

OCALA PLANNING AND ZONING COMMISSION MINUTES
September 28, 2009

Public notice for this meeting was posted September 25, 2009, at City Hall, 151 SE Osceola Avenue, Ocala, Florida 34471.

Meeting Statistics

The regularly scheduled meeting of the Ocala Planning and Zoning Commission was held on Monday, September 28, 2009, in the Training Room at the Citizen Service Center, 201 SE 3rd Street, Ocala.

Attendance

The following Commissioners were present:

August Greiner, Jr., Chairman
Rus Adams, Vice Chairman
Robert DeJohn
Andy Kesselring
John McLeod
Joanne Yancey

The following Commissioner was not present:

Justin Albright, absent

Planning & Development Director Tye Chighizola, Chief Planning Official Pete Lee, Planning & Zoning Manager Mike Daniels, Real Estate Office Manager Estelle Lens, Planner Jody Cone, Administrative Supervisor Peggy Cash, and others interested in the items for presentation attended the meeting.

Chairman Greiner called the meeting to order at 5:30 PM and led the pledge of allegiance. The secretary called the roll; a quorum was present.

The secretary read the agenda notes containing City Council dates, times and location.

Approved / Minutes for August 12, 2009 Meeting

The minutes of the August 12, 2009 meeting were unanimously approved as submitted.

Approved/PLV09-0003

Petitioner: City of Ocala
Project Planner: Jody Cone (Contact at 352-629-8529)

A request for **vacation of plat** for a portion of State Road 200 Service Road and two 16 foot utility easements within the Executive Park plat (Plat Book T, Page 12, Public Records of Marion County, Florida) located east of the intersection of State Road 200 and SW 40th Avenue.

Estelle Lens explained that a portion of the Executive Park plat is being replatted; a service road and utility easements are no longer required. The Assistant City Attorney requested that the City vacate the roadway and easements before recording the replat.

Recommended Action: Recommend Approval to the City Council

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Discussion

There was no public comment.

Mr. Kesselring stated, for the record, that his firm was involved with a project that is associated with the shopping center. He said the work he performed did not have any impact on the proposed vacation of plat.

Commissioner Adams moved for approval of PLV09-0003. Commissioner McLeod seconded the motion, which carried unanimously upon a roll call vote.

Approved/ZON09-0014

Petitioner: David Lo Vece
Project Planner: Jody Cone

A request to **change the zoning** from R-2, Two Family Residential, to R-1AA, Single Family Residential, located at 1643 NW 18th Street, approximately .15 acres.

Jody Cone presented staff comments and the following findings of fact:

1. This request is consistent with the Ocala Comprehensive Plan's Future Land Use Element Policy 2.5 which requires all development to have adequate services and facilities including water, roads, sewage collection and treatment, stormwater drainage, recreation and solid waste disposal.
2. The request furthers Future Land Use Element Objective 4 in that the newly developed parcels are compatible with the neighboring development, the services and the facilities that are available, and the topography and soil conditions
3. The requested R-1AA zoning district is eligible to implement the Low Density Residential land use designation.
4. Uses permitted in the requested R-1AA zoning district are compatible with uses allowed in the surrounding zoning districts.

Recommended Action: Recommend Approval to the City Council

Discussion

David Lo Vece, 105 SW 63rd Street Road, Ocala, said that he and his wife own 15 rental properties in Ocala. He purchased this house in Busbee Quarters and is trying to develop it, and ran into an issue with the zoning. He remarked that he has contracts on several other homes in Busbee Quarters.

There was no public comment.

Commissioner DeJohn moved for approval of ZON09-0014. Commissioner Adams seconded the motion, which carried unanimously upon a roll call vote.

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Approved/DMA09-0001

Petitioner: NSC 3rd & 25th, LLC
Project Planner: Patti Hitchcock

The proposed second amendment will address the following: (i) provide development of the remaining undeveloped portion of the Property (Phase 2 of the development as depicted in the original Development Agreement) in three phases (revised Phases 2, 3 and 4); (ii) allow the development of revised Phases 2, 3 and 4 at separate times; and (iii) provide that NSC 3rd & 25th, LLC will, immediately upon the effective Date of this Agreement, extend the front yard, landscaping and buffer improvements which have been constructed along the frontage of Phase 1 on NE 3rd Street along the entire frontage of the Property on NE 3rd Street (i.e., extension of the front yard, landscaping and buffer improvements along the frontage of new Phase 4 on NE 3rd Street).

Mike Daniels presented staff comments and the following findings of fact:

- Phase One, consisting of office, retail and storage uses, has been completed.
- The landscaping and buffer improvements along NE 3rd Street presently end at the western boundary of Phase One. If the Second Amendment to the Development Agreement is approved, the petitioner will immediately upon the effective date of the agreement, install the landscaping and buffer improvements along the entire frontage on NE 3rd Street.
- The request is to divide Phase Two into three phases, thereby creating a total of four phases for the project.
- The final three phases may be constructed in any order and consist of:
 - storage facilities
 - storage facilities
 - office/retail space

Recommended Action: Recommend approval to City Council

Discussion

Mike Daniels noted that the parking, which is a part of the office/retail phase is not needed for the storage facilities phases. He also noted that the landscaping and buffer improvements along NE 3rd Street are to be done first; the landscaping will be like the existing landscaping installed as part of Phase 1. There will be no additional entrances to the development.

Todd Rudnianyn, 101 NE 1st Avenue, said it hasn't been feasible to develop Phase 2 due to the economy. He commented that frontage along NE 3rd Street for the undeveloped Phase 2 has become "a little bit of an eyesore." With this proposal, the landscaping will be completed along NE 3rd Street. There is a demand for certain sized units, which are going to be built, and when the economy improves the office/retail use will be developed according to market demand.

There was no public comment.

Commissioner DeJohn moved for approval of DMA09-0001. Commissioner McLeod seconded the motion, which carried unanimously upon a roll call vote.

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Approved/COD09-0015

Petitioner: City of Ocala
Project Planner: Mike Daniels

An ordinance amending the Code of Ordinances of the City of Ocala, Florida, concerning transportation concurrency; providing findings concerning Senate Bill 360 adopted by the 2009 Florida legislature; readopting Chapter 86 of the City code; adding a section to be numbered 86-11 dealing with transportation concurrency exception areas; providing for severability; providing for the repeal of conflicting ordinances; and providing an effective date.

Recommended Action: Recommend approval to the City Council

Discussion

Mike Daniels explained that this proposed amendment to the concurrency management system of the Land Development Regulations (LDRs) is a follow up to the text amendment approved by the Planning and Zoning Commission regarding the transportation element of the comprehensive plan. The amendment is in response to the changes made to state mandated transportation concurrency requirements based on the passage of Florida Senate Bill 360 known as the Community Renewal Act. Mr. Daniels noted that the Assistant City Attorney recommended readopting concurrency requirements in the LDRs to prevent the potential for unfunded transportation impacts. A section was also added to address the difference between the geographic transportation concurrency exception area (TCEA) designated by the City and the city-wide TCEA designated by the State.

Commissioner Adams moved for approval of COD09-0015. Commissioner Kesselring seconded the motion, which carried unanimously upon a roll call vote.

Individual Commissioners

There were no individual commissioner comments.

Director's Report

There was no director's report.

Meeting Adjourned

The meeting was adjourned at 5:54 pm.

Respectfully submitted by: _____
Peggy S. Cash, Secretary