



Legislation Text

File #: ORD-2023-48, **Version:** 1

Submitted By: Patricia Hitchcock

Presentation By: Patricia Hitchcock

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Open a public hearing and introduce Ordinance 2023-48 to rezone from G-U, Governmental Use, to PD, Planned Development, property (former Pine Oaks Golf Course) located south of NW 35th Street, east of NW 27th Avenue, north of NW 21st Street and west of CSX railroad, approximately 216.75 acres (Case #PD23-45144) (Quasi-judicial). The public hearing will also include the proposed PD Plan and Standards. This is the first of two public hearings. The second and final hearing is scheduled for June 20, 2023, at 5:00 pm or, as soon thereafter as possible

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

PROOF OF PUBLICATION:

The Star-Banner ad ran on May 26, 2023

BACKGROUND:

- Applicant: City of Ocala
- Property Owners: West Oak Developers, LLC
Lot 4 West, LLC
Aurora Ocala, LLC
Madison Oaks West, LLC
West Oak Ocala 1 Business, LLC
City of Ocala

On April 23, 2019, the City of Ocala entered into the City Redevelopment Agreement for Pine Oaks with West Oak Developers, LLC, for the redevelopment of property that formerly included the Pine Oaks Golf Course. Case PD20-0004 to rezone the property to PD, Planned Development, and approve the PD Plan occurred pursuant to the Agreement. The Planning & Zoning Commission recommended approval on January 11, 2021. City Council on February 2, 2021, approved the rezoning ordinance (ORD 2021-23) and the resolution approving the PD Plan and associated standards book (RES 2021-11).

After learning of a potential procedural deficiency with the original adoption of Ordinance 2021-23 on February 2, 2021, this rezoning from GU, Governmental Use, to PD, Planned Development, and PD Plan

approval are being processed to cure any potential procedural deficiency. Per the City Redevelopment Agreement for Pine Oaks, the developer requested that the property be rezoned to grant approval for the project. The City of Ocala was identified as the applicant for the rezoning, rather than the contract purchaser, West Oak Developers, LLC, due to a delay in the sale and closing of the property. When a municipality initiates a rezoning of more than ten acres, Florida Statutes 166.041(3)(c)2 require two advertised public hearings. The required display ads were not placed in the local newspaper and City Council held only one public hearing.

The factual basis supporting the rezoning as originally presented to the Planning & Zoning Commission on January 11, 2021, and to City Council on February 2, 2021, have not changed and are attached hereto. The intent is to re-establish the zoning as approved, without the cloud of a potential procedural deficiency.

Following is a summary of intervening actions:

- West Oak Developers, LLC, took title to the property on February 26, 2021. Since closing on the property, West Oak Developers, LLC, has sold portions of the property.
- Developers have been proceeding with conceptual and final plats, subdivision improvement plans, traffic impact analysis, and site plan approvals consistent with the approved PD Plan and Redevelopment Agreement and subsequent amendments.
- Building and site permits have been issued in accordance with approved site plans.
- West Oak Developers, LLC, filed for an amendment to PD Plan in June 2022. A public hearing on the amendment was held on January 9, 2023, by the P&Z Commission. Prior to City Council acting on the PD Plan amendment, legal representation of a nearby property owner notified the City of a potential procedural deficiency in the adoption of the original rezoning ordinance.
- West Oak Developers, LLC, will need to reapply for a PD amendment for consideration after City Council action to re-establish the zoning as approved without the cloud of a potential procedural deficiency. City Council public hearings will be held on June 6 and June 20, 2023.

The Planning and Zoning Commission recommended approval by a vote of 5-0 at its May 8, 2023, meeting.

FINDINGS AND CONCLUSIONS:

The requested zoning designation of PD, Planned Development, is consistent with the Medium Intensity/Special District future land use designation and the Comprehensive Plan.

