



Petitioner: Ocala 42nd Street Residential, LLC
Property Owner: Ocala 42nd Street Residential, LLC
Agent: W. James Gooding III, Gooding & Batsel, PLLC
Project Planner: Endira Madraveren
Applicant Request: from: PUD-07, Planned Unit Development
 to: PD, Planned Development
 Rezone the subject property from PUD-07, Planned Unit Development, to PD, Planned Development.

Future Land Use: Low Intensity

Parcel Information

Acres: ±52.82 acres
Parcel(s)#: 23930-000-00, 23930-002-00, 23930-003-00, 23930-003-01, 23930-003-03, and 23930-005-00
Location: approximately 850-feet north and 1,200-feet east of the intersection at SW 27th Avenue and SW 42nd Street
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>
North	High Residential (County)	R-3, Multiple Family Dwelling (County)	El Dorado Subdivision
East	Low Intensity	A-1, Agricultural (City)	Single-Family Residence
South	Low Residential (County) Low Intensity (City) Low Intensity (City)	A-1, General Agriculture (County) INST, Institutional (City) No Zoning (City)	Glen Hill Farm Private High School Private High School
West	Low Intensity (City)	PUD-09, Planned Unit Development (City)	Paddock Park Apartments

Background:

The subject properties were annexed into the City in 1989. At that time, the applicant requested Residential Office (RO) zoning for the property fronting SW 27th Avenue and Single Family Residential (R-1) zoning for the remainder of the property, which was heard at a Planning & Zoning Commission meeting. However, staff recommended PUD zoning to enable the developer to address, and compensate for, areas on the property that are unsuitable for buildings. The Planning and Zoning Commission agreed with staff therefore, the applicant withdrew the request for RO and R-1.

Subsequently, a 225-foot depth of property fronting SW 27th Avenue was zoned, Planned Unit Development-Residential Office (PUD-RO). The remaining property was zoned PUD-2, for a residential development allowing up to two units per acre. A development plan was submitted, and the property was given a Low-Density Residential land use designation during the 1991 comprehensive planning process. In 1992, the owner requested, and City Council approved, a zoning change from PUD-RO and PUD-2 to Agriculture (A-1).

In March 2000, the land use designation on the site was Low-Density Residential. The owner requested a comprehensive plan amendment (Case #00-30C) to change the land use designation to Retail Services for 20 acres along the west and southwest portions of the site (adjacent to SW 27th Avenue and the at the corner of SW 27th Avenue and SW 42nd Street) and to Medium-Density Residential for the remaining 47.8 acres. The large residential parcel (approximately 4 acres) along SW 42nd Street was not included in this request. Staff recommended denial of the request for Retail Services and recommended approval of Medium-Density Residential for the entire site. In March 2000, P&Z unanimously denied the request. In May 2000, City Council declined to transmit the request to the Florida Department of Community Affairs (DCA) for lack of a motion; effectively denying the request. The land use designation remained Low-Density Residential for the entire site.

In April 2003, the owner requested a comprehensive plan amendment (case #03-52C) that proposed a change from Low-Density Residential to Medium-Density Residential for the western 49 acres of the site. P&Z tabled the request that April, and then voted 5 to 1 to recommend denial of the land use change in May 2003. City Council subsequently voted unanimously to transmit this land use change request to DCA for review, subject to consideration of a Chapter 163 Development Agreement at the adoption hearing of the land use change. In November 2003, the land use request was adopted by City Council. In May 2004, City Council approved a conceptual PUD plan (ZON03-0031PUD) for a 440-unit multifamily project and 51 single family units subject to a revised Chapter 163 Development Agreement, which limited site development regarding use types, density, and vehicular access points. The final PUD plan (PUD06-0004) was approved by City Council in 2006 and the subsequent subdivision plan (SUB05-0004 (for the single-family homes) and the site plan SPL07-0056 were approved in 2008. Despite plan approval, there was no site work on the property beyond demolition of the existing residences and stables.

