

OCALA PLANNING AND ZONING COMMISSION MINUTES

Monday, July 13, 2009

Public Notice

Public notice for this meeting was posted July 7, 2009, at 151 SE Osceola Avenue, City Hall, Second Floor, Ocala, Florida, 34471.

Meeting Statistics

The regularly scheduled meeting of the Ocala Planning and Zoning Commission was held on Monday, July 13, 2009, in the Council Chambers at Ocala City Hall.

Attendance

The following Commissioners were present:

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

Assistant City Manager/Director Community Services John Zobler, Assistant City Engineer Tom Young, Chief Planning Official Pete Lee, Planning and Zoning Manager Mike Daniels, Code Enforcement Manager Chip Rich, Senior Planner Patricia Hitchcock, Land Development Coordinator Karen Cupp, and Administrative Specialist I Carol McKeever, and others interested in the items for presentation attended the meeting.

Chairman Greiner called the meeting to order at 5:30 p.m. and led the pledge of allegiance. The secretary read the agenda notes containing City Council dates, times and location.

Approved / Minutes

Commissioner Adams moved and Commissioner DeJohn seconded to approve the June 8, 2009 minutes; without further discussion, the motion carried unanimously upon roll call vote.

Approved / Scott Springs Market Center II

Conceptual Plan and Draft Developer's Agreement
2400 Block of SW 19th Avenue Road

Karen Cupp presented staff comments:

The site is a replat of lot 3 of the Scott Springs Market Center which is recorded in the Public Records of Marion County. The property is approximately 12.65 acres and will be subdivided

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into four lots. Water and sanitary sewer will be extended to the lots and the improvements will be proposed public improvements. There is an existing access drive off of 19th Avenue Road that will become a private road; it will be extended to provide frontage for Lots 3 and 4. Each lot within the subdivision will be required to go through the city's site plan process.

The draft developer's agreement is the standard agreement for the construction and maintenance of the improvements. Staff comments will be incorporated into the final developer's agreement along with any recommendations made by the P & Z Commission and City Council. The developer has requested a waiver of the required 50 feet of right-of-way where the existing curb cut on 19th Avenue Road is currently constructed. The right-of-way is 49 ½ feet wide with a 10 foot access easement on the easterly side which totals approximately 59 feet of travelable surface. As the road extends back it will narrow to 50 feet where it fronts the additional lots.

Ms. Cupp advised that the Engineering Department recommends approval of the Conceptual Plan and the Draft Developer's Agreement with the requested waiver.

Doug Iannarelli, 300 SE 1st Avenue; the agent addressed the board. Mr. Iannarelli stated that he would answer any questions that the P & Z members had in regards to the subdivision.

Mr. DeJohn asked if there were any plans for Lot 4. Mr. Iannarelli said there are not.

There was no public comment.

Commissioner DeJohn moved; Commissioner Kesselring seconded approving the Scott Springs Market Center II Conceptual Plan and Draft Developer's Agreement with the requested waiver; and without further discussion the motion carried unanimously upon roll call vote.

Approved / Trinity Tile Subdivision

Conceptual Plan and Draft Developer's Agreement
4800 Block of West State Road 40

Karen Cupp presented staff comments:

This site is a proposed commercial subdivision. Currently on Lot 1 there is a distribution center that was developed through the site plan process. All the improvements within Lot 1 are privately maintained. There are existing water and sanitary sewer improvements adjacent on 49th Avenue and along SR40 that will service the additional three lots. Sanitary sewer will also be extended to service the lots but the drainage will remain private. The existing road was built as an access driveway to handle heavy trucks; the developer is leaving the pavement as is but as noted on the plat the width is increasing by 50 feet; this change will be recorded by separate documents. The access will also be used as a utility easement. The lots will not have direct access onto SR40. All access will be through internal driveways or SW 49th Avenue. A site plan will be required for each lot when it is developed. The first lot which develops will require the drainage retention area to be enlarged to accommodate future runoff.

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The draft developer's agreement is the standard agreement for the construction and maintenance of the improvements. The developer's agreement is currently being reviewed by city staff. The developer has requested that the traffic impact analysis study be deferred until site plans have been submitted so that the developer knows what types of uses are permitted for the lots. The developer has also requested a waiver for the building pads to be lower than the center line of the road and this will be reviewed extensively during the site plan review process.

Ms. Cupp advised that the Engineering Department recommends approval of the Conceptual Plan and the Draft Developer's Agreement with the requested waiver.

There was no public comment.

Commissioner Kesselring moved; Commissioner Adams seconded approving the Trinity Tile Subdivision Conceptual Plan and Draft Developer's Agreement with the requested waiver; without further discussion the motion carried unanimously upon roll call vote.

