 1985 contained in Section 163.3161 through and including Section 163.3245, Florida Statutes, and pursuant to Section 106-38 of the Code of Ordinances, City of Ocala, Florida. The following described lands are hereby designated on the City of Ocala Comprehensive Plan, Future Land Use Map as a Land Use Blending Overlay (LUBO) zone with existing Light Industrial, Medium Industrial and Retail Services land use classifications, and the attached map, dated February 13, 2012 is incorporated by reference into this ordinance:

MEDIUM INDUSTRIAL:

A PORTION OF SECTIONS 34 AND 35, TOWNSHIP 14 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE S.W CORNER OF THE EAST 1/4 OF THE S.W. 1/4 OF SAID SECTION 35; THENCE ALONG THE WEST BOUNDARY OF SAID EAST 1/4 OF THE S.W. 1/4 OF SAID SECTION 35, N.00°28'20"E., A DISTANCE OF 2584.65 FEET TO THE SOUTH BOUNDARY OF THE NORTH 60 FEET OF THE SOUTH 1/2 OF SAID SECTION 35, AND THE POINT OF BEGINNING. THENCE DEPARTING SAID WEST BOUNDARY, ALONG SAID SOUTH BOUNDARY, S.89°43'20"E., A DISTANCE OF 842.27 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, S.00°28'07"W., A DISTANCE OF 2487.46 FEET; THENCE N.89°30'56"W., A DISTANCE OF 2340.73 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (A 300 FOOT RIGHT OF WAY), ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 3424.17 FEET, A CENTRAL ANGLE OF 29°04'56", AND A CHORD BEARING AND DISTANCE OF N. 15°57'23"W., 1719.44 FEET; THENCE ALONG SAID RIGHT OF WAY AND THE ARC OF SAID CURVE, A DISTANCE OF 1738.04 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT OF WAY, N.30°29'08"W.,

A DISTANCE OF 250.41 FEET; THENCE DEPARTING SAID RIGHT OF WAY, S.84°55'49"E., A DISTANCE OF 645.12 FEET THENCE N.64°45'40"E., A DISTANCE OF 681.07 FEET; THENCE N.60°36'06"E., A DISTANCE OF 381.15 FEET; THENCE N. 40°43'00"E., A DISTANCE OF 221.62 FEET; THENCE N. 75° 17'28 "E., A DISTANCE OF 177. 19 FEET; THENCE N.82°02'27"E., A DISTANCE OF 214.93 FEET TO THE AFORESAID WEST BOUNDARY OF THE EAST 1/4 OF THE S.W. 1/4 OF SECTION 35; THENCE ALONG SAID WEST BOUNDARY, S.01°01 '37"W., A DISTANCE OF 60.55 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED LAND CONTAINS 132.15 ACRES, MORE OR LESS. (AKA: A PORTION OF 13718-000-00 & A PORTION OF 13171-001-00)

Together with (LIGHT INDUSTRIAL):

A PORTION OF SECTION 35, TOWNSHIP 14 SOUTH, RANGE 21 EAST, AND SECTION 2, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE CENTER OF SAID SECTION 2; THENCE ALONG THE EAST BOUNDARY OF THE S.W. 1/4 OF SAID SECTION 2, S.00°26'33"W., A DISTANCE OF 1325.32 FEET; THENCE CONTINUE ALONG SAID EAST BOUNDARY, S.00°26'10"W., A DISTANCE OF 1300.48 FEET TO THE NORTH RIGHT OF WAY LINE OF N.W. 21ST STREET (A 50 FOOT RIGHT OF WAY); THENCE DEPARTING SAID EAST BOUNDARY, ALONG SAID NORTH RIGHT OF WAY LINE, N.89°25'18"W., A DISTANCE OF 664.21 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE, N.89°25'12"W., A DISTANCE OF 523.15 FEET TO THE WEST RIGHT OF WAY LINE OF N.W. 35TH AVENUE (A 50 FOOT RIGHT OF WAY); THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, ALONG SAID WEST RIGHT OF WAY LINE, S.00°55'00"W., A DISTANCE OF 25.00 FEET TO THE N.E. CORNER OF LOT 1 OF "TAYLOR'S SUBDIVISION" AS PER PLAT THEREOF RECORDED IN PLAT BOOK 'F', PAGE 85 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, ALONG SAID NORTH BOUNDARY, N.89°25'04"W., A DISTANCE OF 141.05 FEET TO THE N.W. CORNER OF SAID LOT 1; THENCE DEPARTING SAID NORTH BOUNDARY, N.00°28'40"E., A DISTANCE OF 1325.20 FEET TO THE N.E. CORNER OF THE S.W. 1/4 OF THE S.W. 1/4 OF SAID SECTION 2; THENCE N.00°29'28"E., A DISTANCE OF 1325.21 FEET TO THE NORTH BOUNDARY OF THE S.W. 1/4 OF SAID SECTION 2; THENCE ALONG SAID NORTH BOUNDARY, N.89°31'30"W., A DISTANCE OF 983.62 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (A 300 FOOT RIGHT OF WAY); THENCE DEPARTING SAID NORTH BOUNDARY, ALONG SAID EASTERLY RIGHT OF WAY LINE, N.00°30'29"E., A DISTANCE OF 2822.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 3424.17 FEET, A CENTRAL ANGLE OF 01°54'59", AND A CHORD BEARING AND DISTANCE OF N.00°23'10"W., 114.52 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY, AND THE ARC OF SAID CURVE, A DISTANCE OF 114.52 FEET TO THE END OF SAID CURVE; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY, S.89°30'56"E., A DISTANCE OF 2340.73 FEET TO THE NORTH BOUNDARY OF THE SOUTH 100 FEET OF THE S.E. 1/4 OF SAID SECTION 35; THENCE ALONG SAID NORTH BOUNDARY, S.89°30'54"E., A DISTANCE OF 2472.91 FEET TO THE EAST BOUNDARY OF THE S.E. 1/4 OF SAID SECTION 35; THENCE S.89°42'50"E., A DISTANCE OF 12.39 FEET TO THE WESTERLY RIGHT OF WAY LINE OF N. W. 27TH AVENUE (A 60 FOOT RIGHT OF WAY) AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1039.91 FEET, A CENTRAL ANGLE OF 06°24'47", AND A CHORD BEARING AND DISTANCE OF S. 17°14'38"E., 116.33 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY, AND THE ARC OF SAID CURVE, A DISTANCE OF 116.39 FEET TO THE END OF SAID CURVE, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT REVERSE CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 1116.28 FEET, A CENTRAL ANGLE OF 20°53'38" AND A CHORD BEARING AND DISTANCE OF S.09°55'22"E., 404.82 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY, AND THE ARC OF SAID CURVE, A DISTANCE OF 407.07 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, S.00°40'48"W., A DISTANCE OF 571.88 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE, N.89°33'35"W., A DISTANCE OF 699.70 FEET; THENCE S.00°31'53"W., A DISTANCE OF 529.65 FEET TO THE SOUTH BOUNDARY OF THE NORTH 1/2 OF THE N.E. 1/4 OF SAID SECTION 2; THENCE ALONG SAID SOUTH BOUNDARY, N.89°33'47"W., A DISTANCE OF 1921.25 FEET TO THE WEST BOUNDARY OF THE N.E. 1/4 OF SAID SECTION 2; THENCE DEPARTING SAID SOUTH BOUNDARY, AND ALONG SAID WEST BOUNDARY, S.00°30'25"W., A DISTANCE OF 1325.84 FEET TO THE POINT OF BEGINNING. (AKA: A PORTION OF 13718-000-00 & A PORITON OF 21465-000-0 & 21490-000-00)

Together with (RETAIL SERVICES):

A PORTION OF THE S.W. 1/4 OF SECTION 2, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE ALONG THE NORTH BOUNDARY OF SAID S.W. 1/4, S.89°28'13"E., A DISTANCE OF 343.76 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (A 300 FOOT RIGHT OF WAY), AND THE POINT OF BEGINNING. THENCE CONTINUE ALONG SAID NORTH BOUNDARY, S.89°31'30"E., A

DISTANCE OF 983.62 FEET THENCE DEPARTING SAID NORTH BOUNDARY, S.00°29'28"W., A DISTANCE OF 1325.21 FEET TO THE N.E. CORNER OF THE S.W. 1/4 OF THE S.W. 1/4 OF SAID SECTION 2; THENCE ALONG THE NORTH BOUNDARY OF THE S.W. 1/4 OF THE S. W. 1/4 OF SAID SECTION 2, N.89°28'05"W. A DISTANCE OF 983.91 FEET TO THE AFORESAID EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75; THENCE DEPARTING SAID NORTH BOUNDARY. ALONG SAID RIGHT OF WAY, N.00°30'14"E., A DISTANCE OF 1324.23 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED LAND CONTAINS 29.92 ACRES, MORE OR LESS. (AKA: A PORTION OF 21465-000-00)

Together with (RETAIL SERVICES):

LOTS 1 THROUGH 10 INCLUSIVE OF "TAYLOR'S SUBDIVISION" AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 'F', PAGE 85 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE N.W. CORNER OF SAID LOT 1; THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 1, S.89°25'04"E., A DISTANCE OF 141.05 FEET TO THE N.E. CORNER OF SAID LOT 1 AND THE WEST RIGHT OF WAY LINE OF N. W. 35TH AVENUE (A 50 FOOT RIGHT OF WAY); THENCE DEPARTING SAID NORTH BOUNDARY, ALONG SAID WEST RIGHT OF WAY LINE, S.00°41'08"W., A DISTANCE OF 899.90 FEET TO THE S.E CORNER OF SAID LOT 10; THENCE DEPARTING SAID RIGHT OF WAY, ALONG THE SOUTH BOUNDARY OF SAID LOT 10, N.89°28'49"W., A DISTANCE OF 139.80 FEET TO THE S. W. CORNER OF SAID LOT 10; THENCE DEPARTING SAID SOUTH BOUNDARY, ALONG THE WEST BOUNDARY OF SAID SUBDIVISION, N.00°36'21"E., A DISTANCE OF 900.05 FEET TO THE POINT OF BEGINNING. (AKA: 21780-000-00, 21782-000-00, 21873-000-00, 21784-000-00, 21875-000-00, 21786-000-00, 21787-000-00)

Together with (RETAIL SERVICES):

North 1/2 of the Southwest 1/4 of Southwest 1/4 of Section 2, Township 15 South, Range 21 East, lying east of Interstate Highway 75. EXCEPT West 60 feet lying adjacent to I-75 of South 1/3 of North 1/2 of Southwest 1/4 of Southwest 1/4. (AKA:21466-000-00)

Section 2. Severability Clause. Should any provision or section of this ordinance be held by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

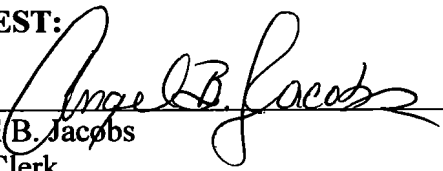
Section 4. This ordinance shall become effective upon approval by the mayor, or upon becoming law without such approval.

Section 5. If this ordinance becomes effective, effective date of the comprehensive plan amendment adopted hereby, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

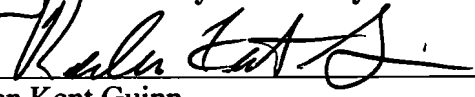
CITY OF OCALA

By: 
 Suzy Heinbockel
 President, Ocala City Council


ATTEST:

By: 
Angel B. Jacobs
City Clerk

~~Approved~~ Denied by me as Mayor of the City of Ocala, Florida, on June 5, 2012.

By: 
Reuben Kent Guinn
Mayor

Approved as to form and legality:


By: _____
Patrick G. Gilligan
City Attorney

Ordinance No: ORD-2012-30
Introduced: 5/15/12
Adopted: 6/5/12
Comprehensive Plan Amendment Effective:
Legal Ad No: A000744941 – 5/18/12

ORDINANCE MAP 2012-30

P&Z MEETING: 2/13/2012

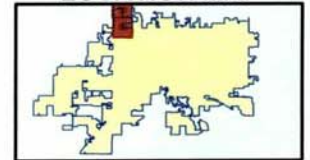
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PROPERTY SIZE: APPROX 503.84 ACRES TOTAL
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 & MEDIUM INDUSTRIAL 132.15 ACRES

ZONING: M-1 LIGHT INDUSTRIAL, M-2 HEAVY INDUSTRIAL & B-2
 COMMUNITY BUSINESS

PROPOSED: AMEND THE FUTURE LAND USE MAP TO DESIGNATE A
 LAND USE BLENDING OVERLAY ZONE (LUBO) WITH LIGHT INDUSTRIAL,
 MEDIUM INDUSTRIAL & RETAIL SERVICES DESIGNATIONS

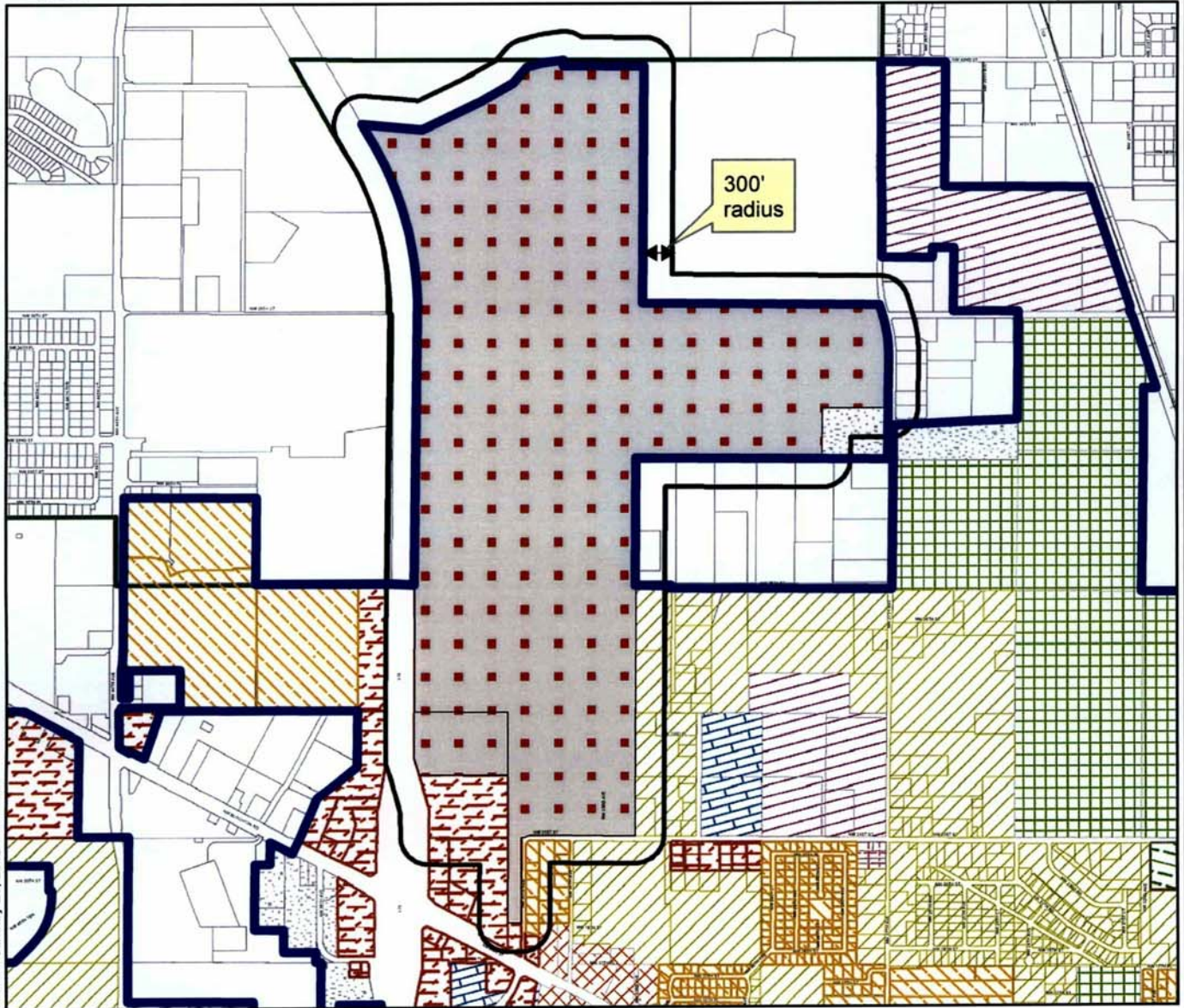
LOCATION MAP



SEC 2 TWP 15 RNG 21
 SEC 35 TWP 14 RNG 21



500
 Feet



Plotted: January 20, 2011 LUC11-0006

FUTURE LAND USE 2012

- | | | | | | |
|-------------------------------|----------------------------|-------------------------------|--------------------------|-------------------------|---------------|
| Low Density Residential | Neighborhood Business | Light Industrial | Recreation & Open Space | Public Facilities (CRA) | Marion County |
| Medium Density Residential | Professional Services | Medium Industrial | Agricultural | PARKS:(CRA) | City Limits |
| High Density Residential | Retail Services | Heavy Industrial | Pending Land Use | Mixed Use 1 (CRA) | |
| Very High Density Residential | Wholesale & Other Business | Public Buildings & Facilities | Downtown Commercial(CRA) | Mixed Use 2 (CRA) | |

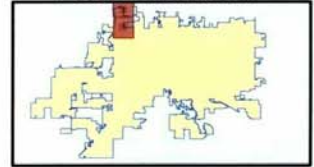
Prepared by CITY OF OCALA PLANNING DEPARTMENT

AERIAL MAP 2012-30

P&Z MEETING: 2/13/2012

CASE NUMBER: LUC11-0006
PARCEL NUMBER: 21465-000-00, 21490-000-00, 13718-000-00, 13717-001-00, 21780-000-00
21466-000-00 & 21782-000-00 THRU 21787-000-00
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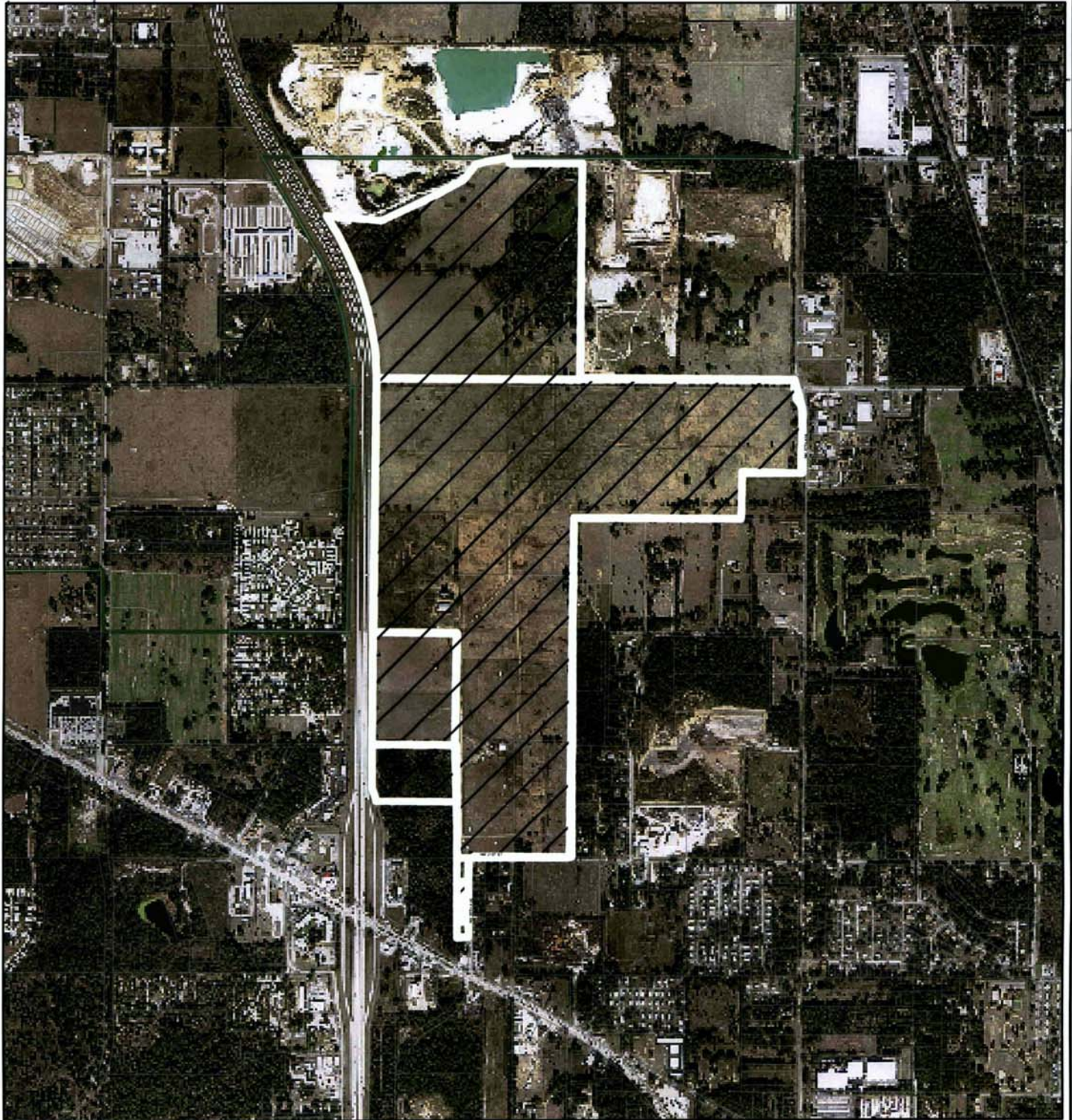
LOCATION MAP



SEC 2 TWP 15 RNG 21
SEC 35 TWP 14 RNG 21



500
Feet



Plotted: January 20, 2012 \ C11-0006



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2024-2141

Agenda Item #: a.

Submitted By: Kristina L. Wright

Presentation By: Kristina L. Wright

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Public Hearing to abrogate an approximate 0.57 acre portion of railroad spur and utility right-of-way lying north of Lots 9-13 (Block F) and south of Lot 8 (Block F) of the Ocala Industrial Park as recorded in Plat Book H, Page 46, of the public records of Marion County, FL (Parcel 23656-000-01) (Case ABR24-45753) (Quasi-Judicial).

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner/Property Owner: Lorven Holdings LLC
- Agent: Robert D. Wilson, Esq.

The Ocala Industrial Park Plat included what is now abandoned railroad right-of-way. The petitioner has submitted a request to abrogate a portion of the abandoned right-of-way, located between SW 15th Avenue and SW 17th Avenue.

Century Link objected to the abrogation unless an easement was retained over the area. All other utility companies and internal departments did not have any objections to the proposed abrogation.

FINDINGS AND CONCLUSIONS:

Following concerns raised by CenturyLink, the petitioner discovered an unknown utility in the area. They petitioner has agreed to the placement of an easement over the abrogated portion of the right-of-way. The abrogation of this portion of the parcel will not adversely affect any utility company.

Staff recommends approval with the following condition:

The petitioner shall provide an easement over the abrogated right-of-way.

FISCAL IMPACT:

N/A

PROCUREMENT REVIEW:

N/A

LEGAL REVIEW:

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

ALTERNATIVE:

- Approve with changes
- Deny
- Table

SUPPORT MATERIALS:

- Staff Report
- Case Map
- Aerial Map
- Survey

RESOLUTION 2024-XX

A RESOLUTION APPROVING THE ABROGATION AND VACATION OF A 33-FOOT WIDE, 0.57 ACRE PORTION OF THE RAILROAD SPUR AND UTILITY RIGHT-OF-WAY LYING NORTH OF LOTS 9-13 (BLOCK F) AND SOUTH OF LOT 8 (BLOCK F) OF THE OCALA INDUSTRIAL PARK AS RECORDED IN PLAT BOOK H, PAGE 46, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

WHEREAS, application has heretofore been made by Lorven Holdings LLC, for the abrogation and vacation of that portion of the railroad spur and utility right-of-way, lying between SW 15th Avenue and SW 17th Avenue, in the Ocala Industrial Park, as recorded in Plat Book H, Page 46, of the Public Records of Marion County, in Ocala, Marion County, Florida as hereinafter more particularly described; and

WHEREAS, the City of Ocala is the owner of the right-of-way described above; and

WHEREAS, subsequent to said application a public hearing was held after due notice as provided by law, and

WHEREAS, comments regarding the effects of such a vacation on the public facilities of the City have been requested from appropriate city departments and private utilities; and

WHEREAS, all utilities were contacted and responded with no objection to the requested abrogation and vacation, with the exception of CenturyLink; and

WHEREAS, the City is requesting reservation of a utility easement over the described 33-foot wide 0.57-acre railroad spur and utility right of way, lying between SW 15th Avenue and SW 17th Avenue, in Ocala, Florida, as shown on the plat of Ocala Industrial Park; and

WHEREAS, on November 13, 2024, the Ocala Planning and Zoning Commission in regular session recommended approval of the abrogation and vacation of the 33-foot wide, 0.57-acre railroad spur and utility right of way, lying between SW 15th Avenue and SW 17th Avenue, in Ocala, Florida, as shown on the plat of Ocala Industrial Park

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session as follows:

1. That the southern half of the segment of the railroad spur in the Ocala Industrial Park lying between SW 15th Avenue and SW 17th Avenue described as that portion of the 33 foot railroad spur and utility right of way, lying north of Lots 9 through 13, Block F and South of Lots 8 and 14, Block F, Ocala Industrial Park, as per plat thereof recorded in Plat Book H, page 46, public records of Marion County, Florida; being more particularly described as follows:

BEGIN AT THE S.W. CORNER OF SAID LOT 8, BLOCK F; THENCE N.89°08'01"E., ALONG THE NORTH RIGHT OF WAY LINE OF SAID RAILROAD SPUR AND UTILITY RIGHT OF WAY, A DISTANCE OF 751.75 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF S.W. 15TH AVENUE (60 FEET WIDE), SAID POINT ALSO BEING THE S.E. CORNER OF SAID LOT 14, BLOCK F; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, S.01°18'43E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID RAILROAD SPUR AND UTILITY RIGHT OF WAY, SAID POINT ALSO BEING THE N.E. CORNER OF SAID LOT 13, BLOCK F; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, S.89°08'01W., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 752.65 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF S.W. 17TH AVENUE (60 FEET WIDE), SAID POINT ALSO BEING THE N.W. CORNER OF AFORESAID LOT 9, BLOCK F; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, N.00°15'00"E., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 0.57 ACRES, MORE OR LESS.

2. Reserving unto the City of Ocala a perpetual utility easement for the construction, operation and maintenance of utilities, and related facilities including, without limitation, above-ground and underground water, sanitary sewer, storm water, cables, gas phone, internet and electric transmission or distribution lines and systems (all of which items to be located in the easement area being referred to as the "facilities") over, under, across and on the vacated or abrogated land as described herein (the "easement area").
3. 2.1. The easement rights specifically include: (a) the right of perpetual ingress and egress to patrol, inspect, alter, improve, construct, repair, maintain, rebuild, relocate, remove and provide access and service to the facilities; (b) the right to decrease or increase, or to change the quantity and type of, the facilities; (c) the right to clear the easement area of trees, limbs, undergrowth, and other physical objects (regardless of the location of such trees, limbs, undergrowth, and other objects) which, in the opinion of the City (or of the Provider that owns the affected facilities), endanger or interfere with the safe and efficient installation, operation, or maintenance of the facilities; (d) the right to permit any other person or entity to attach lines to such facilities within the easement area; and € all other rights and privileges reasonably necessary or convenient for the safe and efficient installation, operation and maintenance of

the facilities and for the enjoyment and use of such easement for the purposes described above. No buildings, structures, or obstacles (except fences and pavement) within the easement area shall be located, constructed, excavated or created within the easement area. Any proposed fence installation with appropriate gates must be approved by the City of Ocala Engineering Department and must allow ready access to the City's facilities.

- 4. 2.2 Nothing set forth in paragraph 1 of this Resolution shall abrogate the street to the extent of the easement reserved in this paragraph 2.
- 5. 3. A certified copy of the Resolution shall be recorded by the Clerk of the City of Ocala in the public records of Marion County, Florida. This Resolution dated and adopted this _____ day of _____, 20__.

