



Staff Report: Rezoning

Case No. PD24-45515

Planning & Zoning Commission: October 14, 2024

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

City Council (Adoption): November 19, 2024

Property Owner/Applicant: CHI Ocala Rancho, LLC
Agent: Paolo Mastroserio
Project Planner: Breah Miller, Planner II
Amendment Request: Rezone subject properties from No Zoning & B-5, Wholesale Business District, to PD, Planned Development with associated PD Plan and Standards Book.

Subject Property Information

Acres: ±30.49 acres
Parcel(s)#: 23176-003-00 & 23180-000-00
Location: 5019 West Highway 40 along with the parcel to the northwest
Existing use: Single Family Residential & Undeveloped
Future Land Use Designation: Employment Center
Zoning Designation: No Zoning & B-5, Wholesale Business
Special District(s)/Plan(s): N/A
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	Employment Center	M-1, Light Industrial	United Plastic Fabricating
East	Employment Center	M-1, Light Industrial A-1, General Agriculture (County)	Tire shop Vacant
South	Employment Center	M-1, Light Industrial	Williams Diesel Service Semco A Second Chance Thrift Store Jen Jones, LLC Oniram Productions, Inc.
West	Employment Center	M-1, Light Industrial B-2, General Business	Truesdell Law Florida Coast Equipment Dollar General WRA

Applicant Request

The petitioner is requesting to rezone from No Zoning and B-5, Wholesale Business, to PD, Planned Development to allow for future mixed-use development, to include multi-family and commercial uses.

The Agent, Paolo Mastroserio, is representing the applicant in this request.

Background:

Parcel 23176-003-00 was annexed into the city in 2018 (ANX17-0015). At that time, the owner requested to rezone the property to B-5, Wholesale Business, with a land use change to Employment Center. This property has historically been a vacant and undeveloped parcel.

In 2022, parcel 23180-000-00 was annexed into the city (ANX22-44952). At that time, the owner requested a future land use change to Employment Center; the applicant indicated to staff the intent to rezone to a PD. This petition is the first request to establish zoning for the property. This property has been used for agricultural purposes and is developed with three single-family residences which were built as early as 1958. Marion County Tax Collector indicates that the property currently has an agricultural exemption.

The two properties together total 30.49 acres and are surrounded by industrial uses. The proposed project is near NW 46th Avenue (commonly referred to as NW 44th Ave) which will complete a beltway around the city. It is noted that the PD will also be slightly more than a mile from the SR 40 Interstate 75 (I75) exchange. This area of West Silver Springs Boulevard, west of I-75, is predominantly heavy commercial and industrial uses with a light mix of community business.

Staff Analysis

Factual Support

Proposed PD Plan and Standards

The PD plan and Standards Book, proposes a 468 unit, commercial and retail mixed-use development. The proposed commercial uses will be located along the frontage of West Silver Springs Boulevard and will consist of a maximum of 5.54 acres. The multi-family residential portion will be located to the rear and consist of approximately 24.58 acres.

Neighborhood Meeting

A neighborhood meeting was held in November 2023, with the agent providing information regarding the proposed development and nearby residents asking questions pertaining to the proposed uses and buffers provided.

Consistency with Comprehensive Plan and Land Development Regulations

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

- a. Policy 6.5 Employment Center. The intent of the Employment Center land use is to provide a regionally important hub for business, enterprise, research and development, and employment activities. Employment Centers are generally single use districts but may include more than one (1) use if there are appropriate buffers and transitions between complementary uses. Permitted uses shall include a primary use and may include a secondary use. Primary uses are industrial, office and commercial. Secondary uses are public, recreation, institutional, and residential, as well as educational facilities. There are no form requirements in this land use category.

Although Employment Center generally includes industrial, employment generating uses, residential uses were included as secondary uses to service the workforces for these industries. The property will be surrounded by less intensive uses on the eastern portion of the property. During the required site plan process buffering will be required pursuant to Sec 122-260(8) of the code of Ordinance.

- b. Future Land Use Element Objective 7: The City intends to promote quality urban design in the development and redevelopment of automobile-oriented suburban corridors.
 - i. Policy 7.1: The City shall establish guidelines that incorporate physical gateways to provide a sense of arrival into the community, wayfinding and signage to direct residents and visitors to Ocala's unique places and assets, and best practices design guidelines.

As referenced in the PD Standards Book, the project architecture shall promote and enhance a pedestrian scale and orientation on any façade facing a street, through building articulation, transparency, or other design treatments. Developing these properties as such, will assist in accomplishing Future Land Use Element Objective 7, by promoting quality urban design which lends to providing a sense of arrival into the City.

- c. Future Land Use Element 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.

- i. Policy 12.1: The City shall require that all development have adequate services and facilities including water, roads, sewage collection and treatment, stormwater drainage, 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.

Adequate services are available within 1/8 of a mile radius.

- 2. 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.
 - b. Section 122-244 - District criteria: Zoning districts allowed under each land use classification.

Employment Center	O-1, OP, B-1, B-1A, B-2, B-2A, B-4, B-5, SC, M-1, M-2, M-3, G-U, INST, A-1, PD , FBC
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- c. Section 122-940: 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 chapter 122. 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.
- d. Section 122-260(10): Multifamily and mobile home use abutting a less intensive use or district shall have a ten-foot-deep landscaped buffer area or a four-foot-deep landscaped area combined with a brick, stone or concrete block wall.
- 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 Response: The proposed development has two major access points; one access road leads onto West Silver Springs Boulevard to the south, while the other leads to NW 52nd Street to the west. Interconnectivity between the proposed development and the existing commercial to the south are proposed.

