



Staff Report: Rezoning

Case No. ZON24-45772

Planning & Zoning Commission: October 14, 2024

City Council (1st Reading): November 5, 2024

City Council (Adoption): November 19, 2024

Applicant: SKC Development LLC

Property Owner: New Bethel Missionary Baptist Church & The Trustees of the New St. John Missionary Baptist Church

Project Planner: Emily W. Johnson, AICP

Amendment Request: Rezone the subject property from INST, Institutional, R-2, Two-Family Residential, and R-3, Multi-Family Residential, to R-3, Multi-Family Residential.

Subject Property Information

Acres: ±21.00 acres

Parcel(s)#: 21404-000-00 and 21411-000-00

Location: 2495 NW 21st Street

Existing use: Vacant/Undeveloped

Future Land Use Designation: Neighborhood

Zoning Designation(s): INST, Institutional, R-2, Two-Family Residential, and R-3, Multi-Family Residential

Special District(s)/Plans(s): West Ocala Vision and Community Plan (2011)

Approved Agreement(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	Neighborhood	R-1, Single-Family Residential R-3, Multi-Family Residential	Undeveloped Acreage
South	Neighborhood	R-1, Single-Family Residential R-2, Two-Family Residential	Single-Family Residences
East	Medium Intensity/ Special District	PD, Planned Development	Single-Family Residential Subdivision (West Oak PD) Multi-Family Residences (Aurora St. Leon Apartments)
West	Neighborhood Medium Intensity/ Special District	R-1, Single-Family Residential M-2, Medium Industrial	Single-Family Residences Undeveloped Acreage C&D Landfill (Friends Recycling)

Applicant Request

The applicant has submitted a petition to rezone to a single zoning district of Multi-Family Residential (R-3) from Institutional (INST), Two-Family Residential (R-2), and Multi-Family Residential (R-3). The applicant has submitted the request to facilitate multi-family residential development on the subject property.

The Agent, Robert W. Batsel, Jr., Esq., Gooding & Batsel, PLLC, is representing the applicant in this request.

Background:

The application includes two parcels of heavily wooded, undeveloped land. Parcel 21411-000-00 includes approximately 5.0+/- acres and parcel 21404-000-00 includes approximately 16+/- acres, comprising approximately 21.00 acres in total for the subject properties. It is noted that approximately 14+/- acres of parcel 21404-000-00 is already zoned R-3. The subject properties are generally located to the north of NW 21st Street and to the east of NW 27th Avenue.

The subject properties lie within the West Ocala Vision and Community Plan (2011) study area. The West Ocala Vision identified six districts, including a Neighborhoods district, in which the subject property resides. The intent of the Plan’s Neighborhoods district is to promote a walkable urban form expressed as identifiable residential neighborhoods where the predominant land use is residential, and the primary modes of transportation include walking, bicycles, automobiles, and bus transit.

The surrounding area is characterized by a blend of uses. NW 21st Street, to the east, is primarily developed with residential neighborhood uses, including both multi-family apartments and single-family residences. Directly to the east is the West Oak PD, which is approved for a mixed-use development consisting of single-family residential, multi-family residential, townhome and commercial uses. To the west, NW 27th Avenue delineates a transition to industrial and employment

center uses with the nearby Friends Recycling Construction & Demolition Landfill and the distribution warehouse facilities within the Ocala/Marion County Commerce Center.

Staff Analysis

Factual Support

Comparison of Zoning District Standards

	Zoning District	Intent and Purpose	Minimum Lot Area	Maximum Building Height
Existing	INST, Institutional	Intended to ensure that institutional uses meet the following criteria: minimum of one acre; designed and located to make efficient use of the land and infrastructure; and minimal impact on adjacent and nearby uses.	43,560 square feet	50 feet
Existing	R-2, Two-Family Residential	Intended to be of similar residential character to the single-family districts, but also permits two-family dwellings and two dwellings on one lot.	10,000 square feet	35 feet
Proposed	R-3, Multi-Family Residential	Intended to be a multi-family area, including higher residential densities in accordance with the comprehensive plan.	10,000 square feet	50 feet

Also see Exhibit A: Permitted Uses Table below.

Consistency with Comprehensive Plan and Land Development Regulations

1. The requested zoning change is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:
 - a. 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: The Neighborhood Future Land Use classification identifies residential as the primary use, and emphasizes that the history, character, and connectivity of existing neighborhoods should be considered when evaluating potential development. The surrounding area is characterized by a mixture of uses, and connectivity will be further evaluated during the site plan review process. The proposed R-3 zoning district is compatible with the existing neighborhood development pattern and provides for a transition with the surrounding single-family and multi-family residential uses to the south and east, and the industrial and employment center uses to the west.