This Resolution adopted this _____ day of _____, 20__.

CITY OF OCALA

By: _____

XXXX

City Council President

Attest: _____

Angel B. Jacobs

City Clerk

Approved as to form and legality:

William Sexton

City Attorney



Staff Report

Case No. ABR24-45753

Planning & Zoning Commission: November 13, 2024

City Council (Adoption): December 3, 2024

Petitioner: Lorven Holdings, LLC

Property Owner: City of Ocala

Agent: Robert D. Wilson, Wilson & Williams, P.A.

Project Planner: Kristina L. Wright, CNU-A, FRA-RA

Applicant Request: A request to abrogate a portion of the railroad spur and utility right-of-way lying north of Lots 9-13, Block F and south of Lot 8, Block F of the Ocala Industrial Park as recorded in Plat Book H, Page 46, of the public records of Marion County, Florida.

Zoning District: M-1, Light Industrial District

Future Land Use: Employment Center

Parcel Information

Acres: ±0.57 acres

Parcel#: A portion of 23690-000-01

Location: railroad spur and utility right-of-way located between SW 15th Avenue and SW 17th Avenue

Existing use: Undeveloped/Abandoned railroad right-of-way

Overlay(s): N/A

Figure 1. Aerial Location Map



Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Employment Center	M-1, Light Industrial	RoMac Building Supply
East	Employment Center	M-1, Light Industrial	Armstrong Homes and L&W Supply
South	Employment Center	M-1, Light Industrial	Lorven Heart & Vascular Institute
West	Employment Center	M-1, Light Industrial	Aquatic Reef Design, Tint Solutions, & Underground Gym

Applicant Request

The petitioner is requesting to abrogate the portion of the Ocala Industrial Park originally platted railroad spur and utility right-of-way that lies adjacent to the petitioner’s parcel (23656-014-01) for the purpose of inclusion and maintenance of the abandoned railroad right-of-way parcel.

Background

The subject right-of-way, parcel 23690-000-01, is a 0.57-acre segment of an 8.56 acre railroad and utility right-of-way, which is currently unused and otherwise undeveloped. The subject property is part of the Ocala Industrial Park recorded in Plat Book H, Page 46 and as replatted in 1968 in Plat Book C, Page 74. The portion under consideration with this application pertains to the segment that lies between SW 17th Avenue and SW 15th Avenue, which is approximately 0.57 acres as indicated in the survey.

This 33-foot wide railroad spur and utility right-of-way were formerly part of an airport, known as Taylor Field, which closed in 1962. In June 1966, the City of Ocala adopted a replat of a portion of Taylor Field (Plat Book “C”, Page 74), and named it the Ocala Industrial Park. Several railroad and utility rights-of-way were platted as part of the Ocala Industrial Park subdivision. The attached Abrogation map shows that many of these rights-of-way have already been abrogated. The current request, ABR24-45753, is also shown on that map. If abrogated, this will release the public use of the property, with the condition to retain an easement for utilities.

Staff Analysis

This abandoned railroad right-of-way will not negatively impact any adjacent properties. The petitioner will become responsible for the maintenance of this strip of land. This request is not anticipated to create any access or circulation issues or any issues with open space and recreation since this fragment is not intended for those purposes. The adjacent properties include RoMac Building Supply to the north, Armstrong Homes and L&W Supply to the east, and Aquatic Reef Design, Tint Solutions, & Underground Gym to the west. The petitioner, Lorven Holdings LLC, is affiliated with the Lorven Heart & Vascular Institute adjacent to and south of this subject parcel portion. Adequate access and frontage to surrounding parcels exists.

Utility Responses

The utility responses are summarized as follows:

<i>Utility</i>	<i>Date</i>	<i>Response</i>
CenturyLink/Lumen: Owen Hurley	7/23/2024	Lumen/ CenturyLink facilities exist in area.
Spectrum: Dwayne Leachman	7/22/2024	No facilities and no objection
Cox Communications: Paul Christopher	8/06/2024	No facilities and no objection.
Electric (OEU): Donnie Fales and Randy Hahn	8/14/2024	No objection
Fiber: Oshane Parker	7/24/2024	No facilities and no objection.
Duke Energy	7/22/2024	No objections.
Public Works: Darren Park	7/26/2024	No facilities and no objection.
TECO: Landon Meahl	7/22/2024	No facilities and no objection.
SECO Hannah Clark	7/23/2024	No objection.
Transportation Engineering: Noel Cooper	7/31/2024	No objection.
Water Resources: Richard Ragosta	7/23/2024	No facilities and no objection.
Surveying R. Kelly Roberts	7/24/2024	No objection.

Staff Findings and Recommendation

- Staff recommends approval of the request to abrogate a 33-foot wide railroad spur and utility right-of-way lying within Block F, Ocala Industrial Park, as recorded in Plat Book H, Page 46, of the public records of Marion County, Florida, on the condition of reserving a utility easement within the adopting Resolution.
-

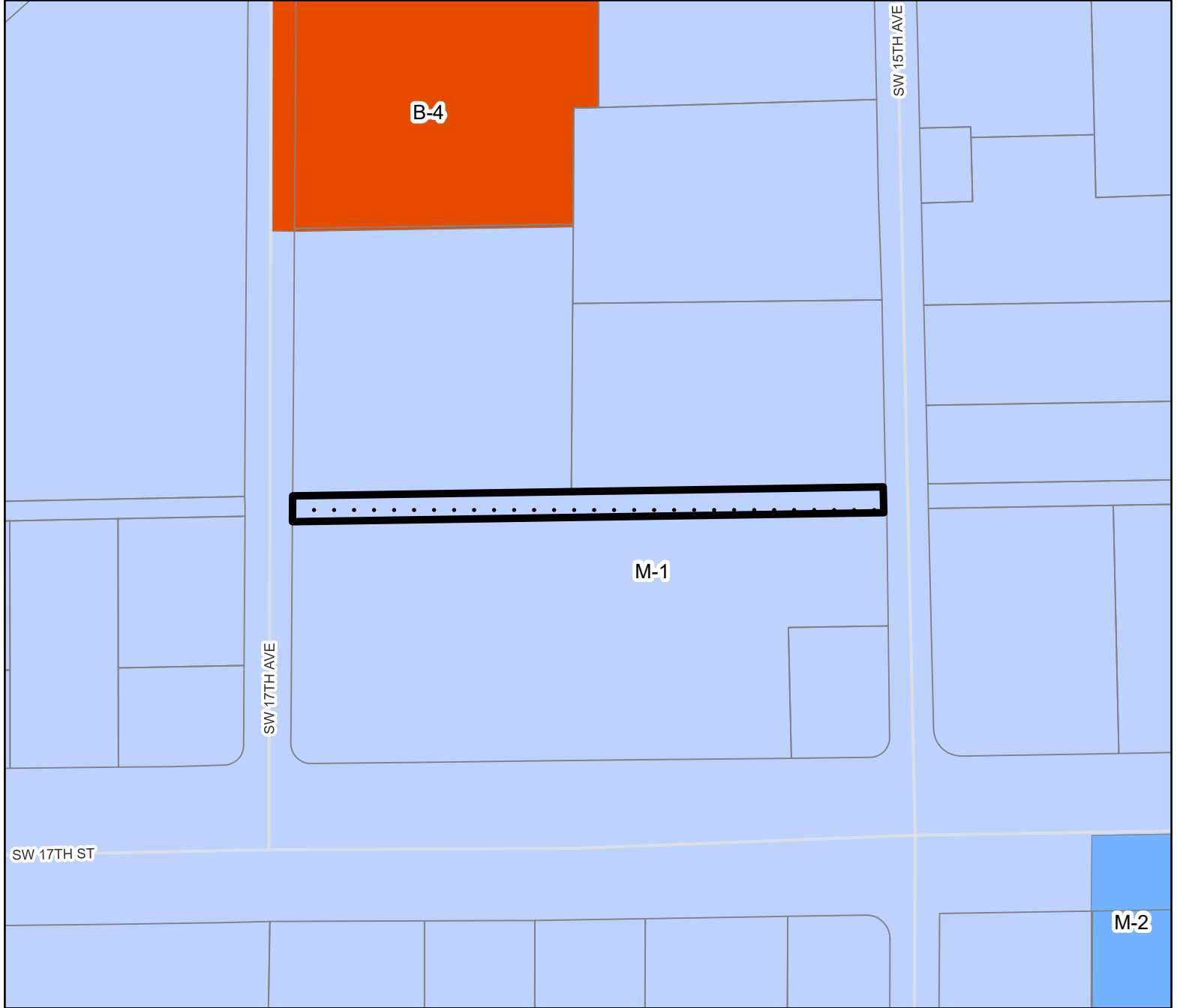
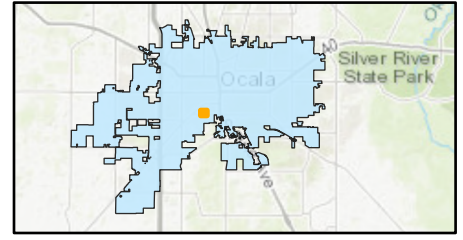
Staff Recommendation: *Approval of ABR24-45753, subject to the reservation of a utility easement.*





CASE MAP

P & Z Meeting: November 13, 2024

Case Number: ABR24-45753
Parcel Number: 23690-000-01
Property Size: Approximately 0.57 acres
Land Use Designation: Employment Center
Zoning: M-1, Light Industrial
Proposal: A request to abrogate a portion of parcel 23690-000-01

Location Map



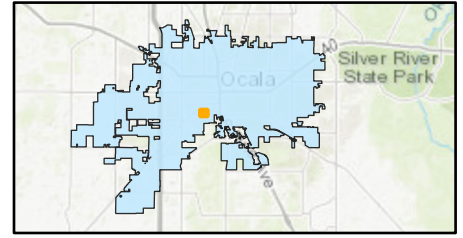
-  Subject Property
-  B-4:General Business
-  M-1:Light Industrial
-  M-2:Medium Industrial





AERIAL MAP

P & Z Meeting: November 13, 2024
Location Map

Case Number: ABR24-45753
Parcel Number: 23690-000-01
Property Size: Approximately 0.57 acres
Land Use Designation: Employment Center
Zoning: M-1, Light Industrial
Proposal: A request to vacate a portion of parcel 23690-000-01



 Subject Property

 Parcels



OCALA INDUSTRIAL PARK

OCALA · MARION COUNTY · FLORIDA



DESCRIPTION:
A REPLAT OF THAT PORTION OF TAYLOR FIELD AS RECORDED IN PLAT BOOK "C", PAGE 74, PUBLIC RECORDS OF MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING S.00°11'00"W. 112.01 FEET FROM THE NW CORNER OF SECTION 19, TOWNSHIP 15 SOUTH, RANGE 22 EAST, CITY OF OCALA, MARION COUNTY, FLORIDA, SAID POINT OF BEGINNING BEING AN 8 INCH OCTAGON MONUMENT, INSCRIBED "NE COR AIRPORT", BEING THE INTERSECTION OF THE WEST BOUNDARY LINE OF SAID SECTION 19 AND THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 200 (A 100 FOOT RIGHT-OF-WAY); (1) THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE AND CURVE CONCAVE SE, HAVING A CENTRAL ANGLE OF 22°23'10", A RADIUS OF 108.24 FEET, AND A CHORD N.76°57'55"E. 420.93 FEET TO THE POINT OF TANGENCY; (2) THENCE N.89°03'30"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE 1243.18 FEET; (3) THENCE SOUTHEASTERLY ALONG THE WEST RIGHT-OF-WAY LINE OF LEMON AVENUE AND CURVE CONCAVE NE, HAVING A CENTRAL ANGLE OF 38°58'45", A RADIUS OF 716.42 FEET, A CHORD S.21°19'52"E. 478.05 FEET TO THE POINT OF TANGENCY; (4) THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S.40°49'15"E. 184.64 FEET TO THE POINT OF CURVE; (5) THENCE SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE AND A CURVE CONCAVE SW, HAVING A CENTRAL ANGLE OF 32°19'10", A RADIUS OF 1146.34 FEET, A CHORD S.24°39'40"E. 638.10 FEET TO THE POINT OF TANGENCY; (6) THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S.08°30'05"E. 927.80 FEET; (7) THENCE S.89°04'20"W. 273.46 FEET; (8) THENCE S.00°25'55"E. 546.05 FEET; (9) THENCE N.89°03'10"E. 347.64 FEET TO THE NON TANGENT INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LEMON AVENUE; (10) THENCE SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE AND CURVE CONCAVE W, HAVING A CENTRAL ANGLE OF 5°26'49", A RADIUS OF 1909.86 FEET, A CHORD S.02°29'15"E. 181.50 FEET TO THE POINT OF TANGENCY; (11) THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S.00°13'45"W. 1798.63 FEET, SAID LINE BEING 35 FEET WEST OF AND PARALLEL TO THE EAST BOUNDARY LINE OF THE SW 1/4 OF SAID SECTION 19; (12) THENCE ALONG THE SOUTH BOUNDARY LINE OF THE N 1/2 OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 19, S.89°41'15"W. 1223.10 FEET; (13) THENCE N.00°07'50"E. 662.69 FEET TO THE SE CORNER OF SAID NW 1/4 OF SAID SW 1/4; (14) THENCE S.88°48'20"W. 1220.96 FEET TO THE SW CORNER OF SAID NW 1/4; (15) THENCE ALONG THE SOUTH BOUNDARY LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 24, TOWNSHIP 15 SOUTH, RANGE 21 EAST, N.89°28'30"W. 970.56 FEET; (16) THENCE N.00°11'00"E. 2255.18 FEET; (17) THENCE N.48°30'00"E. 1299.56 FEET; (18) THENCE N.00°11'00"E. 737.93 FEET ALONG THE WEST BOUNDARY LINE OF SAID SECTION 19 TO THE POINT OF BEGINNING;
EXCEPT THOSE TRACTS HERETOFORE CONVEYED, BEING DESCRIBED AS FOLLOWS:
BEGINNING S.00°11'00"W. 112.01 FEET FROM THE NW CORNER OF SAID SECTION 19; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SE, HAVING A CENTRAL ANGLE OF 22°23'10", A RADIUS OF 108.24 FEET, A CHORD N.76°57'55"E. 420.93 FEET TO THE POINT OF TANGENCY; (1) THENCE N.89°03'30"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE AND CURVE CONCAVE NE, HAVING A RADIUS OF 716.42 FEET, A CHORD S.21°19'52"E. 478.05 FEET TO THE POINT OF TANGENCY; THENCE S.40°49'15"E. 63.46 FEET; THENCE S.88°09'30"W. 672.41 FEET; THENCE S.01°20'00"E. 400.37 FEET; THENCE S.88°09'30"W. 1208.50 FEET; THENCE N.00°11'00"E. 819.13 FEET TO THE POINT OF BEGINNING;
ALSO BEGINNING S.00°11'00"W. 991.18 FEET AND N.88°09'30"E. 310.09 FEET FROM THE NW CORNER OF SAID SECTION 19; THENCE S.88°09'30"W. 310.09 FEET; THENCE S.00°11'00"W. 718.08 FEET; THENCE N.88°09'30"E. 354.10 FEET; THENCE N.01°20'00"W. 692.66 FEET; THENCE ALONG A CURVE CONCAVE SW, HAVING A RADIUS OF 25 FEET TO THE POINT OF BEGINNING;
ALSO BEGINNING S.00°11'00"W. 991.18 FEET AND N.88°09'30"E. 420.09 FEET FROM THE NW CORNER OF SAID SECTION 19; THENCE N.88°09'30"E. 357.00 FEET; THENCE S.01°20'00"E. 852.00 FEET; THENCE S.88°09'30"W. 159.74 FEET; THENCE N.01°20'00"E. 452.00 FEET; THENCE S.88°09'30"W. 222.26 FEET; THENCE N.01°20'00"W. 375.00 FEET; THENCE ALONG A CURVE CONCAVE SE, HAVING A 25 FOOT RADIUS TO THE POINT OF BEGINNING;
ALSO BEGINNING S.00°11'00"W. 991.18 FEET AND N.88°09'30"E. 810.09 FEET FROM THE NW CORNER OF SAID SECTION 19; THENCE S.01°20'00"E. 852.00 FEET; THENCE N.88°09'30"E. 385.00 FEET; THENCE N.01°20'00"W. 852.00 FEET; THENCE S.88°09'30"W. 385.00 FEET TO THE POINT OF BEGINNING;
ALSO BEGINNING S.00°11'00"W. 991.18 FEET AND N.88°09'30"E. 1255.09 FEET FROM THE NW CORNER OF SAID SECTION 19; THENCE N.88°09'30"E. 906.58 FEET; THENCE ALONG A CURVE CONCAVE SW, HAVING A RADIUS OF 1146.34 FEET, A CHORD BEARING S.14°11'29"E. A DISTANCE OF 227.31 FEET TO THE POINT OF TANGENCY; THENCE S.08°30'05"E. 100.52 FEET; THENCE S.84°43'24"W. 159.66 FEET; THENCE S.00°25'55"W. 68.58 FEET; THENCE S.88°09'30"W. 409.32 FEET; THENCE S.01°20'00"E. 653.40 FEET; THENCE S.88°09'30"W. 400.00 FEET; THENCE N.01°20'00"W. 1053.40 FEET TO THE POINT OF BEGINNING;
ALL EXCEPTIONS BEING SUBJECT TO EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD.

STATE OF FLORIDA
COUNTY OF MARION
CITY OF OCALA

THE CITY OF OCALA, A MUNICIPAL CORPORATION UNDER THE LAWS OF THE STATE OF FLORIDA, THE OWNER OF REAL ESTATE INCLUDED IN THIS PLAT, DOES HEREBY AUTHORIZE THE SAME TO BE RECORDED IN PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

IN WITNESS WHEREOF SAID MUNICIPAL CORPORATION HAS CAUSED ITS SEAL TO BE AFFIXED BY THE UNDERSIGNED OFFICIALS DULY AUTHORIZED BY THE CITY COUNCIL, THIS 7TH DAY OF JUNE, A.D. 1966.

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF:
THE CITY OF OCALA
Glenn Thomas, Mayor
William A. Richardson, Jr., City Clerk
Samuel L. Martzolf, City Engineer

STATE OF FLORIDA
COUNTY OF MARION
CITY OF OCALA

I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME, AN OFFICER DULY AUTHORIZED IN THE STATE AND COUNTY AFORESAID TO TAKE ACKNOWLEDGEMENTS, PERSONALLY APPEARED GLENN THOMAS AND WILLIAM A. RICHARDSON, JR., WELL KNOWN TO ME TO BE THE PRESIDENT OF CITY COUNCIL AND THE CLERK OF THE CITY OF OCALA RESPECTIVELY NAMED HEREIN; THAT THEY SEVERALLY ACKNOWLEDGE EXECUTING THE SAME IN THE PRESENCE OF TWO SUBSCRIBING WITNESSES FREELY AND VOLUNTARILY UNDER AUTHORITY DULY VESTED IN THEM BY SAID CITY OF OCALA, AND THAT THE SEAL AFFIXED THERETO IS THE SEAL OF SAID MUNICIPAL CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE LAST AFORESAID THIS 7TH DAY OF JUNE, A.D. 1966.

MY COMMISSION EXPIRES FEBRUARY 23, 1967.

SAMUEL L. MARTZOLF, OF THE CITY OF OCALA ENGINEERING DIVISION, MAKER OF THIS PLAT, DO HEREBY CERTIFY THAT THIS IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED THEREON AS CALLED FOR UNDER CHAPTER 177, FLORIDA STATUTES.

THIS CERTIFIES THAT THIS PLAT WAS PRESENTED TO THE OCALA INDUSTRIAL PARK ADVISORY BOARD OF THE CITY OF OCALA, MARION COUNTY, FLORIDA, AND APPROVED BY THEM FOR RECORD ON THE 26TH DAY OF APRIL, A.D. 1966.

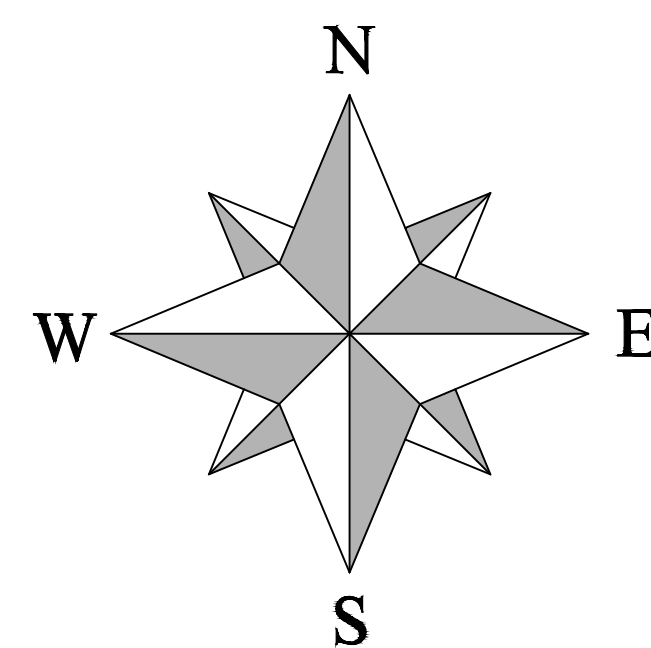
THIS CERTIFIES THAT THIS PLAT WAS PRESENTED TO THE OCALA PLANNING AND ZONING COMMISSION OF THE CITY OF OCALA, MARION COUNTY, FLORIDA, AND APPROVED BY THEM FOR RECORD ON THE 26TH DAY OF APRIL, A.D. 1966.

THIS CERTIFIES THAT THIS PLAT WAS PRESENTED TO THE CITY COUNCIL OF THE CITY OF OCALA, MARION COUNTY, FLORIDA, AND APPROVED BY THEM FOR RECORD ON THE 7TH DAY OF JUNE, A.D. 1966.

I, JOHN F. NICHOLSON, CLERK OF THE CIRCUIT COURT OF MARION COUNTY, FLORIDA, DO HEREBY CERTIFY THAT THIS FOREGOING PLAT CONFORMS TO THE PROVISIONS OF CHAPTER 177, LAWS OF FLORIDA, WAS FILED IN MY OFFICE ON THE 12TH DAY OF JUNE, A.D. 1966, AND RECORDED IN THE PUBLIC RECORDS OF SAID COUNTY ON THE 14TH DAY OF JUNE, A.D. 1966, IN PLAT BOOK "H", PAGE 46.

NOTE: REVISED TO INCORPORATE ALL REVISIONS OF OCALA INDUSTRIAL PARK, REVISION NO.1 AS RECORDED IN PLAT BOOK "H", PAGE 55, PUBLIC RECORDS MARION COUNTY, FLORIDA. ADDITIONAL 200 R/W NOT SHOWN.

FEB. 14, 1968

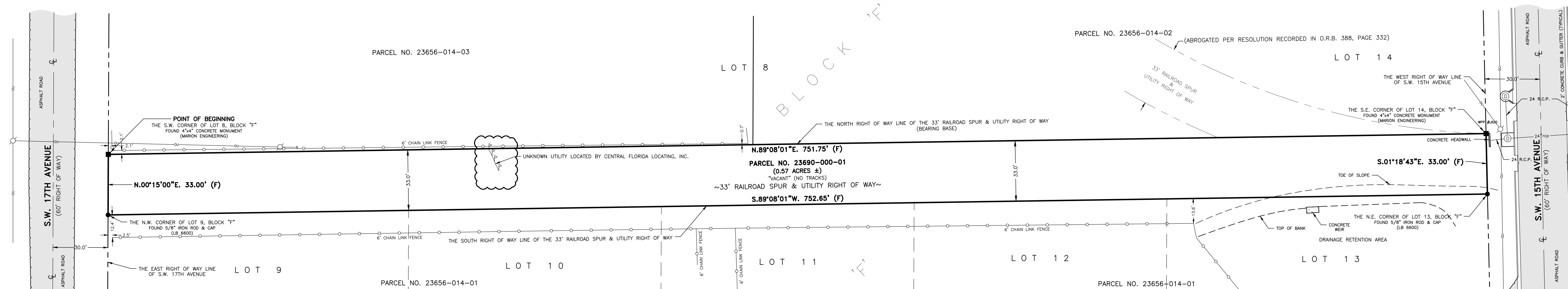
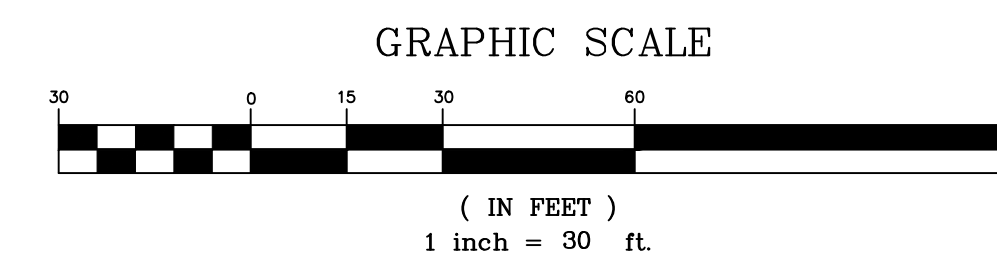


DESCRIPTION:

THAT PORTION OF THE 33 FOOT RAILROAD SPUR & UTILITY RIGHT OF WAY, LYING NORTH OF LOTS 9 THROUGH 13, BLOCK F AND SOUTH OF LOTS 8 AND 14, BLOCK F, OCALA INDUSTRIAL PARK, AS PER PLAT THEREOF RECORDED IN PLAT BOOK H, PAGE 46, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE S.W. CORNER OF SAID LOT 8, BLOCK F; THENCE N.89°08'01"E., ALONG THE NORTH RIGHT OF WAY LINE OF SAID RAILROAD SPUR AND UTILITY RIGHT OF WAY, A DISTANCE OF 751.75 FEET TO A POINT ON THE WEST RIGHT WAY LINE OF S.W. 15TH AVENUE (60 FEET WIDE), SAID POINT ALSO BEING THE S.E. CORNER OF SAID LOT 14, BLOCK F; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, S.01°18'43"E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID RAILROAD SPUR AND UTILITY RIGHT OF WAY, SAID POINT ALSO BEING THE N.E. CORNER OF SAID LOT 13, BLOCK F; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, S.89°08'01"W., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 752.65 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF S.W. 17TH AVENUE (60 FEET WIDE), SAID POINT ALSO BEING THE N.W. CORNER OF AFORESAID LOT 9, BLOCK F; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, N.00°15'00"E., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 0.57 ACRES, MORE OR LESS.



SURVEYOR'S NOTES:

- 1. THE FIELD MEASURED BEARINGS DEPICTED HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (WEST ZONE) NAD-83, (2011 ADJUSTMENT), IN WHICH THE NORTH RIGHT OF WAY LINE OF THE 33' RAILROAD SPUR & UTILITY RIGHT OF WAY BEARS: N.89°08'01"E.
- 2. UNLESS OTHERWISE SHOWN, UNDERGROUND IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY.
- 3. THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA WERE NOT SEARCHED BY PREECE LAND SURVEYING, INC.
- 4. THE LANDS DEPICTED HEREON ARE SUBJECT TO RECORDED AND UNRECORDED RIGHTS OF WAY, RESTRICTIONS, EASEMENTS AND RESERVATIONS THAT MAY OR MAY NOT APPEAR WITHIN THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.
- 5. ADDITIONS OR DELETIONS TO THIS MAP OF SURVEY AND/OR REPORT BY OTHER THAN THE SIGNING PARTY(IES) IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY(IES).
- 6. THIS SURVEY HAS BEEN PREPARED FOR SOLE AND EXCLUSIVE BENEFIT OF THE PARTY(IES) NAMED HEREON, AND SHALL NOT BE RELIED UPON BY ANY OTHER INDIVIDUAL OR ENTITY WITHOUT THE CONSENT OF SAID PARTY(IES) AND THE SIGNING SURVEYOR.
- 7. THIS MAP OF SURVEY IS NOT VALID AND IS TO ONLY BE USED FOR REFERENCE PURPOSES ONLY, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER INDICATED HEREON.
- 8. THE SYMBOLS USED TO REPRESENT PHYSICAL FEATURES ARE FOR GRAPHIC ILLUSTRATION ONLY AND MAY OR MAY NOT REFLECT THE ACTUAL SIZE AND SHAPE OF THE FEATURE BEING REPRESENTED.
- 9. THE SIGNING PARTY(IES) SIGNATURE DATE DOES NOT REPRESENT THE ACTUAL DATE OF SURVEY.
- 10. THE MOST CURRENT ABUTTING RECORDED INSTRUMENTS FOR ADJOINERS TO THE LANDS SURVEYED WERE NOT FURNISHED.
- 11. NO UTILITIES LOCATED OR FOUND OTHER THAN DEPICTED HEREON.