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

ORDINANCE 2023-48

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM GU, GOVERNMENTAL USE, TO PD, PLANNED DEVELOPMENT, FOR PROPERTY (FORMER PINE OAKS GOLF COURSE) LOCATED SOUTH OF NW 35TH STREET, EAST OF NW 27TH AVENUE, NORTH OF NW 21ST STREET AND WEST OF CSX RAILROAD, OCALA, FLORIDA (CASE NO. PD23-45144); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; 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 PD, Planned Development:

A PORTION OF THE SOUTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 14, THENCE SOUTH 89°28'38" EAST ALONG THE SOUTH BOUNDARY OF SAID NORTHWEST 1/4, 191.82 FEET TO THE CENTERLINE OF INTERSTATE HIGHWAY NO. 75, THENCE SOUTH 0°31'12" WEST ALONG SAID CENTERLINE 16.94 FEET TO THE POINT OF INTERSECTION OF SAID CENTERLINE WITH THE CENTERLINE OF STATE ROAD NO. 40, THENCE SOUTH 89°41'48" EAST ALONG SAID STATE ROAD 40 CENTERLINE 821.88 FEET, THENCE NORTH 0°31'12" EAST, 53.75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD, FOR THE POINT OF BEGINNING, THENCE NORTH 0°31'12" EAST 250.00 FEET, THENCE NORTH 89°41'48" WEST 150.00 FEET, THENCE NORTH 0°31'12" EAST 816.54 FEET TO A POINT THAT IS 80.00 FEET SOUTHERLY OF AND AT RIGHT ANGLE TO THE CENTERLINE OF THE ATLANTIC COAST LINE RAILROAD, THENCE SOUTH 78°11'52" WEST PARALLEL WITH SAID CENTERLINE 477.85 FEET, THENCE NORTH 11°37'34" WEST 45.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD, SAID POINT BEING 35.00 FEET FROM AND AT RIGHT ANGLE TO SAID RAILROAD CENTERLINE, THENCE NORTH 78°11'52" EAST ALONG SAID RAILROAD RIGHT-OF-WAY LINE 149.37 FEET, THENCE SOUTH 11°48'08" EAST, PERPENDICULAR TO SAID CENTERLINE, 25.00 FEET, THENCE NORTH 78°11'52" EAST ALONG SAID RAILROAD RIGHT-OF-WAY LINE 804.95 FEET TO THE EAST BOUNDARY OF THE SOUTHWEST 1/4 OF NORTHWEST 1/4 OF SAID SECTION, THENCE SOUTH 0°31'59" WEST ALONG SAID EAST BOUNDARY 1186.05 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SR 40 THAT IS NORTH 0°31'59" EAST 40.48 FEET FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF NORTHWEST 1/4, THENCE NORTH 89°41'48" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD, 311.10 FEET TO THE

POINT OF BEGINNING,

LESS AND EXCEPT [LESS & EXCEPT NO. 1]: A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST; THENCE S. 0°06'01" W., ALONG THE EAST BOUNDARY OF SAID NORTHEAST 1/4 OF NORTHWEST 1/4, 355.86 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD (FORMERLY ATLANTIC COASTLINE RAILROAD AND BEING 120 FEET WIDE) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID EAST BOUNDARY, 1101.63 FEET TO A POINT THAT LIES 75 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE N. 89°33'50" W., PARALLEL WITH THE SOUTH BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, 105.00 FEET; THENCE N. 0°06'01" E., PARALLEL WITH THE AFOREMENTIONED EAST BOUNDARY OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, 25.00 FEET; THENCE N. 89°33'50" W., PARALLEL WITH THE AFOREMENTIONED SOUTH BOUNDARY OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, 1217.84 FEET TO A POINT ON THE WEST BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, SAID POINT LYING 100 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE N. 0°08'23" E., ALONG THE WEST BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, 1392.54 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 35TH STREET, SAID SOUTH RIGHT-OF-WAY LINE LYING 30 FEET SOUTH OF THE NORTH BOUNDARY OF SAID SECTION 1; THENCE S. 89°59'42" E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1207.93 FEET TO THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD; THENCE S. 19°10'49" E., ALONG SAID RIGHT-OF-WAY LINE, 345.02 FEET TO THE POINT OF BEGINNING. BEARINGS BASED ON THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, ASSUMED TO BEAR S. 89°59'42" EAST. LESS AND EXCEPT: THOSE LANDS DESCRIBED IN BOOK 5690, PAGE 909.

