



Staff Report: Rezoning

Case No. PD24-45765

Planning & Zoning Commission: January 13, 2025

City Council (1st Reading): February 4, 2025

City Council (Adoption): February 18, 2025

Applicant: HTM Developers LLC

Property Owner: Emerson Pointe Development LLC

Project Planner: Emily W. Johnson, AICP

Amendment Request: Rezone the subject property from RO, Residential Office, R-1, Single-Family Residential, and R-2, Two-Family Residential, to PD, Planned Development with associated PD Plan and Standards Book.

Parcel Information

Acres: ±16.43 acres

Parcel(s)#: 24278-000-01

Location: Approximately 40 feet north of the intersection of NE 28th Street and NE 23rd Avenue.

Existing use: Vacant/Undeveloped

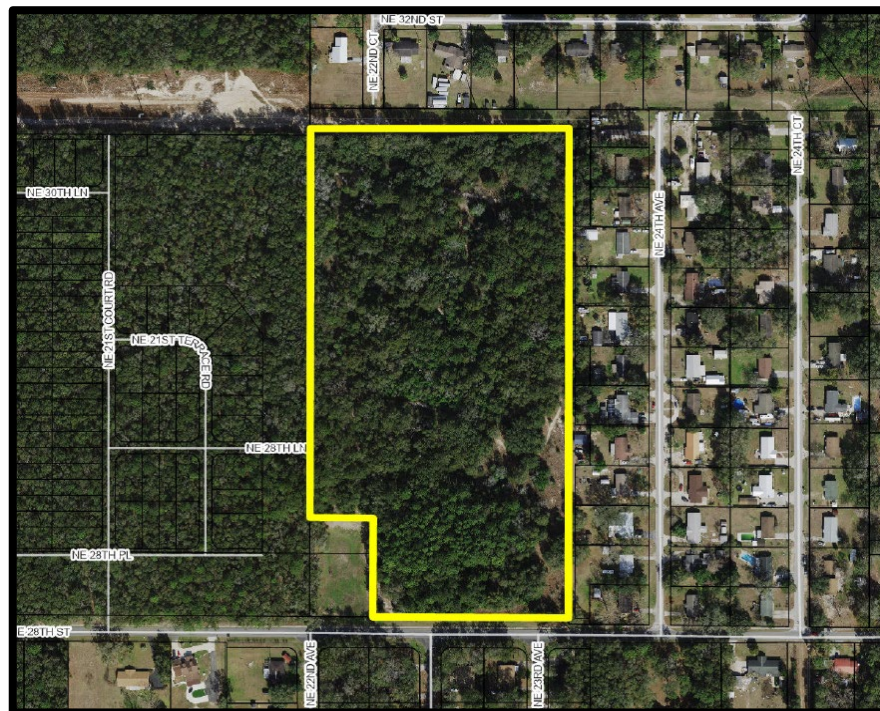
Future Land Use Designation: Neighborhood

Zoning Designation: RO, Residential Office, R-1, Single-Family Residential, & R-2, Two-Family Residential

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	Medium Residential (County)	R-1, Single-Family Dwelling (County)	Single Family Residences (Sun Ray Estates Subdivision)
East	Neighborhood (City) Medium Residential (County)	R-1A, Single-Family Residential (City) R-1, Single-Family Dwelling (County)	Single-Family Residences (O L Andrews Unrecorded Subdivision)
South	Neighborhood (City)	R-1AA, Single-Family Residential (City) R-2, Two-Family Residential (City)	Single-Family Residences (Plantations Subdivision), adjacent to NE 28 th Street
West	Neighborhood Medium Residential (County) Public (County)	R-1A, Single-Family Residential (City) R-1, Single Family Dwelling (County) PUD, Planned Unit Development (County)	City-owned Water Retention Area Vacant/Undeveloped acreage platted for future residential development (Emerson Pointe Phases 1 and 2)

Applicant Request

The petitioner is requesting to rezone from Single-Family Residential (R-1), Two-Family Residential (R-2), and Residential Office (RO), to Planned Development (PD). The petitioner has submitted the request to allow for development of a single-family residential subdivision. The proposed subdivision will constitute the third phase of an ongoing development, which has received PUD approvals from Marion County (Emerson Pointe). The Petitioner has identified that all proposed amenities will be located within Phases 1 and 2, which fall within unincorporated Marion County.

The Agent, David Tillman, P.E., Tillman & Associates Engineering, LLC, is representing the applicant in this request.

Background:

The south 150-feet of the property was annexed in 1964 with a Single-Family Residential (R-1A) zoning. The remainder was annexed in 2005, with zoning designations of R-2 and RO for the southern 300 feet along NE 28th Street, and R-1 for the rest. Ordinance No. 4548 designated the southern 150 feet as Medium Density Residential and the remainder as Low Density Residential.

In 2006, a preconceptual residential subdivision plan for Woodlyn Estates was approved, containing 37 residential lots and 1 office lot. However, an improvement plan and final plat were never submitted. The subject property is currently vacant and undeveloped.

