Rezoning Staff Report

Case No. PD23-45431
Planning & Zoning Commission: May 12, 2025
City Council (1st Reading): June 3, 2025
City Council (Adoption): June 17, 2025

Applicant:	NSC Silver Springs, LLC
Property Owner:	NSC Silver Springs, LLC and New Old Town Village, LLC
Project Planner:	Emily W. Johnson, AICP
Amendment Request:	PD, Planned Development, R-1, Single-Family Residential, & B-2, Community Business, to PD, Planned Development with associated PD Plan and Standards Book.
Associated Applications:	ABR23-45418, DMA23-45430, LUC23-45427, ZON23-45419
Parcel Information	
Acres:	±6.83 acres
Parcel(s)#:	2735-000-002, 2735-009-001, 2735-009-002, 2735-006-017, and a portion of parcel 27028-004-03
Location:	The southwestern corner of the intersection at NE 49th Avenue and E Silver Springs Boulevard.
Existing use:	Professional and business office (Parcel 2735-009-001) Vacant/Undeveloped
Future Land Use Designation:	Low Intensity & Neighborhood
Zoning Designation:	PD, Planned Development, R-1, Single-Family Residential, & B-2, Community Business
Special District(s)/Plan(s):	N/A
Approved Agreement(s):	Chapter 163 Development Agreement (ORB 3369 Page 1080)

Figure 1. Aerial Location Map

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Low Intensity	B-2, Community Business SC, Shopping Center, B-4, General Business R-1, Single-Family Residential	Various commercial uses adjacent to E Silver Springs Boulevard City lift station
East	Low Intensity Neighborhood	B-2, Community Business R-1, Single-Family Residential	Drive-through fast food restaurant (Arby's) and undeveloped parcel identified as part of the Chapter 163 Agreement for the Alderbrook development, adjacent to NE 49th Ave Platted single-family residential subdivision (Glynnwood Unit 1)
South	Neighborhood	R-1, Single-Family Residential	Platted single-family residential subdivision (Glynnwood Unit 1)
West	Low Intensity	B-2, Community Business	Restaurant (Mojos) and multi-tenant commercial buildings identified as part of the Chapter 163 Agreement for Lowes and Autumn Ridge Phase 1 (ORB 3369 Page 1080)

Applicant Request

The petitioner is requesting to rezone the subject properties from PD, Planned Development, R-1, Single-Family Residential, & B-2, Community Business, to establish a new Planned Development (PD) with associated PD Plan and Standards Book. The petitioner has submitted the request to allow for development of a mixed-use subdivision; proposing commercial uses consistent with the B-2 zoning district along E Silver Springs Boulevard, and residential uses (single-family detached, single-family attached/townhomes, and multi-family) on the southern portion of the property.

- A 0.59 acre portion of 2735-000-002 is subject to concurrent applications ZON23-45419 and DMA23-45430, and is not part of this PD request.
- Car washes, which are otherwise allowed in the B-2 zoning district, are specifically prohibited in the proposed PD Standards Book.

Background:

The subject properties were annexed in 1964 (Ordinance No. 238) and 1968 (Ordinance No. 385) as

part of larger efforts to expand the city limits. The properties were designated with Retail Services, Professional Services, and Low Density Residential Future Land Uses and subsequently zoned B-2R-1, RO, Residential Office, and O-1, Office.

On January 22, 2013, City Council adopted Comprehensive Plan Amendments consistent with the 2035 Vision, which eliminated Retail Services, Professional Services, and Low Density Residential Future Land Use Classifications; the subject properties are currently designated Low Intensity and Neighborhood land use.

- Concurrent application LUC23-45427 proposes to change the future land use designation of parcels 2735-006-017 and 2735-009-002 from Neighborhood to Low Intensity to ensure consistency across the entire PD.

In 2015, a conceptual PD plan for Avatar Properties (PUD14-0002), was approved by Resolution 2016-4 for 13,600 s.f. of retail and 25,000 s.f. of office uses. However, an improvement plan and final plat were never submitted. The majority of the subject area remains vacant and undeveloped.

