



## Staff Report: Rezoning

Case No. ZON24-45815

Planning & Zoning Commission: October 14, 2024

City Council (1<sup>st</sup> Reading): November 5, 2024

City Council (Adoption): November 19, 2024

**Petitioner:** Gala Bank, Inc.  
**Property Owners:** Richard L. Williamson and DGBP Ocala Investments, LLC  
**Agent:** Paolo Mastroserio, P.E., Mastroserio Engineering, Inc.  
**Project Planner:** Kristina L. Wright, CNU-A, MAURP, FRA-RA  
**Amendment Request:** Rezone the subject property from INST, Institutional, and R-2, Two-Family Residential, to B-1, Neighborhood Business.

### Subject Property Information

**Acres:** ±1.99 acres  
**Parcel(s)#:** 22687-001-00 (0.99 acres) and 22686-000-00 (1.00 acre of a 25.79-acre parcel)  
**Location:** A portion of 517 SW 27th Avenue along with the property located directly to the north  
**Existing use:** Undeveloped/Daycare on remaining portion  
**Existing Future Land Use:** Neighborhood  
**Zoning Designation:** INST, Institutional and R-2, Two-Family Residential  
**Special District(s)/Plan(s):** West Ocala Community Redevelopment Area  
**Approved Agreement(s):** N/A

**Figure 1. Aerial Location Map**



**Adjacent Property Information**

<b><u>Direction</u></b>	<b><u>Future Land Use</u></b>	<b><u>Zoning District</u></b>	<b><u>Current Use</u></b>
<b>North</b>	Employment Center	M-1, Light Industrial	City electrical substation and undeveloped
<b>East</b>	Neighborhood	INST, Institutional	Mt. Moriah Missionary Baptist Church of Ocala, Inc.
<b>South</b>	Neighborhood	INST, Institutional	Daycare/DGBP Ocala Investments LLC
<b>West</b>	Employment Center	INST, Institutional	27 <sup>th</sup> Avenue Church of Christ

**Applicant Request**

The petitioner is requesting to change the zoning on two parcels of land from Institutional (INST) and Two-Family Residential (R-2) to Neighborhood Business (B-1). Parcel 22687-001-00 (zoned R-2) includes 0.99 acres and parcel 22686-000-00 (zoned INST) includes 1.00 acre of a 25.79-acre site. Together the 1.99-acre subject properties proposed for rezoning will allow for the future development of a financial institution.

**Background**

The subject property is generally located at the southwest corner of the intersection of SW 5<sup>th</sup> Street and SW 27<sup>th</sup> Avenue. Parcel 22687-001-00 is undeveloped and heavily wooded on the eastern two-thirds of the property.

Parcel 22686-000-00 is developed with a daycare use, originally constructed in 1995. A minor site plan was approved in 2014, which expanded the daycare by adding additional classroom buildings and associated paved parking to the site.

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 surrounding area is characterized by single-family residential to the east, mostly industrial uses to the north and west across SW 27<sup>th</sup> Avenue with underlying Employment Center future land use, along with commercial and multi-family residential to the south.

**Staff Analysis**

***Factual Support***

**Comparison of Zoning District Standards**

	<b>Zoning District</b>	<b>Intent and Purpose</b>	<b>Minimum Lot Area</b>	<b>Maximum Building Height</b>
<b>Existing</b>	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.	7,000 sf residential 10,000 sf other residential and non-residential	35 feet
	INST, Institutional	Ensure that institutional uses such as churches, schools, and hospitals meet the following criteria: minimum of one acre; designed and located to make efficient use of the land and infrastructure (roads, water, sewer stormwater and recreation); and minimal impact on adjacent and nearby uses.	4,400 sf	50 feet
<b>Proposed</b>	B-1, Neighborhood Commercial	Intended for neighborhood convenience goods and services involving basic, regular household purchases	7,500 sf residential 10,000 sf other residential and non-residential	35 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 need for pockets of non-residential uses is important in the Neighborhood Future Land Use to service the residents that reside in these areas. Overall, the proposed rezoning and uses within the proposed B-1 zoning district will serve the surrounding residential areas and is compatible with Future Land Use.*

- b. 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 1.99 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.