LEGEND

(P) = PLAT DIMENSION	TBM = TEMPORARY BENCHMARK	⊙ = WELL	⊕ = HOSE BIBB
(F) = FIELD MEASUREMENT	RCP = REINFORCED CONCRETE PIPE	⊕ = TRAFFIC CONTROL BOX	⊕ = BURIED CABLE MARKER
(D) = DEED DIMENSION	CMP = CORRUGATED METAL PIPE	⊕ = WATER METER	⊕ = GREASE TRAP
(C) = CALCULATED DIMENSION	VCP = VITRIFIED CLAY PIPE	⊕ = TELEPHONE RISER BOX	⊕ = SANITARY MANHOLE
(X) = EXCEPTION DIMENSION	PVC = POLYVINYL CHLORIDE	⊕ = ELECTRIC BOX	⊕ = STORM DRAINAGE MANHOLE
R/W = RIGHT OF WAY LINE	HDPE = HIGH DENSITY POLYETHYLENE	⊕ = CABLE TV RISER BOX	⊕ = TELEPHONE MANHOLE
CB = CHORD BEARING	OJ = OVERHEAD UTILITIES	⊕ = IRRIGATION CONTROL BOX	⊕ = STORM INLET
ORB = OFFICIAL RECORDS BOOK	FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION	⊕ = WOOD POWER POLE	⊕ = CENTERLINE
PC = POINT OF CURVATURE	A/C = AIR CONDITIONER	⊕ = GUY ANCHOR	⊕ = MONITORING WELL
PT = POINT OF TANGENCY	BFP = BACKFLOW PREVENTER	⊕ = FIRE HYDRANT	⊕ = LIGHT POLE
LB = LICENSED BUSINESS	FOCM = FIBER OPTIC CABLE MARKER	⊕ = FIRE DEPARTMENT CONNECTION	⊕ = SIGN POST
LS = LICENSED SURVEYOR	PRM = PERMANENT REFERENCE MONUMENT	⊕ = WATER VALVE	⊕ = MAILBOX
FTE = FINISHED FLOOR ELEVATION	PCP = PROFESSIONAL CONTROL POINT	⊕ = SEWER VALVE	⊕ = SANITARY CLEAN-OUT
TRB = TELEPHONE RISER BOX	PSM = PROFESSIONAL SURVEYOR & MAPPER	⊕ = SET 5/8" IRON ROD & CAP - LB 7389	⊕ = BROKEN LINE; NOT DRAWN TO SCALE
WPP = WOOD POWER POLE	PLS = PROFESSIONAL LAND SURVEYOR	⊕ = FOUND 5/8" IRON ROD & CAP	⊕ = DEPICTS CONCRETE
CPP = CONCRETE POWER POLE	RLS = REGISTERED LAND SURVEYOR	⊕ = FOUND 4"x4" CONCRETE MONUMENT	
MPP = METAL POWER POLE	I.D. = IDENTIFICATION	⊕ = SET 4"x4" CONCRETE MONUMENT	
	NO. = NUMBER	⊕ = FOUND 8" OCTAGONAL CONCRETE MONUMENT	



BOUNDARY SURVEY
FOR:
LORVEN HOLDINGS, LLC

PREECE
LAND SURVEYING, INC.
BELLWETHER PROFESSIONAL PARK
2201 S.E. 30TH AVENUE, SUITE 102
OCALA, FL 34471
PHONE: (352) 351-0091
FAX: (352) 351-0093 FAX
EMAIL: glen@plsinc.us
(LICENSED BUSINESS NO. 7389)

SURVEYOR'S CERTIFICATION
THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FOR A BOUNDARY SURVEY.
DATE _____
GLEN H. PREECE, JR., P.S.M. - LS 5427

DATE OF FIELD SURVEY: APRIL 22, 2024

DRAWN:	J.R.C.	REVISIONS	BY:	DATE
CHECKED:	G.H.P.	ADD UTILITY LOCATIONS	J.R.C.	10/8/24
F.B.	PAGES			
124	40			
FILE INFO:				
OCALA INDUSTRIAL PARK				
SCALE: 1" = 30'	COPYRIGHT © 2024	JOB ORDER #	24-046 (R)	



610 E. Main Street
Leesburg, FL 34748
352-314-3177

November 4, 2024

City of Ocala
Department of Growth Management
Via Email: rharvick@ocalafl.gov

Re: ABR24-45753
Petitioner: Lorven Holdings, LLC

Dear Ms Harvick:

Ro-Mac Lumber & Supply, Inc. ("RoMac") has an objection to the abrogation of the railroad property to Lorven Holdings, LLC. The railroad property lies equally between Petitioner's property and property to the north owned by RoMac. Therefore, RoMac has, in the least, equal rights to benefit from the abrogation of the property.

Also, I plan to attend the hearing scheduled for Wednesday, November 13, 2024, and request an opportunity to speak on behalf of RoMac at the hearing.

Thank you for your attention to this matter.

Sincerely yours,

RO-MAC LUMBER & SUPPLY, INC.

A handwritten signature in blue ink, appearing to read "H. D. Robuck, Jr.", written over a horizontal line.

H. D. Robuck, Jr.
Executive Chairman



610 E. Main Street
Leesburg, FL 34748
352-314-3177

November 4, 2024

City of Ocala
Department of Growth Management
Via Email to: rhavick@ocalafl.gov

Re: AB424-45753
Petitioner: Lorven Holdings, LLC

Dear Ms. Harvick:

It is now our understanding, after speaking with Khristina Wright with the Planning Depart, that the abrogation of the railroad property will result in the property being automatically split equally between the abutting property owners. Therefore, Ro-Mac Lumber & Supply, Inc., withdraws its objection to Lorven Holdings, LLC's Application for Abrogation or Vacation Plat Request and are now in support of the requested abrogation. We also withdraw our request to speak at the hearing.

Thank you all for the help and clarification of this matter.

Sincerely yours

RO-MAC LUMBER & SUPPLY, INC.

A handwritten signature in blue ink, appearing to read "H. D. Robuck, Jr.", is written over the typed name.

H. D. Robuck, Jr.
Executive Chairman

cc: Khristina Wright, Planner II (kwright@ocalafl.gov)
Angel Jacobs, City Clerk (AJacobs@ocalafl.gov)
Robert D. Wilson, Esquire (bob@wwpalaw.com)

"Buy Where The Builders Buy"®



Ocala

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

Legislation Text

File #: 2025-0127

Agenda Item #: a.

Submitted By: Breah Miller

Presentation By: Breah Miller

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Public Hearing for reduction in parking requirements in excess of ten percent for approximately 10.88 acres located at 2400 and 2394 SW College Road (Parcel 23560-002-02 & 23560-002-12) (Case PH24-45854) (Quasi-Judicial).

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner/Property Owner: George N. Snelling LLC
- Agent: Davis L. Dinkins, P.E., Davis Dinkins Engineering

The subject property was developed as a shopping center in 1985. The shopping center currently has 796 parking spaces. The applicant is proposing to create an outparcel within the shopping center eliminating 154 existing spaces from the shopping center site. ...

Kittelson & Associates prepared a parking study utilizing the ITE Parking Generation Handbook. The existing shopping center parking demand per the study is 555 parking spaces. Therefore, reducing the required parking total to 555 spaces provides a difference of 241 spaces. If the property is further developed as proposed, the parking study supports that there will be sufficient parking remaining for future development.

FINDINGS AND CONCLUSIONS:

- The provided parking study indicates that the ITE Parking General Manual the peak parking demand requires 555 parking spaces for the existing uses.
- Reducing the required parking total to 555 spaces provides a difference of 241 spaces. If the property is further developed as proposed, the parking study supports that there will be sufficient parking remaining for future development.

- The creation of an outparcel reduces the parking spaces from 796 to 642. This is 158 spaces less than what is required by City Code, but 87 spaces more than what is recommended per the ITE Parking Generation study.
- There is a private parking agreement in place to regulate parking, ingress, and egress.

Staff recommends approval.

FISCAL IMPACT:

N/A

PROCUREMENT REVIEW:

N/A

LEGAL REVIEW:

N/A

ALTERNATIVE:

- Approve with changes
- Deny
- Table

SUPPORT MATERIALS:

- Staff Report
- Parking Study
- Parking Agreement
- Case Map
- Aerial Map



Staff Report

PH24-45854

Planning & Zoning Commission: November 13, 2024

City Council: December 3, 2024

Petitioner/Property Owner: George N. Snelling, LLC
Agent: Davis L. Dinkins, P.E., Davis Dinkins Engineering
Project Planner: Breah Miller, Planner II
Applicant Request: A request for a Public Hearing for reduction in parking requirements in excess of ten percent

Parcel Information

Acres: ±10.74 acres
 Parcel(s) #: 23560-002-02
 Location: 2400 SW College Road
 Future Land Use: Low Intensity
 Zoning District: B-4, General Business
 Existing Use: Shopping Center

Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Low Intensity	B-4, General Business	Various commercial uses, adjacent to SW College Road
East	Low Intensity	B-4, General Business	Car wash (Race Wash Express) Various commercial uses, adjacent to SW College Road
South	Low Intensity	B-4, General Business B-5, Wholesale Business	Furniture store (Blockers Furniture & Carpets)
West	Low Intensity	B-4, General Business	Various commercial uses, adjacent to SW 19th Avenue Road

Applicant Request

The petitioner is requesting a reduction in parking requirements in excess of ten percent. The applicant is requesting to reduce the required parking from 800 required spaces to 642 spaces for the creation of an outparcel within an existing Shopping Center.

Background:

The application includes an existing shopping center and a developed outparcel (Parcels 23560-002-02 and 23560-002-12) comprising approximately 10.88 acres. The two parcels utilize a shared parking lot and access driveways, including a signalized access at the intersection of SW College Road and SW 17th Road.

- Parcel 23560-002-02 is developed with two in-line retail buildings which are anchored by a Hobby Lobby; Marion County Property Appraiser records indicate both buildings were constructed in 1984 and total 129,708 square feet.
- Parcel 23560-002-12 is under common ownership and was developed in 2014 with a 506 square foot drive-through restaurant (Twistee Treat). The approved site plan (SPLM13-0012) shows that the Twistee Treat was developed under the parent parcel and did not go through a lot reconfiguration process or a subdivision.
- The petitioner has a concurrent application to rezone the subject properties from B-4, General Business, to SC, Shopping Center (ZON24-45818) and subdivide additional lots and outparcels (SUB24-45769. All existing uses are permitted in the proposed SC zoning district. Existing uses within the shopping center include: check cashing establishment (ACE Cash Express); professional and business office (Jackson Hewitt Tax Service); hairstyling shop (Lee Nails and Serenity Beauty Salon & Spa); home decorating store (Hobby Lobby); restaurant, enclosed (#1 Chinese Food); drive-through restaurant (Twistee Treat); commercial recreation, indoor (Sky Zone); specialty retail store (U.N.I. Beauty Supply and Cint4Me Fashions); medical and dental office (U.S. Hearing Solutions); and financial institution (Coin Cloud ATM).

In 2024, the petitioner requested a preapplication meeting with staff for the development of a Raising Cane’s fast-food restaurant. Due to the number of parking spaces being removed for this development, it was determined that a public hearing for reduction in parking requirements in excess of ten percent would be required prior to site plan submittal. The property is currently developed with 796 parking spaces for all of the existing businesses within the shopping center, including the Blocker’s Furniture parcel (23560-002-09). There is a parking agreement in place between the subject properties and the Blocker’s Furniture parcel to the west. The parking agreement was executed in 2002 and allows the shopping center to share all parking spaces, ingress’ and egress’ if needed.

Staff Analysis

Pursuant to Section 122-1016 of the Code of Ordinances, the applicant may submit a parking study should they feel as though the parking requirements of Article VI of the Code of Ordinances are inappropriate as applied to a specific property or project. Per City of Ocala’s Code of Ordinances, a shopping center is required to have one space for each 250 square feet of gross floor area and restaurants (including fast food) are required to have one parking space per every 2 employees and one parking space per every 3 seats feet of floor area. The comparison between the requirements of the Ocala Code of Ordinances and the ITE Parking Study show a 245-parking space variation.

The applicant provided a parking analysis prepared by Kittelson & Associates using the ITE Parking Generation Manual. Per the ITE Parking Generation Manual, the peak parking demand for the shopping center including the Blocker's Furniture and the Twistee Treat requires a total of 555 parking spaces. The shopping center currently provides 796 parking spaces; reducing the required parking total to 555 spaces provides a difference of 241 spaces. If the property is further developed as proposed, the parking study supports that there will be sufficient parking remaining for future development.

Sec. 122-1016. - Parking studies.

- (a) In the event that an applicant feels that the parking requirements of this article are inappropriate as applied to the applicant's property, the applicant may submit a parking study that addresses parking needs and demands, prepared by a professional engineer, architect or American Institute of Certified Planners-certified planner, that proposes alternate parking requirements based upon the unique characteristics of the applicant's property.

Staff Response: Due to the unique nature of the proposed use, a parking study was prepared by Kittelson and submitted by the applicant.

- (b) The parking study shall consider and discuss all relevant factors including, without limitation: type of use, surrounding available public/private off-street parking, shared parking opportunities between users, hours of operation of proposed and neighboring uses, surrounding on-street parking, loading needs and demands and parking trends for similar development size and use. Additionally, estimates of parking needs and demands shall be based on recommendations in studies such as those from the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or the Traffic Institute, or industry standards based on data collected from geographic areas and uses or combinations of uses which are the same or comparable to the proposed area and use.

Staff Response: The study included the uses within the shopping center. Per the ITE Parking Generation the uses within the shopping center and existing drive-thru facility requires approximately 555 spaces.

Staff Recommendation: Approval

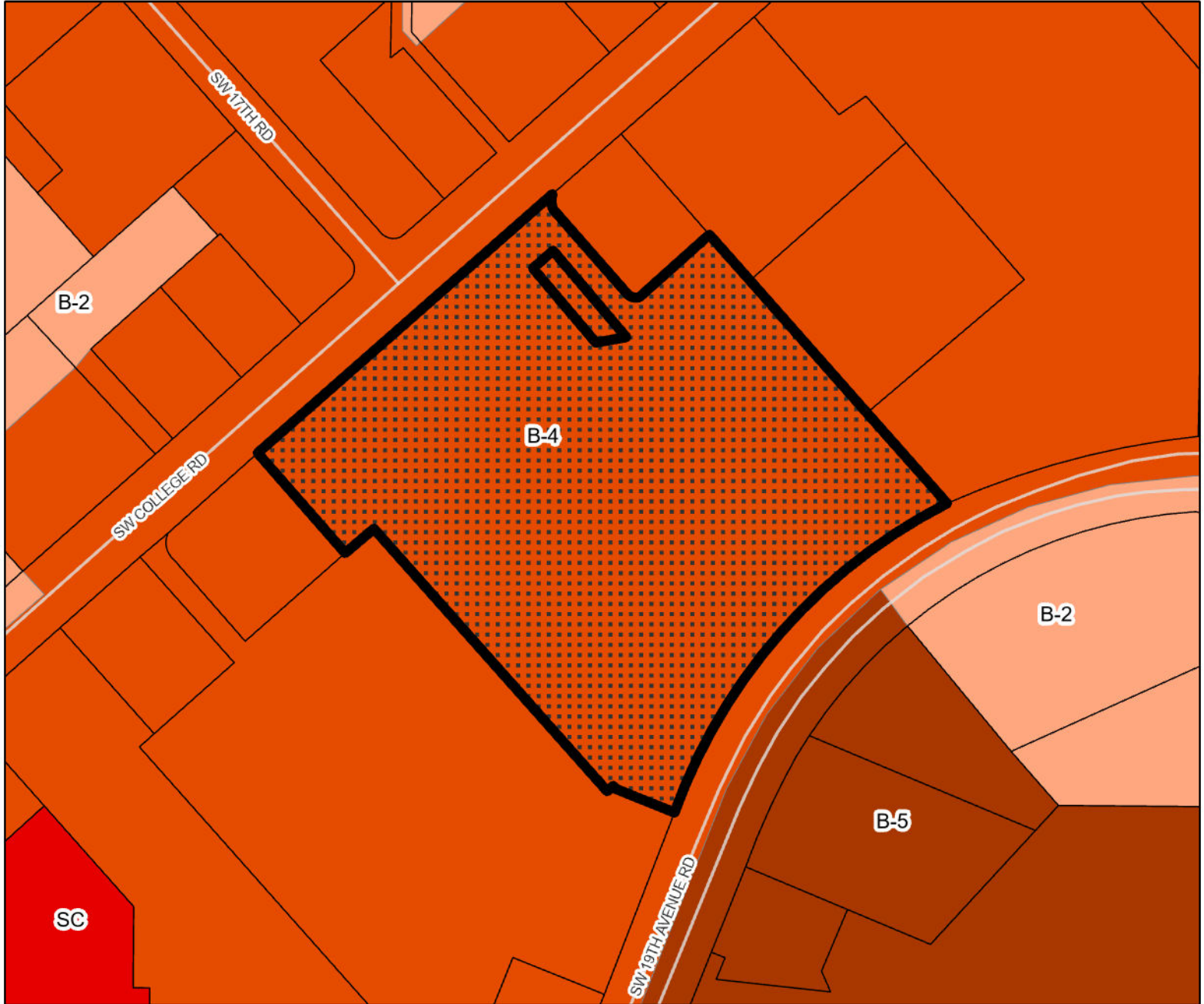
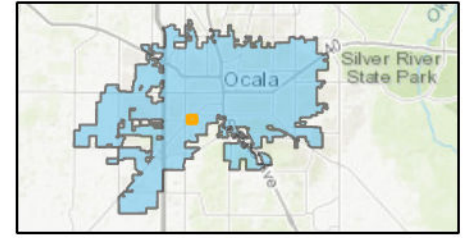
CASE MAP

P&Z Meeting: November 13, 2024

Case Number: PH24-45854
Parcel: 23560-002-02 & 23560-002-12

Property Size: Approximately 10.88 acres
Land Use Designation: Low Intensity
Zoning: B-4, General Business
Proposal: A request for Public Hearing for reduction in parking requirements in excess of ten percent.

Location Map



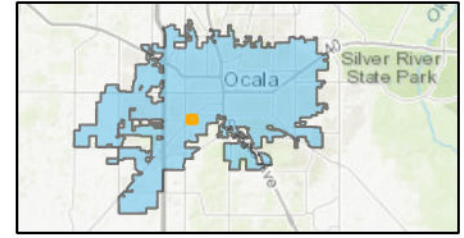
- B-2: Community Business
- B-4: General Business
- B-5: Wholesale Business
- SC: Shopping Center
- Parcels
- Subject Property



AERIAL MAP

Case Number: PH24-45854
Parcel: 23560-002-02 & 23560-002-12

Location Map



Property Size: Approximately 10.88 acres
Land Use Designation: Low Intensity
Zoning: B-4, General Business
Proposal: A request for Public Hearing for reduction in parking requirements in excess of ten percent.



-  Parcels
-  Subject Property

0 300 Feet



MEMORANDUM

Date: November 1, 2024
To: Davis Dinkins, PE
Dinkins Engineering
125 NE 1st Avenue, Suite 2
Ocala, FL 34470
From: Kok Wan Mah, PE
Project: Ocala West Shopping Center
Subject: Parking Demand Evaluation

Project #: 30184.001

The purpose of this memorandum is to provide an evaluation of the parking demand for the Ocala West Shopping Center for the current and proposed uses based on *ITE Parking Generation Handbook* rates. The existing shopping center includes the following uses:

- Blockers Furniture Store: 81,272 sf
- Sky Zone Trampoline Park: 31,775 sf
- Hobby Lobby Home and Craft Store: 69,441 sf
- Multi-tenant strip retail: 13,439 sf
- Twistee Treat Ice Cream: 642 sf

A summary of the parking generation is provided in **Table 1** using ITE Land Use Codes that would be the most appropriate for each use. The 85th-percentile rates were used to provide a conservatively higher calculated demand for parking over the average rates. For the trampoline park, the parking generation would be different than a standard commercial use. There is not an ITE code for trampoline park. Consideration was given to using an ice skating rink as the trip and parking generation characteristics were thought to be similar. However, there were only two data points. This was compared to an Athletic Club which showed an average parking rate slightly higher than ice skating rink, but with more data points to calculate an 85th percentile parking demand. Hobby Lobby is a retail store that specializes in providing decorative housewares and craft supplies. A discount store rate was used for this use. For the Twistee Treat, the ITE code for a coffee/donut shop with drive-thru was used.

Based on the City of Ocala's Code of Ordinances (Sec. 122-1010), the required parking for a commercial shopping center is 1 space for every 250 square feet. This would equate to 784 spaces for the 195,927 SF shopping center. Additionally, the number of parking spaces needed for the Twistee Treat is based on one parking space for each three seats in the rooms for customer service, plus one space for each two employees. The site includes a total of 8 employees and 36 seats, which equates to 16 required parking spaces. Therefore, the total required by the shopping center per City code is 800 parking spaces.

Using the specific uses based on *ITE Parking Generation Handbook* presented in **Table 1** shows a demand of 442 spaces for a typical weekday using the 85th-percentile rates from the *ITE Parking Generation Manual*, a reduction of 44%. Similarly, the Saturday parking rate is 555 spaces for the 85th-percentile. It should be noted that these calculations do not include the Race Wash or the adjacent outparcel.

Table 1 - Summary of Parking Generation
Ocala West Shopping Center

Use	ITELand Use	ITE LUC	Intensity (ksf)	City Code	ITE Parking Generation			
					Weekday 85th-Percentile Parking Rate	Parking Demand	Saturday 85th-Percentile Parking Rate	Parking Demand
Blockers Furniture	Furniture Store	890	81.272	784	0.87	71	1.64	133
Sky Zone Trampoline Park	Athletic Club	493	31.775		4.88	155	5.60	178
Hobby Lobby	Discount Store	815	69.441		2.15	149	2.56	178
Strip Retail Multi-Tenant	Strip Retail Plaza	822	13.439		4.44	60	4.36	59
Twistee Treat (8 empl, 36 seats)	Coffee/Donut w Drive Thru	937	0.642	16	10.75	7	11.85	8
Total Parking				By Code* 800	85th %-ile 442		85th %-ile 555	

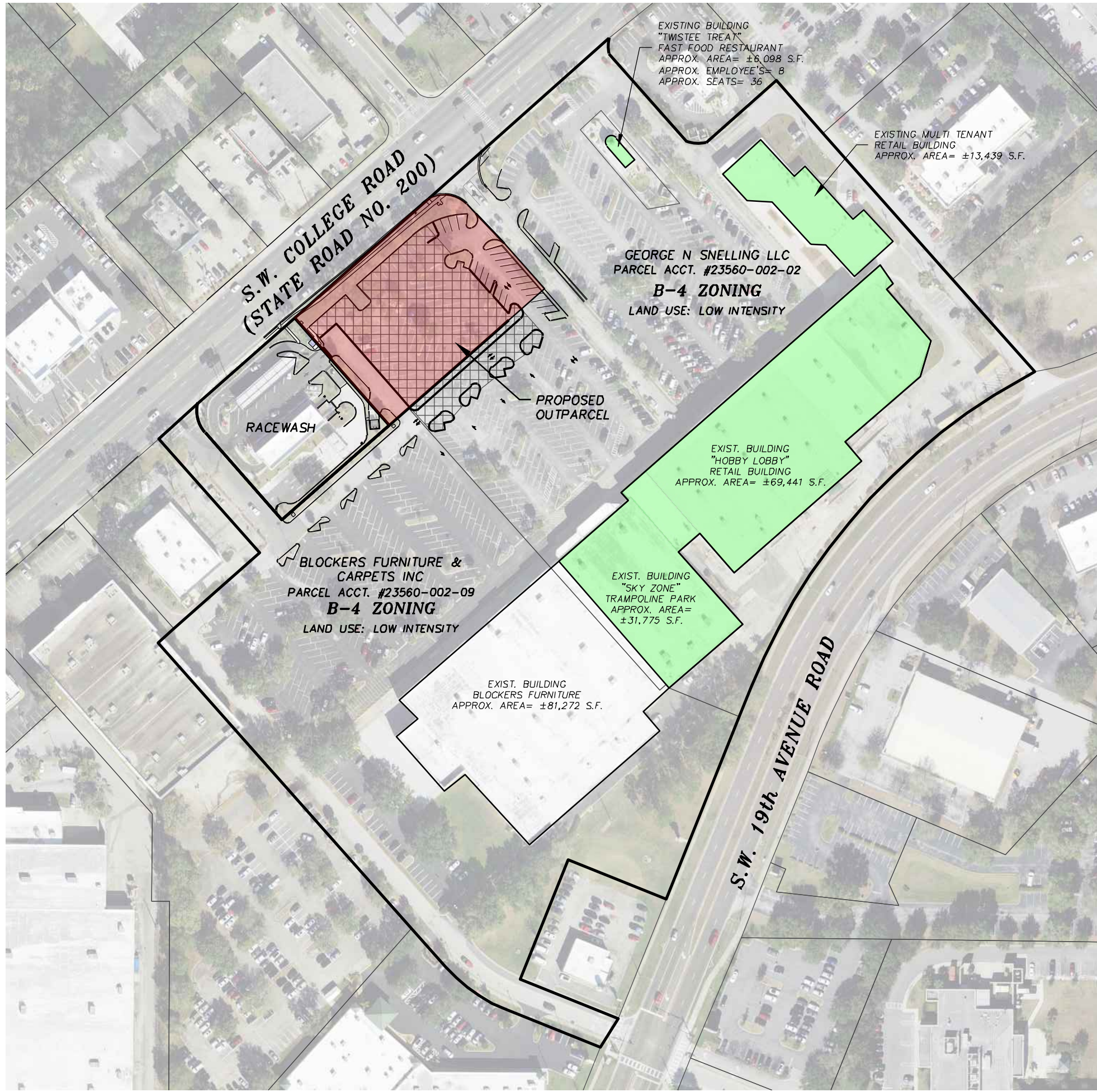
* Assumes 1 space per 250 sf for 195,927 sf and one parking space for each three seats in the rooms for customer service, plus one space for each two employees for the Twistee Treat using 8 employees and 36 seats.

The addition of the proposed outparcel would reduce the number of parking spaces in the shopping center lot to 642 spaces from the existing 796. This includes the parking removed due to the outparcel building footprint and drive aisles as well as the parking allocated to the outparcel. Although this is less than City Code, it is higher than the 85th-percentile parking demand based on *ITE Parking Generation Handbook*. We respectfully request the City to consider a reduction in the number of required parking spaces for the Ocala West Shopping Center based on the uses on the site. While it is recognized that adequate parking should be provided, having too much parking results in many areas of the parking lot sitting empty and underutilized. Empty parking lots can take away from the vibrancy of commercial uses and may deter customers. Although City Code shows a requirement for 800 spaces, the parking supply provided of 642 spaces is higher than the 555 spaces calculated using *ITE Parking Generation Manual* for a typical Saturday.

Please don't hesitate to contact us with any questions or comments.

