



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2024-0896

Agenda Item #: a.

Smart Fill Investment, LLC / PD23-45351

Petitioner: Smart Fill Investment, LLC

Planner: Endira Madraveren 352-629-8440

emadraveren@ocalafl.gov

A request to rezone from R-3, Multi-Family Residential, to PD, Planned Development and approval of PD plan with Design Standards, property located in the 1100 block of NW 14th Street (Parcel 25773-000-00), approximately 16.58 acres.

Recommended Action: Approval

City Council Tentative Schedule: Upon recommendation of approval or denial by the P & Z Commission, this item will be presented to City Council for introduction at the **Tuesday, April 2, 2024**, City Council meeting and second and final hearing at the **Tuesday, April 16, 2024**, City Council meeting.

PLANNING AND ZONING COMMISSION REPORT

Subject: PD Rezoning & Plan with Design Standards
Submitted By: Endira Madraveren
Department: Growth Management
Ordinance Reading Date: April 2, 2024 (1st City Council reading)
April 16, 2024 (2nd & final City Council meeting)
Resolution Reading Date: April 16, 2024

STAFF RECOMMENDATION (Motion Ready): Approval of a rezoning from R-3, Multi-family Residential, to PD, Planned Development, and approval of PD Plan with Design Standards for approximately 16.58 acres of property located in the 1100 block of NW 14th Street (Parcel 25773-000-00) (Case PD23-45351).

OCALA’S RELEVANT STRATEGIC GOALS: Quality of Place

BACKGROUND:

- **Applicant:** Smart Fill Investment, LLC
- **Property Owner:** Smart Fill Investment, LLC
- **Agent:** Chris Gwin, P.E., Radcliffe Engineering, Inc.
- Originally part of the Munden’s Subdivision Plat recorded in March 1982, the lot(s) have remained vacant and undeveloped.
- The property has faced City Code Enforcement action for removing trees prior to site plan approval, they have paid all fines that have been assessed. If they do not come into compliance with an approved plan, they may be required to pay additional fines.
- The projected PM peak hour trips are 87, because this number does not exceed 100, a full traffic study is not required.
- The PD plan includes 88 single-family homes with enhanced design features, including Florida-Friendly plantings in the buffers and open space, pedestrian walking trails, and enhanced landscaped entrances.

FINDINGS/CONCLUSIONS: The PD plan is consistent with the land development regulations, and it is compatible with the surrounding area.

FISCAL IMPACT: N/A

ALTERNATIVES:

- Approve
- Deny
- Table

SUPPORT MATERIALS:

- Staff Report

- Case Map
- Aerial Map
- PD Standards
- Planned Development Plan
- Original Plat



Petitioner: Smart Fill Investment, LLC
Property Owner: Smart Fill Investment, LLC
Agent: Chris Gwin, P.E., Radcliffe Engineering, Inc.
Project Planner: Endira Madraveren
Applicant Request: to: PD, Planned Development
 Rezone the subject property from R-3, Multi-family Residential to PD, Planned Development.

Future Land Use: Neighborhood

Parcel Information

Acres: ±16.58 acres
 Parcel(s)#: 25773-000-00
 Location: 1100 block of NW 14th Street
 Existing use: Vacant/Undeveloped
 Overlay(s): N/A

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Public	R-2, Two Family Res.	City WRA
East	Public Neighborhood	GU, Governmental Use R-2, Two Family Res.	Undeveloped City owned lot Undeveloped res. lots
South	Neighborhood	R-1, Single Family Res	Single Family Residences
West	Public Neighborhood	GU, Governmental Use	City WRA Communications Tower

Background:

The subject property was originally part of a Plat recorded in March 1892. It is comprised, specifically, of Blocks 6, 7, 14, 15 in their entirety, Lots 2 and 3 of Block 8, and Lots 2 and 3 of Block 13 of the Munden’s Subdivision Plat. Since 1972 the property has only changed ownership twice, with no applications for permits or site development. The lot has remained vacant and undeveloped.