<b>Neighborhood</b>	R-1, R-1A, R-1AA, R-2, <b>R-3</b> , 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 B-1 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 B-1 zoning district is consistent with the intended use of a financial institution. A special exception will be necessary for the business office to be developed under this zoning classification.*

**Level of Service (LOS)**

**Transportation:** The subject property has approximately 575-feet of frontage along SW 5<sup>th</sup> Street, which is a 2-lane road that intersects with SW 27<sup>th</sup> Avenue at the western side of the subject parcel. The 2023 congestion management data form 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
SW 27 <sup>th</sup> Ave (From SR 464 to SR40)	4	45 MPH	Arterial	E	35,820	19,000	C

**Potable Water:** City utility service is available at this location. A City water main runs along SW 5<sup>th</sup> Street and along SW 27<sup>th</sup> Avenue. Connections will be determined during the site plan review and approval process.

- *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 utility service is available at this location. A City gravity main runs along SW 5<sup>th</sup> Street and along SW 27<sup>th</sup> Avenue. Connections will be determined during the site plan review and approval process.

- *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:** City utility service is available at this location. Refuse pickup will be determined during the site plan review and approval 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:** This request will not have an impact on area 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 partially located within an existing Ocala Flood Study area.

**Electric:** The subject property is in the Ocala Electric Utility service territory.

**Fiber:** Fiber optic cable is available and runs along SW 5<sup>th</sup> Street and SW 27<sup>th</sup> Avenue. Connections will be determined during the site plan review process.

**Fire Service:** The subject property is located approximately 1 mile from Ocala Fire Rescue Stations #1 and #4, which is within the desired industry standard of 1.5 miles for fire service.

**Schools:** This request will not have an impact on area schools.

*Conclusions*

**Land Development Code/Comprehensive Plan Consistency**

Pursuant to Code of Ordinances Section 122-286, uses of properties other than residential in the requested B-1 zoning district shall be at least 100-foot-wide and contain at least 10,000 square feet; both parcels included in the application meet the minimum requirements. The requested B-1 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 intensity of 0.25 floor area ratio, before incentives, which equates to a maximum potential of approximately 21,600 square feet on the 1.99-acre site.

Neighborhood business development is consistent with the West Ocala Vision and Community Plan, Comprehensive Plan and Code of Ordinances. The Neighborhood District areas identified in the West Ocala Vision and Community Plan feature neighborhood scaled services as secondary uses encouraging walkability and nodes of commercial, easily accessible to residents of the neighborhood.

### **Zoning and Use Comparison**

The existing R-2 zoning district (22687-001-00) does not allow for any commercial uses, whereas the existing INST zoning district (22686-000-00) only allows for a variety of educational uses, health care uses and church/place of worship. Although there are no other B-1 zoning designations in the immediate area, the proposed B-1 zoning district introduces the opportunity for neighborhood commercial and professional uses to the area. Additionally, the subject properties are adjacent to a minor arterial roadway providing access to nearby single-family residential uses. Along with sidewalks in the area, these facilities provide walkability options to the area and subject properties.

### **Staff Findings and Recommendation**

- The proposed rezoning is consistent with the requested Neighborhood Land Use classification, pursuant to Section 122-244 of the Code of Ordinances.
- Public facilities are in place to service future development.
- The proposed zoning is compatible with the zoning and land use classifications within the surrounding area as well as the City's Comprehensive Plan and Code of Ordinances.
- The subject property meets the minimum lot width and lot area requirements.
- The proposed B-1 zoning provides additional neighborhood commercial and professional service opportunities to the area.

