

**b. ZON22-44645**

Petitioner: Catalyst Development Partners II, LLC

Agent: Fred N. Roberts, Jr

Planner: Patricia Hitchcock (352-629-8304)

[phitchcock@ocalafl.org](mailto:phitchcock@ocalafl.org)

A request to change zoning to R-3, Multi-family Residential, for property located on the east side of SW 43rd Court in the 3600 block (across from Saddlewood Elementary), approximately 15 acres.

*Discussion:*

Fred Roberts, 40 SE 11th Avenue, commented the rezoning request to R-3 is very typical for a multi-family project. The City staff raised numerous concerns regarding the proposed project. The project will utilize a Chapter 163 Developers Agreement, which requires a traffic study and improvements. He explained the site will not be developed until other surrounding projects start. He anticipates the project will start when SW 43<sup>rd</sup> begins their project.

The medium intensity land use will allow 30-units per acre. To note, the agreement established a unit limit of 320-units. The developer plans on building single-family residential homes in the northern boundary, with a 25-foot buffer. Furthermore, the accessibility concerns will be addressed during the site plan process.

Commissioner Kesselring asked if the applicant owns the adjacent property. Mr. Roberts responded he represents the developer; the 200 Club of Ocala owns the 11-acres to the north, which is subject to the Chapter 163 Developers Agreement. He noted they are not applying to rezone the remainder of the property (only the 15-acres to the south).

Commissioner Kesselring requested clarification regarding the property to the east. Mr. Roberts responded the property has been listed for sale on the real estate market. To note, the property owner fully supports the proposed development project.

Sheryl Calverley, 4400 SW 32nd Place, expressed concern regarding traffic, public safety and emergency vehicles. She noted the area lacks street lighting and public sidewalks. She explained the community sold 23 properties to the City for the expansion project. She requested the Commission thoroughly review the proposal and make the needed improvements to protect the public.

David Herlihy, Marion County School District, discussed increased school capacity due to community development. He noted the street needs to be expanded to four lanes, to mitigate school traffic. The School Districts capacity is currently 9/10, which is considered the maximum. He explained how several schools have reached the maximum capacity limits. Furthermore, the School District acquired a 20-acre property from the City; however, the School District does not have the funds (20 million to 30 million project expense) available to build another school to remedy the capacity issues.

Claire Heller, 3400 SW 43<sup>rd</sup> Court, expressed concern regarding traffic and school impacts. The properties access road has no access to 38<sup>th</sup> and is only able to access SW 43<sup>rd</sup> Court. Furthermore,

the development project will increase density in the community and the surrounding schools have reached their maximum capacity limit.

Dennis McFatten, 1517 SE 30th Avenue, expressed concern regarding traffic and pedestrian safety. He noted the drone footage will show the existing traffic/pedestrian safety problems. The School District has utilized law enforcement for assistance mitigating traffic, which costs \$50 an hour, for a minimum of 3-hours. He requested the Commission address the traffic/pedestrian safety concerns first, before approving development projects in the area.

Tambor Jenkins, President of Sonoma HOA, expressed concern regarding traffic, pedestrian safety and home values. He anticipates the development will increase traffic/pedestrian safety issues in the community. He noted vehicles wait 30-minutes to pass traffic stop signs. Furthermore, the proposed development will negatively impact home values in the community. He requested the Commission oppose the proposed development project.

Sheryl Calverley, 4400 SW 32nd Place, expressed concern the development will impact people traveling in the community. Currently, traffic is so horrendous, people get stuck waiting on the road. She requested the traffic problems be included in the plan.

Mr. Roberts commented the R-3 zoning is very appropriate for the development project. The appropriate safeguard will be established to ensure concerns are addressed. The Chapter 163 Developers Agreement requires a traffic study be performed. The traffic study will provide a list of recommended traffic improvements. If the level of service does not improve, the applicant must complete the traffic improvements.

The School Districts capacity is 85.5% districtwide, which is below the State capacity of 87.5%. To note, the School District is responsible for addressing localized overcrowding. The development will add 31 additional elementary students to the community. He anticipates the students will be walking to school; since the development is located in close proximity to the school, which will alleviate traffic impacts. Furthermore, the plan is to have infrastructure in place to support future development. He explained how multi-family projects do not adversely impact property values.

Ms. Campbell commented Liberty Middle School and Westport High School, have a high capacity of 115%. She noted the additional students will need bus transportation, because there are no sidewalks, which is the State law. Furthermore, the State will not fund their school construction project due to the localized overcrowding. She requested the Commission take traffic issues and overcrowded schools into consideration when evaluating development projects for the southern area.

Commissioner Clere asked if the Chapter 163 Developers Agreement will come back to the Commission for a second review. Ms. Hitchcock responded the R-3 zoning will go through the site plan approval process and will not come back to the Commission. The City will schedule two public hearings for City Council to review the Development Management Agreement.

Commissioner Lopez asked if the Commission could table the case for sufficient traffic/remediation purposes. Ms. Hitchcock responded the City will receive the traffic study during the site plan process. To note, the Chapter 163 Developers Agreement ensures the City will receive the traffic study. A

development proposal is required for the City to receive the traffic study and methodology.

Commissioner Lopez asked how the City will remedy the traffic concerns. 01:02:37 Unidentified Speaker responded the traffic issue will be addressed by City Council. The Commission is only responsible for evaluating the cases by utilizing the Zoning Code. Furthermore, the Commission submits a recommendation to City Council; however, City Council makes the final decision.

Ms. Hitchcock commented the City adopted the 2035 Vision Plan. The plan shows the area is appropriate for Medium Intensity Special District, which allows 30-units per acre. Furthermore, the R-3 multi-family zoning is consistent with the medium intensity land use. The City has acquired right-of-way and funding over the years, to help aide development. The Chapter 163 Developers Agreement requires the developers to have the infrastructure in place.

Chairman Gilchrist noted traffic is horrendous in the area; however, the zoning change request is appropriate for the proposed plan. Furthermore, he favors the Chapter 163 Developers Agreement, which ensures the City will receive the traffic study and necessary infrastructure improvements.

Ms. Hitchcock noted the R-3 zoning is appropriate for the location.

Commissioner Kesselring expressed concern the Commission is shortcutting the planning responsibilities. The Commission should ensure the resources are adequate to sustain the development. To note, the traffic in the area is horrendous.

Chairman Gilchrist requested the Commission make a motion.

Commissioner Rudnianyn commented he agrees multi-family residential is an appropriate use; however, the traffic issues will continue to exist. To note, City Council will be reviewing the Chapter 163 Developers Agreement.

Vice-Chairman Adams asked when the road construction will complete. Mr. Hale responded the construction will complete in 18-months. The City is working on securing additional funding from the Legislator. (01:09:38-01:10:30 inaudible).

Vice-Chairman Adams requested the Commission make a decision regarding the zoning request. The property owners have the right to develop their property in the City of Ocala.

<b>RESULT:</b>	<b>APPROVED ZON22-44645</b>
<b>MOVER:</b>	Rus Adams
<b>SECONDER:</b>	Owen Boone
<b>AYES:</b>	Boone, Clere, Rudnianyn, Adams, Gilchrist
<b>NAYS:</b>	Kesselring, Lopez