In 2022, Smart Fill Investments, LLC purchased the property. The new owners, unaware of City requirements, began clearing the lot of all trees and underbrush. City of Ocala Code Enforcement was

made aware of the violation and cited the property owners for noncompliance with City Code of Ordinances. Site plan approval is necessary prior to any tree removal, as staff reviews tree surveys and mitigation factors during the review process. Over the last several months Radcliffe Engineering, Inc. has been working on behalf of the property owner to secure extensions with the Code Enforcement Special Magistrate as they work to come into compliance with City Code by initiating the Planned Development process.

The PD plan and Standards Book, which have gone through three rounds of review at staff level, propose an 88 single-family dwelling unit subdivision with a density of 5.3 units per acre for the 16.58-acre site. The maximum density in the Neighborhood future land use is 5 dwelling units per gross acre for single-family residential. The development is requesting a variation from Code requirements for this increase in allowed density in an underserved area of the City. The maximum height of the development will be 50-feet. The developer is proposing a 15-foot minimum landscape buffer along the north, east, and west sides of the property and 25-foot landscape buffer along the southern perimeter, with trees planted at 25-foot intervals along the perimeter of the property. Proposed amenities include a neighborhood playground, pedestrian pathway connecting to the William James Walking Trail to the west of the project and a sidewalk connection along the length of NW 14th Street.

Planned Development Required Standards (Section 122-942)

(a) 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 Response: The proposed development has access two access points onto NW 14th Street.

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 Response: The developer is proposing a 15-foot minimum landscape buffer along the north, east, and west sides of the property and 25-foot landscape buffer along the southern perimeter, with trees planted at 25-foot intervals along the perimeter of the property. Additionally, the developer is proposing over the required 40-percent open space.

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 Response: Utilities are proposed to 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 Response: There is a proposed minimum 40% open space. These areas will include enhanced landscaping, play areas, as well as a walking trail.

- 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 Response: Aggregate open space will be provided per Section 122-924(4). Gross open space is calculated at 7.54-acres, with proposed aggregate open space calculated at 4.30-acres.

- 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 Response: Open space is clustered into usable recreation areas for residents.

- 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 Response: There is a proposed minimum 40% open space. These areas will include amenities for residents.

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 Response: The application includes a Letter of Authorization signed by the property owner – Lynn Ung.

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 Response: Phasing will be determined during the site plan process.

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

Staff Response: A subdivision process will be required for this development.

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 Response: Subsequent to PD approval by City Council, the site plan and subdivision may be submitted for staff review by the applicant.

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)(1).

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

Staff Recommendation: Approval of PD23-45351
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Basis for Approval:

The PD plan is consistent with the land use category and land development regulations. Staff recommends approval.

Factual Support:

1. Consistent with the following Objective and Policies of the City of Ocala Future Land Use Element:
 - a. Objective 12: The Future Land Use Element shall require efficient use of existing services, facilities and infrastructure to discourage urban sprawl and promote a clustered urban development pattern.

- b. 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.
2. The requested zoning designation of PD, Planned Development, is eligible to implement the land use designation of Low Intensity and the PD plan is consistent with chapter 122, article V, division 30 of the City's land development regulations.
3. Approval of this request will not adversely affect the health, safety, convenience, prosperity or general welfare of the community.

Level of Service Impact Analysis:

Transportation: Access to the property will be off of NW 14th Street. Proposed 50-foot right-of-way interior roads including the two access locations to NW 14th Street are shown on the proposed PD plan. Based on the ITE Trip Generation Report 11th Edition, the 88 single-family homes will generate a total of 830 total daily trips, 66 AM Peak Hour trips and 87 PM Peak Hour trips. As the PM Peak Hour trips generate do not exceed 100, a full traffic study is not required for this project.

Potable Water: Water service is available. An existing 16-inch water distribution main runs along NW 14th Street.

Sanitary Sewer: Sewer service is available. An 8" gravity main runs along NW 14th Street.

Stormwater: Portions of the property are located within a flood zone. Facilities must be designed to provide flood protection for a 100 year 24-hour storm event. For any future development, runoff must be retained on-site to match pre-development conditions. The developer is proposing leave the two FEMA flood plain areas undeveloped.

Solid Waste: Service is available. Pick-up services will be determined during site plan approval.

Fire Service: City Fire Station #1 is located within a 0.59-mile radius.