Attachments:

- Site plan
- ITE Parking Generation pages



REVISED DATE: 08-28-24

**DAVIS DINKINS
ENGINEERING, P.A.**
CERTIFICATE OF AUTHORIZATION #28150

125 N.E. 1st AVENUE
SUITE 2
OCALA, FL 34470
PHONE: (352) 854-5961

PARKING EXHIBIT

SNELLING - OCALA WEST OUTPARCEL
CITY OF OCALA, FLORIDA

Land Use: 493 Athletic Club

Description

An athletic club is a privately-owned facility that offers comprehensive athletic facilities. An athletic club typically has courts for racquet sports (e.g., tennis, racquetball, pickleball, squash, handball); a basketball court; a sauna or spa; and fitness, exercise, and weightlifting rooms. Athletic clubs typically provide a swimming pool or whirlpool. They often offer diverse, competitive team sport activities and social facilities. These facilities are membership clubs that may allow access to the general public for a fee.

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at one study site in a general urban/suburban setting.

Hour Beginning	Percent of Weekday Peak Parking Demand
12:00–4:00 a.m.	—
5:00 a.m.	—
6:00 a.m.	50
7:00 a.m.	51
8:00 a.m.	53
9:00 a.m.	46
10:00 a.m.	40
11:00 a.m.	40
12:00 p.m.	37
1:00 p.m.	36
2:00 p.m.	57
3:00 p.m.	91
4:00 p.m.	100
5:00 p.m.	89
6:00 p.m.	74
7:00 p.m.	—
8:00 p.m.	—
9:00 p.m.	—
10:00 p.m.	—
11:00 p.m.	—

Additional Data

The average parking supply ratios for the study sites with parking supply information are 5.0 spaces per 1,000 square feet GFA (three sites) in a general urban/suburban setting and 0.3 spaces per 1,000 square feet GFA (one site) in a center city core setting. The average peak parking occupancy at the three general urban/suburban sites is 65 percent; at the center city core site, peak parking occupancy is 93 percent.

The sites were surveyed in the 1990s and the 2020s in Arizona, California, and Oregon.

Source Numbers

275, 276, 435, 632

Athletic Club (493)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

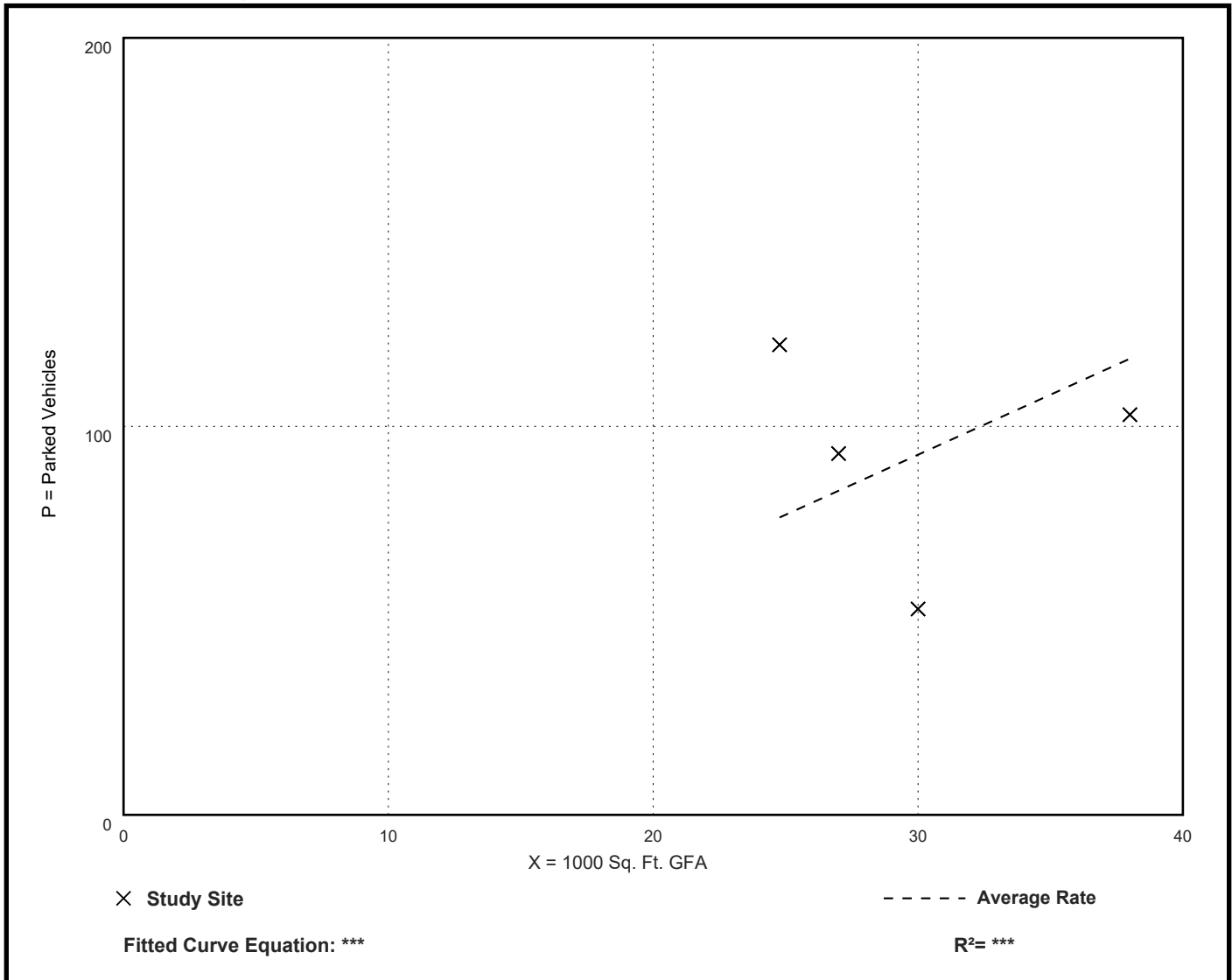
Number of Studies: 4

Avg. 1000 Sq. Ft. GFA: 30

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
3.09	1.77 - 4.88	2.38 / 4.88	***	1.25 (40%)

Data Plot and Equation



Land Use: 495 Recreational Community Center

Description

A recreational community center is a stand-alone public facility similar to and including YMCAs. These facilities often include classes and clubs for adults and children, a day care or nursery school, meeting rooms and other social facilities, swimming pools and whirlpools, saunas, tennis, racquetball, handball, pickleball, basketball and volleyball courts; outdoor athletic fields/courts, exercise classes, weightlifting and gymnastics equipment, locker rooms, and a restaurant or snack bar. Public access is typically allowed and a membership fee may be charged.

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (three study sites), a Saturday (one study site), and a Sunday (one study site) in a general urban/suburban setting.

Hour Beginning	Percent of Peak Parking Demand		
	Weekday	Saturday	Sunday
12:00–4:00 a.m.	—	—	—
5:00 a.m.	—	—	—
6:00 a.m.	—	—	—
7:00 a.m.	58	50	—
8:00 a.m.	72	75	—
9:00 a.m.	95	100	—
10:00 a.m.	94	89	—
11:00 a.m.	95	80	11
12:00 p.m.	83	68	43
1:00 p.m.	65	60	69
2:00 p.m.	56	60	84
3:00 p.m.	64	53	100
4:00 p.m.	75	52	75
5:00 p.m.	84	49	—
6:00 p.m.	100	50	—
7:00 p.m.	99	50	—
8:00 p.m.	—	—	—
9:00 p.m.	—	—	—
10:00 p.m.	—	—	—
11:00 p.m.	—	—	—

Additional Data

The average parking supply ratio for 12 study sites in a general urban/suburban setting is 2.8 spaces per 1,000 square feet GFA. For one site in a dense multi-use urban setting, the parking supply ratio is 1.2 spaces per 1,000 square feet GFA. The average peak parking occupancy at the general urban/suburban sites is 68 percent. The peak parking occupancy at the dense multi-use urban site is 98 percent.

The sites were surveyed in the 1990s, the 2000s, the 2010s, and the 2020s in Alberta (CAN), Arizona, British Columbia (CAN), Minnesota, New Jersey, New York, Ontario (CAN), Oregon, Pennsylvania, and Utah.

Source Numbers

276, 431, 514, 516, 530, 555, 632

Recreational Community Center (495)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

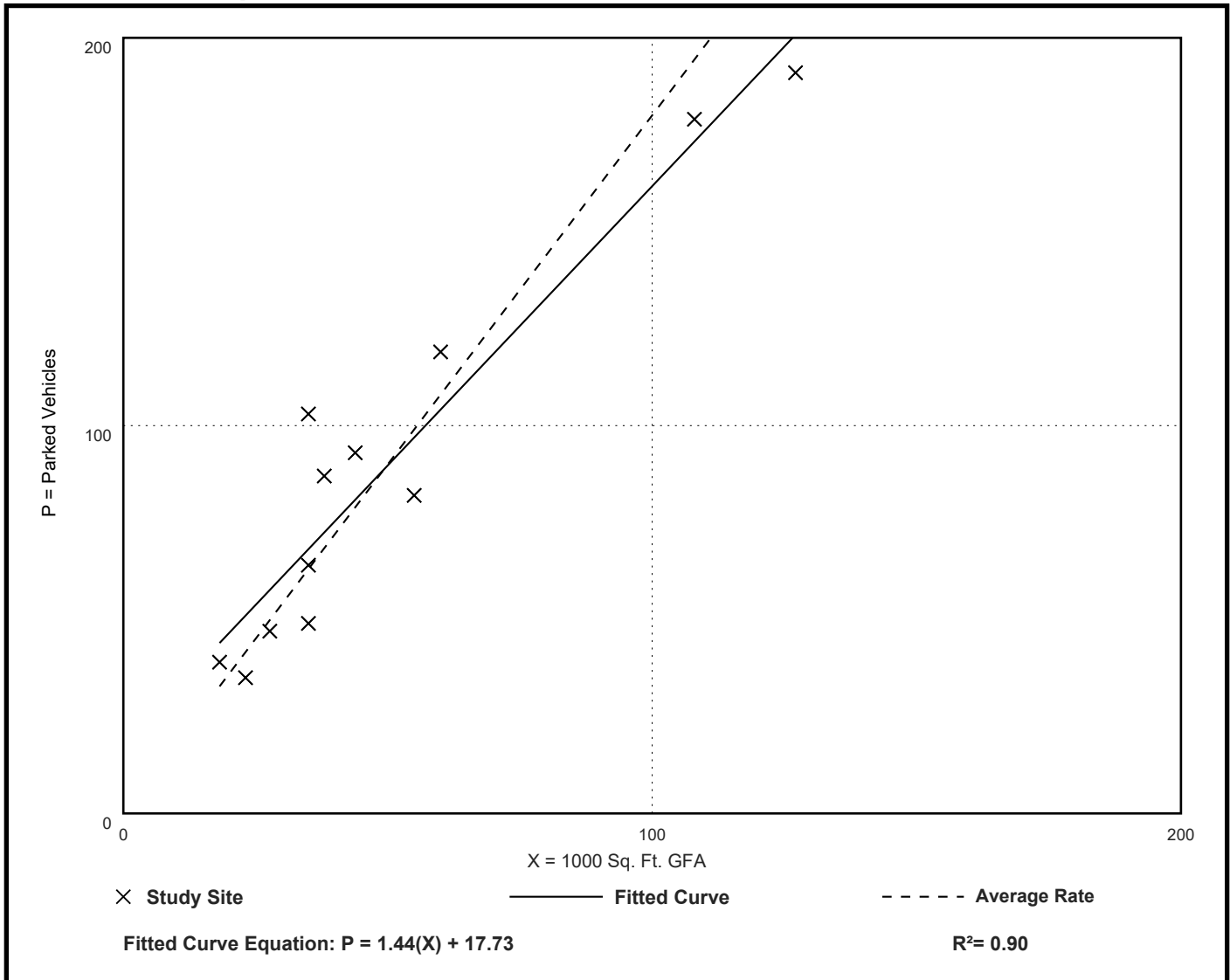
Number of Studies: 12

Avg. 1000 Sq. Ft. GFA: 51

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.80	1.40 - 2.94	1.56 / 2.32	***	0.40 (22%)

Data Plot and Equation



Recreational Community Center (495)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

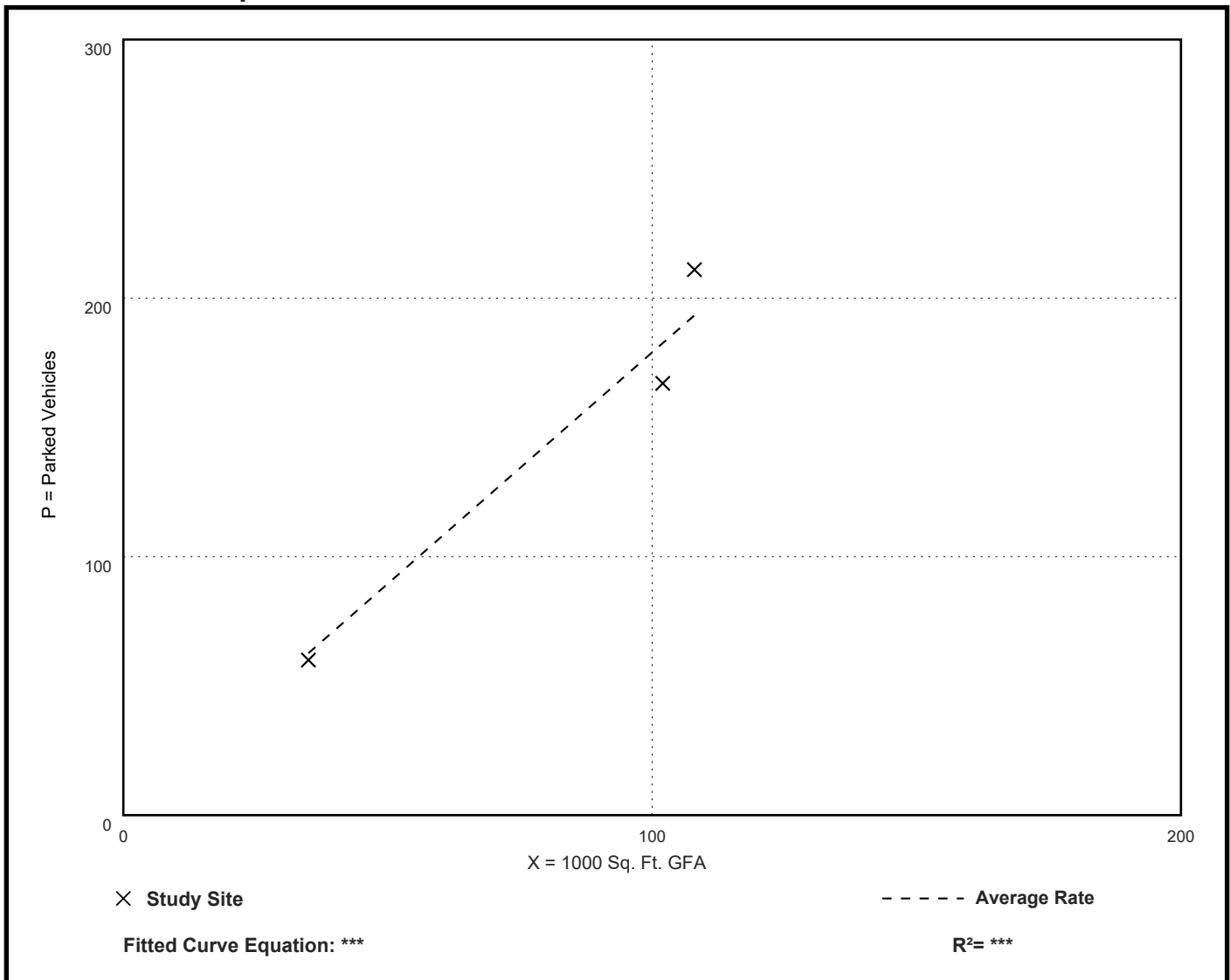
Number of Studies: 3

Avg. 1000 Sq. Ft. GFA: 82

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.79	1.64 - 1.95	1.66 / 1.95	***	0.18 (10%)

Data Plot and Equation



Land Use: 815 Free-Standing Discount Store

Description

A discount store is similar to a free-standing discount superstore (Land Use 813) with the exception that it does not contain a full-service grocery department. A discount store typically offers centralized cashiering, sells products that are advertised at discount prices, offers a variety of customer services, and maintains long store hours 7 days a week. The stores included in this land use are often the only ones on the site but they can also be found in mutual operation with a related or unrelated garden center and/or service station. A free-standing discount store can also be found on a separate parcel within a retail complex, with or without its own dedicated parking.

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (five study sites) and a Saturday (four study sites) in a general urban/suburban setting.

Hour Beginning	Percent of Peak Parking Demand	
	Weekday	Saturday
12:00–4:00 a.m.	—	—
5:00 a.m.	—	—
6:00 a.m.	—	—
7:00 a.m.	—	—
8:00 a.m.	—	—
9:00 a.m.	—	—
10:00 a.m.	—	—
11:00 a.m.	86	85
12:00 p.m.	100	97
1:00 p.m.	92	98
2:00 p.m.	95	100
3:00 p.m.	95	99
4:00 p.m.	93	98
5:00 p.m.	84	91
6:00 p.m.	—	—
7:00 p.m.	—	—
8:00 p.m.	—	—
9:00 p.m.	—	—
10:00 p.m.	—	—
11:00 p.m.	—	—

Additional Data

A garden center contained within the principal outside faces of the exterior building walls is included in the gross square floor area. An outdoor or fenced-in area outside the principal outside faces of the exterior building walls is excluded.

The average parking supply ratio for the seven study sites in a general urban/suburban setting with parking supply information is 3.9 spaces per 1,000 square feet GFA. The average peak parking occupancy at these seven sites is 39 percent.

The sites were surveyed in the 1990s, the 2000s, the 2010s, and the 2020s in California, Kansas, New Jersey, Ontario, (CAN), Oregon, and Washington.

To assist in the future analysis of this land use, it is important to collect and include information on the presence and size of garden centers and outdoor fenced-in space in parking generation data submissions.

Source Numbers

209, 297, 413, 433, 511, 634

Free-Standing Discount Store (815)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

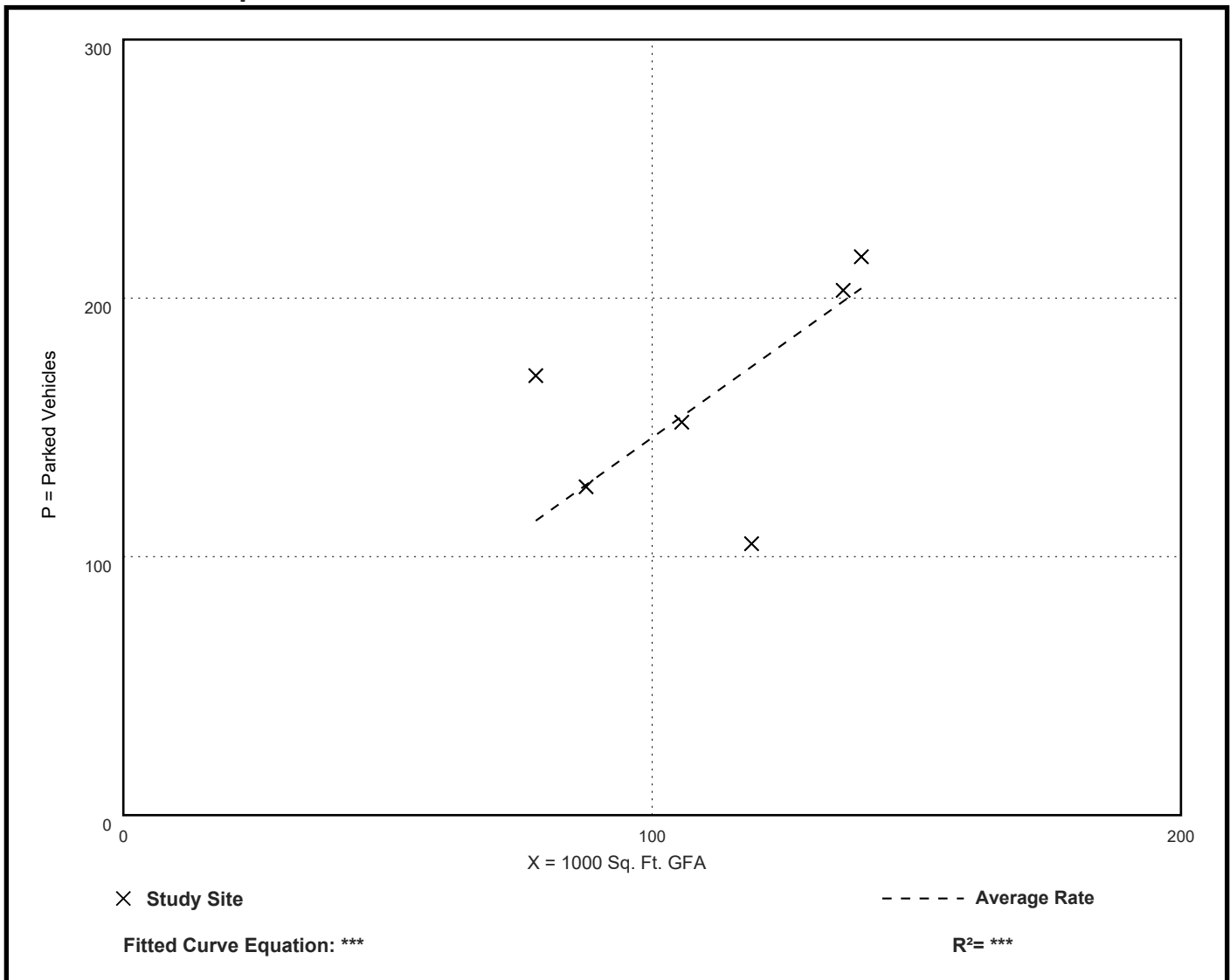
Number of Studies: 6

Avg. 1000 Sq. Ft. GFA: 111

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.46	0.88 - 2.18	1.44 / 2.15	***	0.38 (26%)

Data Plot and Equation



Free-Standing Discount Store (815)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

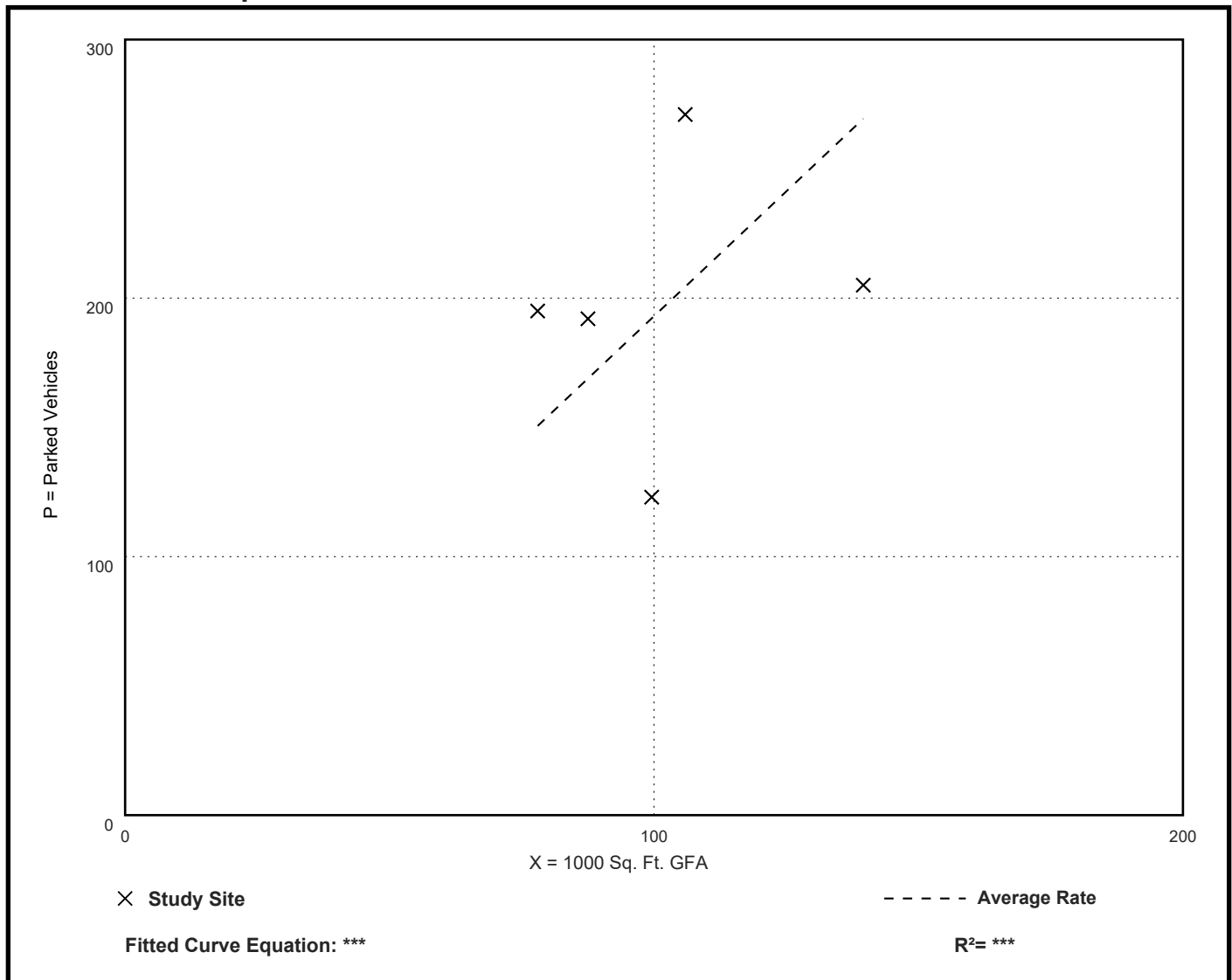
Number of Studies: 5

Avg. 1000 Sq. Ft. GFA: 102

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.93	1.24 - 2.56	1.46 / 2.56	***	0.61 (32%)

Data Plot and Equation



Land Use: 822 Strip Retail Plaza (<40k)

Description

A strip retail plaza is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has less than 40,000 square feet of gross leasable area (GLA). Because a strip retail plaza is open-air, the GLA is the same as the gross floor area (GFA) of the building.

The 40,000 square feet GLA threshold between shopping plaza and strip retail plaza (Land Use 822) is based on an examination of the parking demand database. All shopping plazas with a supermarket as their anchor in the database are larger than 40,000 square feet GLA.

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a Monday–Thursday (five study sites), a Friday (two study sites), and a Saturday (four study sites).

Hour Beginning	Percent of Peak Parking Demand		
	Monday–Thursday	Friday	Saturday
12:00–4:00 a.m.	–	–	–
5:00 a.m.	–	–	–
6:00 a.m.	–	–	–
7:00 a.m.	–	–	–
8:00 a.m.	19	19	–
9:00 a.m.	33	40	38
10:00 a.m.	47	44	55
11:00 a.m.	55	52	66
12:00 p.m.	89	96	85
1:00 p.m.	100	96	100
2:00 p.m.	73	84	96
3:00 p.m.	73	52	79
4:00 p.m.	66	50	66
5:00 p.m.	70	63	64
6:00 p.m.	75	49	67
7:00 p.m.	70	100	70
8:00 p.m.	54	94	70
9:00 p.m.	48	73	51
10:00 p.m.	–	–	–
11:00 p.m.	–	–	–

Additional Data

The average parking supply ratios for the study sites with parking supply information are the following:

- 5.7 spaces per 1,000 square feet GLA (24 sites) in a general urban/suburban setting
- 3.3 spaces per 1,000 square feet GLA (3 sites) in a dense multi-use urban setting

The average peak parking occupancy is 50 percent at the general urban/suburban sites and 76 percent at the dense multi-use urban sites.

The sites were surveyed in the 1990s, the 2010s, and the 2020s in Alberta (CAN), British Columbia (CAN), California, Colorado, Kansas, Maine, Manitoba (CAN), Maryland, Michigan, Minnesota, Missouri, New York, Texas, Virginia, and Washington.

Future data submissions should attempt to provide information on the composition of each study site (types and number of stores, restaurants, or other tenants within the shopping center).

