



Planning & Zoning Commission

Meeting Minutes

201 SE 3rd St, 2nd Fl
Ocala, FL 34471

www.ocalafl.org

Monday, February 14, 2022
4:00 PM

1. **Call to Order**

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

The Ocala Planning & Zoning Commission held a meeting at City Hall, 110 SE Watula Avenue, second floor and via Zoom on Monday, February 14, 2022 at 4:00 PM

Attendee Name	Title	Status	Arrived
William Gilchrist	Chairman	Present	
Rus Adams	Vice-Chairman	Present	
Owen Boone	Commissioner	Present	
Richard Kesselring	Commissioner	Present	
Kris Clere	Commissioner	Present	
Todd Rudnianyn	Commissioner	Present	
Kevin Lopez	Commissioner	Present	
Allison Campbell (non-voting)	School Board Rep	Present	

Others Present: Growth Management Director Tye Chighizola, Planning Director Patricia Hitchcock, Chief Development Official Aubrey Hale, Planner I Divya Govindaraju, Planner I Breah Miller and Administrative Coordinator Mireya Diaz.

- c. Agenda Notes:

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

- 2. **Proof of Publication** - It was acknowledged that a Public Meeting Notice was posted at City Hall (110 SE Watula Avenue, Ocala, Florida 34471) and published in the Ocala Star Banner on January 25, 2022.

- 3. **Consideration of Minutes** – January 10, 2022

RESULT:	APPROVED
MOVER:	Rus Adams
SECONDER:	Kevin Lopez
AYES:	Boone, Clere, Kesselring, Lopez, Rudnianyn, Adams, Gilchrist

4. Future Land Use Plan

a. FLUP22-44631

Petitioner: TBMI II, LLC
Agent: Richard V. Busche, P.E.
Planner: Breah Miller (352-629-8341)
bmiller@ocalafl.org

A request to amend Future Land Use Policy 18.14 to require Planned Development (PD) zoning, provide buffer requirements and limit development potential for property located on the east side of SW 60th Avenue, between SW 31st Street and SW 38th Street, approximately 61.39 acres

Discussion:

Chief Development Official Aubrey Hale requested the Commission table the case until the next meeting scheduled on March 14, 2022. The City is waiting for the Airport Director to review the case.

Planning Director Patricia Hitchcock requested a motion to table the case until the next meeting scheduled on March 14, 2022. The City will advertise the new meeting date and mail notices to property owners.

Growth Management Director Tye Chighizola commented the property was annexed into the City several years ago. The land use was re-adopted due to the new Comprehensive Plan. The Airport will be utilizing the Master Plan to address noise issues between residential properties and Airport operations. The policy will request the property be considered a PD zoning, which will require a neighborhood meeting.

Richard Busche, Kimberly Horn & Associates, 101 E Silver Springs Boulevard, stated he is representing the applicant. He noted they are working on scheduling a meeting with Airport Director Matt Grow, which is why they are requesting the case be tabled. The applicant is proposing a language cleanup of the old text policy; to require a Planned Development for the zoning category. A neighborhood meeting was held several days ago, and the comments will be included with the application. He requested the Commission table the case until the next meeting scheduled on March 14, 2022.

Cory Hewitt, HOA Board Member, 5016 31st Timber Wood, asked if the public can comment on a tabled item. 00:06:38 Unidentified Speaker responded no, the public will receive a notice to comment at the next scheduled meeting.

Mr. Chighizola commented the City will schedule a second neighborhood meeting to address any concerns.

School Board Representative Allison Campbell commented they will resend Mr. Hurley's and the School District comments to include with the packet.

RESULT:	TABLED FLUP22-44631 TO MARCH 14, 2022
MOVER:	Rus Adams
SECONDER:	Kevin Lopez
AYES:	Boone, Clere, Kesselring, Lopez, Rudnianyn, Adams, Gilchrist

5. Zoning

a. ZON22-44635

Petitioner: MBDT Holdings, LLC

Planner: Divya Govindaraju (352-629-8305)

dgovindaraju@Ocalafl.org

A request to change zoning from INST, Institutional, to RO, Residential Office, for property located at 819 NE 10th Street, approximately 0.34 acres.

Discussion:

Dustin Tuck, Petitioner, 2009 SE 16th Lane, stated the lot has been vacant since 1997. The goal is to create affordable housing opportunities for the community. He noted they are interested in building single-family or multi-family units.

Commissioner Kesselring asked if the development will be residential only. Mr. Tuck responded yes, they plan on building affordable housing opportunities. Currently, the property is surrounded by residential uses.