Schools: The impacted schools are South

o Elementary, Howard Middle, and Vanguard High. Student generation rates were provided by Marion County Public Schools in June 2023.

	STUDENTS PER UNIT			
	E	M	H	TOT
SF/MH on a Lot	0.130	0.064	0.094	0.288
Proposed MF Dev	11.44	5.63	8.27	26

Based on the data provided by the school board, this development will generate an anticipated additional 26 new students in this zoning district.

Zoning Classification

Proposed:

A planned development (PD) zoning district is intended to provide a process for the evaluation of unique, individually planned developments, which may not be otherwise permitted in zoning districts established by this chapter. Standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time retaining the absolute authority of city council to establish such conditions, stipulations, limitations and restrictions as it deems necessary to protect the public health, safety and general welfare.

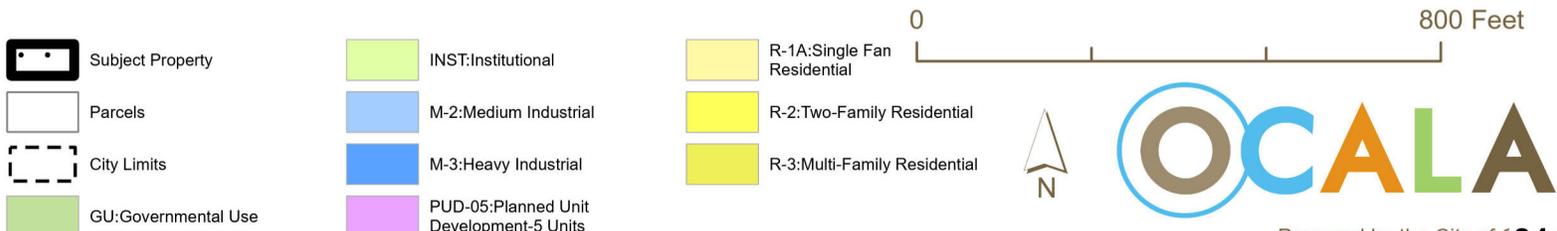
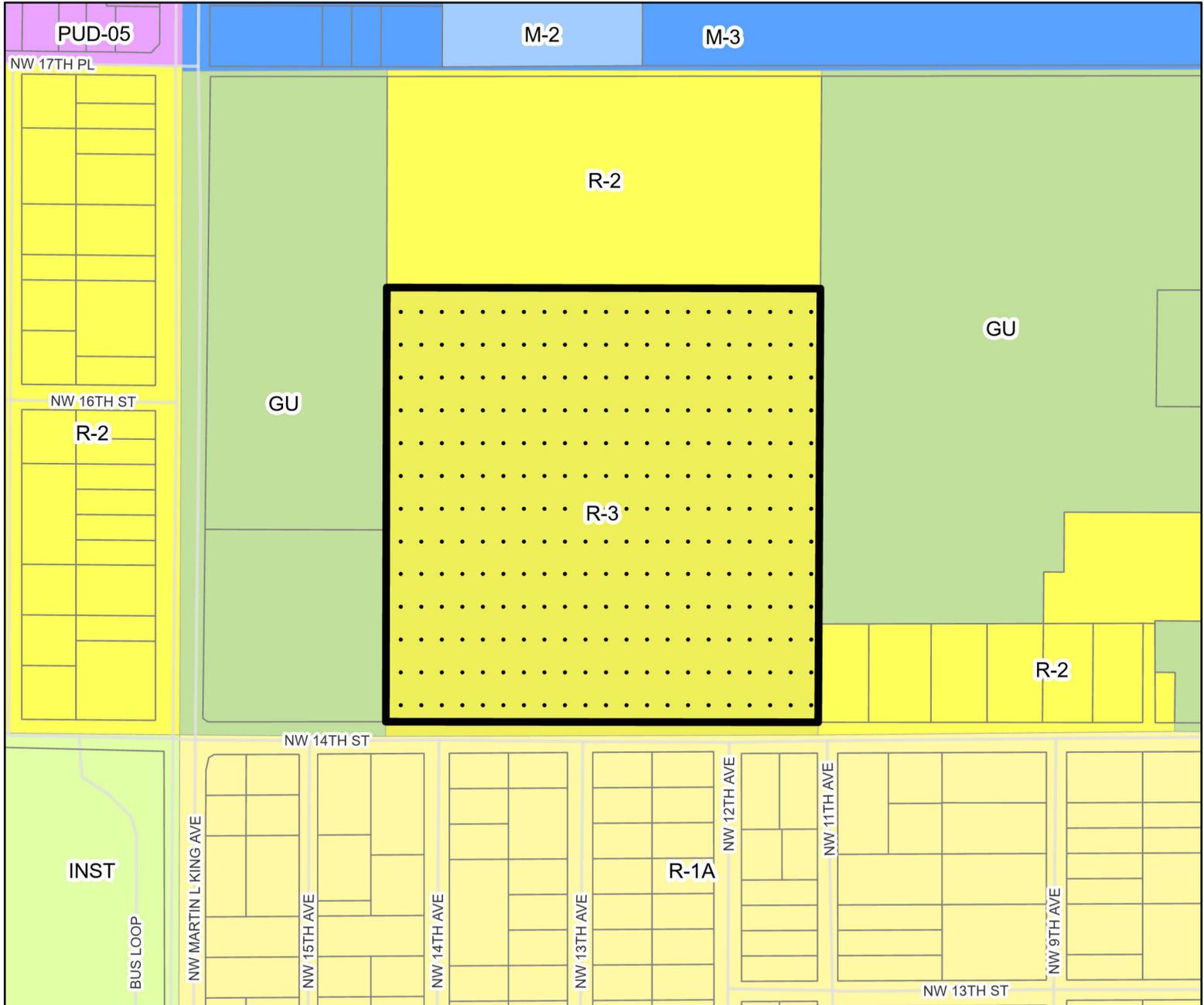
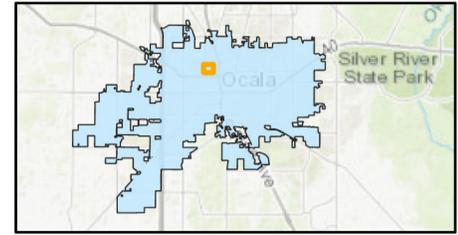
CASE MAP

