

Submitted By: Endira Madraveren

Presentation By: Endira Madraveren

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Introduce Ordinance 2024-XX to rezone approximately 52.82 acres for property located approximately 850-feet north and 1,200-feet east of the intersection at SW 27th Avenue and SW 42nd Street (Parcel 23930-000-00, 23930-002-00, 23930-003-00, 23930-003-01, 23930-003-03, and 23930-005-00) from PUD-07, Planned Unit Development, to PD, Planned Development (Case PD24-45565) (Quasi-Judicial)

OCALA’S RELEVANT STRATEGIC GOALS:

Quality of Place

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner: Ocala 42nd Street Residential, LLC
- Property Owner: Ocala 42nd Street Residential, LLC
- Agent: W. James Gooding III, Gooding & Batsel, PLLC

The subject properties, along with property to the southwest, were annexed into the city in 1989. Several rezonings and land use designation changes were made throughout the recent history of the property. It wasn’t until approximately 2013 that site work officially began with the conditions stipulated in the 163 Development Agreement. A shopping center with an anchor Publix grocery store was developed, while Phases 2 and 3 of the PUD remained undeveloped.

As a result of a pre-application meeting with staff, the petitioner moved forward with the required neighborhood meeting in October 2023 seeking to amend the previous PUD approval. Following that meeting, the applicant submitted an application for staff review, which subsequently went through three rounds of review. The southwest quadrant of the city has seen significant growth in the last 11 years; however, the property has vested transportation concurrency from an approved Chapter 163 Development Agreement which allotted the development with 474 multi-family residences and 30,000 square feet of office development, along with a previously developed shopping center.

This application proposes an increase in building height and approximately 54 dwelling units (6 multi-family units and 48 townhomes). Due to the increase in density and height; a traffic study will be required with site plan approval.

FINDINGS AND CONCLUSIONS: The requested PD, Planned Development, is consistent with the comprehensive plan, the requested Low-Intensity future land use classification, and will not adversely affect the health, safety, convenience, prosperity, or general welfare of the community.

The proposed PD zoning is compatible with the surrounding area and the previously approved PUD and Chapter 163 Development Agreements.

Staff recommends approval.

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 2024-XX

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM PUD-07, PLANNED UNIT DEVELOPMENT, TO PD, PLANNED DEVELOPEMNT, FOR THE PROPERTIES LOCATED APPROXIMATELY 850-FEET NORTH AND 1,200 FEET EAST OF THE INTERSECTION AT SW 27TH AVENUE AND SW 42ND STREET (PARCELS 23930-000-00, 23930-002-00, 23930-003-00, 23930-003-01, 23930-003-03, and 23930-005-00), APPROXIMATELY 52.82 ACRES (CASE NO. PD24-45565); PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATIONS AT A PUBLIC HEARING; PROVIDING DIRECTION TO THE CODIFIER; 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 NORTH 1/2 OF SECTION 36 AND G.G. PERPALL GRANT, TOWNSHIP 15 SOUTH, RANGE 21 EAST AND A PORTION OF LOTS 7 AND 8, BLOCK "B" OF EL DORADO SUBDIVISION RECORDED IN PLAT BOOK "R" AT PAGES 47, 48 AND 49 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 36; THENCE ALONG THE NORTH BOUNDARY OF SAID SECTION 36, S89°38'59"E, A DISTANCE OF 33.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 475A (S.W. 27TH AVENUE) (BEING A 100 FOOT RIGHT OF WAY) AND THE POINT OF BEGINNING. THENCE CONTINUE ALONG SAID NORTH BOUNDARY ALSO BEING THE SOUTH BOUNDARY OF SAID EL DORADO SUBDIVISION, S89°38'57"E, A DISTANCE OF 2144.75 FEET TO THE S.W. CORNER OF AN EXCEPTION TO THE WARRANTY DEED FOR LOT 7, BLOCK 'B' OF SAID EL DORADO SUBDIVISION, SAID WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2802, PAGE 1283 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH BOUNDARY OF EL DORADO SUBDIVISION, ALONG THE WEST BOUNDARY OF SAID EXCEPTION, N00°17'15"E, A DISTANCE OF 14.03 FEET TO THE N.W. CORNER OF SAID EXCEPTION; THENCE ALONG THE NORTH BOUNDARY OF SAID EXCEPTION, S89°37'25"E, A DISTANCE OF 281.57 FEET TO THE N.E. CORNER OF SAID EXCEPTION; THENCE