The subject property lies at the northernmost boundary of the City limits along NE 28th Street. The

surrounding area is residential in nature, and primarily developed with single-family residences as the urban environment transitions into Marion County. Nearby subdivisions include:

- Sun Ray Estates Subdivision (PB H Pg 35), which is zoned R-1 (County) and was platted in 1965. The plat approved 97 lots on 45.59 acres (density of 2.13 dwelling units per acre). Lot sizes vary with the smallest being approximately 90-feet-wide by 90-feet-long.
- Plantations Subdivision (PB V Pg 37), which is zoned R-2 and was platted in 1982. The plat approved 30 lots on 12.55 acres (density of 2.39 dwelling units per acre). Lot sizes vary with the smallest being approximately 110-feet-wide by 100-feet-long.
- Emerson Pointe Phase 1 (PB 16 Pg 102), which is zoned PUD (County) and was platted in 2024. The plat approved 92 lots on approximately 23.44 acres (density of 3.92 dwelling units per acre). The lots are approximately 50-feet-wide by 120-feet-long.
- Emerson Pointe Phase 2, which is zoned PUD (County); the final plat has not yet been recorded. The Conceptual PUD plan approved 151 lots on approximately 39.4 acres (density of 3.83 dwelling units per acre). Lot sizes are approximately 50-feet-wide by 120-feet-long.

On January 22, 2013, the City Council adopted Comprehensive Plan Amendments consistent with the 2035 Vision, which eliminated the Medium Density Residential and Low Density Residential Future Land Use Classifications; the subject property is currently designated Neighborhood land use.

In 2022, the applicant attempted to annex the initial phases of the development into the City of Ocala; however, the annexation was not possible due to the creation of an enclave. A sliver of the initial development along NE 28th Street is currently within city limits.

Staff Analysis

Factual Support

Proposed PD Plan and Standards

A 6-foot-tall vinyl privacy fence is proposed to screen the northern and eastern boundaries of the PD. The request will leave an approximately 50-foot-wide strip of R-1 zoned property along the northern boundary, which is developed and utilized as a Duke Energy electric utility easement. The maximum density for single-family residential development in the Neighborhood future land use is 5 dwelling units per gross acre. The associated PD Plan depicts a maximum of 72 lots; this constitutes an overall density of 4.38 dwelling units per acre on the 16.43-acre site. The maximum height of the development is proposed at 40-feet. Lots are dimensioned at 40-feet-wide by 115-feet-long. The PD Standards proposes to establish the following setbacks: 25-feet from the front property line; 15-feet from a secondary front property line; 5-feet from a side property line; and 20-feet from a rear property line. Accessory structures would be allowed in side and rear yards with a reduced setback of 5-feet from property lines.

The PD plan indicates that approximately 7.77 acres will be preserved as open space (approximately 47.29%). In lieu of providing aggregate open space for Phase 3, the petitioner has identified that the development will have connectivity to the existing Phases 1 and 2. Aggregate open space will feature a clubhouse with a pool, playground equipment, and two dog parks. In preliminary discussions with the applicant, it was indicated that the City's open space (minimum of 40%) requirement exceeds that which was approved by Marion County on the first two phases (minimum of 20%). In order to maintain consistency with the ongoing development, the PD Plan meets the City's requirements in Phase 3, while

applying the amenities from the first two phases to the entirety of the development (approximately 5% aggregate open space). In the PD Standards Book, the petitioner notes that the amenities provided in Phases 1 and 2 are adequately sized to accommodate the residents of all three phases.

Neighborhood Meeting

A neighborhood meeting was held in March 2024, with the agent providing information regarding the proposed development and nearby residents asking questions pertaining to the development type, affordability, wildlife, as well as traffic and access.

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 6.4: 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 single-family residential uses, and connectivity will be further evaluated during the subdivision review process. The proposed PD zoning district is compatible with the existing neighborhood development pattern and provides for development at a density that is contextually appropriate for the area.

2. 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 PD zoning district is compatible with the existing neighborhood development pattern and provides for development at a density that is contextually appropriate for the area.

3. 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 property contains approximately 16.43 acres, is proposed to be a single-use residential development and has approximately 464 feet of frontage along NE 28th Street. The subject property 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
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Staff Comment: The PD zoning district is a permitted district within the subject property’s current Neighborhood future land use.

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 NE 28th Street. A secondary access connects to the terminus of NE 22nd Court to the north, providing through-access to NE 28th Street. An additional connection to the internal roadway network of Emerson Pointe Phase 1 is also depicted. The PD plan proposes 30-foot-wide rights-of-way, which will be privately maintained in perpetuity.

- (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 is surrounded by similar single-family residential uses. While buffering is not required, the developer is proposing a 6-foot-tall vinyl privacy fence along the northern and eastern boundaries to ensure adequate screening. This is consistent with the buffering/screening which was approved by Marion County for Phases 1 and 2.