P&Z Meeting: March 11, 2024

Case Number: PD23-45351
 Parcel: 25773-000-00

Location Map

Property Size: Approximately 16.58 acres
 Land Use Designation: Neighborhood
 Zoning: R-3, Multi-Family Residential
 Proposal: A request to rezone from R-3, Multi-Family Residential, to PD, Planned Development and approval of PD Plan with Design Standards



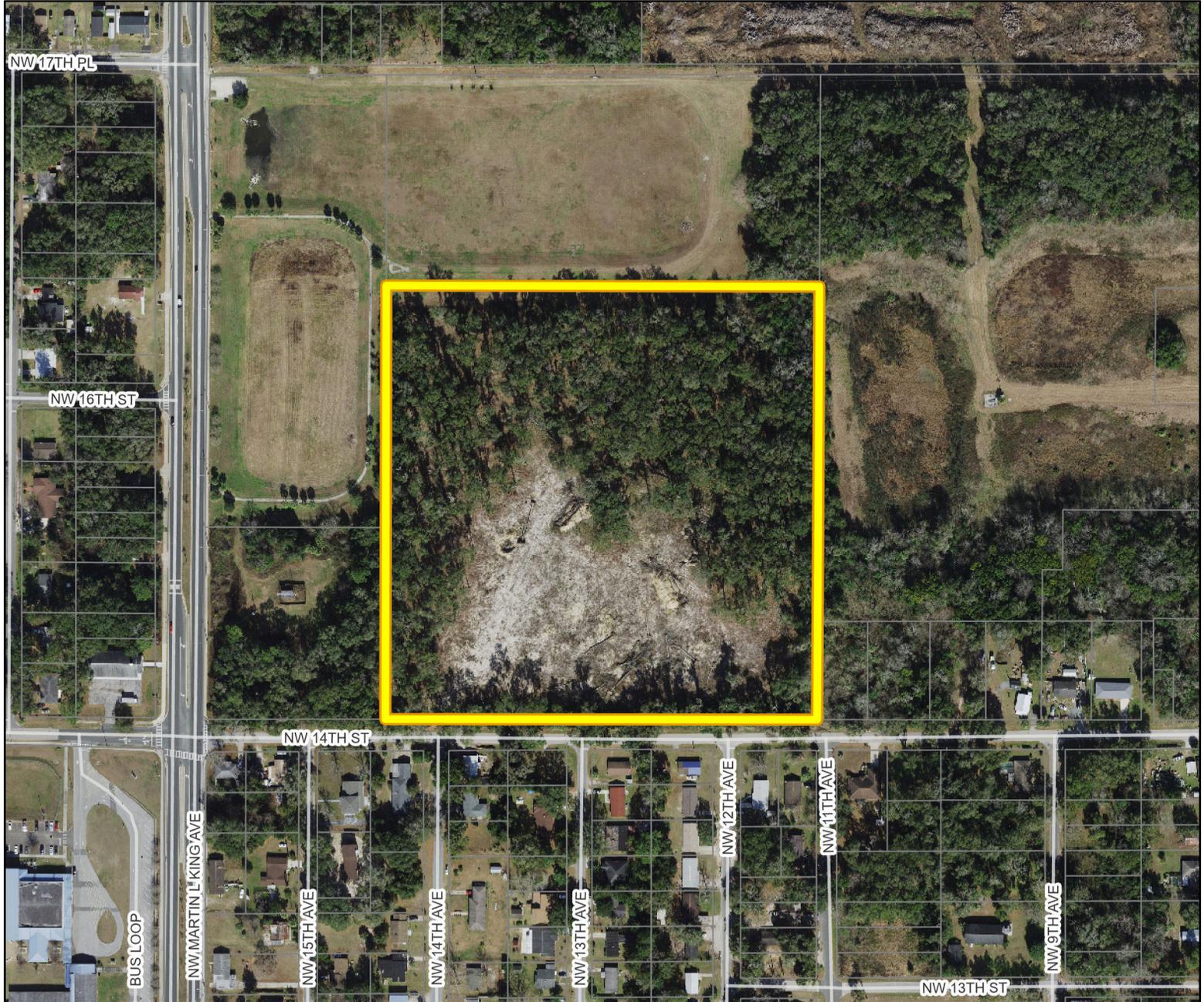
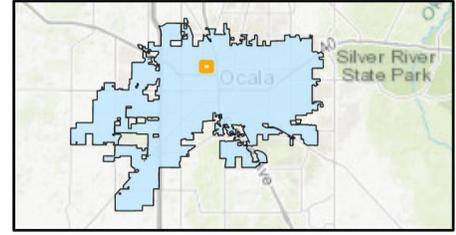
AERIAL MAP

P&Z Meeting: March 11, 2024

Case Number: PD23-45351
Parcel: 25773-000-00

Location Map

Property Size: Approximately 16.58 acres
Land Use Designation: Neighborhood
Zoning: R-3, Multi-Family Residential
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-  Subject Property
-  Parcels
-  City Limits

0 800 Feet



PD Standards

for

Pine Oaks Preserve

Prepared by:
Michael W. Radcliffe Engineering, Inc.
2611 SE Lake Weir Avenue
Ocala, FL 34471

January 16, 2024

PINE OAKS PRESERVE PD

PLANNED DEVELOPMENT STANDARDS

DATE: JANUARY 16, 2024

Items 1-11 listed below are from City of Ocala Sec. 122-940

The planned development (PD) zoning district is intended to provide a process for the evaluation of unique, individually planned developments, which may not be otherwise permitted in zoning districts established by this chapter. Standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time retaining the absolute authority of city council to establish such conditions, stipulations, limitations and restrictions as it deems necessary to protect the public health, safety and general welfare. In so doing, the PD district is designed to:

- 1) Be consistent with the city's adopted 2035 vision plan principles and the comprehensive plan;
- 2) Promote more efficient and economic uses of land;
- 3) Encourage development that is more compatible with contiguous lands;
- 4) Provide flexibility to meet changing needs, market trends, technologies, economics, and consumer preferences;
- 5) Encourage a mix of land uses which can reduce roadway transportation impacts;
- 6) Preserve to the greatest extent possible and utilize existing landscape features and amenities;
- 7) Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under conventional land development procedures;
- 8) Reduce development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities;
- 9) Permit a more desirable built environment than would be possible through the strict application of minimum requirements of the city's other zoning and subdivision regulations;
- 10) Allow for flexibility in the combining and coordinating of architectural styles, building forms, and building relationships; and
- 11) Permit modifications to specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the proposed development of the subject site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the planned development.