<b>Staff Recommendation:</b> <i>Approval</i>
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**Permitted Use Table A:**

<b>Permitted Use Type</b>	<b>R-2, Two-Family Residential</b>	<b>B-1, Neighborhood Business</b>
<i>Residential Operation</i>	Community residential home, Home occupation, Residence-gallery*, Residence-office*	Community residential home, Residence-gallery, and Residence-office
<i>Residential Type</i>	Single-family dwelling and Two-family dwelling	Multi-family dwellings*, Single-family dwellings, Single-family (attached) dwelling unit, and Two-family dwelling
<i>General Retail</i>		Bakery store, Garden and nursery sales*, Hardware store, Home decorating store, Pharmacy, Roadside fruit and vegetable sales, Specialty retail stores, and Videotape store
<i>Vehicular Sales</i>		
<i>Business Service</i>	Parking Lot*	Parking Lot
<i>Eating or Drinking Establishment</i>		Alcoholic beverage establishment (off-premises consumption), Alcoholic beverage establishment (on-premises consumption), and Restaurant (enclosed)*
<i>Hospitality and Tourism</i>		Antique gallery/art gallery/museum
<i>Office Use</i>		Financial institution*, Photocopying and duplicating services, and professional and business office
<i>Personal Service</i>		Coin-operated laundry and dry cleaning, Hairstyling shop, and Minor household repair
<i>Vehicular Service</i>		Drive-through facility (non-restaurant)*, Full-service station*, and Self-service station/convenience store*
<i>Community Service</i>		Church/place of worship, Day care facility, and Library
<i>Educational Use</i>	Church/place of worship* and Day care facility*	Speech and language center/school
<i>Recreational Use</i>		Dance/art/music studio, Physical fitness center
<i>Public Uses</i>	Park/open space area*	Park/open space area* and Post office (federal)
<i>Health Care Uses</i>	Assisted living facility*	Medical and dental office on major and minor arterials, Medical and dental office on local and collector streets and Veterinarian office.
<i>Industrial Uses</i>		Microbrewery/microdistillery

\*Permitted by Special Exception

**Permitted Use Table B:**

<b>Permitted Use Type</b>	<b>INST, Institutional</b>	<b>B-1, Neighborhood Business</b>
<i>Residential Operation</i>	Community residential home	Community residential home, Residence-gallery, and Residence-office
<i>Residential Type</i>	Single-family dwelling	Multi-family dwellings*, Single-family dwellings, Single-family (attached) dwelling unit, and Two-family dwelling
<i>General Retail</i>		Bakery store, Garden and nursery sales*, Hardware store, Home decorating store, Pharmacy, Roadside fruit and vegetable sales, Specialty retail stores, and Videotape store
<i>Vehicular Sales</i>		
<i>Business Service</i>		Parking Lot
<i>Eating or Drinking Establishment</i>		Alcoholic beverage establishment (off-premises consumption), Alcoholic beverage establishment (on-premises consumption), and Restaurant (enclosed)*
<i>Hospitality and Tourism</i>		Antique gallery/art gallery/museum
<i>Office Use</i>		Financial institution*, Photocopying and duplicating services, and professional and business office
<i>Personal Service</i>	Recycling collection point	Coin-operated laundry and dry cleaning, Hairstyling shop, and Minor household repair
<i>Vehicular Service</i>	Auto repair, minor; Automobile cleaning, detailing service; Drive-through facility (non-restaurant), accessory use only; Full-service station, Self-service station/convenience store, Repair garage*	Drive-through facility (non-restaurant)*, Full-service station*, and Self-service station/convenience store*
<i>Community Service</i>	Church/place of worship, Day care facility, Library*, and Private Club*	Church/place of worship, Day care facility, and Library
<i>Educational Use</i>	Life skills center, School, private elementary and secondary, School, public elementary and secondary, Speech and language center/school, Vocational/professional school	Speech and language center/school
<i>Recreational Use</i>	Recreation facility, indoor, and Temporary commercial amusement*	Dance/art/music studio, Physical fitness center
<i>Public Uses</i>	Cemetery* and Park/open space area*	Park/open space area* and Post office (federal)

<b><i>Health Care Uses</i></b>	Hospital and Satellite hospital emergency room	Medical and dental office on major and minor arterials, Medical and dental office on local and collector streets and Veterinarian office.
<b><i>Industrial Uses</i></b>		Microbrewery/microdistillery

\*Permitted by Special Exception