Source Numbers

89, 209, 219, 297, 511, 601, 605, 606, 618, 619, 621, 635

Strip Retail Plaza (< 40k) (822)

Peak Period Parking Demand vs: 1000 Sq. Ft. GLA

On a: Weekday (Monday - Thursday)

Setting/Location: General Urban/Suburban

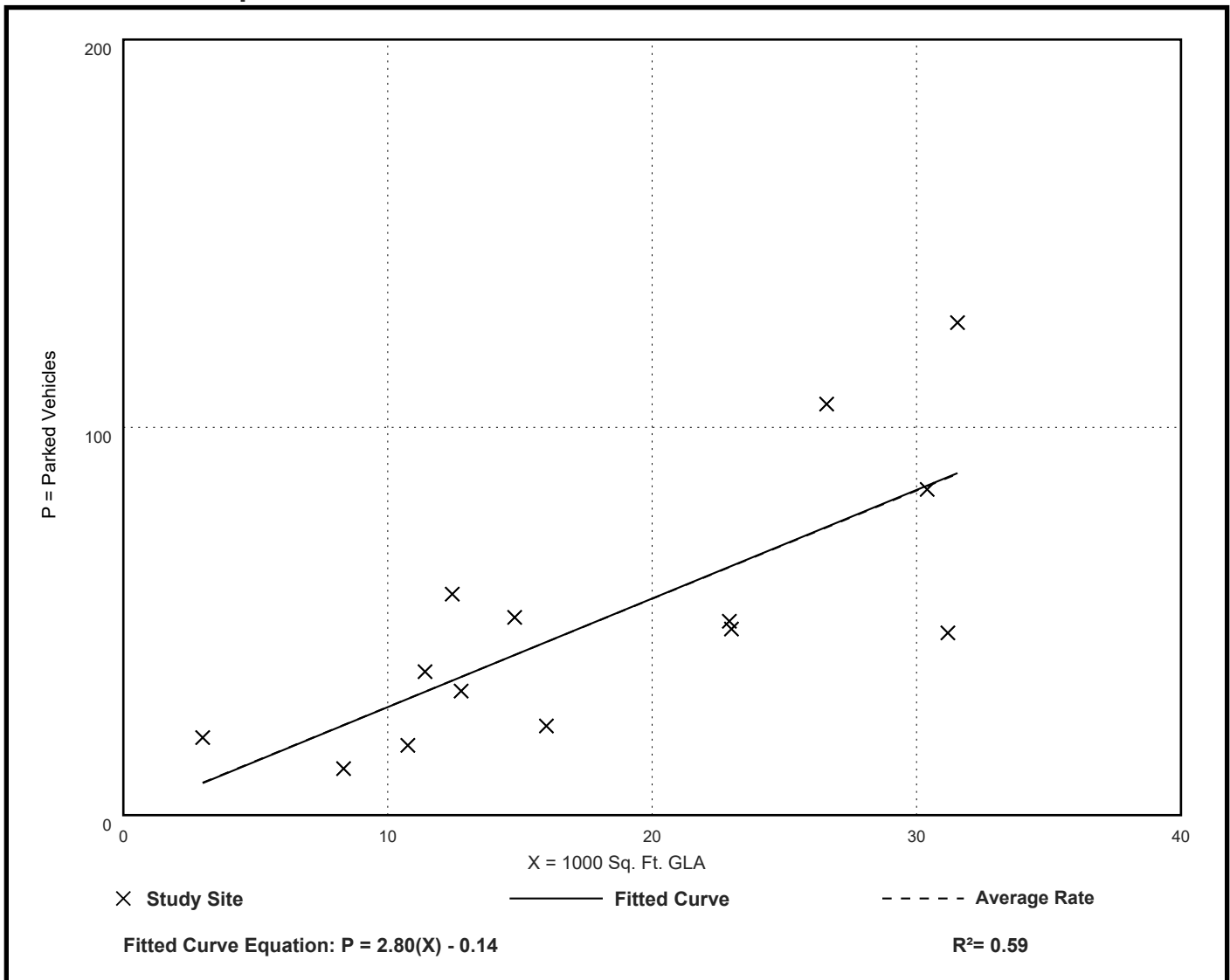
Number of Studies: 14

Avg. 1000 Sq. Ft. GLA: 18

Peak Period Parking Demand per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.79	1.44 - 6.67	2.07 / 4.44	***	1.14 (41%)

Data Plot and Equation



Strip Retail Plaza (< 40k) (822)

Peak Period Parking Demand vs: 1000 Sq. Ft. GLA

On a: Saturday

Setting/Location: General Urban/Suburban

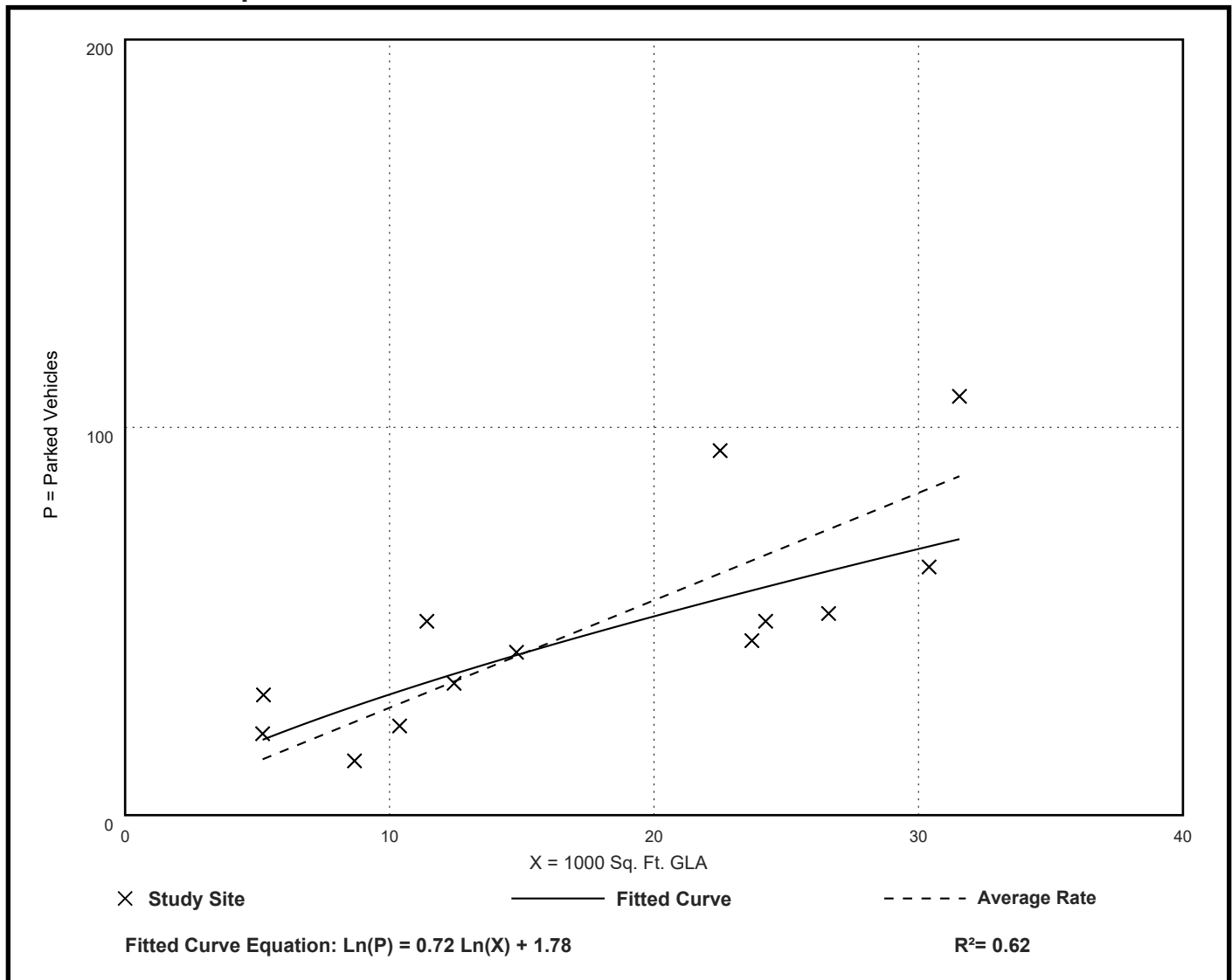
Number of Studies: 13

Avg. 1000 Sq. Ft. GLA: 17

Peak Period Parking Demand per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.77	1.61 - 5.93	2.09 / 4.36	***	1.03 (37%)

Data Plot and Equation



Land Use: 890 Furniture Store

Description

A furniture store is a full-service retail facility that specializes in the sale of furniture and often carpeting. Traditional retail furniture stores and warehouses with showrooms are included in this land use. Although some home accessories may be sold, a furniture store primarily focuses on the sale of pre-assembled furniture. A majority of the items sold at these facilities must be ordered for delivery.

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (five study sites) and a Saturday (three study sites) in a general urban/suburban setting.

Hour Beginning	Percent of Peak Parking Demand	
	Weekday	Saturday
12:00–4:00 a.m.	—	—
5:00 a.m.	—	—
6:00 a.m.	—	—
7:00 a.m.	—	—
8:00 a.m.	—	—
9:00 a.m.	59	—
10:00 a.m.	67	—
11:00 a.m.	72	—
12:00 p.m.	100	64
1:00 p.m.	85	64
2:00 p.m.	85	86
3:00 p.m.	85	100
4:00 p.m.	90	92
5:00 p.m.	100	—
6:00 p.m.	59	—
7:00 p.m.	62	—
8:00 p.m.	49	—
9:00 p.m.	—	—
10:00 p.m.	—	—
11:00 p.m.	—	—

Additional Data

The average parking supply ratio for the three study sites in a general urban/suburban setting with parking supply information is 1.6 spaces per 1,000 square feet GFA. The average peak parking occupancy at these three sites is 59 percent.

The sites were surveyed in the 1990s, the 2000s, and the 2010s in Massachusetts, Oregon, and Texas.

Source Numbers

206, 278, 436, 566

Furniture Store (890)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

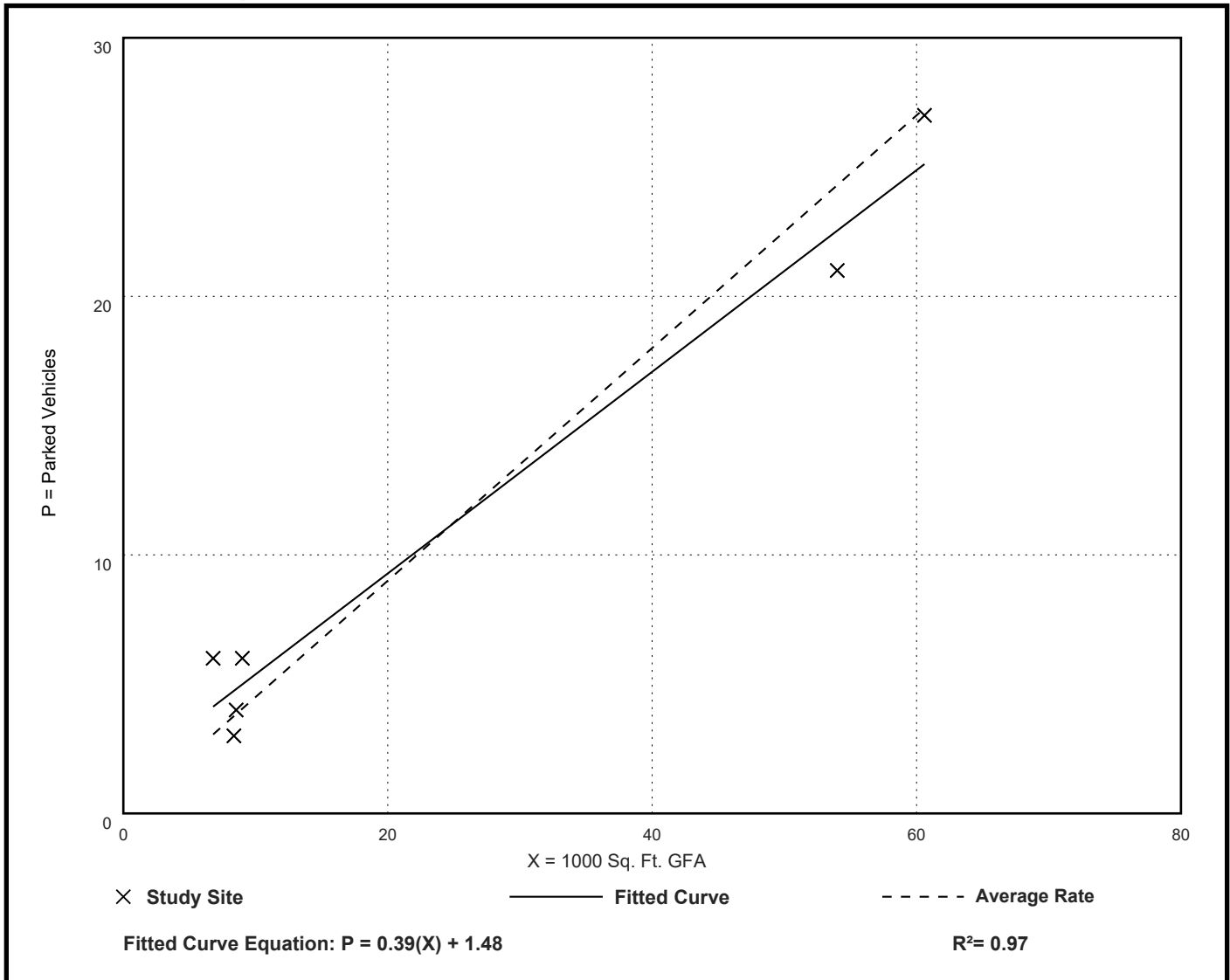
Number of Studies: 6

Avg. 1000 Sq. Ft. GFA: 25

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.45	0.36 - 0.88	0.41 / 0.87	***	0.13 (29%)

Data Plot and Equation



Furniture Store (890)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

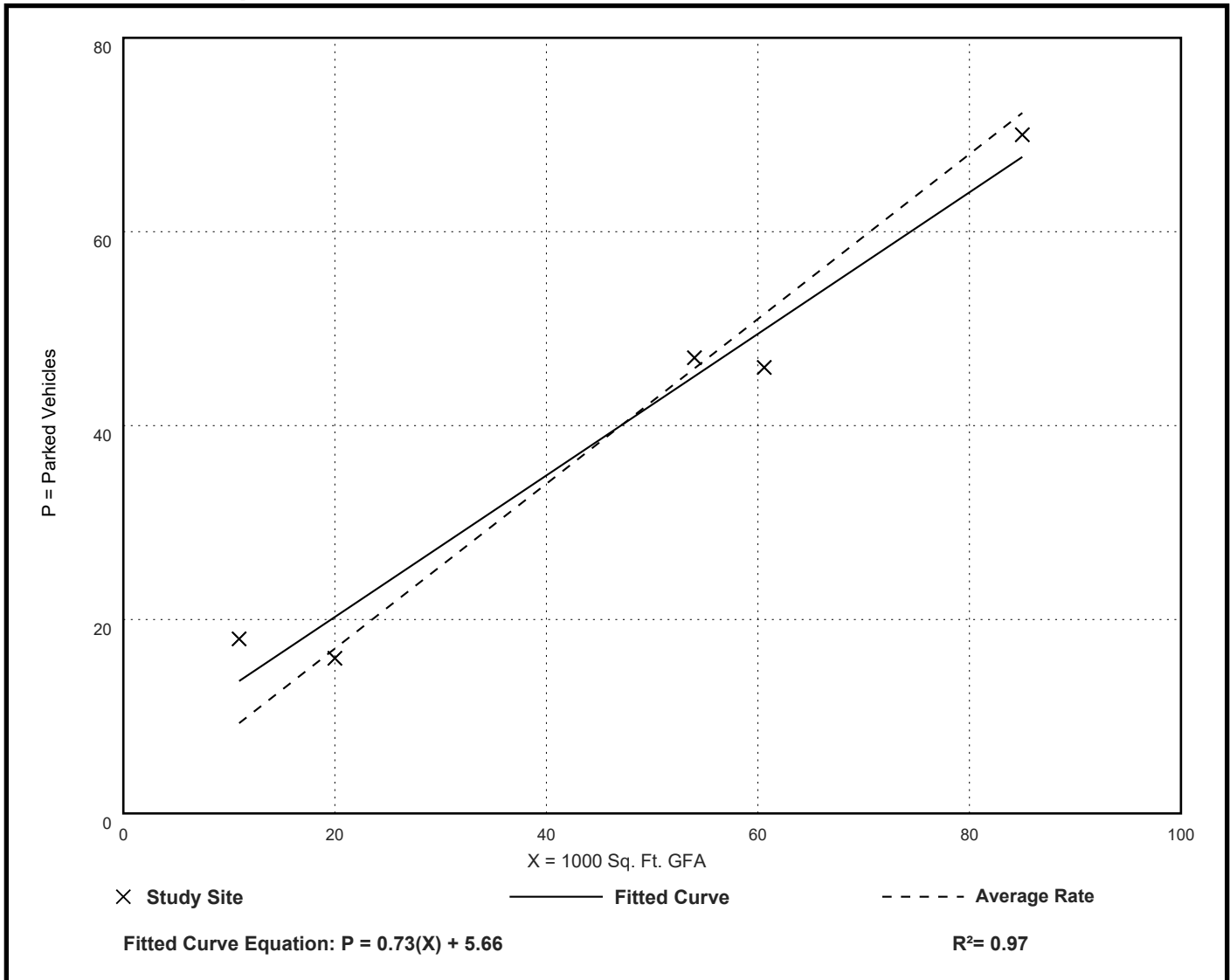
Number of Studies: 5

Avg. 1000 Sq. Ft. GFA: 46

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.85	0.76 - 1.64	0.80 / 1.64	***	0.20 (24%)

Data Plot and Equation



Land Use: 937 Coffee/Donut Shop with Drive-Through Window

Description

This land use includes any coffee and donut restaurant that has a drive-through window as well as a walk-in entrance area at which a patron can purchase and consume items. The restaurant sells freshly brewed coffee (along with coffee-related accessories) and a variety of food/drink products such as donuts, bagels, breads, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages. The restaurant marketing and sales may emphasize coffee beverages over food (or vice versa). A coffee/donut shop typically holds long store hours (more than 15 hours) with an early morning opening. Limited indoor seating is generally provided for patrons and table service is not provided.

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at four study sites in a general urban/suburban setting.

Hour Beginning	Percent of Monday–Thursday Peak Parking Demand
12:00–4:00 a.m.	–
5:00 a.m.	–
6:00 a.m.	–
7:00 a.m.	91
8:00 a.m.	100
9:00 a.m.	97
10:00 a.m.	97
11:00 a.m.	71
12:00 p.m.	77
1:00 p.m.	66
2:00 p.m.	54
3:00 p.m.	57
4:00 p.m.	63
5:00 p.m.	–
6:00 p.m.	–
7:00 p.m.	–
8:00 p.m.	–
9:00 p.m.	–
10:00 p.m.	–
11:00 p.m.	–

Additional Data

The average parking supply ratio for the 12 study sites in a general urban/suburban setting and with parking supply information is 10.3 spaces per 1,000 square feet GFA. The average peak parking occupancy at these sites is 50 percent.

The sites were surveyed in the 2000s, the 2010s, and the 2020s in Maine, Nevada, New Jersey, Ontario (CAN), Tennessee, and Washington.

Source Numbers

405, 407, 412, 433, 442, 509, 523, 540, 620

Coffee/Donut Shop with Drive-Through Window (937)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

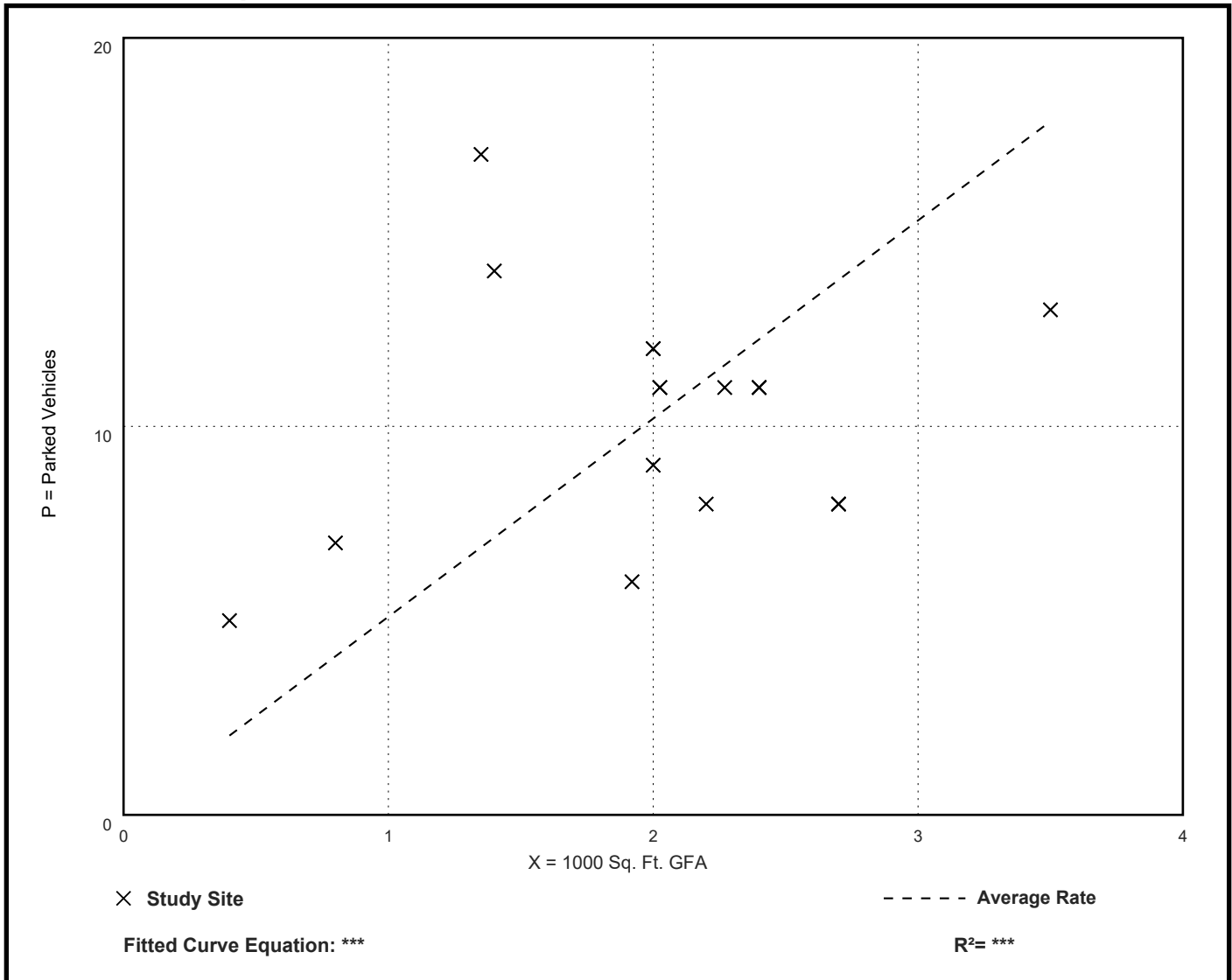
Number of Studies: 17

Avg. 1000 Sq. Ft. GFA: 2.0

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
5.10	2.96 - 12.59	4.45 / 10.75	***	2.44 (48%)

Data Plot and Equation



Coffee/Donut Shop with Drive-Through Window (937)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

Number of Studies: 2

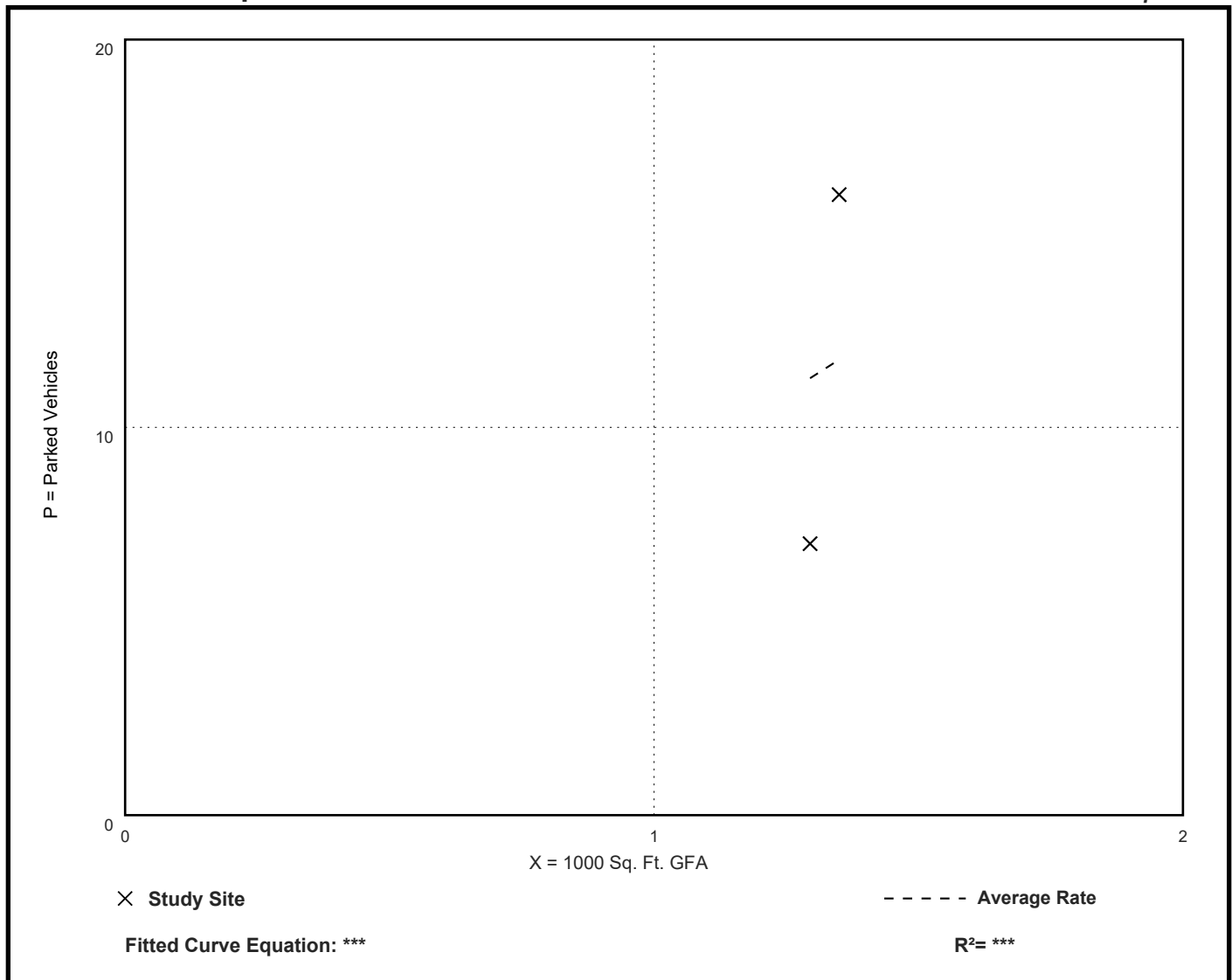
Avg. 1000 Sq. Ft. GFA: 1.3

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
8.70	5.41 - 11.85	*** / ***	***	*** (***)

Data Plot and Equation

Caution – Small Sample Size



EATE!
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DAVID R. ELLSPERMANN, CLERK OF COURT MARION COUNTY
DATE: 08/09/2002 11:28:37 AM
FILE NUM 2002089208 OR BK/PG 03216/0230
RECORDING FEES 105.00

This document prepared by
and please return to:

Robert E. Stanley, Esq.
Withrow, McQuade & Olsen, LLP
3379 Peachtree Road, N.E.
Suite 970
Atlanta, Georgia 30326

DEED DOC TAX 0.70
ac

RECIPROCAL EASEMENT AND RESTRICTIVE COVENANT AGREEMENT

THIS RECIPROCAL EASEMENT AND RESTRICTIVE COVENANT AGREEMENT (the "Agreement") is made and entered into this 7th day of August, 2002, by and among **JDN REALTY CORPORATION**, a Maryland corporation ("JDN"), **BLOCKER HOLDINGS, LLC**, a Florida limited liability company ("Blocker Holdings"), and **BLOCKER'S FURNITURE & CARPETS INCORPORATED**, a Florida corporation ("Blocker's Furniture") (Blocker Holdings and Blocker's Furniture are collectively referred to herein as "Blocker") (JDN and Blocker are sometimes individually referred to herein as Owner and collectively referred to herein as the "Owners").