- (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 within a dedicated easement. 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: There is a proposed minimum 47.29% gross open space. In lieu of providing aggregate open space for Phase 3, the petitioner has identified that the development will have connectivity to the existing Phases 1 and 2, which feature a clubhouse with a pool, playground equipment, and two dog parks.

- (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 7.77-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 Comment: Open space for Phase 3 is primarily clustered around the drainage retention areas planned for the southern and western boundaries. In lieu of providing aggregate open space for Phase 3, the petitioner has identified that the development will have connectivity to the existing Phases 1 and 2.

- (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: There is a proposed minimum 47.29% gross open space. In lieu of providing aggregate open space for Phase 3, the petitioner has identified that the development will have connectivity to the existing Phases 1 and 2. Phases 1 and 2 were developed pursuant to Marion County regulations, which only require 5% aggregate open space. The proposed aggregate open space across all 3 phases will be consistent with the County's requirement.

- (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 Title Opinion and Statement of Unified Control to the City in August 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 Comment: The proposed subdivision will constitute the third phase of an ongoing development, which has received approvals from Marion County (Emerson Pointe). Sub-phasing is not proposed.

- (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: A site plan is not required for the proposed development.

- (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 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 requesting variances to the following sections of the Ocala Code of Ordinances:

1. Section 114-95(b) – Block lengths should not exceed 600 feet or be less than 300 feet in residential areas, except where special topographical conditions exist.

Applicant Statement: “Residential blocks may be a minimum of 240’, but not exceed 776’ in length. Reduction to 198’ is requested on certain blocks.”

2. Section 114-92 –

- (c) *Subdivisions.* All public and private subdivisions will be required to have sidewalks on both sides of all internal roads and on one side of any adjacent external road. All sidewalks must be installed at the time the subdivision improvements are constructed and must be maintained as constructed until a certificate of occupancy is issued for each individual lot.

Applicant Statement: “Sidewalks will be constructed along NE 28th Street and one side of internal roads. This is consistent with Phase 1 & 2 as approved by the County.”

3. Subsection 122-942(a)(4)(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.

Applicant Statement: “Proposed 7.77 acres. This is 47.29% of the project. This is in conjunction with other phases that are providing 16.19 acres in addition. The overall project (all phases) to have 30% open space and 5% IOS.”

Additionally, the applicant has noted in the PD Standards Book that “*Phases 1 and 2 are currently under review and development is occurring. These phases consist of 62 +/- acres that have amenities that are ample in size to accommodate all three phases. The amenities consist of a clubhouse with pool, playground and two(2) dog parks.*”

Level of Service (LOS)

Transportation: The subject segment of NE 28th Street is an unclassified roadway under the Ocala-Marion TPO Congestion Management Plan. Automotive traffic will likely access the property via NE

25th Avenue to the east, and Jacksonville Road (County Road 200A) to the west. 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
NE 25 th Ave	2	35 MPH	Collector	E	11,232	8,000	D
CR 200A/ Jacksonville Road	4	45 MPH	Arterial	E	35,820	10,700	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 segments of NE 25th Avenue and Jacksonville Road are currently operating above the adopted Level of Service.

Potable Water: City utilities are available at this location; connections will be determined during the subdivision review process. A city water main runs along NE 28th 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 subdivision review process. A city force main is available along NE 28th Street.

- *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 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; however, portions of the

property are identified within the Ocala Flood Study as having a Base Flood Elevation (BFE) of 64. 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 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 0.6 miles from the subject property at 2340 NE 25th Avenue. This distance falls within the desired industry standard of 1.5 miles for fire service.

Schools: The subject property is serviced by Oakcrest Elementary (operating at 69.31% capacity), Fort King Middle (74.71%) and Vanguard High Schools (87.79%). The proposed rezoning of the property 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	82 SFR (max. 5 d.u./acre permitted by FLU)	72 SFR (proposed by PD Plan)
E	0.13	10	9
M	0.064	5	4
H	0.094	7	6

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 PD Plan is consistent with the minimum standards for a PD District (Section 122-942), with exception to the following:
 - Requested variation to the block length standard requirement for subdivisions. The PD Standards Book proposes that the minimum block length be reduced to 198-feet, and the maximum block length be extended to 776-feet.
 - Requested variation to the sidewalk construction requirement for subdivisions. The PD Plan and Standards Book propose construction of sidewalks on one side of internal roads. The PD Standards Book identifies that sidewalks will be constructed along NE 28th Street.
 - Requested variation to the aggregate open space requirement of 10 percent of the total gross open space. The PD Plan and Standards Book identifies that there will be sufficient amenities provided in Phases 1 and 2 to serve the residents of all three phases.
- 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. Attached garages shall be required for all single-family residences.

2. The phases 1 & 2 aggregate open space/improved open space (IOS)/ amenities area shall remain accessible to the entire development in perpetuity.
3. The amenity area shall not be reduced or removed. Modifications to the amenity area are permitted but must be submitted for review and approval by City staff.

Staff Recommendation: Approval of PD24-45765 with conditions