Commissioner Lopez asked if the rezoning makes the property institutional (less than one acre). Planner I Divya Govindaraju responded no.

Commissioner Kesselring expressed concern changing the zoning classification. He asked if a residential zoning classification can be applied. Ms. Govindaraju responded no, the property is less than one acre, which legally requires the property to match the zoning of the adjacent property.

Commissioner Kesselring commented the matter is considered a legal problem. Ms. Hitchcock responded the Zoning Code is very specific; the residential zoning is located across the street and the mentioned property must match the zoning of the adjacent property. The City cannot rezone a property less than 30,000 square feet. The institutional zoning was used on both sides of the street to deem the use conforming. The applicant can utilize the R-O District to build residential housing opportunities.

RESULT:	APPROVED ZON22-44635
MOVER:	Kevin Lopez
SECONDER:	Todd Rudnianyn
AYES:	Boone, Clere, Kesselring, Lopez, Rudnianyn, Adams, Gilchrist

b. ZON22-44645

Petitioner: Catalyst Development Partners II, LLC

Agent: Fred N. Roberts, Jr

Planner: Patricia Hitchcock (352-629-8304)

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 43rd 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 43rd Court, expressed concern regarding traffic and school impacts. The properties access road has no access to 38th and is only able to access SW 43rd 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 insure 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 can 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 insures 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 insures 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 insure 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.

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

c. ZON22-44636

Petitioner: Whitley Capital LLC
Agent: Fred N. Roberts, Jr
Planner: Divya Govindaraju (352-629-8305)
dgovindaraju@Ocalafl.org

A request to rezone from B-1, Neighborhood Business, to M-2, Medium Industrial, for property located between SW 44th Avenue and SW 46th Avenue in the 400 block (420 SW 44th Avenue), approximately 6.47 acres.

Discussion:

Fred Roberts, 40 SE 11th Avenue, stated he is representing the applicant. He explained how the two applications are related. The developer executed the appropriate plans for the project. To note, the property is part of the 44th Avenue segment undergoing industrial development.

No Board discussion.

RESULT: APPROVED ZON22-44636
MOVER: Richard Kesselring
SECONDER: Kevin Lopez
AYES: Boone, Clere, Kesselring, Lopez, Rudnianyn, Adams, Gilchrist

6. **Annexation/Land Use/Zoning**

a. **ANX22-44640**

Petitioner: Whitley Capital LLC
Planner: Divya Govindaraju (352-629-8305)
dgovindaraju@Ocalafl.org

A request for annex into the City of Ocala property located between SW 44th Avenue and SW 46th Avenue in the 400 block (430 SW 44th Avenue), approximately 9.23 Acres.

Discussion:

No Board discussion.

No public comments.

RESULT: APPROVED ANX22-44640
MOVER: Rus Adams
SECONDER: Kevin Lopez
AYES: Boone, Clere, Kesselring, Lopez, Rudnianyn, Adams, Gilchrist

b. **LUC22-44643**

Petitioner: Whitley Capital LLC
Agent: Fred N. Roberts, Jr
Planner: Divya Govindaraju (352-629-8305)
dgovindaraju@Ocalafl.org

A request to change land use from Commerce District (County) to Employment Center (City) for property located between SW 44th Avenue and SW 46th Avenue in the 400 block (430 SW 44th Avenue), approximately 9.23 Acres.

Discussion:

No Board discussion.

No public comments.

RESULT: APPROVED LUC22-44643
MOVER: Kris Clere
SECONDER: Kevin Lopez
AYES: Boone, Clere, Kesselring, Lopez, Rudnianyn, Adams, Gilchrist

c. ZON22-44642

Petitioner: Whitley Capital LLC
Agent: Fred N. Roberts, Jr
Planner: Divya Govindaraju (352-629-8305)
dgovindaraju@Ocalafl.org

A request to rezone from A-1, General Agriculture (County) to M-2, Medium Industrial (City), for property located between SW 44th Avenue and SW 46th Avenue in the 400 block (430 SW 44th Avenue), approximately 9.23 acres.

Discussion:

No Board discussion.

No public comments.

RESULT:	APPROVED ZON22-44642
MOVER:	Richard Kesselring
SECONDER:	Kevin Lopez
AYES:	Boone, Clere, Kesselring, Lopez, Rudnianyn, Adams, Gilchrist

7. **Next meeting: Monday, March 14, 2022 at 5:30 pm**

8. **Adjournment**

The meeting adjourned at 6:53 pm.