WITNESSETH

WHEREAS, JDN is the owner of that certain real property described in Exhibit A attached hereto and incorporated by reference herein (the "JDN Tract"); and

WHEREAS, Blocker Holdings is the owner of that certain real property described in Exhibit B attached hereto and incorporated by reference herein (the "Blocker Tract"); and

WHEREAS, the JDN Tract and the Blocker Tract (individually, each a "Tract", and sometimes collectively referred to as "Tracts") are contiguous parcels of real property as more particularly set forth on the site plan depicted in Exhibit C attached hereto and incorporated by reference herein which together make the Ocala West Shopping Center (the "Shopping Center"); and

WHEREAS, Blocker Holdings owns a portion of a building within the Blocker Tract (the "Blocker Building"); and

WHEREAS, the Blocker Building is a part of a larger building which is located on both the JDN Tract and the Blocker Tract (the "Greater Building"); and

WHEREAS, Blocker's Furniture intends to lease space in the Blocker Building and may subsequently acquire a fee interest in the Blocker Building; and

WHEREAS, the parties hereto desire to grant and convey to each other certain easement rights over their respective land subject to the terms and conditions set forth herein.

NOW THEREFORE, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, JDN and Blocker agree as follows:

1. ACCESS EASEMENT.

(a) JDN hereby grants, bargains, sells and conveys to Blocker, for the benefit and use of Blocker and Blocker's agents, successors, assigns, tenants, guests, invitees, and other occupants of the Blocker Tract, as an appurtenance to the Blocker Tract, a perpetual non-exclusive easement (the "Blocker Access Easement") over, across, upon, and through the parking/drive areas of the JDN Tract, as the same may from time to time be constructed and maintained, for the sole purpose of vehicular and pedestrian ingress, egress, parking and access to and from the Blocker Tract. This easement shall be non-exclusive so that JDN and JDN's tenants and their respective successors, assigns, guests, invitees and licensees shall have reciprocal rights of ingress, egress, parking and access to the JDN Tract. JDN hereby agrees not to erect or permit the erection of any curbing, fencing or other barriers or obstructions on the JDN Tract that will in any way interfere with the use of the JDN Access Easement by Blocker and Blocker's agents, successors, assigns, tenants, guests, invitees, and other occupants of the Blocker Tract. JDN agrees not to impose a parking fee or related charge for any parking area within the JDN Tract or, without the prior written consent of Blocker in Blocker's reasonable discretion, permit any parking spaces within the JDN Tract to be signed or labeled as reserved for the use of JDN, or any particular tenant, or the customers or invitees of a particular tenant, on the JDN Tract.

(b) Blocker hereby grants, bargains, sells and conveys to JDN, for the benefit and use of JDN and JDN's agents, successors, assigns, tenants, guests, invitees, and other occupants of the JDN Tract, as an appurtenance to the JDN Tract, a perpetual non-exclusive easement (the "JDN Access Easement") over, across, upon, and through the parking/drive areas of the Blocker Tract for the sole purpose of vehicular and pedestrian ingress, egress, parking and access to and from the JDN Tract. This easement shall be non-exclusive so that Blocker and Blocker's tenants and their respective successors, assigns, guests, invitees and licensees shall have reciprocal rights of ingress, egress, parking and access to the Blocker Tract. Blocker hereby agrees not to erect or permit the erection of any curbing, fencing or other barriers or obstructions on the Blocker Tract that will in any way interfere with the use of the JDN Access Easement by JDN and JDN's agents, successors, assigns, tenants, guests, invitees, and other occupants of the JDN Tract. Blocker agrees not to impose a parking fee or related charge for any parking area within the Blocker Tract or, without the prior written consent of JDN in JDN's reasonable discretion, permit any parking spaces within the Blocker Tract to be signed or labeled as reserved for the use of Blocker, or any particular tenant, or the customers or invitees of a particular tenant, on the Blocker Tract.

2. DRAINAGE EASEMENT.

(a) JDN hereby grants, bargains, sells and conveys to Blocker, for the benefit and use of Blocker, its successors and assigns, as an appurtenance to the Blocker Tract, a non-exclusive

easement over, across, upon and through the common areas of the JDN Tract (the "Blocker Drainage Easement Area"), for the sole purpose of allowing storm water drainage from the Blocker Tract over the Blocker Drainage Easement Area; subject to the terms and conditions set forth in Section 2(c) below, in addition to the other terms and conditions contained in this Agreement.

(b) Blocker hereby grants, bargains, sells and conveys to JDN, for the benefit and use of JDN, its successors and assigns, as an appurtenance to the JDN Tract, a non-exclusive easement over, across, upon and through the common areas of the Blocker Tract (the "JDN Drainage Easement Area"), for the sole purpose of allowing storm water drainage from the JDN Tract over the JDN Drainage Easement Area; subject to the terms and conditions set forth in Section 2(c) below, in addition to the other terms and conditions contained in this Agreement.

(c) The owner of each Tract agrees not to use the Drainage Easement Areas for the discharge or disposal of materials or substances which are controlled or regulated by any federal, state or local environmental law, rule or regulation applicable to that Tract and which discharge is in excess of an allowable amount or in a prohibited form; provided, however, nothing contained herein shall be deemed to apply to incidental discharges of such materials or substances or the inclusion thereof in ordinary surface water drainage that may occur as a result of, or in connection with, the ordinary conduct of business on that Tract unless the same cumulatively would result in a violation of such law, rule or regulation.

3. UTILITY EASEMENTS.

(a) The Owners, for themselves, their successors and assigns, hereby grant for the benefit of each other the non-exclusive rights and easements over their respective Tracts to install, connect, tap-in, maintain, relocate, repair and replace, at locations reasonably acceptable to both parties, and at times reasonably acceptable to both parties so as not to adversely affect the commercial operations of the affected party, any reasonably required utility facilities including, without limitation, water, gas, electricity, telephone, storm and sanitary sewers, septic systems, water retention and drainage facilities ("Utility Line(s)") to provide proper service for the improvements built or to be built on the Shopping Center. The Owners acknowledge and agree that portions of each Owner's sprinkler risers, telephone lines, electrical gear and electrical conduits servicing each Owner's respective portion of the Greater Building (the "Cabling") may be located on, in or about a portion of the other Owner's portion of the Greater Building. The parties acknowledge and agree that the Cabling shall be included in the definition of Utility Lines as set forth herein, except as specifically set forth to the contrary contained herein.

(b) If any Utility Line is to be installed pursuant hereto, the location of such Utility Line shall be subject to the prior written approval of the Owner whose Tract is to be burdened thereby, such approval not to be unreasonably withheld, conditioned or delayed; provided, however, an Owner's approval may be withheld for any reason with respect to a Utility Line proposed to be located within any area on such Owner's Tract where a building either is then located or is expected to be located in the future. The easement area related thereto shall be no greater than is necessary to reasonably satisfy the utility company, as to an easement to a public utility, or a reasonable and customary distance on each side of the centerline of the Utility Line,

as actually installed, as to a private easement. The Owner whose Tract is to be burdened shall have the right to require that a copy of an as-built survey depicting the precise location and parameters of any such Utility Line be delivered to it at the installing Owner's expense.

(c) Any Owner of a Tract installing, connecting to, maintaining, repairing, restoring and/or replacing a Utility Line on the other Owner's Tract pursuant to this Section (i) shall provide at least thirty (30) days prior written notice to the other Owner of its intention to do such work, (ii) shall pay all costs and expenses with respect to such work, (iii) shall cause all work in connection therewith (including general clean-up and surface and/or subsurface restoration) to be completed using first-class materials and in a good and workmanlike manner as quickly as possible and in a manner so as to minimize interference with the conduct or operation of the business of the other Owner and its tenants, occupants, licensees and invitees, (iv) shall not increase the cost of the utility services to the other parties served by such Utility Line, shall not cause the current capacity of the existing Utility Line to be exceeded, and shall not interrupt, diminish, or otherwise interfere with the utility services to the other Owner and its tenants and occupants served by such Utility Line (except during periods other than during the normal business operating hours of such other parties and during such periods as otherwise approved by the other Owner), (v) shall comply in all respects with all applicable governmental laws, regulations, and requirements, (vi) shall promptly, at its sole cost and expense, clean the area (as needed) and restore the affected portion of the Shopping Center (including, without limitation, any disturbed landscaping improvements) to a condition equal to or better than the condition which existed prior to the commencement of such work, (vii) shall cause the contractor performing the work to maintain insurance with minimum coverage equal to the minimum coverage requirements set forth in Section 8 below, and (viii) indemnify and hold the other Owner and any occupants and tenants thereof harmless from and against any claims, actions, demands, damages, losses, injuries or expenses, including, without limitation, reasonable attorneys' fees, which may result from any such work. Notwithstanding anything to the contrary contained herein, each Owner reserves the right to supervise and control any repairs, maintenance or replacement of the Cabling located within each Owner's portion of the Greater Building.

(d) Each Owner shall have the right, at its sole cost and expense, to relocate elsewhere within its Tract any Utility Line serving the other Tract, provided such relocation shall be performed only after at least thirty (30) days written notice of such intention to so relocate has been given to the other Owner and provided such relocation: (i) shall not increase the cost of the utility services to the parties served by such Utility Line and shall not interrupt, diminish, or otherwise interfere with the utility services to the parties served by such Utility Line (except during periods other than during the normal business operating hours of such parties and during such periods as otherwise approved by such parties); (ii) shall not reduce or impair the usefulness or function of such Utility Line; (iii) shall be performed without cost or expense to the parties served by such Utility Line; (iv) shall be completed in a good and workmanlike manner using materials (if and to the extent available) and design standards which equal or exceed those originally used; (v) shall not unreasonably interfere with the conduct or operation of the business of the other Owner and its tenants, occupants, licensees and invitees; and (vi) unless such relocation is an emergency, such relocation shall occur during months other than August, November and December of any given year. Documentation of the relocated Utility Line

easement area shall be the expense of the Owner undertaking such relocation and shall be accomplished as soon as possible. Each party served by such relocated Utility Line shall have a right to require that an as-built survey of such relocated Utility Line be delivered to it at the relocating party's expense.

(e) The Owner of each Tract shall be responsible for all connection charges, meter fees and charges, user fees, tap-on fees, impact fees, acreage fees, and similar fees and charges imposed as a result of the connection of any Utility Line to the building(s) constructed upon its Tract.

(f) The Owner of each Tract on which such Utility Lines are located shall have the right to dedicate and convey to appropriate governmental entities and public utility companies any Utility Lines installed pursuant to this Section 3, provided any such dedication or conveyance shall not adversely affect the use and enjoyment of such Utility Lines by the other Owner, and its tenants, occupants, licenses and invitees, and to grant any other easements or licenses to such appropriate governmental entities and public utility companies as are reasonably necessary for desirable for obtaining adequate utility service for the benefit of such Owner's Tract, provided such easements and licenses shall not interfere with the use and enjoyment of the other Tract and are located outside of the areas on such other Tract where a building either is located or is expected to be located in the future. Each Owner shall cooperate with and assist the other Owner and shall join in and consent to such dedications and conveyances if requested by any the other Owner, at no cost, however, to such cooperating Owner.

4. MAINTENANCE OF THE TRACTS.

(a) Each Owner shall maintain, or cause to be maintained, its Tract in a safe and attractive condition and in a good state of repair. The unimproved portions of each Tract shall be kept litter-free. The minimum standard of maintenance of each Tract shall be comparable to the standard of maintenance followed in other similar-class retail developments of comparable size in the Ocala, Florida area in which the Shopping Center is located. All improvements to each Tract shall be repaired or replaced with materials of a quality which is at least equal to the quality of the materials being repaired or replaced so as to maintain the architectural and aesthetic harmony and integration of the Shopping Center as a whole.

(b) The maintenance and repair obligations of each Owner with respect to such Owner's Tract shall include, without limitation, the following:

(i) Maintaining all paved surfaces and curbs in its Tract in a smooth and evenly covered condition; and

(ii) Periodically removing all papers, debris, filth, refuse, ice and snow, including vacuuming and broom sweeping to the extent necessary to keep its Tract in a clean and orderly condition. All sweeping shall be performed at appropriate intervals during such times as shall not interfere with the conduct of business or use of the other Tract and its tenants, occupants and their invitees; and

(iii) Restriping of parking lots and drive lanes in its Tract as necessary to maintain parking space designation and traffic direction; and keeping clearly marked fire lanes, loading zones, no parking areas and pedestrian crosswalks in its Tract; and

(iv) Maintaining, cleaning, repairing and replacing lighting facilities, including light standards, wires, conduits, lamps, ballasts and lenses, time clocks and circuit breakers in its Tract; and

(v) Maintaining and replacing all landscape plants, trees and shrubs in its Tract, including those adjacent to the exterior walls of any buildings on each Tract, in an attractive and thriving condition, trimmed and weed free; and

(vi) Maintaining, cleaning repairing and replacing all sidewalks, including those adjacent and contiguous to buildings located within its Tract; and

(vii) Maintaining the exterior portions of all buildings located on its Tract in a first-class condition and state of repair, in compliance with all applicable laws, codes, ordinances, rules and regulations.

(c) Each Owner shall keep its Tract fully illuminated each day from dusk to at least 10:00 p.m., unless the Owners agree upon a different time. Each Owner shall keep any exterior building security lights illuminated from dusk until dawn. Each Owner grants an irrevocable license to the other Owner for the purpose of permitting lighting from one Tract to incidentally shine on the adjoining Tract.

5. ALTERATIONS.

(a) So long as Blocker owns the Blocker Tract, Blocker shall have the right to modify, alter and change the exterior portion of any and all existing buildings located on the Blocker Tract. Notwithstanding the foregoing, during any period of construction, Blocker shall take reasonable efforts to minimize any disruption caused to JDN as a result of such construction, and Blocker shall take commercially reasonable efforts to provide JDN with a copy of the plans and specifications for any substantial changes, alterations or modifications to exterior portion of any and all buildings located on the Blocker Tract. Notwithstanding the foregoing, in the event the Blocker Tract is transferred, conveyed, sold, hypothecated and/or assigned to any third party not affiliated with Blocker (the "New Owner"), such New Owner shall not make any material changes to the Blocker Tract and/or the exterior portion of the Blocker Building without the prior written consent of JDN, which consent shall not be unreasonably withheld, conditioned or delayed. In the event a New Owner intends to alter, modify or change any portion of the Blocker Tract, including the exterior portion of the Blocker Building, such New Owner shall provide JDN with notice of such intent and a copy of the plans and specifications for such alterations, modifications and/or changes for JDN's review and approval, such approval not to be unreasonably withheld, conditioned or delayed. In the event JDN withholds its approval or does not approve such plans within thirty (30) days following JDN's receipt thereof, the parties may appoint a third party architect with national and/or regional experience in shopping center design, to determine whether JDN's withholding of its

approvable of such New Owner's plans was reasonable. In the event the parties cannot agree upon the appointment of such third party architect within a reasonable amount of time, the parties shall each appoint an architect with national and/or regional experience in shopping center design, and the two architects shall together appoint a third architect with national and/or regional experience in shopping center design, and such third appointed architect shall review the New Owner's plans and determine whether JDN's withholding of its consent was reasonable. In the event the appointed architect determines JDN's withholding of its consent was unreasonable, JDN's consent will be deemed granted. Any exterior modifications, alterations or changes to the Blocker Tract shall be of first quality construction and designed so that the exterior elevations and surfaces (including, without limitation, building materials, signs and colors) are architecturally and aesthetically compatible and harmonious with the buildings then located on the JDN Tract, as determined by the parties in their reasonable discretion.

(b) Notwithstanding anything to the contrary set forth in Section 5(a) above, Blocker shall not have the right to reconfigure or change the parking spaces or landscaped areas within the Blocker Tract without JDN's prior written consent, in each instance, which consent shall not be unreasonably withheld. Blocker shall not have the right to construct or allow any buildings, parking decks or other parking structures, free-standing signs, kiosks or other structures within the area set forth on Exhibit B as the "Blocker No Change Area" without the prior written consent of JDN, which consent may be withheld in JDN's sole reasonable discretion. Notwithstanding the foregoing, JDN agrees that (i) in the event Blocker desires to construct an additional building, containing up to twenty thousand (20,000) square feet of space, in the portion of the Blocker No Change Area labeled on Exhibit B-1 as the "Blocker Permissible Building Area"; and (ii) Blocker obtains all necessary consents, approvals, licenses, and permits from any all parties in interest, including, without limitation, any governmental authorities, adjacent land owners other than JDN, tenants on the Blocker Tract or on the JDN Tract that may have approval rights over the construction of such building, then Blocker shall be entitled to construct such building in the Blocker Permissible Building Area and JDN's consent to the same shall not be required; provided, however, that Blocker shall provide prior written notice to JDN of Blocker's intention to construct such building and shall provide JDN with reasonable evidence that all required consents, approvals, licenses and permits have been obtained by Blocker. Notwithstanding anything to the contrary contained herein, upon Blocker's written request JDN agrees to use commercially reasonable efforts to assist Blocker in obtaining any required and/or necessary consents from any applicable third parties in connection with (i) Blocker's proposed construction in the Blocker Permissible Building Area, and/or (ii) in the event the Blocker Permissible Building Area needs to be relocated, the relocation of the Blocker Permissible Building Area.

(c) JDN shall have the right to modify, alter and change the exterior portion of any and all buildings located on the JDN Tract. Notwithstanding the foregoing, during any period of construction, JDN shall take reasonable efforts to minimize any disruption caused to Blocker as a result of such construction, and JDN shall take commercially reasonable efforts to provide Blocker with a copy of the plans and specifications for any substantial changes, alterations or modifications to the JDN Tract.

(d) JDN shall not have the right to reconfigure or change the parking spaces or

landscaped areas within the JDN Tract without Blocker's prior written consent, in each instance, which consent shall not be unreasonably withheld. So long as Blocker is the owner of the Blocker Tract, JDN shall not have the right to construct or allow any buildings, parking decks or other parking structures, free-standing signs, kiosks or other structures within the area set forth on Exhibit A as the "JDN No Change Area" without the prior written consent of Blocker, which consent may be withheld in Blocker's sole reasonable discretion.

(e) Notwithstanding anything to the contrary contained herein, the Owners hereby agree the Owners shall not, without the prior written consent of the other Owner, which consent may be withheld in such Owner's sole discretion, (i) erect, construct or install any transformer pad, trash compactor pad, dumpster pad, generator pad, storage container, loading dock or dockwells or any other structure within the area demarcated as the "Service Drive" on Exhibit C or (ii) use such Service Drive or any portion thereof for the staging of trucks or equipment or the storage of materials.

(f) In the event either Owner performs any construction on the exterior façade of any building within such Owner's Tract, such Owner shall construct a fence surrounding the construction area sufficient to protect the other portions of the Shopping Center from dust, debris and other safety hazards occasioned by such construction work. The fencing shall be of a color and material which is architecturally harmonious with the Tract upon which the construction is occurring.

6. CASUALTY. If any of the buildings in the Shopping Center are damaged by fire or other casualty, the Owner of such damaged building shall, subject to governmental regulations and/or insurance adjustment delay, promptly remove the debris resulting from such event and provide a barrier, and within a ninety (90) days following the date of such damage shall commence and diligently pursue one or more of the following alternatives:

- (a) repair and restore the building so damaged to a complete unit;
- (b) construct a new building or buildings in, on or near such location;

(c) demolish the damaged building or any portion thereof and restore the cleared area to either a hard surface or a landscaped condition until such time as a new building or buildings are constructed in, on or near such area.

Notwithstanding anything to the contrary contained herein, in the event the common wall between the Blocker Building and the building located in the JDN Tract is damaged, each Owner shall have the right to reconstruct the common wall so as to restore its building to a complete unit and the other Owner shall cooperate with such construction. Notwithstanding the foregoing, nothing contained herein shall be deemed to require either Owner to repair, restore or construct a new building in the event such Owner's building is damaged by fire or other casualty.

7. RESTRICTIVE COVENANTS.

- (a) Blocker shall provide reasonable notice to JDN of any proposed change in the use

of the Blocker Tract or the Blocker Building. In addition, Blocker agrees that during the term of this Agreement neither the Blocker Building nor the Blocker Tract shall be used for any of the following uses: any use in a manner that will be in violation of law; any use which violates any prior in time recorded exclusive uses, restrictions and/or prohibitions encumbering the Blocker Tract; any activity of the type which is not generally considered appropriate for family-oriented shopping centers conducted in accordance with good and generally accepted standards of operation; any business, use or purpose which is immoral or disreputable (including without limitation a massage parlor, adult bookstore (which shall include a store which sells or offers sexually explicit materials including, without limitation, video, audiotapes, films, devices, apparel and the like), "peep show" store, topless or strip club; a so-called "head" shop, "second hand", or surplus store; off-track betting, gambling, gaming or check cashing facility), or which is hazardous or which constitutes a nuisance of any kind (public or private); any store selling, distributing, displaying or offering for sale (i) any roachclip, water pipe, bong, coke spoon, hypodermic syringe or other paraphernalia commonly used in the use or ingestion of illicit drugs; or (ii) any pornographic, lewd, suggestive or "adult" newspaper, book, magazine, film, picture, recording, representation or merchandise of any kind. Further, Blocker agrees that during the term of this Agreement neither the Blocker Building nor the Blocker Tract shall be used for the operation of a tavern, bar, or other establishment whose annual gross sales (or projected annual gross sales) from the sale of alcoholic beverages for on-premises consumption exceeds fifty percent (50%) of the gross sales for such business.

(b) Subject to any leases for the Shopping Center in effect as of the date of this Agreement, JDN agrees that during the term of this Agreement no building in the JDN Tract shall be used for any of the following uses: any use in a manner that will be in violation of law; any business, use or purpose which is immoral or disreputable (including without limitation a massage parlor, adult bookstore (which shall include a store which sells or offers sexually explicit materials including, without limitation, video, audiotapes, films, devices, apparel and the like), "peep show" store, topless or strip club; a so-called "head" shop, "second hand", or surplus store; off-track betting, gambling, gaming or check cashing facility); or any store selling, distributing, displaying or offering for sale (i) any roachclip, water pipe, bong, coke spoon, hypodermic syringe or other paraphernalia commonly used in the use or ingestion of illicit drugs; or (ii) any pornographic, lewd, suggestive or "adult" newspaper, book, magazine, film, picture, recording, representation or merchandise of any kind.

(c) JDN agrees that during the term of this Agreement, restaurants shall only be permitted in the portion of the Shopping Center designated on Exhibit C and labeled "Permitted Restaurant Area". Additionally, subject to any leases for the Shopping Center in effect as of the date of this Agreement, JDN and JDN's successors and assigns shall not permit the operation of any tavern, bar, or other establishment whose annual gross sales (or projected annual gross sales) from the sale of alcoholic beverages for on-premises consumption exceeds fifty percent (50%) of the gross sales for such business in the portion of the Shopping Center designated on Exhibit C and labeled "No Alcohol Zone".

(d) In the event Blocker desires to change its use of the Blocker Tract to a use prohibited and/or restricted by a recorded instrument but which is generally considered appropriate for family-oriented shopping centers conducted in accordance with good and

generally accepted standards of operation, and notwithstanding anything to the contrary contained herein, upon Blocker's written request, JDN shall use commercially reasonable efforts to obtain any necessary consents from any applicable tenants of the JDN Tract in connection with Blocker's proposed change in use of the Blocker Tract.

8. INSURANCE.

(a) Blocker's Insurance Requirements.

(i) Blocker shall (and by its execution hereof shall be deemed to have agreed), at all times during the term of this Agreement, carry and maintain, at its sole cost and expense:

(1) non-deductible commercial general liability insurance policy with respect to liability arising out of the use, occupancy, work or maintenance of the Blocker's Building, the Blockers Tract, the JDN Tract, and all areas appurtenant thereto, to afford protection with respect to bodily injury, death or property damage, or assumed or contractual liability under this Agreement with a limit of not less than Two Million Dollars (\$2,000,000) per occurrence, Four Million Dollars (\$4,000,000) annual aggregate, or equivalent coverage thereof; and

(2) all-risk property insurance policy with a maximum \$10,000 deductible, written at replacement cost and with replacement cost endorsement, covering all of Blocker's personal property in Blocker's Building, the Blocker's Tract, and the JDN Tract; and

(3) non-deductible worker's compensation insurance policy in form and amounts required by law.

(ii) Blocker shall require any contractor (and any subcontractor) of Blocker performing work on Blocker's Building, the Blocker's Tract, or the JDN Tract to carry and maintain, at no expense to JDN, a non-deductible:

(1) commercial general liability insurance policy, including (but not limited to) contractual liability coverage and completed operations coverage, to afford protection, with respect to bodily injury, death or property damage of not less than One Million Dollars (\$1,000,000) combined single limit per occurrence; and

(2) comprehensive automobile liability insurance policy with a combined single limit for each occurrence of not less than One Million Dollars (\$1,000,000) with respect to bodily injury or death or property damage; and

(3) worker's compensation insurance policy in form and amounts required by law.

(iii) The company or companies writing any insurance which Blocker or its

contractor(s) is/are required to maintain pursuant to this Section 8, as well as the form of such insurance, shall at all times be subject to JDN's approval in its reasonable discretion and any such company or companies shall be licensed to do business in the State of Florida. The commercial general liability and automobile liability policies shall name JDN and the property manager of the JDN Tract and their respective designee(s) as additional insured(s) and shall be primary and non-contributory, and shall also contain a provision by which the insurer agrees that such policy shall not be canceled, materially changed or not renewed without at least thirty (30) days' advance notice to JDN in accordance with the notice provisions of this Agreement. At JDN's request, prior to the commencement of any of Blocker's work on Blocker's Building, the Blocker's Tract, or the JDN Tract, Blocker shall deliver to JDN a certified copy of each such policy or a certificate thereof evidencing the insurance coverage required hereunder which policy or certificate shall be in form and content satisfactory to JDN. If Blocker shall fail to perform any of its obligations under this Section 8, JDN may perform the same and the cost of same shall be payable by Blocker upon JDN's demand.

(b) JDN's Insurance Requirements.

(i) JDN shall (and by its execution hereof shall be deemed to have agreed), at all times during the term of this Agreement, carry and maintain, at its sole cost and expense:

(1) non-deductible commercial general liability insurance policy with respect to liability arising out of the use, occupancy, work or maintenance of the the JDN Tract, and all areas appurtenant thereto, to afford protection with respect to bodily injury, death or property damage, or assumed or contractual liability under this Agreement with a limit of not less than Two Million Dollars (\$2,000,000) per occurrence, Four Million Dollars (\$4,000,000) annual aggregate; and

(2) all-risk property insurance policy with a maximum \$10,000 deductible, written at replacement cost and with replacement cost endorsement, covering all of JDN's personal property in the JDN Tract; and

(3) non-deductible worker's compensation insurance policy in form and amounts required by law.

(ii) JDN shall require any contractor (and any subcontractor) of JDN performing work on Blocker's Building, the Blocker's Tract, or the JDN Tract to carry and maintain, at no expense to Blocker, a non-deductible:

(1) commercial general liability insurance policy, including (but not limited to) contractual liability coverage and completed operations coverage, to afford protection, with respect to bodily injury, death or property damage of not less than One Million Dollars (\$1,000,000) combines single limit per occurrence; and

(2) comprehensive automobile liability insurance policy with a combined single limit for each occurrence of not less than One Million Dollars (\$1,000,000) with respect to bodily injury or death or property damage; and

(3) worker's compensation insurance policy in form and amounts required by law.