- Parcel 2735-009-001 (0.41 acres) was developed with a business and professional office in 1963. City records indicate, however, that a business tax receipt has not been active on the property since 2023.
- A 0.64-acre portion of parcel 27028-004-03 is currently subject to a Chapter 163 Development Agreement (ORB 3369 Page 1080). Concurrent application DMA23-45430 proposes to remove this portion of parcel 27028-004-03 from the development agreement.

Staff Analysis

Factual Support

Proposed PD Plan and Standards

The associated PD Plan depicts development in two phases, a commercial development tract containing approximately 4.17 acres and a residential development tract containing approximately 2.66 acres. The maximum height of the development is proposed at 50-feet. Commercial uses are proposed to include all uses permitted by-right and by special exception in the B-2, Community Commercial, zoning Districts. Permitted residential uses include single-family detached, single-family attached (townhomes), and multi-family dwellings.

The PD plan indicates that twenty-five percent (25%) of the gross acreage will be preserved as open space, and ten percent (10%) will be preserved as aggregate open space. Additionally, a 40-foot-wide natural buffer is depicted along the southern property line between the proposed residential development tract and the existing single-family residential subdivision; and a 25-foot-wide natural buffer is depicted between the eastern entrance roadway and said existing single-family residential subdivision. The PD Standards Book indicates that parking, landscaping, signage, and required buffers will be consistent with the Land Development Regulations and more specifically addressed at the time of site plan review.

Neighborhood Meeting

A neighborhood meeting was held in August 2023, with the agent providing information regarding the proposed development and nearby residents asking questions pertaining to access point locations, cross access between NE 49th Avenue and the adjacent Shopping Center development, traffic, buffering and setbacks, allowable uses, and a prohibition on mini-warehouse (self-service storage) development. Due

to the time elapsed between the neighborhood meeting and public hearings, the applicant provided a written statement identifying that no substantial changes to the proposed PD Plan have been made.

Consistency with Comprehensive Plan

The requested zoning change is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:

1. Future Land Use Element Policy 6.3: Low Intensity: The intent of the Low Intensity land use classification is to identify areas that are generally oriented towards the automobile as the primary mode of transportation, with pedestrian circulation and activity being generally less than High Intensity/Central Core and Medium Intensity/Special District districts. Low Intensity may contain a single use. Mixed use development is encouraged. Permitted uses include office, commercial, public, recreation, institutional, educational facilities and residential. Light industrial shall only be allowable in designated locations as specified in the Land Development Code and must meet the intent of the Low Intensity category, including form and design guidelines as applicable. It is also the intent of this category to promote a walkable suburban form.

   The form of buildings and development may be regulated for specified areas by a Form Based Code or Corridor Overlay. Buildings may have larger setbacks from the street and public right-of- way than other mixed-use districts. Buildings may have surface parking between the building and the street, though rear and side yard parking is encouraged for non-residential uses. Low Intensity areas may have large open space areas such as community and regional parks, trails, or surface stormwater management facilities designed as amenities.

   The minimum density and intensity in this future land use category is 3 dwelling units per gross acre or 0.00 FAR. The maximum density and intensity is 18 dwelling units per acre or 0.75 FAR.

   Staff Comment: Unifying the underlying Future Land Use (FLU) for the whole Planned Development will allow for a more consistent application of land use and intensity. The intensity of the proposed PD Plan is consistent with Low Intensity FLU. The mixed-use development proposed within the PD is consistent with the intention of the Low Intensity FLU. Many properties along E Silver Springs Boulevard (SR 40) are designated as Low Intensity FLU.

