



# Ocala City Council Minutes

**Tuesday, February 2, 2021**

## **Regular Meeting**

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

Angel B. Jacobs  
(352) 629-8266

### **1. Call to Order**

The Ocala City Council held a meeting at the Ocala City Hall and via Zoom on Tuesday, February 2, 2021 at 5:00 PM.

#### **a. Opening Ceremony**

##### **1. Invocation - Chaplain Gene Kenney**

##### **2. Pledge of Allegiance**

#### **b. Welcome and Roll Call**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Reuben Kent Guinn	Mayor	Present	
Brent R. Malever	Pro Tem	Present	
Ire J. Bethea Sr.	Council Member	Present	
Jay A. Musleh	Council Member	Present	
Matthew Wardell	Council Member	Present	
Justin Grabelle	Council President	Present	

Municipal Officers/Others Present: The meeting was also attended by City Manager Sandra Wilson, City Attorney Robert Batsel Jr., Assistant City Attorney Jimmy Gooding, Assistant City Manager Bill Kauffman, City Clerk Angel Jacobs, Deputy City Clerk Roseann Fusco, Fire Chief Shane Alexander, Police Chief Michael Balken, Internal Auditor Randall Bridgeman, Assistant Finance Director Peter Brill, Growth Management Director Tye Chighizola, Director of Revitalization Strategies Melanie Gaboardi, Budget Director Tammi Haslam, Manager Compliance Monitor Rusella Johnson, Contracting Officer Tiffany Kimball, City Engineer & Director of Water Resources Sean Lanier, Chief Planning Director Pete Lee, Director of Public Works Darren Park, Director of Parks & Recreation Preston Pooser, Director of Finance Emory Roberts, Director of HR/Risk Management Jared Sorensen, Real Estate Project Manager II Tracy Taylor, Ocala Police Department Representative, IT Representative and other interested parties.

### **2. Public Notice**

**Public Notice for the February 2, 2021 City Council Regular Meeting was posted on January 20, 2021**

### **3. Proclamations & Awards**

#### **a. Proclamation presentation to William James**

Mayor Guinn presented a proclamation to William James as a pioneer of civil rights.

City Engineer & Director of Water Resources Sean Lanier commented the agenda item supports the City goals of fiscally sustainable and operational excellence. The ordinance addresses the increases for the water & sewer rates (miscellaneous fee) and staff recommends approval.

There were no public comments.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Matthew Wardell, Council Member
<b>SECONDER:</b>	Brent R. Malever, Pro Tem
<b>AYES:</b>	Malever, Bethea Sr., Musleh, Wardell, Grabelle

Council President Grabelle closed the public hearing at 5:31 p.m.

**c. Adopted Ordinance 2021-23** zoning change from GU, Governmental Use, to PD, Planned Development, for approximately 216 acres of property located south of NW 35th Street, east of NW 27th Avenue, north of NW 21st Street, and west of railroad (Case PD20-0004) (Quasi-Judicial)

Presentation by Peter Lee

**Introduced by Council Member, Ire J. Bethea Sr. January 19, 2021**

Council President Grabelle opened the public hearing at 5:31 p.m.

Chief Planning Director Pete Lee commented the agenda item supports the City goals of economic hub and quality of place. The City signed a redevelopment agreement in April 2019, with the Pine Oak Square developer. It extends the Pine Oak Square Main Street district envisioned in the Ocala 2035 Vision and West Ocala Community Plan. There are many great developments taking place around the property, such as the Ocala Wetland Recharge Park, Lillian Bryant Park, and the Ocala 489 distribution center. The City is proposing a zoning change from Governmental Use to Planned Development, which will allow a mixed-use development.

The City held two public neighborhood meetings. The first meeting was held on March 5, 2020 (45 residents were present) and the second meeting was held in August 2020 (15 residents attended via Zoom meeting). The developer will complete phase one of the proposed plan by August 9, 2021 and the estimated build out is 2030. The City Redevelopment Agreement for Pine Oaks requires that 20 percent of the units constructed are affordable housing units, as defined in the agreement. He explained that the cost of these houses was estimated at \$150,000, but with raising housing prices and salaries, the prices may increase to \$160,000 or \$165,000. The rental rates for the affordable housing units will follow the HUD fair market rental rate.

In addition, 10 percent of the owner-occupied units and 10 percent of the three-bedroom units must be affordable units. The developer signed a concurrency agreement, which the City will pay \$350,000.00 for offsite improvements. Furthermore, the developer will complete the environmental remediation of the property and pay \$2,106,995.09 for the property. The developer plans on constructing 1,368 residential units, with 70,000 square feet of commercial on the north end of the property. The first phase consists of constructing the following: a spine road that runs north to south, club house, 200 apartment units, single-family and multifamily units.

At this time, the traffic study is under review and the currency agreement is almost complete. The development plan will help fill the affordable housing need in the community and is in compliance with the density requirements of the comprehensive plan.

The City received an objection from A&A Trucking and Cordwin Tree Service Inc. The first objection was regarding compatibility of usage for properties outside of City controls, which the City does not have jurisdiction. He noted the City policies were not violated within the development plan.

