

Brian Creekbaum, 103 NE 31st Terrace, commented on public participation during meetings. He read the rules of order for public participation at City Council meetings. He noted City Council violated Florida Statutes by not allowing public comment regarding the termination of the City Manager. He expressed disappointment regarding three City Council Members who ignored the recommendation of another Council member to make the City Manager termination an agenda item, and failing to ask for public comment.

6. Public Hearings

- 6c.** Approve a "Second Amendment to Concurrency Agreement and Contribution Agreement" to be entered into pursuant to Sections 163.3220 through 163.3243, inclusive, Florida Statutes, between the City of Ocala (City) and KAS OCALA, LLC, project CDA22-44744. This is the second of two public hearings. The first public hearing was held on Tuesday, April 19, 2022.

Presentation By: Tye Chighizola

Assistant City Attorney Jimmy Gooding provided a history on the property. This item is in regards to the road easement/donation/right of way agreement, and the contract extends concurrency from the original agreement to match the Carll agreement that was approved at the April 19, 2022 City Council meeting.

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

RESULT: APPROVED

MOVER: Kristen M. Dreyer

SECONDER: James P. Hilty Sr.

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

- 6a.** Adopt a Chapter 163 Development Agreement for approximately 26.63 acres of property located on the east side of SW 43rd Court in the 3600 block (across from Saddlewood Elementary) (DMA22-44686). This is the second of two public hearings. The first public hearing was held on March 1, 2022. Postponed from the March 15, 2022 and April 19, 2022 City Council Meetings.

Presentation By: Tye Chighizola

Council President Bethea opened a public hearing for both items 6a & 6b at 4:38 pm.

Growth Management Director Tye Chighizola commented items 6a & 6b are related. He explained 6c was moved ahead of these items to ensure there was a commitment to build the roadway before discussion of these items. The property was annexed into the City in 2013, but no zoning was applied. Staff feels R-3 is the best zoning to addresses issues such as compatibility and traffic. He noted there is currently no traffic study or site plan yet, as that would be required after the zoning step. He provided an overview of the 16 development projects in the area, which could be up to 8,600 units, and highlighted the new 4-lane roadway that will be constructed that will tie into the flyover through Heathbrook, across SR-200 and to US-27 and eventually SR-326. He commented the

multi-family generates less trips on average than single family.

Council President Pro Tem Hilty questioned how multifamily creates less trips than single family. Mr. Chighizola explained traffic studies have shown single family homes generate about 10 trips per day versus 6.5 trips per day for multi-family, noting single family homes on average have more people in each dwelling and are likely to own more vehicles.

Council Member Mansfield questioned how school overcrowding will be addressed and traffic studies for the area. Mr. Chighizola explained the redistricting process to address overcrowding in the southwest corridor and City. The School Board must follow State requirements when proposing school developments. Many of the development projects require traffic studies. The four-lane roadway development will have a 35,000 vehicle capacity, which will be enough. The School Board is facing great challenges with individual school capacity.

Council Member Dreyer commented the School Board is working hard to address the overcrowding at schools; but the Board has not sought City Council assistance with concurrency.

Interim City Manager Pete Lee explained how school concurrency is not within the City's jurisdiction. The Marion County School Board must abide by State rules, and the State looks at overall capacity within the County versus individual schools.

Council Member Dreyer stated she and Mr. Chighizola meet with the School board twice a month.

Mr. Chighizola noted there are 4,000 vacancies in schools, mainly in the northeast and southeast of the County, which hinders the School Board from seeking State funding.

Fred Roberts, 40 SE 11th Avenue, shared a power point presentation. The property is 26.63 acres and the land use is zoned as Medium Intensity. The property has a maximum density of 30-units per acre and minimum density of 5-units per acre. He provided an overview of the Catalyst Ocala design concept. He explained it is a transitional location, surrounded by residential and a school. The requested land use is in line with the surrounding property.

The Chapter 163 Development Agreement was included to address future development of the property, requiring a traffic study as part of any development review. He noted, in theory, 798 units could fit on the site under R-3 zoning; the Chapter 163 agreement will limit the total amount to 320 units, as well as includes limitations on height, requirements of enhanced buffering a screening, and addresses parking concerns. The developer has developed multiple properties in Florida and Georgia and the intention is to build a luxury product with a clubhouse and other amenities. He reiterated R-3 zoning will require an architectural review and traffic study. He provided an overview of the zoning map and aerial view. The developer intends to develop multi-family on the southern portion only, leaving a 700-foot tree buffer between the development and the single-family homes to the north.