Residential Development Principles – Pine Oaks Preserve PD

Overall, the PD will develop into a safe, attractive, sustainable, connected, and economically viable development. The following principles are intended to provide a framework for development and provided for implementation of the overall vision.

- The perimeter of the project provides landscaped buffering to adjacent properties.
- Building designs within individual lots should complement one another through color, design and/or use of similar building materials; consistent landscape design is also encouraged.
- The street network should be safe and interconnected, and should support multiple modes of travel including vehicular, pedestrian, and transit where applicable.
- Streets and the roadway network should promote pedestrian activity in a safe and comfortable environment.
- Utilities should be located/buried such that tree installations are possible.
- Access driveways should be designed to minimize congestion on streets.
- Pedestrian and automobile traffic should be separated to the extent possible. Where such traffic conflicts occur, consideration should be given to ensure crossings are clearly marked.
- A playground shall be provided for the neighborhood.
- Roadway and parking lot areas should be illuminated for safe maneuvering of motor vehicles. Lighting assemblies along roadways shall be consistent in type and color, with those used in the common areas generally not exceeding 35 feet in height; and pedestrian level lighting generally not exceeding 16 feet in height. Light fixtures may allow for additional elements such as banners or hanging planters.
- Public facilities within the development, such as playgrounds or trails, should be easily identifiable and accessible.
- All Final Subdivision Plans shall be consistent with the Final PD Development Plan and these PD Development Standards.

Permitted Residential Uses:

- a. Single-Family Residential
- b. Multifamily Residential
- c. Public Playground

Architectural & Development Standards

- Architectural appearance and function shall generally conform to the building elevations that are included as part of these PD Standards.