In September 2011, City Council approved a substantial change to the Conceptual PUD Plan which included Phase 1: Grocery Store & Outparcels. In August 2012, an additional right in/right out access point on SW 27th Avenue was administratively approved. In April 2013, City Council approved an amended and restated site and concurrency development agreement. This amendment included a total of 71.39 acres, with 474 approved multi-family residences, creating a density of 7 units per acre, resulting in a zoning classification of PUD-07. In the years since, a shopping center, convenience store

and outparcel development have taken place on Phase 1 of the approved PUD. Phases II and III have remained undeveloped and a rezoning is now being requested to develop the subject properties with up to 30,000 square feet of commercial uses (to include: professional and medical office, and other uses as permitted in the B-2 zoning classification), with up to 480 multi-family units and up to 48 townhomes for a total of 528 units. In March 2019, Ordinance 2019-28 was approved, effectively replacing the PUD zoning classification with PD. A rezoning is required to come into compliance with the current standards of the City's Code of Ordinances.

Staff Analysis

A neighborhood meeting was held in October 2023, with the agent providing information regarding the proposed development and nearby residents asking questions pertaining to drainage and traffic concerns. The PD plan and Standards Book, which have gone through three rounds of review at staff level, propose 50-feet of natural enhanced buffer to the north, adjacent to the El Dorado Subdivision. The maximum density in the Low Intensity future land use is 18 dwelling units per gross acre. The maximum height of the development is proposed at 50-feet. The project proposes forty percent (40%) open space which includes a community clubhouse, pool, and passive open areas.

The amended and restated site and concurrency development agreement included Concurrency Management System Compliance which revised the PUD phases to include: 84,000 square feet of commercial in Phase 1, with additional 39,000 square feet of commercial in the outparcels; Phase 2 was expected to consist of 474 multi-family dwelling units, while Phase 3 was allotted for 30,000 square feet of office development.

This PD rezoning increases the number of dwelling units by 54. Due to this increase, a revised Traffic Study will be required. Additionally, the associated Chapter 163 Development Agreement may also need to be revised.

The El Dorado subdivision (north of the subject property), occupying the lowest ground in the area, has historically experienced flooding by runoff originating from the higher surrounding areas including those from those properties to the south (including the subject properties). It is important to note that mitigation for stormwater impacts will have to be addressed as part of the development approval for the site.

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 two major access points; one access roads lead out onto SW 27th Avenue, while the other leads onto SW 42nd Street. Interconnectivity between the proposed development and the existing shopping center 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 50-foot natural enhanced landscape buffer along the north, a 25-foot natural enhanced landscape buffer along the west, and a 10-foot landscaped buffer along the east and south.

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 landscaping, privacy buffers, community center and pool.

- 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 provided is calculated at 14.18-acres, with proposed aggregate open space calculated at 1.42-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.

- 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 Title Opinion and Statement of Unified Control to the City in February 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: 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 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 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: Access to the property will be from SW 27th Ave and SW 42nd Street. A Traffic Impact Statement was not submitted with the PD rezoning application. Due to the increase of units from the previously approved Concurrency Management System Compliance, the City will require a revised Traffic Study update be submitted and approved by staff prior to site plan approval.

Potable Water: The proposed development will be required to extend water services to this project. An existing 8-inch water distribution main is located within the previously approved Grand Oaks PUD to the south and west of the proposed development.

Sanitary Sewer: The proposed development will be required to extend sewer services to this project. Sewer service is available on the Grand Oaks PUD property to the south and west. An existing 8-inch gravity main runs through portions of the proposed development. Additionally, Water Reclamation Facility #3 is located on parcel 23930-005-00.

Stormwater: Portions of the properties are located within a flood zone, an existing drainage retention facility exists on these portions of the proposed development. 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.

Solid Waste: Service is available. Pick-up services will be determined during subdivision approval.

Fire Service: City Fire Station #4 is located within a 2.3-mile radius at 3300 SW 20th Street.

Schools: The subject property is serviced by Saddlewood Elementary (operating at 112.53% capacity), Liberty Middle (operating at 92.63% capacity) and West Port High School (operating at 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.

	STUDENTS PER UNIT			
	E	M	H	TOT
MFR Student Gen.	0.139	0.056	0.067	0.262
Proposed MFR (480)	66.72	26.88	32.16	125.76
SFR Student Gen.	0.13	0.064	0.094	0.288
Proposed SFR (48)	6.24	3.07	4.51	13.82

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.

Basis for Approval:

The PD plan is consistent with the land use category and land development regulations. Staff recommends approval.

Staff Recommendation: Approval of PD24-45565