Approved / Ocala Reserve

Conceptual Subdivision/Final PUD Plan and Draft Developer's Agreement
2800 Block of NW 16th Avenue

Karen Cupp presented staff comments:

The Ocala Reserve subdivision is a Planned Unit Development (PUD). The developer proposes to build 86 residential lots in two phases. The developer is proposing 15-foot front and rear yard setbacks with 8-foot side yard setbacks with a minimum lot area of 4800 square feet. All the improvements are proposed public improvements except for the drainage swales that are located between the lots. The drainage swales between the lots will be maintained by the individual property owners and the property owners will be required to keep the swales free from debris or obstructions that might impede the drainage flow. The city will require a note on the final plat addressing the drainage swales. The electric service within the development will be underground and the street lights will be installed at a one time cost to the developer.

The developer has requested the following waivers: (1) that the cul-de-sac exceed 550 feet in length, which is the maximum allowed by code; (2) that the lot length be allowed to exceed 600 feet; (3) that the minimum front building yard setback be 15 feet; and (4) that the front yard building setback for a lot running two streets have only one side yard apply as the front yard setback. The Engineering and the Planning and Development Departments have reviewed the waivers and do not have any objections to the waivers.

The draft developer's agreement is the standard agreement for the construction and maintenance of the improvements. The developer's agreement is currently being reviewed by city staff and their comments will be incorporated into the final agreement. City staff will also address the timeline for the construction phases.

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Ms. Cupp advised that the Engineering Department recommends approval of the Conceptual Subdivision Plan/Final PUD Plan and the Draft Developer's Agreement with the requested waivers.

Mr. Adams asked if the tower will remain on the site. Ms. Cupp said that it will. Mr. Adams asked if a tower could be built in a residential zone.

Mr. Chris Guinn, 2611 SE Lake Weir Avenue, the agent addressed the board. Mr. Guinn stated that it was his understanding that for every 4 feet there has to be 1 foot of clearing. The tower is 400 feet therefore the site must have 100 feet of clearance per the city code. Mr. Guinn stated that he does not know if it is customary to have a tower in residential zoning but the tower does meet city code, and the developer's wishes. Mr. Adams asked again if a tower can be built in residential zoning or if houses can be built around the tower. Mr. Guinn stated that the tower is designed to collapse upon itself. Mr. Greiner asked how the guide wires work. Mr. Guinn responded that the streets are under the guide wires in a couple of locations and the developer has to provide a 16-foot clearance area.

Ms. Yancey asked if the city will allow the area under the tower to be counted as open space; Mr. Daniels said it can't be counted as open space. Ms. Yancey expressed concern about the swales between the homes; she understands that the owners are to maintain the swales and not impede drainage, but "this sounds kind of dicey." Mr. Guinn replied that the design for this development is the same as most of the residential subdivision designs in which drainage is directed to the front street and either flows to retention areas through a pipe network, or down the street. Mr. Guinn noted that city staff asked the developer to include particular wording regarding the drainage swales between the houses. Mr. Guinn said he wasn't sure if there were problems in the past with people damming up the water; the wording seems to imply that there were. He commented that there is nothing out of the ordinary in the developer's design. The developer is proposing natural lot grading toward the roadway. Ms. Yancey asked if the natural lot grading would be a swale. Mr. Guinn replied that the grading would be typical with what is ordinarily seen between homes. The grading would be directed away from the house with a swale between houses to collect each yard's drainage.

Mr. Tom Young, City Engineering, 405 SE Osceola Avenue; addressed the board. Mr. Young advised that the city has had a lot of problems in the past because the drainage swales between the homes were not addressed. Now the city requires a lot grading plan. The word "swale" does not mean there are ditches between the houses. When the developer submits his improvement plans he has to give the city elevations that show: (1) the height of the houses; (2) where the water drains down between the houses; and (3) that the property line has positive flow toward the street so that all the water drains out and does not collect in the yards. When Cala Hills was developed, the city did not require a lot grading plan and there were problems with the drainage. Mr. Young stated that the lot grading plan is to make sure that the developer addresses drainage.

Mr. Kesselring asked what the developer is planning to provide in the recreational area. Mr. Guinn stated that he believes the developer is providing covered picnic areas or something similar to that. Mr. Kesselring asked if covered picnic areas are sufficient for recreational areas in a PUD. Mr. Daniels replied that the developer is meeting code; 40% of the site must be open

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space and 15% must be aggregate open space which includes both buffer areas and recreational areas.

Mr. Kesselring asked what kind of buffer if any is being provided on the perimeter of the site. Mr. Daniels replied that along Martin Luther King Jr. Avenue, the developer is providing a 30-foot buffer and the site is heavily treed. Mr. Kesselring inquired about the buffering along the back and side property lines. Mr. Daniels replied that there are no buffering requirements on the perimeter; the main idea is to try to provide trees closer to the roadway. Mr. Kesselring asked if all the trees currently on the site are staying. Mr. Guinn replied that the trees on the north and east side of the perimeter will remain.