2. Future Land Use Element Policy 6.4: Neighborhood. The intent of the Neighborhood category is to identify and reserve predominantly residential and ancillary uses. Existing street pattern, tree canopy cover, character, and residential occupancy shall be considered when designating areas with the Neighborhood category. The form of buildings and development may be regulated by a Corridor Overlay. Residential is the primary use. Single-family uses are allowed based on the Land Development Code, up to the maximum density permitted by the Comprehensive Plan. Multi-family uses shall be reviewed through the development process to determine compatibility, with specific approval criteria being further defined in the Land Development Code.

   Concentrated areas of neighborhood-serving non-residential (e.g., commercial, office, institutional, educational facilities, recreational or cultural) facilities, at intensities compatible with surrounding neighborhoods, may be permitted. These uses are intended for locations on thoroughfares and collectors within the edges of the neighborhood districts. The type, size, location and justification for such non-residential facilities shall be based upon the existing and planned availability of supporting street networks, transit and other public facilities to promote convenience, reduced travel distance, conservation of energy, building and site design, as well as market demand for use as support to the surrounding neighborhood area and impact on the neighborhood residents.

The Neighborhood category is generally characterized as a walkable form with unique and identifiable neighborhoods where the predominant land use is residential and the primary modes of transportation include walking, bicycles, automobiles, and bus transit. Buildings are generally low and mid-rise in character. Housing types associated with this category are predominately single-family detached homes, attached homes like row houses or townhomes, and garden style multi-family buildings. The history, character, and connectivity of existing neighborhoods should be considered when evaluating development proposals. Higher densities on existing small lots may be allowed in order to create a mix and diversity of housing types.

Parks and open spaces ranging in size should be provided throughout the Neighborhood land use category areas. Stormwater management facilities should be designed as recreational amenities and included in parks and open spaces. Public parks or open spaces should be located within walking distance of the majority of housing units within neighborhoods. Parking for non-residential uses will be limited and located on the street and in the rear of the building screened from surrounding residential uses. Non-residential uses should be accessible by sidewalks, bikeways and public transit.

There is no minimum density and intensity in this future land use category. The maximum density before any incentives is 5 dwelling units per gross acre for single family residential and 12 dwelling units per gross acre for multifamily residential. The maximum intensity before any incentives for non-residential development is 0.25 FAR.

Staff Comment: Concurrent application LUC23-45427 proposes to change the land use of parcels 2735-006-017 and 2735-009-002 from Neighborhood to Low Intensity to standardize the Future Land Use designation across the entire PD.

3. Future Land Use Element Policy 7.2: City guidelines shall be context-sensitive to providing appropriate transitions between adjacent land uses with particular emphasis on building compatibility between neighborhoods and non-residential uses.

   Staff Comment: The subject development provides a key transition between the commercial uses found along E Silver Springs Boulevard, and the single-family residential neighborhood to the south. The proposed PD zoning district provides for development at a density that is contextually appropriate for the area.

4. Future Land Use Element Policy 12.1: The City shall require that all development have adequate services and facilities including water, roads, sewage collection and treatment, stormwater drainage, recreation, and solid waste disposal, to the extent required by state law, other provisions of this Comprehensive Plan, or the City's Land Development Code.

   Staff Comment: As identified in the Level of Service Analysis below, there appears to be adequate public facilities exist to service the subject property.

Consistency with Land Development Regulations

The requested rezoning is consistent with the following Sections of the City of Ocala Code of Ordinances:

1. Section 122-941(b): A rezoning to PD with a PD plan shall meet the following minimum requirements: (1) One-acre minimum site; (2) a five-acre or more site shall include at least two uses with any one use not less than ten percent (acreage or square footage) of the total site, except in the

case of residential developments, which are permitted to be single-use; (3) must be located on a public roadway with at least 100 feet of frontage.

Staff Comment: The subject development contains approximately 6.83 acres and has approximately 450 feet of frontage along E Silver Springs Boulevard. The PD Plan proposes a 4.17 acre commercial tract (approximately 61.05% of the site area) and a 2.66 acres residential tract (approximately 38.9% of the site area). The request meets the requirements for consideration of rezoning to the PD zoning district set forth by the Code of Ordinances.