- (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 10-foot landscape buffer along the north, east, west, and between the commercial and residential portion of the development. Staff is recommending a condition to provide more substantial buffering to mitigate impact from adjoining commercial and industrial activities, and between the commercial and residential portion of the development.

- (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 25% gross open space with a proposed 10% aggregate open space. These areas will include community clubhouse, pool, and passive/active open areas.

- (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 is provided in accordance with Section 122-924(4). Gross open space provided is calculated at 7.53-acres, with proposed aggregate open space calculated at 3.01-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, including a centralized playground, pool, and amenity area.

- (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 25% 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 agent submitted a Statement of Unified Control to the City in January 2024.

- (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: This project will be required to undergo a subdivision process for the creation of the five commercial lots, internal roadways, and other items.

- (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: After 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 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 Response: 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

There are no proposed variations for this rezoning request. The subject properties currently have Employment Center land use designation. Employment Center land use only allows residential development if the overlaying zoning designation is PD, Planned Development.

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
SR 40	4	45 MPH	Arterial	D	38,430	22,300	C

Developments proposing to generate 100 or more peak hour trips are required to submit a traffic study as part of the site plan review. The affected segment of E Silver Springs Boulevard 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 52nd Avenue just west of the property and south of SR 40.

- *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. The city gravity main is located to the south and the west of property along NW 52nd Avenue and SR 40.

- *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: Service is not currently available at this location. There are four service requests in the multi-family developments adjacent to the subject.

Fire Service: Ocala Fire Rescue Station #4 is located approximately 2 miles from the subject property, on SW 20th Street.

Schools: The subject property is serviced by College Park Elementary (operating at 112.53% capacity), Liberty Middle (92.63%) and West Port High School (116.83%). The proposed development of the property may generate up to 73 additional Elementary School-aged students, up to 30 additional Middle School-aged students, and up to 37 additional High School-aged students.

Project Dwelling Units (MFR)			
School Level	MFR Student Generation Rate	609 MFR (max. 20 d.u./acre permitted by FLU)	468 MFR (proposed by PD Plan)
E	0.139	85	65
M	0.056	34	26
H	0.067	41	31

Conclusions

Property History: 5019 West Highway 40 (Parcel 23180-000-00) has primarily been used for agricultural uses in the past. As evidenced by the Marion County Tax Collector providing an agricultural exemption for this property. Agricultural uses. The Agricultural uses are not an intended use within the PD, thus creating a nonconformity after approval. Staff is recommending a condition to approval for all nonconforming uses to be brought into compliance, no less than one year following PD rezoning approval by City Council.

Land Development Code / Comprehensive Plan Consistency: Pursuant to Code of Ordinances Section 122-244 PD zoning is permitted in the Employment future land use category; however, residential units are only allowed as part of a Planned Development (PD) zoning district. The PD Standards Book proposed commercial uses will be consistent with permitted uses in the B-2 zoning district, which is also a permitted zoning district in the Employment Center future land use designation. The PD Plan and Standards book meets most of the requirements of Division 30, Article V, Chapter 122 of the Code of Ordinances; however, staff is recommending several conditions to approval, to ensure sufficient compatibility with all aspects of the Code.

Level of Service: The possible density and intensity for development and impact to public facilities is primarily determined by the land use and is not impacted by zoning amendments. However, zoning amendments do provide for the introduction or subtraction of permitted uses which can reduce or have further impact to public facilities. Further LOS analysis will be required at the time of development to determine the impact to public facilities.

Surrounding Area / Compatibility: One of the most important factors of this PD rezoning is that it introduces multi-family residential uses to a predominately commercial and industrial area. The Live Local Act was designed to accomplish similar (affordable) residential allowances in commercial and industrial areas to provide more housing options to address local, regional, and statewide housing shortages. Further this approach attempts to provide housing options in closer proximity to employment options, limiting demand on the transportation system. Providing compatibility can be achieved for future residents and the surrounding commercial and industrial area, residential uses in this area of SR 40 will promote more housing options within this west Ocala area of SR 40. To provide mitigation toward compatibility, staff is recommending additional conditions of approval to provide additional buffer area, fence requirements, and removal of single family residential as a

Staff Findings and Recommendation

- The proposed rezoning is consistent with the Employment Center Future Land Use classification and land development regulations.
- The proposed rezoning is consistent with the requirements Section 122-940 – 122-949 regarding the Planned Development zoning requirements.
- Per Objective 12 of the Future Land Use Comprehensive Plan, adequate public facilities will need to exist to service the proposed development. Adequate facilities exist within a 1/8-mile radius.
- The commercial portion of the PD along SR 40 provides a transition and buffer to the proposed multi-family residential to the north.
- Staff has proposed conditions of approval to provide further mitigation to support the compatibility of the proposed multi-family portion of the PD to the surrounding commercial and industrial uses in the area.

Staff Recommendation: Approval with conditions of PD24-45515
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1. Revision of the 25-foot setback to a 25-foot landscape buffer.
2. Replacement of vinyl coated chain link fence with an opaque 6-foot fence.
3. Explicitly restricting access to one point of ingress/egress onto State Road 40/West Silver Springs Boulevard by including language on the PD Plan and in the PD Standards Book.
4. Removing the inclusion for the potential for single-family residential development on Page 5 of the PD Standards Book.
5. Bringing all nonconforming uses, including but not limited to single-family residential and agricultural uses, into compliance within no less than one year of approval of the PD rezoning by City Council.