Mr. Roberts explained the postponements for this agreement were to ensure the new right of way was approved. It is currently fully funded as a 2-lane road, to begin construction by the end of this year. There is a grant application to have it as a 4-lane road that is currently on Governor DeSantis' desk. Construction of this property won't start until well after the road construction starts, noting there is a safeguard within the agreement that if the road isn't built, the apartments can't be built. The applicant will be conducting a traffic study and install necessary improvements. To note, Amber Gardner with Kimley-Horn, is the traffic engineer for the project. The project generates 158 peak hour trips (2.6 cars per minute) and the traffic calculations can be verified by the City Engineer. Furthermore, single-family residential generates .158 child per residential unit and multi-family generates .097. He explained the student capacity data for the development project.

Brigette Smith, 4275 SW 85th Avenue, expressed concern regarding traffic at Saddlewood Elementary. She questioned the presented student data and requested the City build access roads to remedy traffic impacts.

Council Member Dreyer commented SW 38th is a County road. She asked if the City has control over the road. Interim City Manager Pete Lee explained the City does not have control over County roads.

Sarah Williams, 4238 SW 50th Court, expressed concern regarding rapid growth, traffic, declining property values, increased crime and school overcrowding. She encouraged the City to thoroughly review the request and protect the residents of Ocala.

PG Schafer, 2015 SW 43rd Place, expressed concern regarding rapid growth, traffic and infrastructure. She requested Council take into consideration the public's feedback. She suggested the City allow controlled/smart growth.

Jason Schnelle, 8555 SW 152nd Place, Dunnellon, expressed concern regarding rapid growth. He questioned what Council considers "smart growth".

Allison Campbell, 1821 SE 34th Lane, stated she is a Member of the School Board. She explained the overcapacity data and new developments in the area. She noted the interlocal agreement has not been utilized/revised for several years. The next School Board work session is scheduled on May 19, 2022. Currently, the City is approving projects at a rapid pace and the School Board is struggling to catch-up.

Cynthia Gennaro, 4585 SW 44th Street, requested Council stop construction until infrastructure can catch-up. She expressed concern regarding school overcrowding and

irresponsible growth management. She questioned why the City does not consider the representation of developers by City Attorneys as a conflict of interest; and why the City does not charge developers impact fees.

Mayor Guinn requested the public not clap.

Kimberly Sindy, 4572 SW 44th Court, expressed concern regarding traffic impacts,

school overcrowding, scarce employment opportunities and the City Attorney's conflict of interest.

Justin Savino, 4560 SW 44th Street, expressed concern regarding roadways, school overcrowding, limited transportation, infrastructure, law enforcement and rezoning. He discussed how his children alternatively attend a local, private school, that is not overcrowded. He added the City is not following smart growth, and suggested Council enforce impact fees.

Diane Erwin, 4490 SW 44th Street, stated the charter school has a long waiting list. She suggested the School Board request concurrency to remedy overcrowding.

Debbie Williams, 3740 SW 56th Court, expressed concern regarding roadways. She requested Council build roads and schools first, prior to development. She questioned the student data mentioned by Mr. Roberts; and encouraged Council to vote no.

Cathy Wyckoff, 2101 SW 42nd Court, expressed concern regarding safety, transportation and school overcrowding. The City needs better infrastructure to support the rapid growth.

Ronna Goldbach, 4550 SW 44th Court, explained the climate change effects due to construction and loss of trees. Trees help remove CO2 from the air and release oxygen into the atmosphere. Development projects results in a loss of trees/vegetation, which can cause the release of greenhouse gases into the atmosphere, increased electricity use and increased garbage. To note, the proposed development area is home to endangered species and wildlife. The area has no sidewalks, which is a safety concern for the students who attend the neighboring school. She encouraged Council to implement smart growth.

Laura Savino, 4560 SW 44th Street, stated rapid growth does not benefit the City of Ocala. She requested Council follow a more responsible growth approach and take into consideration the Ocala culture. Furthermore, she requested more information regarding the roadway construction project.

Mr. Roberts stated there are only twelve medium intensity special districts in the City of Ocala. He explained how the intensity use for the site is very low, considering what is being contemplated for the area. The area is unable to meet the R-1 requirements; however, the area is meant to be developed as medium intensity. The goal is to construct a four-lane major roadway to alleviate traffic impacts on neighboring roadways. He discussed the high demand in Ocala and need for development.

