



**Petitioner:** Lee Ray Bergman, LLC  
**Property Owner:** Lee Ray Bergman, LLC  
**Agent:** W. James Gooding III, Gooding & Batsel, PLLC  
**Project Planner:** Endira Madraveren  
**Applicant Request:** to: PD, Planned Development  
Rezone the subject property to PD, Planned Development.

**Future Land Use:** Low Intensity

**Parcel Information**

**Acres:** ±10.02 acres  
**Parcel(s)#:** 23833-000-01 and 23833-000-02  
**Location:** Northeast and Southeast corners of SW 60<sup>th</sup> Avenue and SW 43<sup>rd</sup> Street Road  
**Existing use:** Vacant/Undeveloped  
**Overlay(s):** N/A

**Adjacent Property Information**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
<b>North</b>	Low Intensity	No Zoning	City WRA and Vacant/Undeveloped
<b>East</b>	Neighborhood	No Zoning	The Hunt Club at Fox Point
<b>South</b>	Low Intensity	GU, Governmental Use	US Post Office
<b>West</b>	EC, Employment Center	PUD, Planned Unit Development	Calesa Township

**Background:**

In July 2002 Hunt Club at Fox Point Westwood Planned Unit Development zoning designation was approved by Marion County. This PUD permitted the development of 168 units; Phase I allowed for 42 single-family dwellings, while Phase II was allotted for 126 multi-family dwelling units. A plat was approved for the same property by Marion County in June 2003; recorded in Plat Book 7, Page 139, Marion County Public Records. In May 2003, the property owner (Westwood Partnership, LLP) applied for an annexation agreement in order to connect to City services; in September 2004 the properties became contiguous to City Limits. The property owner was notified as such, and the subject properties were subsequently annexed into the City in January 2005.

An Agreement Limiting Development was also approved by City Council in December 2005 placing the following limitations on the development of the subject properties:

- The total number of residential units to be developed on the Property will not exceed 96. Such number is the maximum number of units and the City may approve a lower number as part of an approved Planned Unit Development; and
- Owner will develop the Property only as a Planned Unit Development approved by City under the City's Code of Ordinances.
- Prior to commencing development, Owner will perform a traffic study and comply with the Concurrency Management System provisions of the City Code.

It was not until December 2005 that Ordinance 5464 was approved by City Council, amending the future land use designation from Medium Density Residential in the County to Low Density Residential and Medium Density Residential in the City. The citywide comprehensive plan amendment, adopted on January 22, 2013 (Ordinance 2013-13), changed the future land use designation of the subject properties from Medium Density Residential to Low Intensity. The existing Hunt Club PUD future land use designation was changed from Low Density Residential to Neighborhood.

The PD plan and Standards Book, propose a 96-dwelling unit apartment complex with a density of 9.6 units per acre for the 10.02-acre site. The maximum density in the Low Intensity future land use is 18 dwelling units per acre. The maximum height of the development will be 50-feet. The developer is proposing a natural-enhanced buffer located between the existing single-family residences to the east and the apartment buildings. A 25-foot landscape buffer is proposed along the perimeters of both parcels with a drainage retention area expansion to the north.

The PD Standards book provides for enhanced features including Florida-Friendly plant species within the buffers and open space, pedestrian walking trails, and landscaped entrances.

#### 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 onto SW 60<sup>th</sup> Avenue via SW 43<sup>rd</sup> Street Road.*

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 development will provide an enhanced 25-foot landscaped buffer to the east, abutting the Hunt Club at Fox Point single-family residences. Additionally, the developer is proposing at least 102-feet (parcel 23833-000-02) and at least 149-feet (parcel 23833-000-01) of aggregate open space to the east of each parcel, with existing trees to remain.*

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, picnic and play areas, as well as a nature 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 174,615 square-feet, with proposed aggregate open space calculated at 17,462 square-feet.*

- 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 enhanced landscaping with walking trails.*

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 – Leah Bergman. The Ordinance and supplemental information will be reviewed by the City Attorney prior to City Council approval.*

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 has not been indicated at the time of writing the Staff Report.*

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

*Staff Response: A subdivision process is not 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 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)(l).

*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.*

#### **Level of Service Impact Analysis:**

**Transportation:** Pursuant to the Agreement Limiting Development approved by City Council in December 2005 “prior to commencing development, Owner will perform a traffic study and comply with the Concurrency Management System provisions of the City Code.” A traffic assessment was

provided for the development which states the anticipated PM peak hour trips are 62 (53 AM peak hour). New standards for traffic analysis were implemented in 2008 in which 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 minimal trip generation for the site will not have a significant impact on the surrounding transportation network. The existing left-turn lanes on SW 60th Avenue at SW 43rd Street Road and SW 42nd Street have sufficient length to accommodate the additional traffic from the project. The intersections are projected to operate with LOS D or better. No off-site transportation improvements are necessary to support traffic from the proposed development.”

However, a traffic study will be required to be performed prior to site plan approval.

**Potable Water:** Water service is available. An existing 8-inch water distribution main runs along SW 43rd Street Road, while a 16” water distribution main runs along SW 60th Avenue.

**Sanitary Sewer:** Sewer service is available. An 8” gravity main runs along SW 42nd Street and existing force mains run along SW 60th Avenue.

**Stormwater:** This property is not 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 to expand upon the existing City water retention area to the north to retain water on-site.

**Solid Waste:** Service is available. Dumpster locations will be determined during site plan approval.

**Fire Service:** City Fire Station #7 is located within a 1.4-mile radius.

**Schools:** The impacted schools are currently experiencing localized overcrowding for Saddlewood Elementary, Liberty Middle, and West Port High. Student generation rates were provided by Marion County Public Schools in June 2023.

STUDENTS PER UNIT				
	E	M	H	TOT
MF (Apt/Condo)	0.139	0.056	0.067	<b>0.262</b>
Proposed MF Dev	13.34	5.38	6.43	<b>27</b>

Based on the data provided by the school board, this development will generate an anticipated additional 27 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.

**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.

<b>Staff Recommendation:      Approval of PD23-45260</b>
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**Basis for Approval:**

The PD plan is consistent with the originally approved PUD, the Agreement Limiting Development, land use category, and land development regulations of the Code of Ordinances Planned Development Required Standards (Section 122-942). Staff recommends approval.