2. Section 122-244 – *District criteria:* Zoning districts allowed under the current land use classification.

Neighborhood	R-1, R-1A, R-1AA, R-2, R-3, RZL, RBH-1, RBH-2, RBH-3, OH, RO, B-1, B-1A, G-U, INST, A-1, **PD**, FBC
Low Intensity	R-1, R-1A, R-1AA, R-2, R-3, RZL, RBH-1, RBH-2, RBH-3, OH, RO, O-1, OP, B-1, B-1A, B-2, B-2A, B-4, B-5, SC, M-1, M-2, G-U, INST, A-1, **PD**, FBC

Staff Comment: The PD zoning district is a permitted district within the subject property's current Neighborhood and Low Intensity Future Land Use Categories. It is noted that proposed B-2 commercial uses are only consistent with the Low Intensity FLU. Concurrent application LUC23-45427 proposes to change the land use of parcels 2735-006-017 and 2735-009-002 from Neighborhood to Low Intensity to standardize the Future Land Use designation across the entire PD.

3. Section 122-942(a): – *Planned Development Required Standards:* In reaching recommendations and decisions as to rezoning land to a PD district and approving a conceptual site development plan, the planning and zoning commission and city council shall apply the following standards, in addition to the requirements of this chapter applicable to the rezoning of land generally:

   (1) *Access.* Every permitted use in a PD shall have access to a public street directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use, or common element guaranteeing access.

   Staff Comment: The proposed development has one primary access point on E Silver Springs Boulevard; FDOT has indicated that this access may be limited to a right-in and right-out only traffic movement. An additional access connects to NE 49th Avenue, providing cross access to the neighboring shopping center development. The PD plan proposes 50-foot-wide rights-of-way.

   (2) *Buffers.* When a PD abuts a less intensive use, it will be required to adhere to section 122-260, pertaining to buffer specifications, at a minimum. City council may require additional buffering based on individual circumstances.

   Staff Comment: The proposed development abuts a single-family residential subdivision. The PD Plan depicts a 40-foot-wide natural buffer along the southern property line between the proposed residential development tract and the existing single-family residential subdivision, and a 25-foot-wide natural buffer is depicted between the eastern entrance roadway and the subdivision.

(3) *Underground utilities.* Within a PD, all utilities, including telephone, television cable and electrical systems, shall be installed underground in accordance with current city policies and standards. Appurtenances to these systems which require above ground installation must be effectively screened, and thereby may be excluded from this requirement.

Staff Comment: Existing overhead powerlines run along the northern boundary of the subject property along the right-of-way of E Silver Springs Boulevard. New onsite utilities shall be located underground such that tree installations are possible without conflict.

(4) *Open space.* Open space requirements for a PD are as follows:

(a) Open space shall include active and passive recreation areas such as courtyards, streetscapes/sidewalks, playgrounds, golf courses, waterways, landscaped yards and patios, lagoons, floodplains, nature trails, roof areas, and other similar open spaces. Water retention areas that are designed as aesthetic lakes or ponds for passive or active recreational use may also be counted as open space, as long as these areas are designed to retain a minimum of three feet of water at all times.

Staff Comment: The PD plan proposed a minimum 25% gross open space, and 10% aggregate open space.

(b) Fenced water retention areas, open water areas beyond the perimeter of the site, street right-of-way, driveways, off-street parking areas and off-street loading areas shall not be counted in determining open space. Side yards less than six feet wide shall not be counted as open space.

Staff Comment: Open space is provided in accordance with Section 122-924(4). Gross open space provided is calculated at 1.71-acres (74,379 square feet).

(c) Open space shall be clustered into larger tracts/areas. Buildings and structures should be clustered so that the open space is usable to the occupants/residents rather than merely providing spacing between buildings or structures. Zero lot line and clustered design is encouraged. Front, side and rear yards in single-family residential areas shall not be counted as aggregate open space.