- b. 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 proposed R-3 zoning is compatible with the existing neighborhood development pattern and provides for a transition with the surrounding single-family and multi-family residential uses to the south and east, and the industrial and employment center uses to the west. Additionally, increasing multi-family uses within the area provides for more diverse housing types and helps to provide infill development within this established urban neighborhood.

- c. 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, adequate public facilities exist to

service the subject property.

2. The requested rezoning is consistent with the West Ocala Vision and Community Plan:
 - a. Recommendation 15 - Neighborhoods District: The intent of the Neighborhood land use category is to promote a walkable urban form expressed as identifiable residential neighborhoods where the predominant land use is residential, and the primary modes of transportation include walking, bicycles, automobiles, and bus transit.
3. The requested rezoning is consistent with the following Sections of the City of Ocala Code of Ordinances:

- a. Section 122-133(b)(1): The application requests to rezone parcel or parcels that are a minimum of 30,000 square feet of area not separated by a right-of-way for a street, a street, or a drainage retention area.

Staff Comment: The subject property contains approximately 21.00 acres and meets the requirements for consideration of rezoning set forth by the Code of Ordinances.

- b. 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
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Staff Comment: As indicated in Section 122-244 above, the R-3 zoning district is a permitted district within the subject property’s current Neighborhood future land use.

- c. Section 122-351: The multi-family residential (R-3) district is intended to be a multi-family area, including higher residential densities in accordance with the comprehensive plan. This district shall allow single-family, two-family, and multi-family dwellings, residence-offices, and residence-galleries. Professional and business offices that are of compatible scale and intensity may be allowed as special exceptions by the board of adjustment.

Staff Comment: The proposed R-3 zoning district is consistent with the intended use of multi-family residential (apartment complex). Approval of the rezoning to R-3 will expand the variety of residential development permitted by-right, while still allowing for some of the institutional uses by special exception.

Level of Service (LOS)

Transportation: The 2023 congestion management data from the Ocala-Marion TPO for the affected roadway is provided below.

• **Adopted LOS / Available Capacity:**

Road/ Street Name	Lanes	Speed Limit	Functional Classification	Adopted LOS	LOS Capacity	2023 AADT	Existing LOS
NW 27 th Ave	2	35 MPH	Collector	E	11,232	5,600	D

Developments proposing to generate 100 or more net new PM peak hour trips are required to submit a traffic study as part of the site plan review. The affected segment of NW 27th Avenue is currently operating above the adopted Level of Service.

Potable Water: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A city water main runs along NW 21st Street.

- *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; connections will be determined during the site plan or subdivision review process. City gravity mains run along NW 21st Street and NW 27th 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; refuse pickup will be determined during the site plan or subdivision review process.

- *Adopted Level of Service (LOS) Solid Waste:* 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 property is 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 property is currently serviced by Ocala Electric Utility.

Fiber: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A City fiber optic cable runs along NW 27th Avenue.

Fire Service: Ocala Fire Rescue Station #1 is located 1.9 miles from the subject property, at 505 NW Martin Luther King Jr. Avenue. This distance slightly exceeds the desired industry standard of 1.5 miles for fire service.

Schools: The subject property is serviced by College Park Elementary (operating at 108.80% capacity), Howard Middle (65.21%) and Vanguard High Schools (87.79%). The proposed rezoning of the

property may generate up to 35 additional Elementary School-aged students, 14 additional Middle School-aged students, and 16 additional High School-aged students.

Project Dwelling Units (MFR)		
School Level	MFR Student Generation Rate	252 MFR (max. 12 d.u./acre permitted by FLU)
E	0.139	35
M	0.056	14
H	0.067	16

Conclusions

Property History: It is noted that a significant portion of 21404-000-00 is already zoned R-3; rezoning the entirety of the site to a single zoning district allows for a coordinated and unified use for the entire site, including points of ingress and egress.

Land Development Code / Comprehensive Plan Consistency: Pursuant to Code of Ordinances Section 122-286 properties in the requested R-3 zoning district shall be at least 100-foot-wide and contain at least 10,000 square feet. The subject property meets the minimum lot width and area requirements of the R-3 zoning district. The requested R-3 zoning district is consistent with the existing Neighborhood Future Land Use classification pursuant to Code of Ordinances Section 122-244. The underlying Neighborhood Future Land Use classification has a maximum density of 12 dwelling units per acre for multi-family residential development. Based on the 21.00-acre size of the subject property, there is a potential for 252 residential units. Any future development will have to meet the requirements for site plan approval, including architectural review requirements for multi-family dwellings under subsection 122-216(t).