The second objection was regarding insufficient buffer mitigation and transition. The City code (Section 122.260) requires more intensive uses to provide buffers to less intensive uses. The site plan process allows the City to insure the multi-residential developments are not negatively impacted by surrounding properties. The third objection was regarding inappropriate entry and exit points. The multi-residential ingress and egress will be along the spine road which will intersect with NW 35th Street, with a signaled intersection.

An alternative idea was presented to the City for a 100 percent commercial development on the northside of the property. The City has advertised as a primarily residential redevelopment opportunity. The proposed scale of the commercial development along 35th Street provides neighborhood serving commercial uses and additional commercial developments will increase traffic in the community. The Planning & Zoning Commission conditionally recommended approval of the planned development proposal at the January 11, 2021 meeting and the conditional requirement is 25-foot wide landscape buffer on the westside of the property. He noted staff recommends approval of the item.

Attorney Tom Dobbins, 1301 NE 14th Street, Ocala, FL, stated he is representing Cordwin Tree Service Inc. and A&A Trucking & Excavating. He presented a PowerPoint presentation outlining his clients' objections to the proposed project. He noted they are not opposing the future development of the southern part of the parcel. He expressed concern regarding the 20 acres between the clients two uses and 15 acres of apartments. The City has not conducted the proper studies for mitigation or traffic (traffic study). The plan shows non-compatible uses (heavy industrial uses next to residential uses) and buffering is needed to mitigate between different uses. He explained that his clients are concerned about future noise complaints against them through no fault of their own.

Attorney Dobbins pointed out the planned development proposes to, on the south side, provide appropriate buffer setbacks in development standards to mitigate impacts to existing adjoining residential uses. However, there are heavy industrial uses on both sides of the property. The proposed apartment development is a hazard for families, due to the heavy truck traffic and industrial uses around the property. He played an audio clip to demonstrate the level of noise from the businesses to show what residents would be hearing every day. He showed a potential view from a 3<sup>rd</sup> floor balcony that would overlook the debris piles at his clients' properties. Furthermore, the traffic study was not completed for the major entry and exit points on 35th Street, which is a great hazard for the public. He suggested the main residential entrance should join 27<sup>th</sup> Avenue, where there is less industrial traffic. The clients recommend the property be used for industrial or commercial uses.

David Tillman, 1720 SE 16th Avenue, building 100, Ocala, FL 34471, stated they revised the traffic study and he anticipates it will be approved soon. He presented a map to Council as an argument of compatibility. He noted the majority of the property that adjoins the neighboring parcels is within the City boundaries. The County property adjacent to the CD property is high density residential, which is what the City is proposing. In addition, the apartments will be short-term rentals and they plan on constructing a signal light intersection with turn lanes to ease traffic flow. Furthermore, they will be constructing a buffer on the property.

Council Member Bethea expressed concern regarding rental apartments being built in that area. He anticipates noise will be a major factor.

Council Member Musleh concurs with Mr. Tillman regarding the spine road. However, he expressed concern regarding the apartments between the two industrial uses. He anticipates the public will not want to rent an apartment at the proposed location. He noted that it will be a buyer-beware situation for renters, and they can't come to Council to complain about noise levels, because those businesses were there first.

Council Member Wardell stated he would not rent an apartment at the proposed location, due to the loud industrial noise. He noted the free market will prevail.

Council Member Musleh commented children will still try to climb the hills no matter how the property is secured.

Council President Pro Tem Malever commented the City of Ocala needs more affordable housing opportunities for the public. He requested Council decide, whether, to move forward with the development project.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ire J. Bethea Sr., Council Member
<b>SECONDER:</b>	Matthew Wardell, Council Member
<b>AYES:</b>	Malever, Bethea Sr., Musleh, Wardell, Grabelle

Council President Grabelle closed the public hearing at 6:12 p.m.

**d. Adopted Resolution 2021-11** PD plan including PD standards for approximately 216 acres of property located at 2201 NW 21st Street (Case PD20-0004)

Presentation by Peter Lee

Council President Grabelle opened the public hearing at 6:12 p.m.

Attorney Tom Dobbins, 1301 NE 14th Street, Ocala, FL, stated the planned development does not have enough buffering or mitigation for the industrial uses or enough studies performed. He noted the affordable housing units are inappropriate for this location. The clients requested , as they were there first and the City is moving in all around them, that the City may let them into the City boundaries and allow them to continue their business. He requested Council not approved the PD Plan.

David Tillman, 1720 SE 16th Avenue, building 100, Ocala, FL 34471, stated they look forward to being good neighbors and they plan on adding buffering between the properties. Furthermore, they have no intentions in asking the City to down zone or change the use of existing businesses in the area.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brent R. Malever, Pro Tem
<b>SECONDER:</b>	Ire J. Bethea Sr., Council Member
<b>AYES:</b>	Malever, Bethea Sr., Musleh, Wardell, Grabelle

Council President Grabelle closed the public hearing at 6:14 p.m.

**e. Approved** outdoor storage area not exceeding 20 percent of the total site area, for approximately 4.29 acres of property located at 2157 NE Jacksonville Road (Case PHR20-0005)

Presentation by Tye Chighizola

Council President Grabelle opened the public hearing at 6:15 p.m.