



Rezoning Staff Report

Case No. ZON23-45419

Planning & Zoning Commission: May 12, 2025

City Council (1st Reading): June 3, 2025

City Council (Adoption): June 17, 2025

Applicant/Property Owner:	NSC Silver Springs, LLC
Project Planner:	Emily W. Johnson, AICP
Amendment Request:	Rezone the subject properties from PD, Planned Development, to B-2, Community Business.
Associated Applications:	ABR23-45418, DMA23-45430, LUC23-45427, PD23-45431
Parcel Information	
Acres:	±0.59 acres
Parcel(s)#:	Portion of 2735-000-002
Location:	The southwestern corner of the intersection at NE 49th Avenue and E Silver Springs Boulevard
Existing use:	Vacant/undeveloped
Future Land Use Designation:	Low Intensity
Zoning Designation(s):	PD, Planned Development
Special District(s)/Plans(s):	N/A
Overlay(s):	N/A

Figure 1. Aerial Location Map



Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Low Intensity	PD, Planned Development	Vacant, undeveloped Planned Development (associated application PD23-45431)
East	Low Intensity	PD, Planned Development	Vacant, undeveloped Planned Development (associated application PD23-45431)
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 from PD, Planned Development, to B-2, Community Business. The subject 0.59-acre portion of Parcel 2735-000-002 is intended to be transferred to the neighboring property owner to the west (New Old Town Village, LLC) as part of a land swap agreement, and will be subsequently incorporated into the Chapter 163 Development Agreement via concurrent application DMA23-45430.

Background

The subject properties were annexed in 1968 (Ordinance No. 385) as part of larger efforts to expand the city limits. The properties were zoned R-1, Single-Family Residential, and designated as Low Density Residential Future Land Use.

On January 22, 2013, City Council adopted Comprehensive Plan Amendments consistent with the 2035 Vision, which eliminated the Low Density Residential Future Land Use (FLU); the subject property is currently designated Low Intensity future land use.

The subject property was included in a conceptual PD plan for Avatar Properties (PUD14-0002), which was approved by Resolution 2016-4 for 13,600 square feet (s.f.) of retail and 25,000 s.f. of office uses. However, an improvement plan and final plat were never submitted. The subject property is excluded from the concurrent planned development application PD23-45431.

Existing and Proposed Zoning District Standards

	Zoning District	Intent and Purpose	Minimum Lot Area (square feet)	Maximum Building Height (feet)

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Existing	PD, Planned Development	Resolution 2016-4 approved 13,600 s.f. of retail and 25,000 s.f. of office uses for the entire development site	N/A	35-feet
Proposed	B-2, Community Business	Intended to apply to those areas where the uses conducted are those primarily of national, state, county or city governments. Any lawful, compatible use may be carried out in this district.	10,000	50-feet

Staff Analysis

Due to the location and size of the subject property (0.59 acres), the site is unable to be developed on its own unless developed as part of the adjacent developed shopping center. The rezoning memorializes a land swap agreement between two property owners and adjusts the zoning delineation between the two parcels.

Factual Support

1. The requested rezoning is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:

- a. 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: The rezoning would remove the subject property from the previously approved mixed-use Planned Development, it will be incorporated into the development plan for the neighboring B-2 zoned property as additional parking area. The proposed B-2 zoning district and the intended use are generally consistent with the intention of the Low Intensity FLU.

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- b. 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.

As identified in the Level of Service Analysis below, there appears to be adequate public facilities to service the subject properties.

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

- a. Section 122-244 - District criteria: Zoning districts allowed under each land use classification.

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
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The requested B-2 zoning district is consistent with the existing Low Intensity FLU designation.

Level of Service Analysis

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 Springs Boulevard (SR 40)	4	45 MPH	Arterial	D	38,430	22,300	C

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. While potable water connection is not anticipated as part of the intended development for the parcel, 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. While sanitary sewer connection is not anticipated as part of the intended development for the parcel, 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 property is located within the City's service area; any future changes in refuse pickup will be determined during the site plan 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.
- *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 proposed rezoning is not anticipated to affect schools.

Staff Findings and Recommendation

- The proposed rezoning is consistent with the existing Low Intensity Future Land Use classification, pursuant to Section 122-244 of the Code of Ordinances, and is compatible with the surrounding area.
- The B-2, Community Business, zoning district is appropriate with the intended use of the subject property. Adjacent properties to the west are existing B-2 zoned properties located along a major arterial roadway (SR40).
- No level of service issues have been identified for public facilities as a result of the zoning amendment.

Staff Recommendation: <i>Approval</i>
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