(iii) The company or companies writing any insurance which JDN or its contractor(s) is/are required to maintain pursuant to this Section 8 shall be licensed to do business in the State of Florida. The commercial general liability and automobile liability policies shall name Blocker as an additional insured and shall be primary and non-contributory. The commercial general liability and automobile liability policies shall be primary and non-contributory. At Blocker's request, prior to the commencement of any of JDN's work on Blocker's Building, the Blocker's Tract, or the JDN Tract, JDN shall deliver to Blocker a certified copy of each such policy or a certificate thereof evidencing the insurance coverage required hereunder. If JDN shall fail to perform any of its obligations under this Section 8, Blocker may perform the same and the cost of same shall be payable by JDN upon Blocker's demand.

9. RELEASE. Any person or entity acquiring fee or leasehold title (including the parties hereto but excluding tenants occupying space under leases, other than Blocker's Furniture) to any Tract (or any interest therein) shall be bound by this Agreement only as to the Tract or portion of the Tract (or interest therein) acquired by such person or entity. In addition, such person or entity shall be bound by this Agreement only during the period such person or entity is the fee or leasehold owner of such Tract or portion thereof (or interest therein), except as to obligations, liabilities or responsibilities that accrue during said period. Although persons or entities may be released under this Section 9, the easements, covenants and restrictions in this Agreement shall continue to be benefits and servitudes upon said Tracts and to run with the title thereto. Further, the parties hereto acknowledge that the obligations of Blocker under this Agreement are non-recourse with respect to Blocker Holdings, and its member First American Blocker, Inc., and, with respect to the enforcement of Blocker's obligations under this Agreement, JDN will look solely to Blocker's Furniture for such performance.

10. TAXES. Each Owner of a Tract agrees to pay, prior to delinquency, all real and personal property taxes and assessments levied against its Tract directly to the appropriate taxing authorities. Notwithstanding the foregoing, in the event that the Shopping Center is not replatted and/or subdivided so that the Blocker Tract and the JDN Tract are assessed as separate tax parcels, Blocker shall pay an equitable portion of the taxes for the Shopping Center. Further, to the extent the taxes on the Shopping Center are increased specifically as a result of any improvements constructed on the Blocker Tract by or on behalf of Blocker prior to the time the Blocker Tract is assessed as a separate tax parcel, Blocker shall be solely responsible for the payment of such increase in the taxes on the Shopping Center.

11. LIENS. Neither JDN nor Blocker will permit or suffer any liens to be placed upon the other Owner's Tract or any portion thereof as a result of the construction, maintenance or use by JDN of JDN's Tract or Blocker of Blocker's Tract (as applicable), or the easements herein granted. All work done or performed by each Owner, and/or their respective successors and permitted assigns, shall be diligently prosecuted to completion and shall be paid for by such Owner. Neither Owner shall be liable or responsible for any activities of the other Owner or its

successors or permitted assigns, and each Owner, and their respective successors and permitted assigns shall do nothing which might create any lien or encumbrance upon the other Owner's Tract or any portion thereof. Should anyone attempt to file a lien against the Tract of an Owner or any portion thereof by reason of the activities of the other Owner, or such other Owner's agents, contractors, subcontractors, successors or permitted assigns pursuant hereto, the Owner permitting or causing such lien to be filed shall cause such lien to be canceled and discharged of record within fifteen (15) days from the date the Owner permitting or causing such lien to be filed first receives notice of the filing of such lien. In the event that the Owner permitting or causing such lien to be filed, fails to satisfy and discharge of record any such liens as set forth above within said fifteen (15) day period, the other Owner may do so and the non-complying Owner shall, upon demand, pay to the other Owner all costs and expenses incurred by such other Owner in connection with the satisfaction and discharge of such liens, including attorneys' fees. Further, each Owner agrees to indemnify, defend and save the other Owner harmless from and against any damage or loss incurred by the non-indemnifying Owner as a result of any such lien.

(b) Notice is hereby given that (i) JDN shall not be liable for any acts or works performed by Blocker or its successors or permitted assigns nor for any labor or material furnished to Blocker or its successors or permitted assigns, and no mechanics', materialmens', or other liens shall attach to, encumber, or affect the estate or interest of JDN in and to the JDN Tract, and (ii) Blocker shall not be liable for any acts or works performed by JDN or its successors or permitted assigns nor for any labor or material furnished to JDN or its successors or permitted assigns, and no mechanics', materialmens', or other liens shall attach to, encumber, or affect the estate or interest of Blocker in and to the Blocker Tract.

12. RIGHT TO PERFORM FOR THE OTHER OWNER.

(a) In the event Blocker, in its reasonable discretion, determines JDN has failed to perform any of JDN's obligations, duties, or responsibilities under this Agreement in order to reasonably facilitate the use of the easements contained herein and JDN fails to commence and diligently pursue such work or repairs to completion within thirty (30) days after notice from Blocker stating the nature of such necessary work or repairs, Blocker shall have the right, but not the obligation, to complete such work or repairs on JDN's behalf, without prejudice to any of Blocker's other remedies whether at law, in equity, or under the terms of this Agreement, and JDN shall pay, upon Blocker's demand, all costs and expenses incurred by Blocker so performing on JDN's behalf. Notwithstanding the foregoing, if JDN fails to complete said repairs within such thirty (30) day period due to adverse weather conditions, labor disputes, fire, unavoidable casualties or other causes beyond JDN's control, JDN may extend such thirty (30) day period for a reasonable time by sending a written notice to Blocker specifying the cause of such unavoidable delay and a reasonable time to overcome such cause and complete such work. JDN agrees to pay all costs and expenses incurred by Blocker in performing on JDN's behalf under this Section 12 within thirty (30) days of the date of Blocker's demand therefor. In the event that JDN fails to pay all such amounts to Blocker within such thirty (30) day period, then the outstanding balance thereof shall bear interest at the rate of twelve percent (12%) per annum or the then highest rate allowable under applicable law, whichever is higher.

(b) In the event JDN, in its reasonable discretion, determines Blocker has failed to perform any of Blocker's obligations, duties, or responsibilities under this Agreement in order to reasonably facilitate the use of the easements contained herein and Blocker fails to commence and diligently pursue such work or repairs to completion within thirty (30) days after notice from JDN stating the nature of such necessary work or repairs, JDN shall have the right, but not the obligation, to complete such work or repairs on Blocker's behalf, without prejudice to any of JDN's other remedies whether at law, in equity, or under the terms of this Agreement, and Blocker shall pay, upon JDN's demand, all costs and expenses incurred by JDN in so performing on Blocker's behalf. Notwithstanding the foregoing, if Blocker fails to complete said repairs within such thirty (30) day period due to adverse weather conditions, labor disputes, fire, unavoidable casualties or other causes beyond Blocker's control, Blocker may extend such thirty (30) day period for a reasonable time by sending a written notice to JDN specifying the cause of such unavoidable delay and a reasonable time to overcome such cause and complete such work. Blocker agrees to pay all costs and expenses incurred by JDN in performing on Blocker's behalf under this Section 12 within thirty (30) days of the date of JDN's demand therefor. In the event that Blocker fails to pay all such amounts to JDN within such thirty (30) day period, then the outstanding balance thereof shall bear interest at the rate of twelve percent (12%) per annum or the then highest rate allowable under applicable law, whichever is higher.

13. NONEXCLUSIVITY. Each of the Owners agrees that the above-referenced easements are nonexclusive.

14. NOTICE. Every notice, demand, consent, approval or other document or instrument required or permitted to be served upon or given to any party hereto shall be in writing and shall be delivered in person or sent by nationally recognized overnight courier service or via the United States Postal Service, in registered or certified form, postage prepaid, return receipt requested, and addressed to such party at the address listed below, or to such other address as has been provided to the other parties hereto in accordance with this section. All notices shall be effective (and the time period in which a response to any notice must be given, if any, shall commence to run on such effective date) depending on the form of delivery, as follows: (i) if personally delivered, on the date of receipt, or (ii) if sent by Federal Express or similar service, on the date of receipt, or (iii) if sent by U.S. Certified or Registered Mail, three (3) days after being deposited in the United States Mail. Rejection or failure to claim delivery of any such notice, demand or request, or the inability to deliver because of changed address of which no notice was given, shall be deemed to be receipt of the notice, demand or request sent as of the date of deposit in the United States Mail or the date of attempted personal delivery, as the case may be. By giving at least thirty (30) days written notice thereof, any party shall have the right from time to time and at any time to change their respective addresses. For the purposes of this paragraph, the notice addresses shall be initially as follows:

JDN: JDN Realty Corporation
359 East Paces Ferry Road
Suite 400
Atlanta, Georgia 30305
Attn: Property Management

Blocker: Blocker Holdings, LLC

c/o First American Blocker, Inc.
1983 Centre Pointe Boulevard, Suite 100
Tallahassee, Florida 32308
Attn: Janice T. Houff

15. SIGNAGE. JDN hereby grants to Blocker the right to place a sign panel on each side of the existing pylon sign (collectively, "Blocker's Sign") owned by JDN, located in the Shopping Center and facing State Road 200, upon and subject to the following terms and conditions:

(a) All costs and expenses in connection with the installation, repair, replacement, maintenance and removal of Blocker's Sign shall be the responsibility of Blocker.

(b) The size, design, color, lettering, location and illumination of Blocker's Sign shall be subject to the prior written approval of JDN, such approval not to be unreasonably withheld and shall comply with all legal requirements.

(c) Subject to all applicable laws, codes and ordinances, JDN shall have the right to relocate and/or reconfigure the existing pylon sign at any time during the term of this Agreement provided Blocker's rights hereunder are not materially adversely affected.

16. MISCELLANEOUS.

(a) The terms of this Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida.

(b) The fact that one party did substantially all of the drafting of this Agreement shall not result in the provisions hereof being construed in favor of the other party, it being understood and agreed that both parties have had the full opportunity for legal input into this document. The necessary grammatical changes required to make the provisions of this Agreement apply in the plural sense where there is more than one party, and to either corporations, associations, trusts, partnerships, or individuals, male or female, shall in all instances be assumed as though in each case fully expressed.

(c) If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remaining terms and provisions of this Agreement shall not be affected thereby, but each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

(d) Each party agrees to perform such further acts, and to execute and deliver such further documents, as may be reasonably necessary to carry out the provisions of this Agreement, provided same are consistent herewith.

(e) If either party hereto brings an action to enforce the terms hereof or declare rights hereunder, the prevailing party in such action shall be entitled to reasonable attorneys' fees and costs of suit.

(f) Blocker and JDN each warrant and represent to the other that the parties signing this Agreement on their behalf are the duly authorized and empowered officers of Blocker or JDN, as the case may be, that the consent or agreement of no other parties is required for the execution and delivery of this Agreement and that this Agreement constitutes the binding and enforceable obligation of Blocker or JDN, as the case may be.

(g) Time shall be of the essence as to every provision of this Agreement.

(h) This Agreement may be executed in any number of counterparts, whether they be originals, copies or facsimiles which taken together, shall be and constitute a fully executed and enforceable Agreement as if all parties had signed the same copy of this Agreement.

(i) Nothing contained herein shall be deemed to create the relationship of principal and agent, partnership, or joint venture between JDN and Blocker.

(j) Each owner of a Tract agrees with the owner of a Tract that all mortgages, deeds of trust, deeds to secure debt and other encumbrances placed upon each party's respective Tract for the purpose of constructing, or financing the ownership of the real property and/or improvements thereon shall be subordinate and inferior to the encumbrance created by this Agreement.

(k) In the event of a breach or threatened breach of this Agreement, only record owners of the Tracts at any time affected thereby and their successors and assigns at the time such breach occurs shall be entitled to institute proceedings for full and adequate relief, including without limitation injunctive relief, from the consequences of said breach or threatened breach. In no event shall such a breach result in a reversion of the title to any Tract.

(l) The easements, restrictions, benefits and obligations hereunder shall create mutual benefits and servitudes running with the title to each Tract. This Agreement shall bind and inure to the benefit of the parties hereto, their respective heirs, representatives, lessees, successors and assigns.

(m) Except as specifically provided herein, the easements, rights and privileges created hereby shall expire on the last day of the fiftieth (50th) full calendar year following the date of full execution of this Agreement (the "Expiration Date"), unless the parties agree to extend the term of this Agreement; provided, however, if, prior to the Expiration Date, any restrictive covenant set forth herein would expire by operation of law if not renewed, then it shall be automatically renewed for successive ten (10) year periods, not to extend beyond the Expiration Date, unless all of the Tract owners and any parties owning at that time any security interest in any of the Tracts shall execute and record in the Marion County, Florida real estate records a statement terminating such restrictive covenant within sixty (60) days of the expiration of such statutory period or any ten (10) year renewal thereof.

(n) The headings herein are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope or intent of this Agreement nor in any way affect the terms and provisions hereof.

(o) This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof. The owners from time to time of either of the Tracts shall not be entitled to rely upon any statement, promise or representation not herein expressed, and this Agreement shall not be modified or altered in any respect except by a writing executed and delivered by the then owner of both of the Tracts.

(p) Whenever any action herein of any owner of a Tract requires the consent or approval of the owner of the other Tract, then the party requesting such consent or approval shall submit to the owner of the other Tract a written notice delivered in accordance with Section 14 above describing the action for which such party seeks consent or approval, together with such documents or instruments as may be reasonably necessary for the owner of the applicable Tract to review in connection therewith. The owner of the applicable Tract shall then have twenty (20) business days from the effective date of each such notice in which to respond to the request of such party for consent or approval. If the owner of such Tract does not respond to such request within said twenty (20) business day period, such owner of the Tract shall be deemed to have rejected the action for which consent or approval was requested.

(q) JDN and Blocker each hereby agree that they will not construct or permit construction of a barrier of any kind which interferes with the flow of vehicular traffic over and upon the easement areas designated for vehicular traffic on the JDN Tract and the Blocker Tract. Each owner of a Tract hereby expressly reserves for itself, its successors, successors-in-title and assigns, all rights and privileges incident to the ownership of the fee simple estate of its Tract which are not inconsistent with the rights, privileges and easements herein granted in favor of the owner of the other Tract, including, without limitation, the right to grant additional non-exclusive easements to third parties, over, under and across the owner's Tract or any portion thereof. Nothing contained herein shall affect the right of each owner of a Tract to construct or install utilities, walkways, roads, curbs, parking area, landscaping, berms or similar improvements under, over and through its Tract or portion thereof, provided the same does not conflict with any of the agreements contained herein and does not unreasonably impair the easements, rights and privileges granted to the other owner of a Tract hereunder, and provided further that there shall be no disruption in any utility service or means of ingress or egress resulting therefrom.

[Signatures Appear on Following Pages]

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties have caused this Agreement to be executed as of the day and year first above written.

Signed, sealed and delivered
this 7th day of August, 2002,
in the presence of:

LeAnne Suber
Witness LeAnne Suber

Danielle Sparkman
Witness Danielle Sparkman

Heather M. Price
Notary Public Heather M. Price

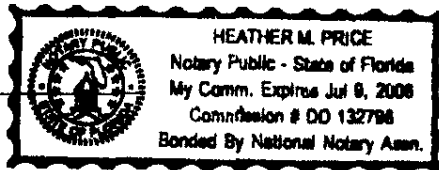
BLOCKER HOLDINGS:
BLOCKER HOLDINGS, LLC,
a Florida limited liability company

By: First American Blocker, Inc., its sole member

By: Janice Houff
Janice T. Houff, President

Attest: Laurie Cross
Name: Laurie Cross
Title: Vice President, Secretary

My Commission Expires: _____



[NOTARIAL SEAL]

[SEAL]

Signed, sealed and delivered
this 7th day of August, 2002,
in the presence of:

Susan Prendergast
Witness Susan Prendergast

Mindy Smith
Witness Mindy Smith

Susan Prendergast
Notary Public Susan Prendergast

BLOCKER'S FURNITURE:
BLOCKER'S FURNITURE & CARPETS
INCORPORATED, a Florida corporation

By: Russell D. Blocker
Name: Russell D. Blocker
Title: President

Attest: [Signature]
Name: _____
Title: _____

My Commission Expires: _____

[NOTARIAL SEAL]

[SEAL]

[Signatures Continue on Following Page]

[Signatures Continue from Previous Page]

Signed, sealed and delivered
this 30th day of July, 2002,
in the presence of:

Ulbbai Bush

Witness

[Signature]

Witness

Melani Allen

Notary Public

JDN:

JDN REALTY CORPORATION,
a Maryland corporation

By: [Signature]

Name: Andrew Rothfeder

Title: Executive Vice President

Attest: John D. Harris, Jr.

Name: John D. Harris, Jr.

Title: Secretary

My Commission Expires: _____

[NOTARIAL SEAL]

[SEAL]



EXHIBIT A

FILE: 2002089208
OR BOOK/PAGE 03216/0249

JDN Tract

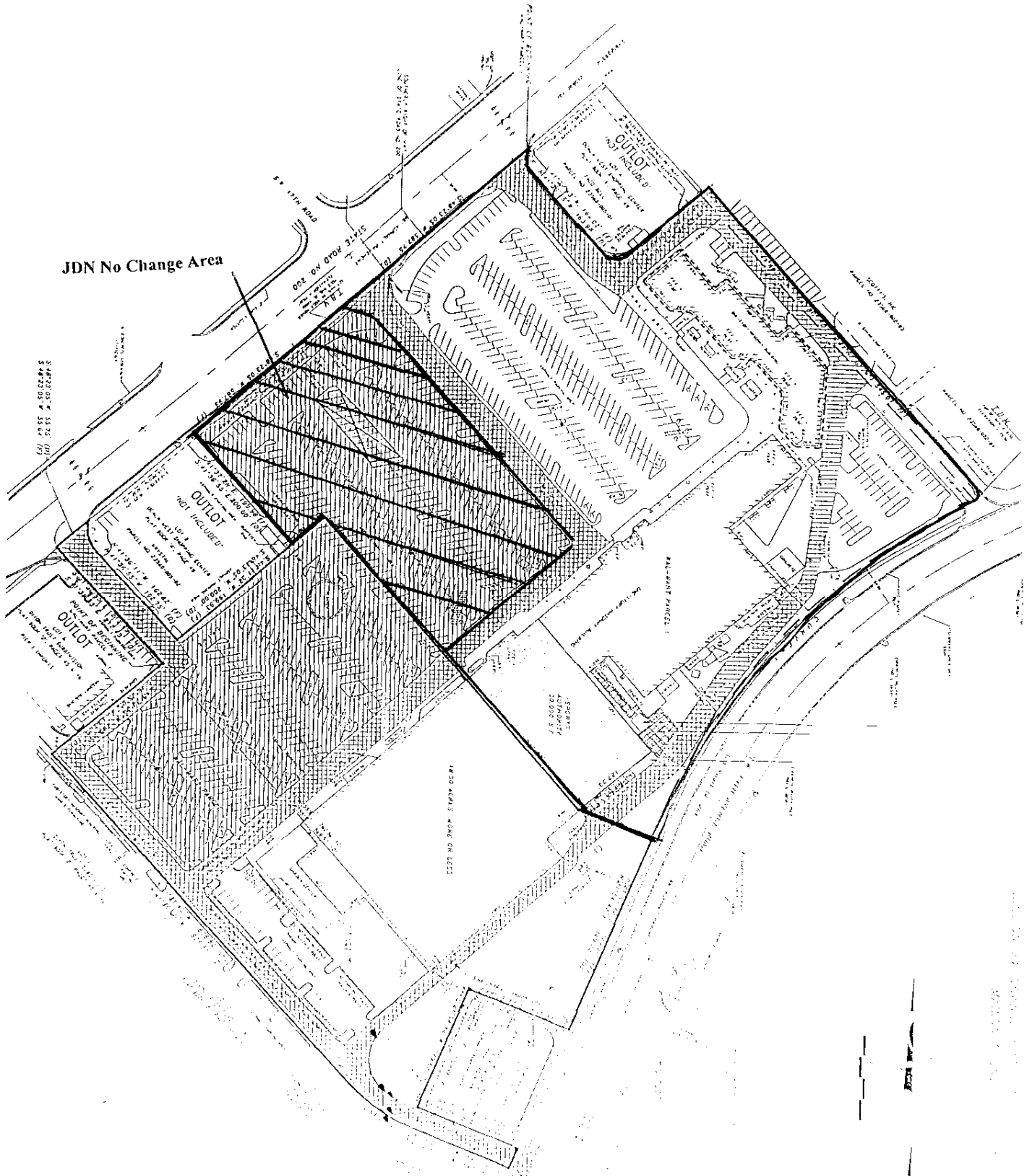
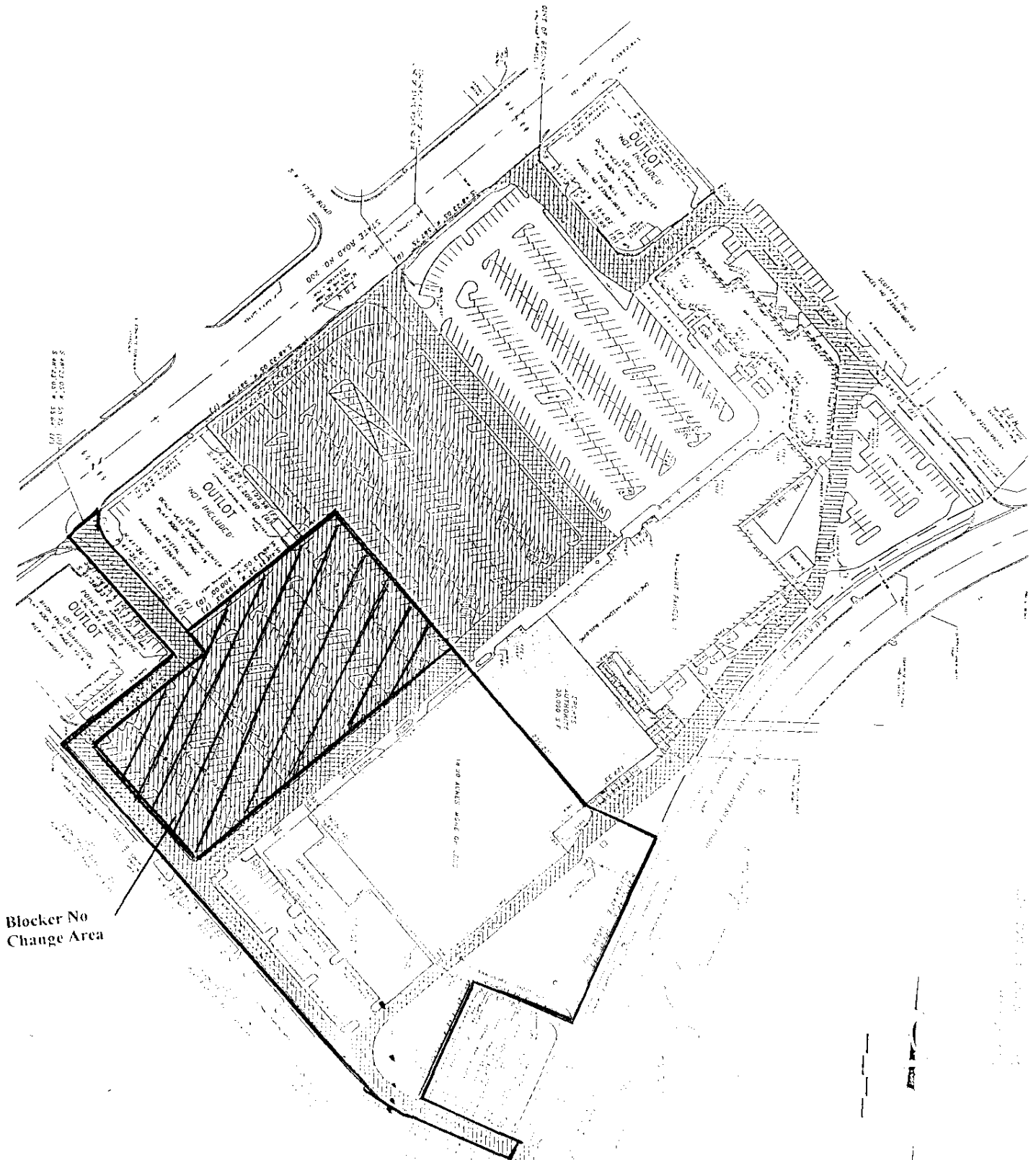


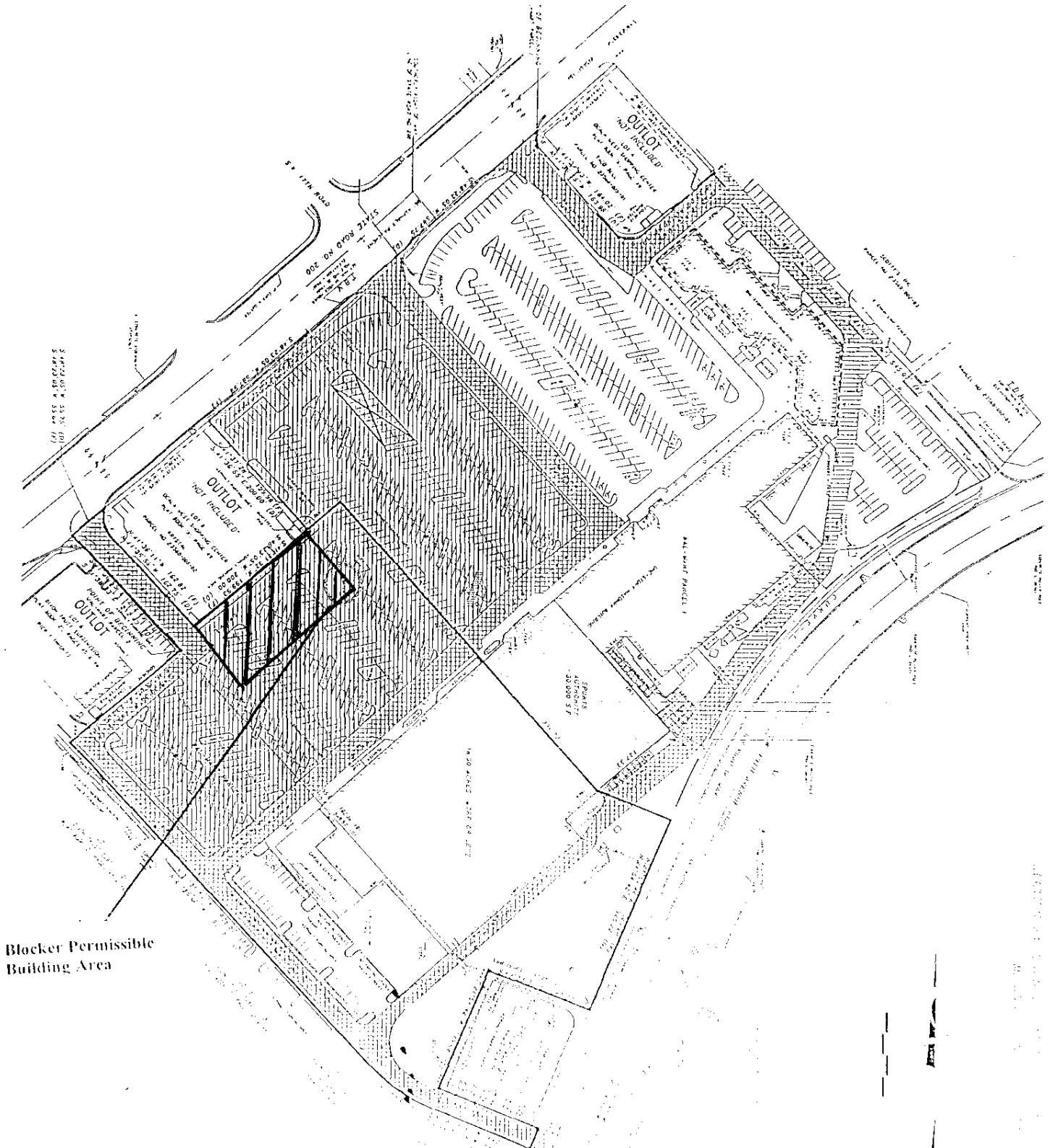
EXHIBIT B
Blocker Tract



Blocker No
Change Area

EXHIBIT B-1

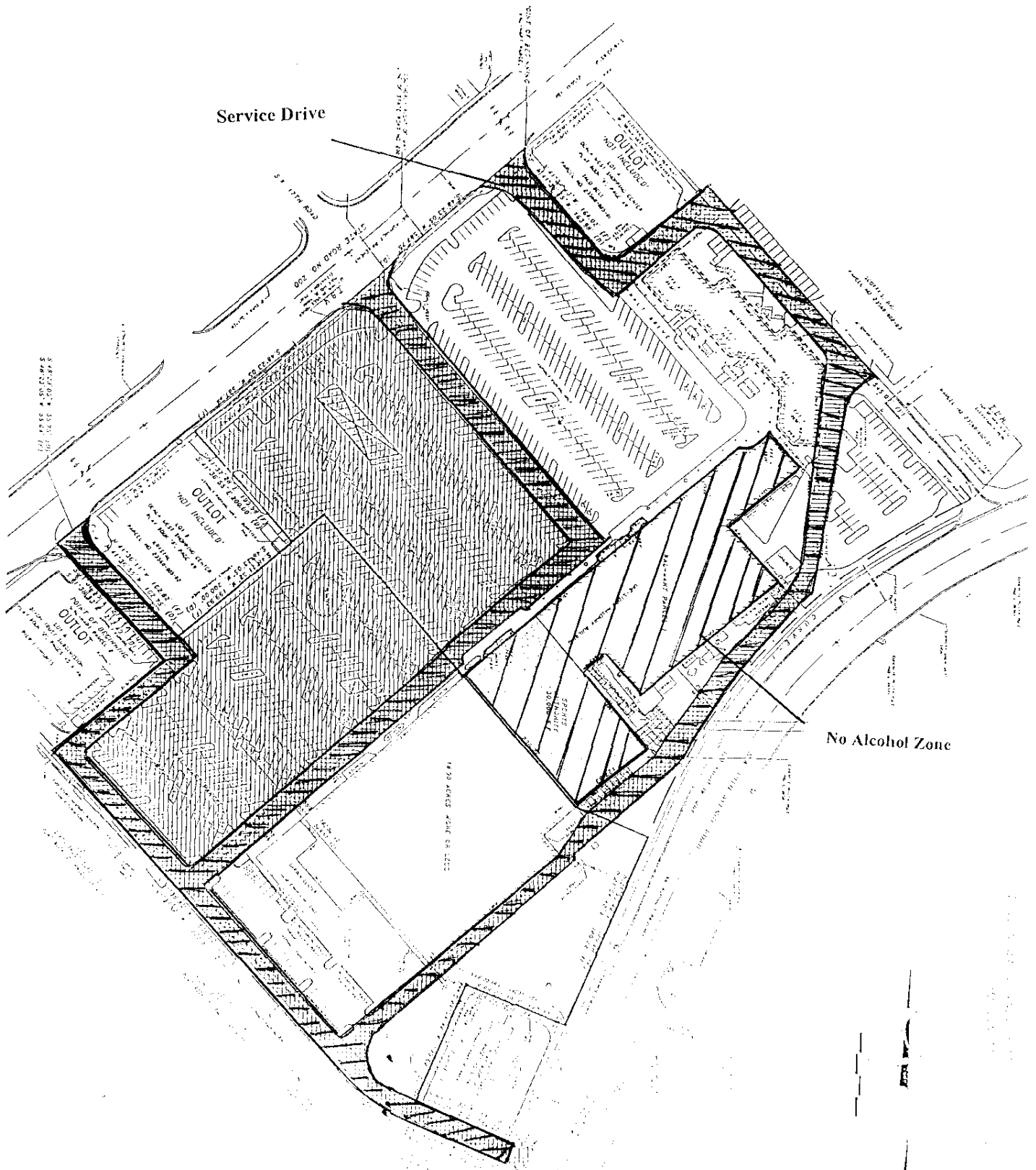
Blocker Permissible Building Area



Blocker Permissible
Building Area

EXHIBIT C

Site Plan of Shopping Center





Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-0129

Agenda Item #: b.