Council President Bethea thanked the public for their feedback. The City is working hard to involve all government entities in growth/development discussions. He shared his growth experience where he resides.

Council Member Dreyer stated conversations are happening with the School Board. She encouraged the public to attend the next School Board meeting scheduled on May 9, 2022. Furthermore, she agrees the City does not have the proper infrastructure in place to support new development. She suggested Council evaluate ways to improve traffic

impacts in the area.

Council Member Musleh asked if the City has funding available to build a four-lane road? Interim City Manager Pete Lee responded the City does not have the funding available; however, the City is waiting for the Governor to sign a bill for an \$8 million appropriation.

Council Member Musleh expressed concern regarding the traffic impacts. He suggested Council delay the vote until the roadway is completed.

Mr. Roberts stated the City Engineer assured the City will be receiving funding from FDOT to construct a two-lane roadway. He noted the traffic study will dictate if the development can continue with a two-lane roadway.

Council Member Dreyer expressed concern a two-lane roadway will not resolve the traffic impacts. Mr. Roberts responded the methodology for the traffic study was approved by the City. The City will have funding once the Governor signs the bill to appropriate \$8 million to the City, which they can request FDOT modify the agreement to construct a four-lane roadway.

City Engineer Sean Lanier explained there is an agreement coming next Council meeting for a \$1 million appropriation. The two-lane roadway is budgeted for this fiscal year. The appropriation with the State will provide an additional \$8 million to four-lane the entire stretch and is just waiting on the Governor's signature.

Council Member Musleh stated the two-lane roadway will not remedy traffic impacts. Mr. Lanier explained how the two-lane roadway will provide an outlet to alleviate traffic impacts.

Council Member Musleh commented the infrastructure should be paid for before proceeding with development.

Council Member Hilty stated he is confident the \$8 million will be appropriated to the City. He explained how development is not considered smart growth. Furthermore, he suggested the roadway be completed before development starts.

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

RESULT: DENIED

MOVER: Kristen M. Dreyer

SECONDER: Barry Mansfield

NAY: Hilty Sr., Dreyer, Mansfield, Musleh, and Bethea

- 6b.** Adopt Ordinance 2022-25 for a zoning change to R-3, Multi-family Residential, for approximately 15 acres of property located on the east side of SW 43rd Court in the 3600 block (across from Saddlewood Elementary) (Case ZON22-44645) (Quasi-Judicial). Postponed from the March 15, 2022 and April 19, 2022 City Council Meetings.

Presentation By: Tye Chighizola

Introduced By: Barry Mansfield

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

RESULT: DENIED

MOVER: Barry Mansfield

SECONDER: James P. Hilty Sr.

NAY: Hilty Sr., Dreyer, Mansfield, Musleh, and Bethea

- 6d.** Open a Public Hearing for a Concurrency Development Agreement between the City of Ocala and Cradle Holdings, Inc. concerning the approximately 1,008 acres located on SR 200 between SW 66th Street and SW 60th Avenue. This is the first of two public hearings. The second public hearing on the proposed Concurrency Development Agreement will be held on Tuesday, May 17, 2022.

Presentation By: Tye Chighizola

Council President Bethea opened a public hearing at 6:08 pm.

Growth Management Director Tye Chighizola commented the request is a Concurrency Development Agreement for the Winding Oaks development. It will be approximately 3,000 residential units, plus commercial and office space. Part of the Concurrency Development agreement is to pay their “fair share” to address the deficiencies. There was a Chapter 163 agreement for a portion of the property a few years ago, and this will update it to address the entire property so it isn’t done in phases. He noted no vote is needed.

There were no public comment.

Council President Bethea closed the public hearing at 6:10 pm.

RESULT: OPENED A PUBLIC HEARING

- 6e.** Approve the College Park Townhomes Major Site plan for approximately 1.72 acres located in the College Park 2nd Addition on SW 34th Avenue Circle (Case SPL21-44519)

Presentation By: Tye Chighizola

Growth Management Director Tye Chighizola commented the small development is considered an infill project and they finished the platting process. He noted staff recommends approval.

Austin Daley, 40 SE 11th Avenue, Ocala, FL 34471, stated he is representing the applicant. He thanked staff for their hard work. He noted they had held a community meeting where two residents attended; one property owner requested a hedge be planted on their property across the street, to which the developer agreed. He requested Council approval of their proposed site plan.