Ms. Yancey asked where the sidewalks are going to be located. Mr. Guinn stated that a sidewalk will be located on the north side of the property. Ms. Yancey asked why sidewalks aren't being located along Martin Luther King Jr. Avenue. Mr. Guinn replied that it was agreed with the city that the sidewalks would be constructed at a later time because the city is widening the roadway. The developer and the city made an agreement wherein the developer gave the city the section of the roadway it needed to widen the road and in return the city waived the requirement for the developer to construct the sidewalk. The city will construct the sidewalk after the roadway has been 4-laned. Mr. Young concurred with Mr. Guinn and further stated that he believes the agreement is beneficial for both the city and the developer.

Mr. Daniels stated, in answer to Mr. Adams question about building towers in residential zoning that if a developer wanted to build the tower today, it would not be allowed. Towers are allowed at a maximum height of 125 feet in residential zoning. However, since this is an existing tower, the determination was made to allow the developer to move forward with the project if the tower's fall clearance area was met and if the guide wires came down they would not impact any vehicular traffic.

Discussion

There was no public comment.

Commissioner DeJohn moved; Commissioner Albright seconded approving the Ocala Reserve Conceptual Subdivision/Final PUD Plan and Draft Developer's Agreement with the requested waivers; without further discussion, the motion carried unanimously upon roll call vote.

Approved / PLV09-0002

Petitioner: Equity Ventures, LLC

Project Planner: Patricia Hitchcock (Contact 352-629-8529)

A request to vacate two 20-foot wide utility easements located at 4620 SW College Road, Ocala, Florida.

Patricia Hitchcock presented staff comments:

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Equity Ventures, LLC, has filed an application for site plan approval with the City for a 28,160 square foot building on Parcels 3, 4 and 5. The utility easements located on the parcel lines would fall beneath the building. The utility easements within the project area are not needed for provision of services and should be vacated.

Staff recommends approval of PLV09-0002.

Discussion

There was no public comment.

Commissioner Kesselring moved; Commissioner Adams seconded approving PLV09-0002; without further discussion, the motion carried unanimously upon roll call vote.

Approved / ANX07-0001

Petitioner: Lake Weir Enclave

Project Planner: Patricia Hitchcock (Contact 352-629-8529)

A request to **annex** approximately 2.48 acres, located at 2211 SE Lake Weir Avenue and 2010 through 2121 SE 10th Court.

Patricia Hitchcock presented staff comments:

The subject property is an enclave. The property is within the Urban Service Boundary. The City presently provides water service to the property. Annexation of the property will reduce the size of the enclave. The enclave is consistent with Comprehensive Plan policies that any property receiving water or wastewater service from the City is required to annex if and when it becomes contiguous.

Staff recommends approval of ANX07-0001.

Mr. Greiner asked if the city is going to pave the roadways and install fire hydrants, sanitary sewer and street signage. Ms. Hitchcock advised that it will, and that the city decided to move forward with this annexation with two remaining Lake Weir parcels being included in the interlocal agreement for annexation.

Discussion

There was no public comment.

Commissioner Albright moved; Commissioner McLeod seconded approving ANX07-0001; without further discussion, the motion carried unanimously upon roll call vote.

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Approved / ANX09-0004

Petitioner: City of Ocala

Project Planner: Jody Cone (Contact at 352-629-8529)

A request to **annex** approximately 3.03 acres, located in the 3200 block of SW 60th Avenue.

Patricia Hitchcock presented staff comments:

Annexation of this property reduces the enclave to less than 10 acres so that it may be annexed as part of the proposed interlocal agreement. It is appropriate to annex this property as it is contiguous to the City limits and is within the urban service boundary.

Staff recommends approval of ANX09-0004.

Discussion

There was no public comment.

Commissioner DeJohn moved; Commissioner Adams seconded approving ANX09-0004; without further discussion, the motion carried unanimously upon roll call vote.

Approved / ANX09-0005

Petitioner: City of Ocala

Project Planner: Jody Cone (Contact at 352-629-8529)

A request to **annex** approximately 0.82 acres, located in the 4500 block of West State Road 40.

Patricia Hitchcock presented staff comments:

This property is an enclave. It is appropriate to annex this property as it is contiguous to the City limits and is within the urban service boundary.

Staff recommends approval of ANX09-0005.

Discussion

There was no public comment.

Commissioner DeJohn moved; Commissioner McLeod seconded approving ANX09-0005; without further discussion, the motion carried unanimously upon roll call vote.

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Individual Commissioners

Mr. Greiner welcomed Mr. Kesselring back to the P & Z Commission.

Director's Report

Ms. Hitchcock stated that this year's state conference for the Florida Chapter of the American Planning Association (APA) is in September and the location will be Jacksonville, Florida. The two-day training course for planning officials is usually on Wednesday and Thursday. Mr. Lee stated that anyone interested in attending the training should contact the Planning Division for information.

Meeting Adjourned

The meeting was adjourned at 6:08 pm.