Zoning Comparison: The existing R-2 zoning district (on a portion of 21404-000-00) allows for single-family residential and two-family dwelling units (duplexes), whereas the existing INST zoning district on 21411-000-00 only allows for single-family residences as an accessory use to a church/place of worship. The proposed R-3 zoning district would expand the permitted residential types to include single-family dwelling units, two-family dwelling units, single-family attached dwellings (townhomes) and multi-family dwellings. Additionally, the expansion of the R-3 will further expand non-residential uses, which are included in the attached permitted uses table. Pursuant to Section 122-260 of the Code of Ordinances, landscape buffering may be required along site boundaries adjacent to any lesser intense zoning district or use.

Surrounding Area / Compatibility: The proposed R-3 is compatible with the existing neighborhood development pattern, which includes a mix of new multi-family and single-family developments. R-3 can provide a transition between surrounding single-family and multi-family residential uses to the south and east, and the industrial and employment center uses to the west. Additionally, multi-family development is consistent with the West Ocala Vision and Community Plan, Comprehensive Plan and Code of Ordinances. Increasing multi-family uses within the area provides for more diverse housing types and helps to provide infill development within this established urban neighborhood. The proposed multi-family residential use is encouraged in the Neighborhood District of the West Ocala Vision and Community Plan.

Staff Findings and Recommendation

- The proposed rezoning is consistent with the existing Neighborhood Future Land Use classification pursuant to Code of Ordinances Section 122-244.

- The rezoning would expand the permitted residential categories to include single-family dwelling units, two-family dwelling units, single-family attached dwellings (townhomes) and multi-family dwellings.
- The proposed R-3 zoning is compatible with the recent neighborhood development pattern and provides for a transition between the surrounding uses.
- The request is consistent with the Neighborhoods District of the West Ocala Vision and Community Plan, the Comprehensive Plan, and the City's Code of Ordinances.
- No Level of Service issues have been identified for public facilities as a result of the zoning amendment.

Staff Recommendation: *Approval*

Exhibit A. Permitted Uses Table

Permitted Use Type	R-2, Two-Family Residential	INST, Institutional	R-3, Multi-Family Residential
<i>Residential Operation</i>	<ul style="list-style-type: none"> • Community residential home (max 8 residents) • Home occupation • Residence-gallery* • Residence-office* 	<ul style="list-style-type: none"> • Community residential home (max 12 residents) 	<ul style="list-style-type: none"> • Bed and breakfast • Community residential home (max 12 residents) • Home occupation • Fraternity or sorority house* • Residence – Gallery* • Residence – Office* • Rooming/boarding house*
<i>Residential Type</i>	<ul style="list-style-type: none"> • Single-family dwelling • Two-family dwelling 	<ul style="list-style-type: none"> • Single-family dwelling (accessory use) 	<ul style="list-style-type: none"> • Multi-family dwelling • Single-family dwelling • Single-family (attached) dwelling unit • Two-family dwelling
<i>Business Service</i>	<ul style="list-style-type: none"> • Parking lot* 	<ul style="list-style-type: none"> • Parking lot* 	<ul style="list-style-type: none"> • Parking Lot*
<i>Hospitality and Tourism</i>	<i>None Permitted</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Conference center • Antique gallery/art gallery/museum*
<i>Office Use</i>	<i>None Permitted</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Professional and business office*
<i>Personal Service</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Recycling collection point 	<i>None Permitted</i>
<i>Community Service</i>	<ul style="list-style-type: none"> • Church/place of worship* • Day care facility* 	<ul style="list-style-type: none"> • Church/place of worship • Day care facility • Library* • Private club* 	<ul style="list-style-type: none"> • Church/place of worship* • Day care facility* • Private club*
<i>Educational Use</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Life Skills Center • Schools, public and private • Speech and language center/school • Vocational/professional school 	<i>None Permitted</i>
<i>Recreational Use</i>	<i>None Permitted</i>	<ul style="list-style-type: none"> • Recreational facility, indoor • Outdoor recreation (accessory use) • Bingo (accessory use) • Temporary commercial amusement* 	<ul style="list-style-type: none"> • Recreation facility, indoor*
<i>Public Use</i>	<ul style="list-style-type: none"> • Park/open space area* 	<ul style="list-style-type: none"> • Cemetery* • Park/open space area* 	<ul style="list-style-type: none"> • Park/open space area*
<i>Health Care Use</i>	<ul style="list-style-type: none"> • Assisted living facility* 	<ul style="list-style-type: none"> • Hospital 	<ul style="list-style-type: none"> • Assisted living facility

		<ul style="list-style-type: none">• Satellite hospital emergency room	<ul style="list-style-type: none">• Neighborhood wellness center*• Transitional recovery facility*
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*Permitted by Special Exception