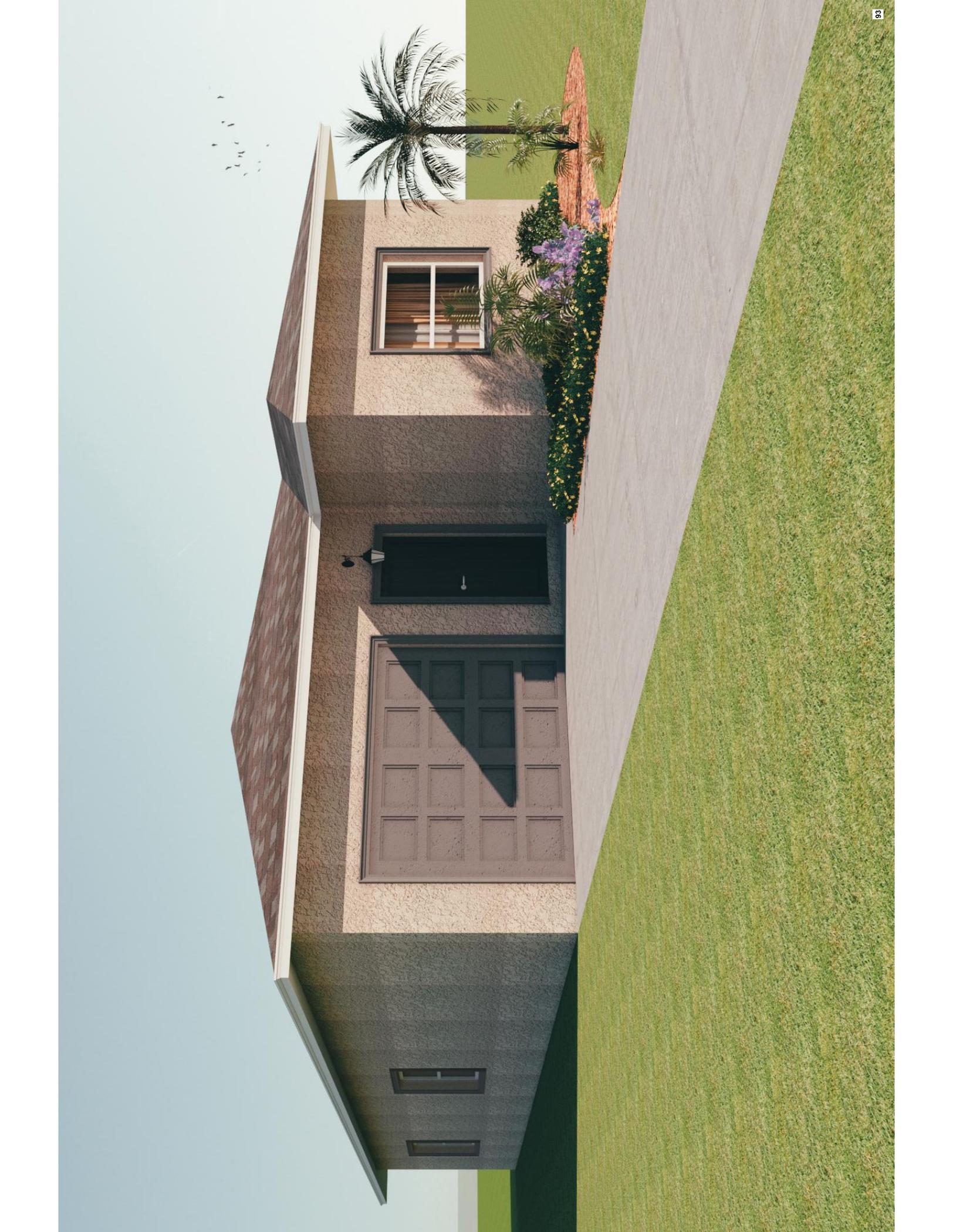
Development Standards		
Standard	Comparative Code Requirement (If Applicable)	Community Requirements
Maximum Density	5 Units/Acre before Incentives (for Single Family)	5.3 Units/Acre
Minimum Setbacks	For R-3 Zoning: Front Yard: 20' Side Yard: 8' Rear Yard: 25'	Front Yard : 20' Side Yard: 5' Rear Yard: 20' Corner lots with double frontage shall have a minimum of 5' on the portion designated as the side yard, 20' on the side designated as the front yard.
Parking	Sec. 122-1010(a)(1) 1 space per single family dwelling	2 spaces shall be provided. (1 garage space minimum, with space for 1 vehicle in the driveway minimum)
Recreational	N/A	<ul style="list-style-type: none"> • A neighborhood playground shall be provided. • Pedestrian access to facilitate use of the existing city-provided Parks and Recreation Facilities in the community shall be provided in the form of: <ul style="list-style-type: none"> ○ Pedestrian pathway connection to the William James Walking Trail west of the project. ○ Sidewalk connection along NW 14th Street, west of the project to NW MLK Jr. Ave
Minimum Lot Size	For R-3: 7,500 sf	4,000 SF
Maximum Height	For R-3: 50 ft	50 ft
Accessory Uses	Sec. 122-254	No Accessory Structures shall be allowed in front or side yards. Accessory Structures in rear yards shall be in accordance with Section 122-254 (2)City of Ocala Land Development Code. Fences up to 5'high shall be allowed in all yards. No privacy fence shall be allowed within the front yard setback.
Open Space	40% min for PD	40% minimum (see plan notes and calculations)
Buffers	Sec. 122-260(c)(1) 4' min open space around development	15' minimum on the north, east, and west sides of the development. 25' on the south side, bordering NW 14 th Street. Where existing trees are not present along the buffer, shade trees shall be planted to supplement such that, at a minimum, there shall not be a gap of more than 25' linear feet of buffer without a tree (either existing or planted).
Lighting	Sec. 114-167 Street lighting required	Street lighting shall be provided along proposed roadways, and shall utilize an "Acorn" type fixture and decorative pole.
Development Signage	Sec. 110-158(1)b	There shall be a development sign at each entrance to the development from NW 14 th Street. Development Signs shall be in accordance with Section 110-158(1)b of the City of Ocala Land Development Code.