Staff Comment: Specific locations for open space will be determined during site plan review. The PD Standards Book specifies that open space shall be clustered into larger tracts/areas. Aggregate open space will be provided by the overall PD via common area retention facilities, pedestrian facilities, and common area landscaping.

(d) There shall be a minimum open space requirement of 25 percent of the total gross acreage for all development in any PD project. For single-use residential PD projects, the minimum open space requirement shall be 40 percent. At least ten percent of the total required open space shall be in usable aggregate form. Aggregate open space is defined as common open space areas that are designed and intended for use by all occupants/residents of a PD.

Staff Comment: The PD plan proposed a minimum 25% gross open space, and 10% aggregate open space.

(5) *Unified control.* The applicant shall furnish the city with sufficient evidence to the satisfaction of the city attorney that the applicant is in the complete, unified and otherwise-unencumbered control of the entire area of the proposed planned development, whether the applicant be an individual, partnership, corporation, other entity, group or agency. The applicant shall provide

the city all necessary documents and information that may be required by the city attorney to assure the city that the development project may be lawfully completed according to the plans sought to be approved.

Staff Comment: The agent submitted a Statement of Unified Control to the City in November 2023.

(6) *Phasing.* City council may allow or require phasing of the proposed development. All phasing must be related to previous development, surrounding properties, and available public facilities and services, where a failure to proceed with subsequent phases of development will have no adverse impact on the completed phase(s) or surrounding properties.

Staff Comment: The associated PD Plan depicts development in two phases, a commercial development tract containing approximately 4.17 acres and a residential development tract containing approximately 2.66 acres.

(7) *Platting.* All uses/parcels meeting the definition of a subdivision shall meet chapter 114 (subdivisions) requirements.

Staff Comment: Subsequent to PD approval by City Council, the conceptual subdivision may be submitted for review.

(8) *Site plan review.* Development requiring site plan review shall comply with Chapter 122, Article IV. A final site plan shall be consistent with a final development plan.

Staff Comment: Subsequent to PD approval by City Council, the site plan may be submitted for review.

(9) *Development***.** A development meeting the criteria for a shopping center shall comply with all regulations as set forth in division 29 of chapter 122 (shopping centers) except for: subsections 122-908(7),(8) and (9) and 122-918(a)(l).

Staff Comment: N/A.

(10) *Access to utility systems and public services.* A PD shall be located in relation to sanitary sewer lines, water lines, storm/surface drainage systems, and other utility systems.

Staff Comment: Utility services are outlined in detail in the Level of Service Analysis below. All utility services are located in proximity to the development.

Variations from Code of Ordinances

The applicant is not requesting any variations from the Code of Ordinances.

Level of Service (LOS)

Transportation: The subject segment of NE 49th Avenue is an unclassified roadway under the Ocala-Marion TPO Congestion Management Plan. Automotive traffic will likely access the properties via E Silver Springs Boulevard (SR 40). The 2023 congestion management data from the Ocala-Marion TPO for the affected roadway(s) is provided below.

Adopted LOS / Available Capacity:

Road/ Street Name	Lanes	Speed Limit	Functional Classification	Adopted LOS	LOS Capacity	2023 AADT	Existing LOS
E Silver	4	45 MPH	Arterial	D	38,430	22,300	C

Springs Boulevard (SR 40)							

Developments proposing to generate 100 or more net new PM peak hour trips are required to submit a traffic study as part of the subdivision review. The affected segment of E Silver Springs Boulevard (SR 40) is currently operating above the adopted Level of Service.

Potable Water: City utilities are available at this location; any new connections will be determined during the site plan review process. City water mains run along E Silver Springs Boulevard and NE 49th Avenue.

- *Adopted Level of Service (LOS) Potable Water:* 300 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 167 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of the City's water system is 24.4 million gallons daily (mgd).

Sanitary Sewer: City utilities are available at this location; any new connections will be determined during the site plan review process. City gravity mains run along E Silver Springs Boulevard and NE 49th Avenue.