AND

THE SE 1/4 OF THE NW 1/4 AND THE SOUTH 100 FEET OF THE NE 1/4 OF THE NW 1/4; EXCEPT THE NORTH 25 FEET OF THE EAST 105 FEET THEREOF, IN SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, LYING AND BEING IN MARION COUNTY, FLORIDA.

AND

THE SW 1/4 OF THE NW 1/4; THE N 1/2 OF THE NW 1/4 OF THE NW 1/4 OF THE SW 1/4; THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF THE SW 1/4, IN SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, LYING AND BEING IN MARION COUNTY, FLORIDA. LESS AND EXCEPT: ROAD RIGHT OF WAY IN BOOK 1002, PAGE 649 AND BOOK 1003, PAGE 1917, PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

AND

THE EAST HALF OF SW 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION

COUNTY, FLORIDA. LESS AND EXCEPT: ROAD RIGHT OF WAY IN DEED BOOK 333, PAGE 14, PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

AND

THAT PORTION OF BLOCK J, HOME ACRES SUBDIVISION, LYING SOUTH AND WEST OF THE ATLANTIC COAST LINE RAILROAD RIGHT OF WAY, BEING IN THE NORTH 1/2 OF THE NORTH 1/2 OF THE NE 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, AS PER PLAT OF SAID SUBDIVISION RECORDED IN PLAT BOOK "D", PAGE 5, IN THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

AND

COMMENCING AT THE S.W. CORNER OF THE N.W. 1/4 OF THE N.W. 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, AND PROCEED S. 89°05'31" E., ALONG THE SOUTH BOUNDARY LINE OF THE SAID N.W. 1/4 OF THE N.W. 1/4, A DISTANCE OF 30.00 FEET TO A CONCRETE MONUMENT ON THE EAST RIGHT-OF-WAY LINE OF N.W. 27TH AVENUE (BEING 60 FEET WIDE), SAID POINT BEING THE POINT-OF-BEGINNING OF TRACT NO. 1 AS DESCRIBED HEREIN; THENCE CONTINUE S. 89°05'31" E., ALONG SAID SOUTH BOUNDARY LINE OF N.W. 1/4 OF N.W. 1/4, A DISTANCE OF 1294.41 FEET TO A CONCRETE MONUMENT AT THE S.E. CORNER OF THE SAID N.W. 1/4 OF N.W. 1/4; THENCE N. 00°27'59" E., ALONG THE EAST BOUNDARY LINE OF SAID N.W. 1/4 OF N.W. 1/4, A DISTANCE OF 431.40 FEET TO A CONCRETE MONUMENT ON THE NORTH BOUNDARY LINE OF A 100 FOOT WIDE FLORIDA POWER CORPORATION EASEMENT; THENCE S. 87°14'01" W., ALONG SAID NORTH BOUNDARY LINE, A DISTANCE OF 1296.30 FEET TO A CONCRETE MONUMENT ON THE AFORESAID EAST RIGHT-OF-WAY LINE OF N.W. 27TH AVENUE; THENCE S. 00°29'23" W., ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 348.33 FEET TO A CONCRETE MONUMENT AT THE POINT-OF-BEGINNING. SAID TRACT NO. 1 LYING AND BEING SITUATE IN MARION COUNTY, FLORIDA. SAID TRACT NO. 1 BEING SUBJECT TO A 100 FOOT WIDE FLORIDA POWER CORPORATION EASEMENT ALONG THE NORTH BOUNDARY THEREOF.

AKA PARCELS 21382-001-00, 21385-000-00, 21385-000-02, 21385-000-03, 21385-000-04, 21385-001-00, 21385-001-01, 21387-000-00, 21387-001-00, 21418-000-00, & 21448-000-01 CONTAINING 216 ACRES, MORE OR LESS.

Section 2. The zoning map of the City of Ocala is hereby amended to reflect the change in zoning classification from GU, Governmental Use, to PD, Planned Development, as to lands described in Section 1 of this ordinance.

Section 3. 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 the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall take effect upon approval by the Mayor, or upon being law without such approval.

ATTEST:

CITY OF OCALA

By:
Angel B. Jacobs
City Clerk

By:
James P. Hilty Sr.
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2023.

By: _____
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney

Ordinance No: 2023-48
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.