Appendices:

- Architectural Elevations

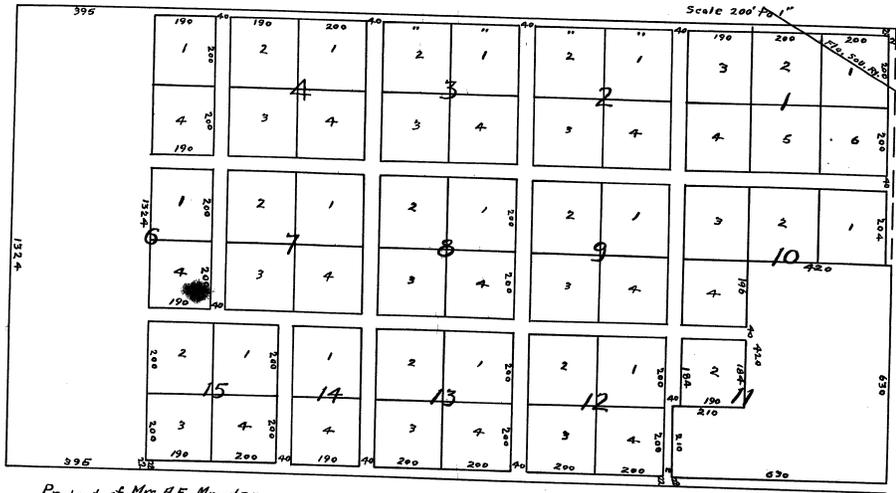








PLAT OF S. 1/2 OF NW 1/4 SEC. 7, INT. 15 R 22



Property of Mrs. R.E. Menden.

Surveyed Feb. 1892
J.R. Howhead
City Surveyor

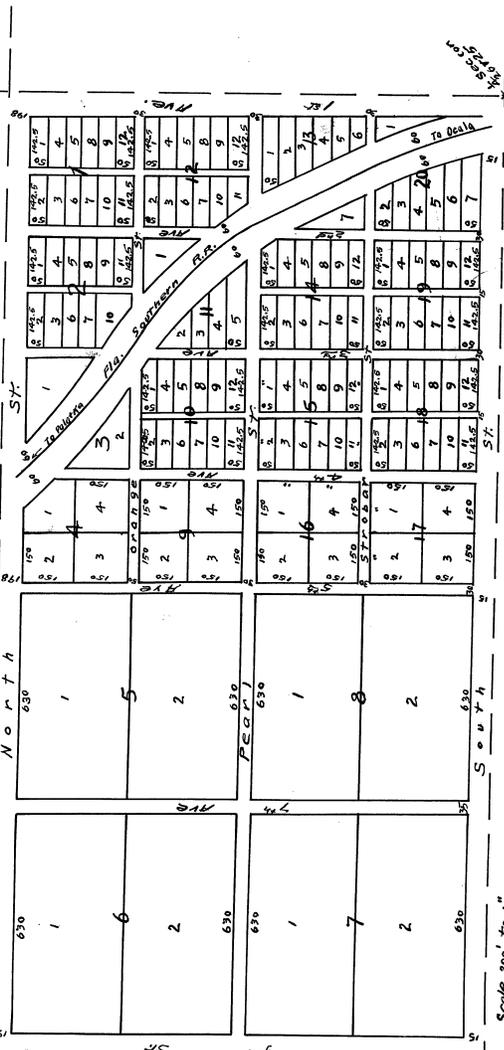
Filed for record Feb. 27 and recorded
March 5 1892

D.A. Miller, Clerk
By R.T. Sistrunk, R.C.

Map of
KENDRICK

Marion County Fla.
S 1/2 of NE 1/4 Sec 28 T. 14 S. R. 21 E.

NOTICE: There may be additional
restrictions that are not recorded
on this plat that may be found in
the public records of this County.



Filed and recorded this 21st day of March A.D. 1892
D.A. Miller, Clerk.

Mason's Map of S.W. 1/4 of
Sec. 17, T. 12 R. 20
As shown by map of same
made by J.P. Smith C.E.
duly recorded in the Public
records of Marion County.

Filed for record March 17 A.D. 1892
Recorded this 21st day of March A.D. 1892
D.A. Miller, Clerk.