- *Adopted Level of Service (LOS) Sanitary Sewer:* 250 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 80 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of Water Reclamation Facility #2 is 6.5 million gallons daily (mgd) and the permitted capacity of Water Reclamation Facility #3 is 4.0 million gallons daily (mgd).

Solid Waste: The subject properties are located within the City's service area; refuse pickup will be determined during the subdivision review process.

- *Adopted Level of Service (LOS) Solid Waste:* 0.0112 pounds per square foot of occupied building space per day for non-residential development, and 3.54 pounds per capita per day for residential development.
- *Available Capacity:* Solid waste is transported to facilities outside of the City.

Parks and Recreation Facilities:

- *Adopted Level of Service (LOS) Solid Waste:* 4.6 developed park acres per 1,000 population for each Regional Park Service Area (RPSA).
- *Available Capacity:* Capacity is available. The City's 69,283 population requires 318.70 developed park acres. The city currently owns and maintains 622.27 developed park acres, pursuant to the Fall 2024 Activity Guide released by the Recreation and Parks Department.

Other Public Facilities:

The following public facilities do not have adopted Level of Service standards and are provided as additional information.

Stormwater: The subject properties are not located within a Flood Zone. For any future redevelopment, runoff must be retained on-site to match pre-development conditions. Facilities must be designed to provide flood protection for a 100 year, 24-hour storm event.

Electric: The subject properties are within the Ocala Electric Utility service territory.

Fiber: Service is not currently available at this location.

Fire Service: Ocala Fire Rescue Station #5 is located approximately 3.0 miles from the subject properties, at 2340 NE 25th Ave. This distance exceeds the desired industry standard of 1.5 miles for fire service.

Schools: The subject property is serviced by Ocala Springs Elementary (operating at 121.48% capacity), Fort King Middle (68.36%) and Vanguard High Schools (89.33%). The proposed rezoning of may generate up to 6 additional Elementary School-aged students, 3 additional Middle School-aged students, and 4 additional High School-aged students.

Project Dwelling Units (SFR)			
School Level	**SFR Student Generation Rate**	**7 SFR (min. 3 d.u./acre permitted by FLU)**	**47 SFR (max. 18 d.u./acre permitted by FLU)**
E	0.13	0	6
M	0.064	0	3
H	0.094	0	4
Project Dwelling Units (MFR)			
School Level	**MFR Student Generation Rate**	**7 MFR (min. 3 d.u./acre permitted by FLU)**	**47 MFR (max. 18 d.u./acre permitted by FLU)**
E	0.139	0	6
M	0.056	0	2
H	0.067	0	3

Staff Findings and Recommendation

- The proposed rezoning is consistent with the Low Intensity Future Land Use classification pursuant to Code of Ordinances Section 122-244.
- The PD Plan is consistent with the minimum standards for a PD District (Section 122-942).
- The proposed rezoning is compatible with the surrounding development, the Comprehensive Plan, and the City's Code of Ordinances.
- Adequate public facilities exist to service the proposed development.

The following conditions of approval are recommended for consideration:

1. Residential density shall only apply to the 2.66-acre residential tract. Commercial intensity shall only apply to the 4.17-acre commercial tract. Any changes to either tract exceeding 5% of land area will require a substantial amendment to the PD, with the exception of any reduction due to public right-of-way dedication.
2. All building uses shall be consistent with the architectural types reflected in the PD Standards Book.
3. All access to future outparcels must be from internal roadways.
4. Access to E Silver Springs Boulevard (SR 40) shall be coordinated with Florida Department of Transportation (FDOT). Any changes to driveway access location shall be subject to the approval of a traffic study pursuant to the City's adopted Traffic Impact Analysis guidelines.

5. All freestanding signage shall be ground mounted and match similar sign materials in the area, and signage for the commercial tract shall comply with the regulations of Section 110-153, Shopping Centers.

Staff Recommendation:	**Approval of PD23-45431 with conditions**