ALONG THE EAST BOUNDARY OF SAID EXCEPTION, S00°00'01"E, A DISTANCE OF 13.99 FEET TO THE S.E. CORNER OF SAID EXCEPTION, SAID POINT ALSO BEING ON THE AFOREMENTIONED SOUTH BOUNDARY OF EL DORADO SUBDIVISION; THENCE ALONG SAID SOUTH BOUNDARY, S89°41'38"E, A DISTANCE OF 57.92 FEET TO A POINT ON THE WESTERLY BOUNDARY OF A 20 FEET WIDE DRAINAGE RIGHT OF WAY AS RECORDED IN ROAD PLAT BOOK III, PAGES 119 AND 121 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH BOUNDARY OF EL DORADO SUBDIVISION, ALONG SAID WESTERLY BOUNDARY OF DRAINAGE RIGHT OF WAY, S05°43'36"E, A DISTANCE OF 793.79 FEET; THENCE CONTINUE ALONG SAID WESTERLY BOUNDARY S03°29'21"E, A DISTANCE OF 50.45 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 475C (S.W. 42ND STREET) (RIGHT OF WAY WIDTH VARIES); THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, S55°13'51"W, A DISTANCE OF 351.47 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1350.00 FEET, A CENTRAL ANGLE OF 28°04'01" AND A CHORD BEARING AND DISTANCE OF S69°14'22"W., 654.72 FEET; THENCE SOUTHWESTERLY ALONG SAID ARC AND RIGHT OF WAY LINE, A DISTANCE OF 661.31 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID NORTHERLY RIGHT OF WAY LINE, N89°44'45"W, A DISTANCE OF 582.43 FEET TO THE S.E. CORNER OF THE PERIMETER ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 6072, PAGE 401 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89°45'34" AND A CHORD BEARING AND DISTANCE OF N.44°51'56"W., 49.39 FEET; THENCE NORTHWESTERLY ALONG THE EAST BOUNDARY OF SAID LANDS AND THE ARC OF SAID CURVE, A DISTANCE OF 54.83 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG THE EAST AND NORTH BOUNDARY OF SAID LANDS THE FOLLOWING SIXTEEN (16) CALLS: N.00°00'40"E., A DISTANCE OF 132.48 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 127.00 FEET, A CENTRAL ANGLE OS 55°47'54" AND A CHORD BEARING AND DISTANCE OF N.27°53'16"W., 118.85 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 123.68 FEET TO THE POINT OF TANGENCY; THENCE N.55°47'13"W., A DISTANCE OF 109.29 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE 56°03'09" AND A CHORD BEARING AND DISTANCE OF N.27°45'39"W., 93.98 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 97.83 FEET TO THE POINT OF TANGENCY; THENCE N.00°15'56"E., A DISTANCE OF 44.58 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 55°45'06" AND A CHORD BEARING AND DISTANCE OF N.27°36'37"W., 121.56 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 126.50 FEET TO THE POINT OF TANGENCY; THENCE N.55°29'10"W., A DISTANCE OF 61.26 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 34°14'54" AND A CHORD BEARING AND DISTANCE OF N.72°36'37"W., 76.56 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 77.71 FEET TO THE POINT OF TANGENCY; THENCE

N.89°44'04"W., A DISTANCE OF 381.52 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING AND DISTANCE OF N.44°44'04"W., 42.43 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 47.12 FEET TO THE POINT OF TANGENCY; THENCE N.00°15'56"E., A DISTANCE OF 19.87 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 124.00, A CENTRAL ANGLE OF 89°36'28" AND A CHORD BEARING AND DISTANCE OF N.44°32'18"W., 174.76 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 193.93 FEET TO THE POINT OF TANGENCY; THENCE N.89°20'33"W., A DISTANCE OF 33.23 FEET; THENCE N.78°09'40"W., A DISTANCE OF 51.58 FEET; THENCE N.89°20'33"W., A DISTANCE OF 42.37 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°04'22" AND A CHORD BEARING AND DISTANCE OF N.44°18'21"W., 35.38 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.50 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE AFOREMENTIONED COUNTY ROAD 475A (S.W. 27TH AVENUE); THENCE DEPARTING THE NORTH BOUNDARY OF SAID LANDS, ALONG THE SAID EAST RIGHT OF WAY LINE, N.00°43'50"E., A DISTANCE OF 445.24 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 56.72 ACRES MORE OR LESS.

Section 2. Direction to Staff. The City Council of the City of Ocala, Florida directs staff to take any and all steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation of the intent of this ordinance and the specific matters outlined herein.

Section 3. Repealing Inconsistent and/or Conflicting Provisions. The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures, and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 4. Severability of Ordinance Provisions. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 5. Modifications Arising from Consideration at a Public Hearing. It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 6. Direction to the Codifier. It is the intention of the City Council of the City of Ocala, Florida that (1) the zoning map of the City of Ocala is hereby amended to reflect the change in zoning classification from PUD-07, Planned Unit Development, to PD, Planned Development, as to lands described in Section 1 of this ordinance; (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any scrivener’s error(s) contained herein which do not affect the intent of this ordinance be corrected with the authorization of the City Manager or their designee and without the need for additional public hearings or consideration by City Council.

Section 7. This ordinance shall become effective upon approval by the mayor, or upon becoming law without such approval.

ATTEST:

CITY OF OCALA

By: _____
Angel B. Jacobs
City Clerk

By: _____
Barry Mansfield
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2024.

By: _____
Ben Marciano
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney

Ordinance No: 2024-XX
Introduced: 7/2/2024
Adopted: Click or tap to enter a date.
Legal Ad No: Click or tap here to enter text.