Submitted By: Kristina L. Wright

Presentation By: Kristina L. Wright

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Public Hearing to allow required off-street parking facilities approximately 1.05 acres provided on land within 300 feet of the plot located at 1734 and 1748 W Silver Springs Blvd (Parcel 22714-000-00 and 22715-000-00) (Case PH24-0002) (Quasi-Judicial).

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner/Property Owner: Legacy View Church, Pastor Nunn

Approval of offsite parking requires specific approval by the Planning and Zoning Commission as per Section 122-1002. A Special Exception (SE24-45800) was approved with conditions in October 2024, by the Board of Adjustment to allow for the construction of a church in R-2, Two-Family Residential. The church use requires one (1) space per each five (5) seats in the auditorium or chapel area, not including classrooms. The future church sanctuary and offices will be approximately 5,200 square feet, with a maximum of 80 seats; meaning that the proposed church will require approximately 16 spaces. The concept plan indicates that there will be 29 spaces of on-site parking and 19 spaces of off-site parking, for a total of 48 spaces.

FINDINGS AND CONCLUSIONS:

While the conceptual plan indicates that the minimum requirement can likely be met on site, the church anticipates the need for the additional parking on the remaining portion of the split parcel. The applicant is requesting approval to provide an additional 19 parking spaces off-site as allowed by Section 122-1002, Ocala Code of Ordinances.

Staff recommends approval with the following conditions:

1. This approval for off-site parking is granted only to the applicant for Legacy View Church.
2. The entire project and both the on-site and off-site parking are subject to the review and approval of the site plan review committee.
3. All conditions pertaining to the Special Exception must also be met.

FISCAL IMPACT:

N/A

PROCUREMENT REVIEW:

N/A

LEGAL REVIEW:

N/A

ALTERNATIVE:

- Approve with changes
- Deny
- Table

SUPPORT MATERIALS:

- Staff Report
- Case Map
- Aerial Map

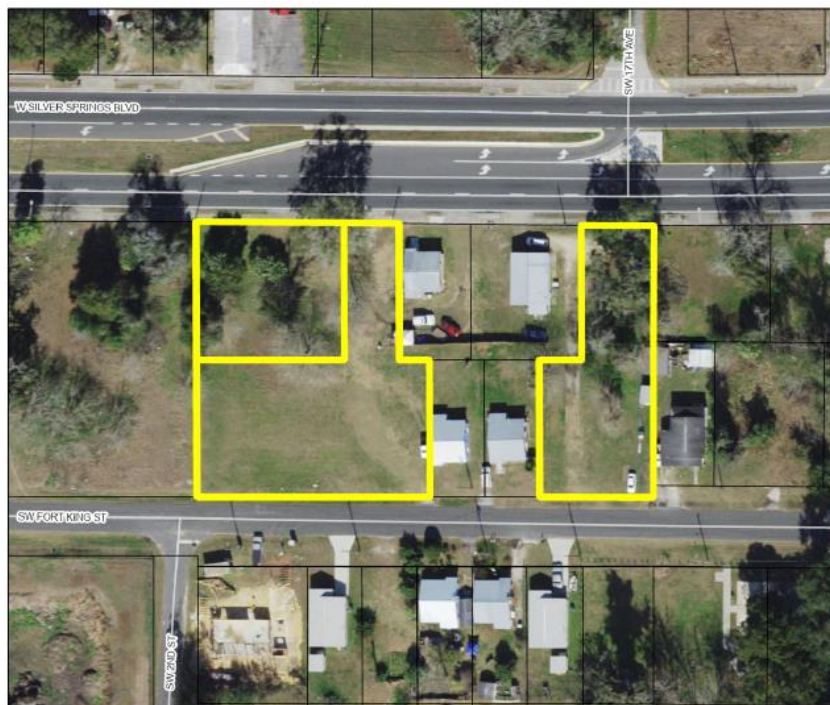


Property Owner/Applicant: Legacy View Church Inc.
Agent: Pastor Danny Nunn, Jr., Legacy View Church Inc.
Project Planner: Kristina L. Wright, CNU-A, FRA-RA
Request: Request to allow required off-street parking facilities provided on land within 300 feet of the property located at 1734 and 1748 West Silver Springs Boulevard.

Subject Property Information

Acres: ±1.05 acres
Parcel(s)#: 22714-000-00 and 22715-000-00
Location: 1734 and 1748 West Silver Springs Boulevard.
Existing use: Vacant/Undeveloped
Future Land Use Designation: Neighborhood
Zoning Designation: R-2, Two-Family Residential
Special District(s)/Plan(s): West Ocala Community Redevelopment Area (CRA)
Approved Agreement(s): N/A

Figure 1. Aerial Location Map



Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Neighborhood	R-2, Two-Family Residential	Residential
East	Medium Intensity/Special District	R-2, Two-Family Residential	Residential
South	Neighborhood	R-1AA, Single-Family Residential	Residential
West	Neighborhood	R-2, Two-Family Residential	Vacant/Undeveloped

Applicant Request

The applicant is requesting approval of off-street parking within 300 feet of property located at 1734 and 1748 West Silver Springs Boulevard. The Agent, Pastor Danny Nunn, Jr., is representing the applicant in this request in support of the future development of a 5,200 s.f. church with associated on-site and off-site parking.

Background:

Approval of off-site parking requires specific approval by the Planning and Zoning Commission pursuant to Section 122-1002. A Special Exception (SE24-45800) was approved by the Board of Adjustment with conditions in October 2024 to allow for the construction of a church in R-2, Two-Family Residential. Parcel 22714-000-00 is currently a split parcel, bisected with four residential lots. The petitioner is planning to combine the two western most plots, while the eastern most plot will remain a separate and distinct parcel.

The conceptual plan indicates that there will be a total of 48 parking spaces, 29 of which will be located on the western most lot, this number includes 2 handicap spaces. Eight of the 29 spaces will be paved while the remaining 21 will be grass spaces. The off-site parking will contain an additional 19 unpaved spaces, these will be delineated with railroad ties and landscaping materials. Based on the use of the property, required parking is one (1) space for every five (5) seats in the auditorium or chapel area, not including any classrooms. Parking facilities are required to be paved per the Land Development Code; however, the City Engineer has the ability to approve alternate surfaces for parking facilities on a case-by-case basis. Any alternate surface will have to be approved at the time of site plan review. At this time, the estimated number of seats for the proposed church will be between 70-80 seats in the worship center, auditorium, or chapel. Assuming a maximum of 80 seats, the required minimum number of parking spaces is 16, the conceptual site plan is proposing 48 total spaces. While the off-site parking is not explicitly necessary, pursuant to the number of estimated seats, there will be associated uses such as office and clergy. The petitioner does not wish to become a nuisance to the adjacent residences with parishioners parking in rights-of-way to access church services. The petitioner has also indicated that they will be providing parking attendants prior to services.

The overflow parking is considered off-site parking due to the unique configuration and non-contiguous aspect of the parcel. Approval of off-site parking requires specific approval by the Planning & Zoning Commission per Section 122-1002.

The conditional approval from the BOA for SE24-45800 Legacy View Church stipulates the following conditions:

1. This Special Exception shall be granted for and run with the subject property located at the 1734 and 1748 West Silver Springs Boulevard (Parcels: 22714-000-00 and 22715-000-00) as long as the church remains the primary use and the off-site parking remains an accessory use to the church.
2. Approval of a public hearing by the Planning & Zoning Commission to allow required off-street parking facilities provided on land within 300 feet of the plot.
3. The site plan shall be consistent with the provided conceptual plan, and site plan approval shall be issued within 18 months of the date of approval by the Board of Adjustment or this Special Exception shall expire.
4. Lots on the western half of the proposed development shall be combined through a lot reconfiguration request submitted to staff, the eastern parcel will be split to create its own parcel id and will solely be used as accessory parking only for the church.
5. The site plan must include 10-foot wide landscape buffers and may include 6-foot walls or fences, in addition to 3-foot high hedges to screen parking areas from each street, and a sidewalk on SW Fort King Street within the public right-of-way to connect the properties and to reduce the potential for any impact to the properties situated between the church property and the off-site parking.
6. A 30-foot separation from the driveway aprons and parking spaces are required as indicated on the concept plan.
7. Landscape areas must be defined and protected from traffic movement as indicated on the concept plan.
8. The sign must be revised to ground mounted, without any animation or illumination.
9. Architectural elevations are required demonstrating a pitched roof to retain character with the surrounding residential properties. If a steeple will be incorporated into the design of the church, the steeple shall not exceed 35 feet, to preserve the character of the R-2 zoning and the residential scale of the surrounding properties.
10. Off-site drainage retention is subject to the review and approval of stormwater management. If off-site drainage retention is not approved, on-site drainage must be provided.

Conclusions

While the conceptual plan indicates that the minimum requirement can likely be met on site, the church anticipates the need for the additional parking on the remaining portion of the split parcel. The applicant is requesting approval to provide an additional 19 parking spaces off-site as allowed by Section 122-1002, Ocala Code of Ordinances.

Code Requirements

Section 122-1002. Location. The off-street parking facilities shall be located on the same plot or parcel of land they are intended to serve; provided, however, when practical difficulties prevent the

establishment of such facilities on the same plot, the required off-street parking facilities may be provided on land within 300 feet of the plot, after application for a public hearing and subject to approval by the planning and zoning commission, except that the parking facilities shall not be located across an arterial street as designated by the thoroughfare plan.

The proposed off-site parking is within 300 feet of the other parcel, and it is not located across an arterial street. As such, staff recommends approval with the following conditions:

Conditions of Approval

1. This approval for off-site parking is granted only to the applicant for Legacy View Church.
2. The entire project and both the on-site and off-site parking are subject to the review and approval of the site plan review committee.
3. All conditions pertaining to the Special Exception must also be met.

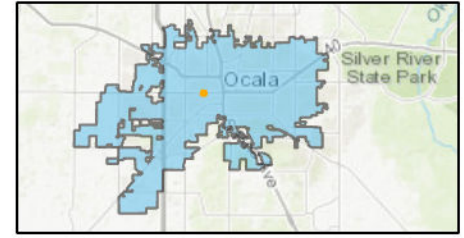
Staff Recommendation:	Approval with Conditions
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CASE MAP

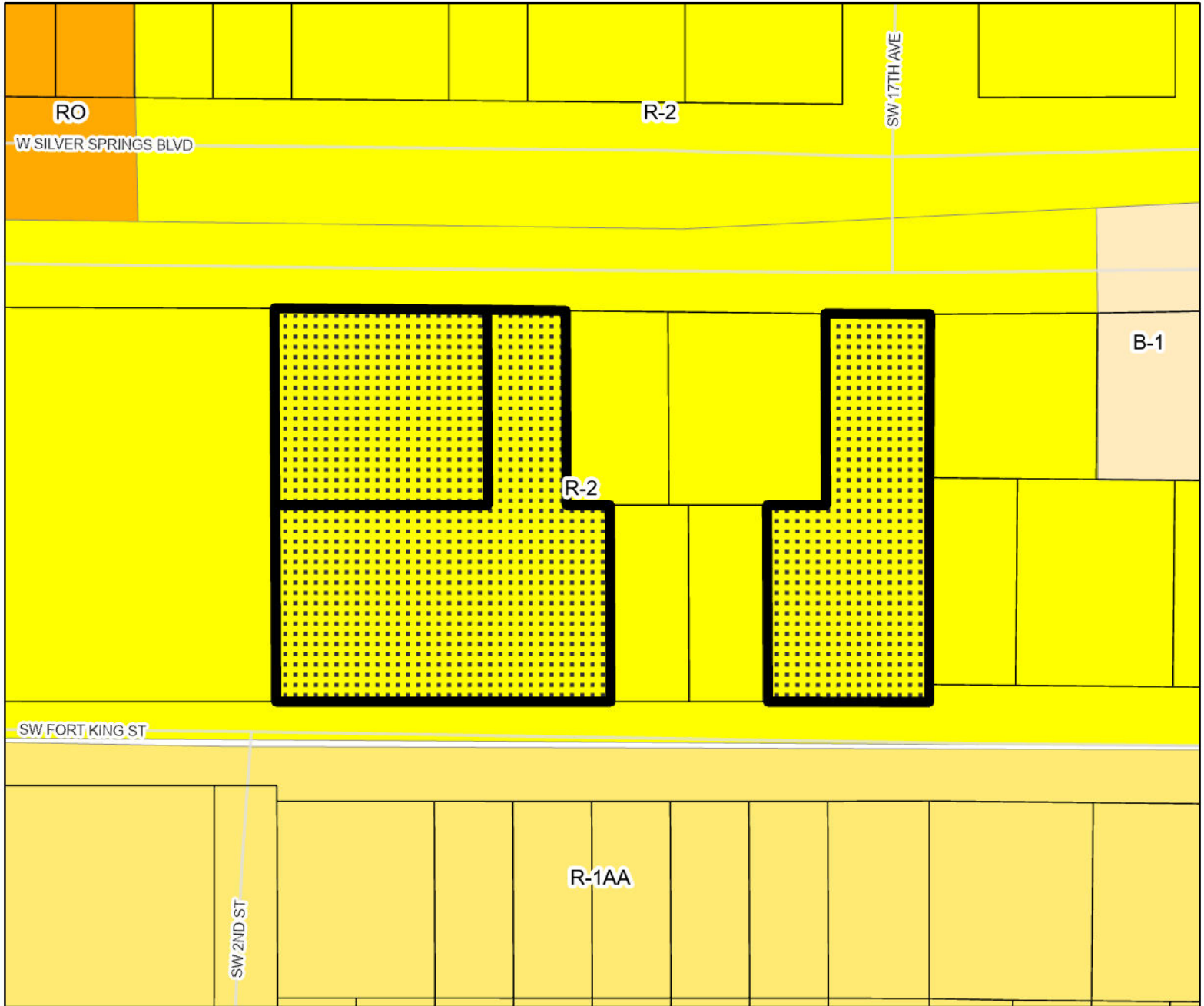
P&Z Meeting: November 13, 2024

Case Number: PH24-0002
Parcel: 22714-000-00 & 22715-000-00

Location Map



Property Size: Approximately 1.05 acres
Land Use Designation: Neighborhood
Zoning: R-2, Two-Family Residential
Proposal: A request for Public Hearing to allow required off-street parking facilities provided on land within 300 feet of the plot.



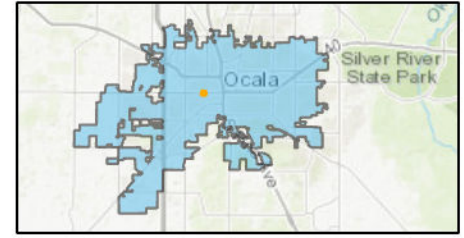
- B-1:Neighborhood Business
- R-1AA:Single Family Residential
- R-2:Two-Family Residential
- RO:Residential Office
- Parcels
- Subject Property



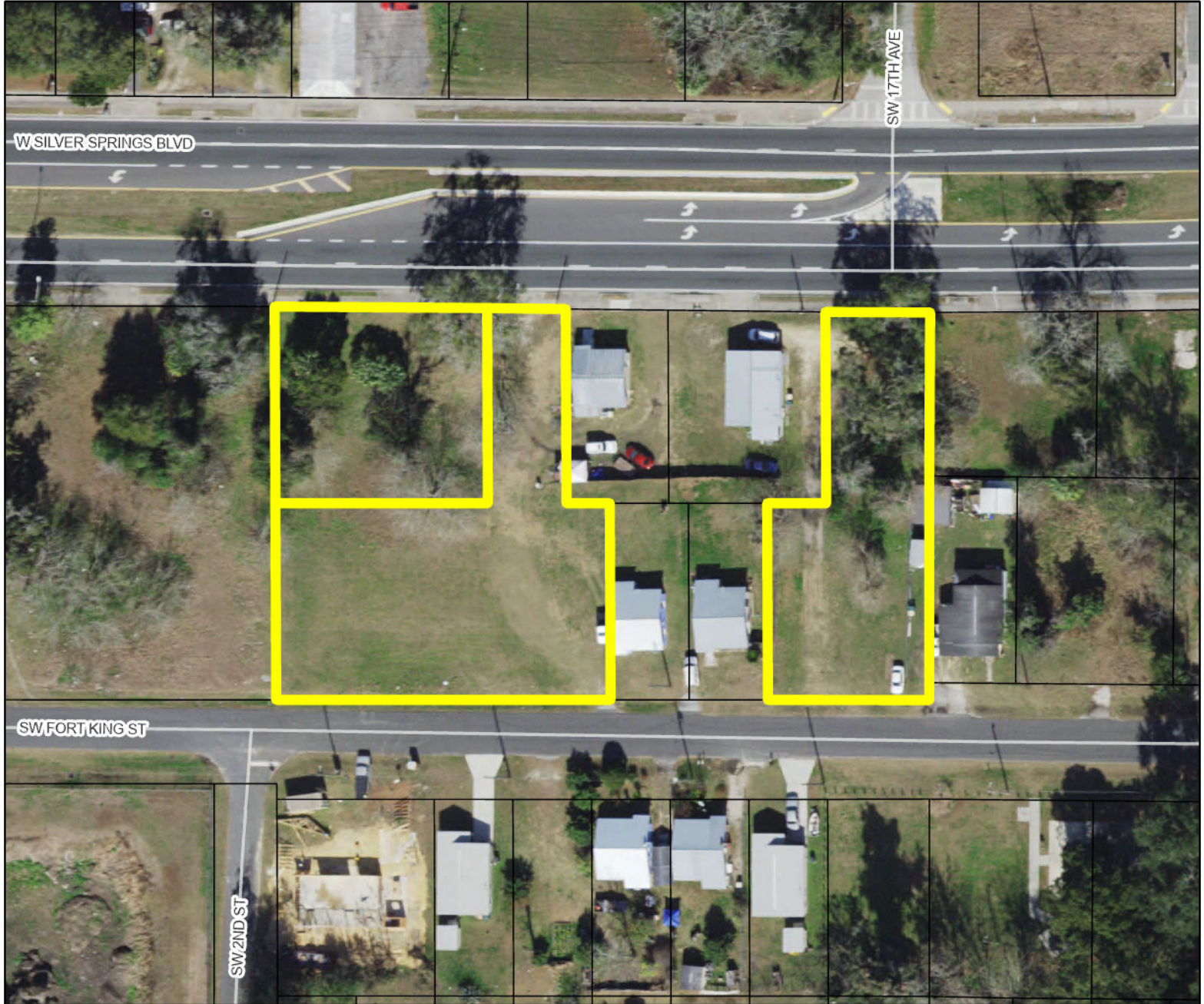
AERIAL MAP



Case Number: PH24-0002
Parcel: 22714-000-00 & 22715-000-00

Location Map

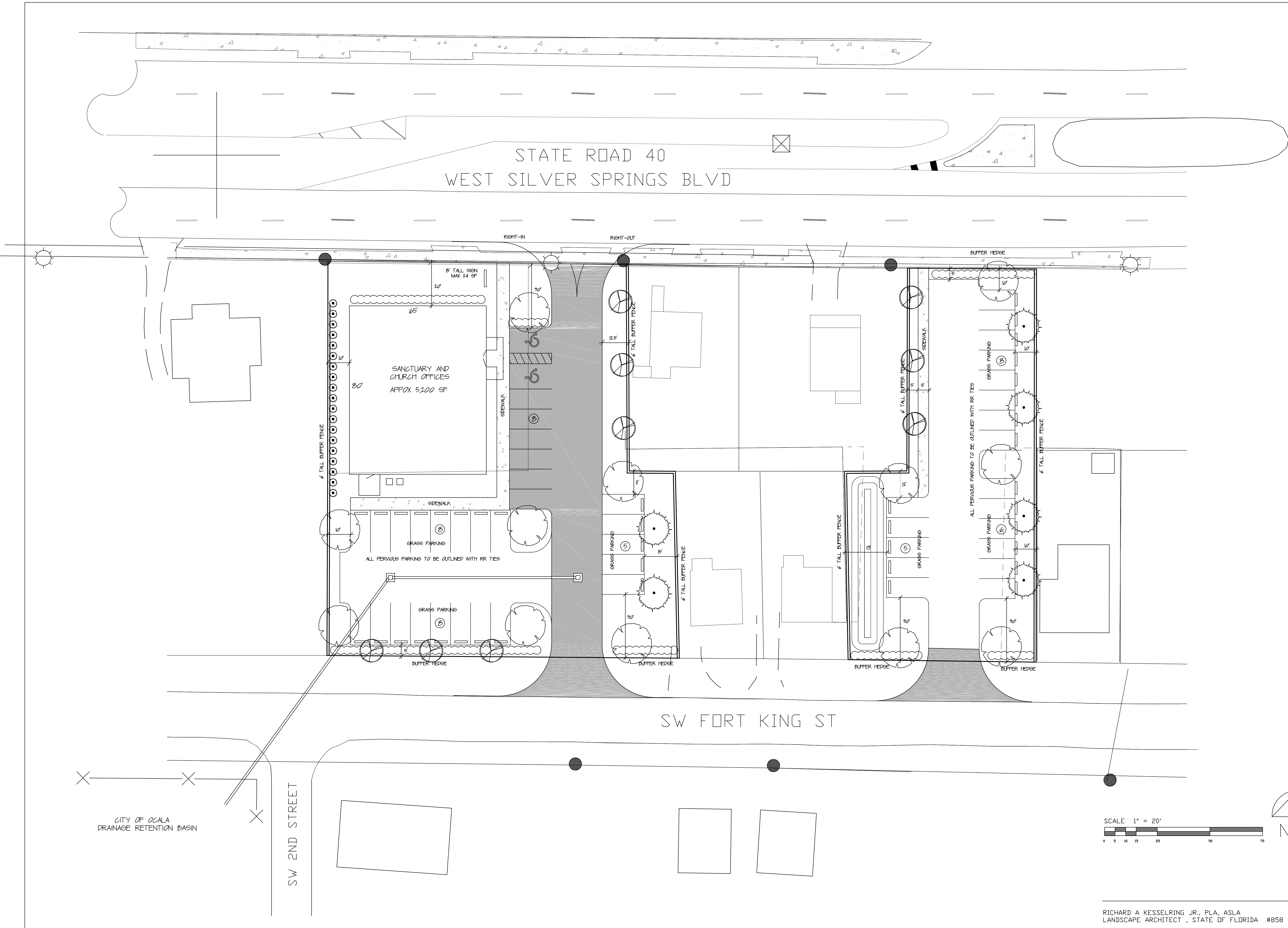


Property Size: Approximately 1.05 acres
Land Use Designation: Neighborhood
Zoning: R-2, Two-Family Residential
Proposal: A request for Public Hearing for reduction in parking requirements in excess of ten percent.



-  Parcels
-  Subject Property

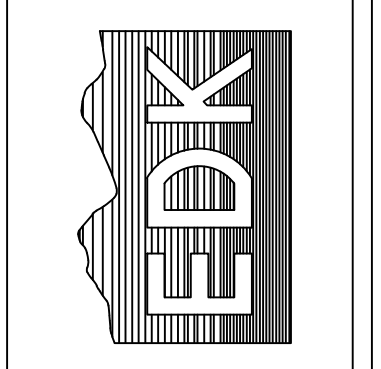




NO.	DATE	DESCRIPTION	BY

DRAWN BY:	RAK	DATE:	7 / 24
SCALE:	1" = 20'	DRAWING NO.:	
JOB NO.:		NEW NAME:	
		FE:	
		PG.	

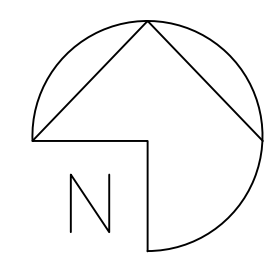
ENVIRONMENTAL DESIGN
 ANDY KESSELING, LANDSCAPE ARCHITECT
 P.O. BOX 5121
 1920 SE. 8th STREET
 Ocala, Florida 34478
 (352) 622-8899
 LANDSCAPE ARCHITECTURE, SITE PLANNING,
 GOLF COURSE DESIGN, COMMERCIAL-RESIDENTIAL DESIGN



PRELIMINARY SITE LAYOUT
 LEGACY VIEW CHURCH
 Ocala FLORIDA

SHEET ____ of ____

SCALE 1" = 20'



RICHARD A KESSELING JR., PLA, ASLA
 LANDSCAPE ARCHITECT, STATE OF FLORIDA #858