



Staff Report: Rezoning

Case No. PD24-45735

Planning & Zoning Commission: October 14, 2024

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

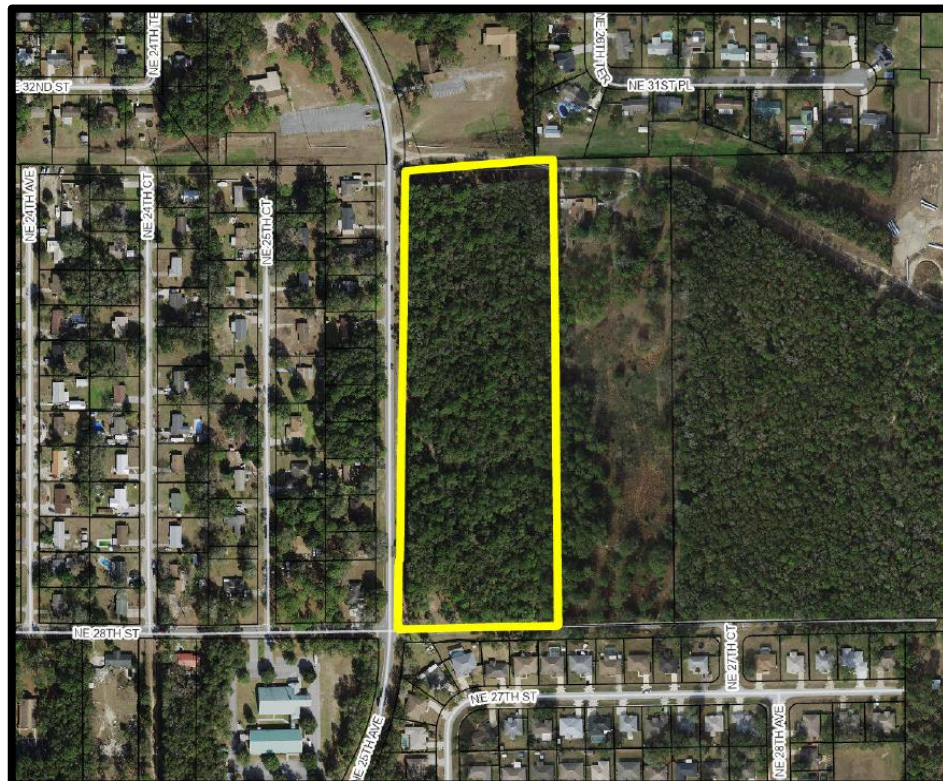
City Council (Adoption): November 19, 2024

Applicant: Boyd Real Estate, LLC
Property Owner: Green Family Trust
Project Planner: Emily W. Johnson, AICP
Amendment Request: Rezone the subject property from INST, Institutional, to PD, Planned Development with associated PD Plan and Standards Book.

Parcel Information

Acres: ±12.61 acres
Parcel(s)#: 24274-000-00
Location: The northeast corner of the intersection of NE 25th Avenue and NE 28th Street
Existing use: Vacant/Undeveloped
Future Land Use Designation: Neighborhood
Zoning Designation: INST, Institutional
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)	Church/Place of Worship
East	Neighborhood	R-1A, Single-Family Residential	Single-Family Residence
South	Neighborhood	R-1A, Single-Family Residential	Single-Family Residences (Raven Glen subdivision), adjacent to NE 28 th Street
West	Medium Residential (County) Neighborhood	R-1, Single Family Dwelling (County) R-1A, Single-Family Residential A-1, Agricultural	Single-Family Residences (Baldwin Heights subdivision), adjacent to NE 25 th Avenue

Applicant Request

The petitioner is requesting to rezone from Institutional (INST), to Planned Development (PD). The petitioner has submitted the request to allow for development of a single-family residential subdivision.

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

Background:

The south 200-feet of the subject property was annexed into the City in 1964 with a zoning designation of Agricultural (A-1). The remainder of the property was annexed in 2005, with a requested zoning designation of Planned Unit Development (PUD-05) and a land use classification of Low Density Residential; while the annexation and land use change were approved, the Conceptual PUD Plan was not approved, and the northern portion of the subject property was designated as “No Zoning.”

On January 22, 2013, the City Council adopted Comprehensive Plan Amendments consistent with the 2035 Vision, which eliminated the Low Density Residential Future Land Use Classification; the subject property is currently classified as Neighborhood.

In 2015, the entire property was rezoned to Institutional (INST). However, a site plan has never been submitted to facilitate development. The subject property is currently vacant and undeveloped.

The subject property lies at the northernmost boundary of the City limits along NE 25th Avenue. 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:

- Raven Glen Unit 1 (PB 7 Pg 1), which is zoned R-1A and was platted in 2002. The plat approved 128 lots on 49.93 acres (density of 2.56 dwelling units per acre). The lots are approximately 80-feet-wide by 120-feet-long.

- Raven Glen Unit 2 (PB 9 Pg 1), which is zoned R-1A and was platted in 2005. The plat approved 111 lots on 42.55 acres (density of 2.60 dwelling units per acre). The lots are approximately 80-feet-wide by 120-feet-long.
- Baldwin Heights (PB S Pg 96), which is zoned R-1 (County) and was platted in 1978. The plat approved 11 lots on approximately 3.60 acres (density of 3.05 dwelling units per acre). The lots are approximately 104-feet-wide by 140-feet-long.
- Carol Estates (PB V, Pg 26), which is zoned R-1 (County) and was platted in 1982. The plat approved 137 lots on approximately 61.60 acres (density of 2.22 dwelling units per acre). Lot sizes are approximately 90-feet-wide by 150-feet-long.

Staff Analysis

Factual Support

Proposed PD Plan and Standards

The PD plan and Standards Book propose 10-feet of natural enhanced buffer along the northern, southern, and western property lines, and 6-feet of natural enhanced buffer along the eastern property line. 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 53 lots, dimensioned at 40-feet-wide by 115-feet-long; this constitutes an overall density of 4.2 dwelling units per acre on the 12.61-acre site. The maximum height of the development is proposed at 40-feet. The PD plan indicates that approximately 4.55 acres will be preserved as open space (approximately 36.08%). Approximately 0.81 acres of the open space is proposed to be aggregate open space (19.06%). Aggregate open space is proposed to consist of an amenity area with a pavilion, a playground, and a perimeter walking trail.

Neighborhood Meeting

A neighborhood meeting was held in June 2024, with the agent providing information regarding the proposed development and nearby residents asking questions pertaining to the level of affordability, traffic, roadway and access conditions, and wildlife.

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 12.61 acres, is proposed to be a single-use residential development and has approximately 1,280 feet of frontage along NE 25th Avenue. 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 25th Avenue. A secondary stabilized access for emergency purposes will connect to NE 28th Street. The PD plan depicts 50-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 on three sides, with an existing church/place of worship located on the property to the north. While buffering is not required, the developer is proposing some natural landscape buffers along the perimeter, enhancing the buffers as needed to ensure adequate screening.

- (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 are located in the right-of-way of NE 25th Avenue. 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 36.08% gross open space with a proposed 19.06% aggregate open space. These areas will include a perimeter buffer, a 5-foot-wide stabilized walking trail, 10x20 pavilion, playground, and passive 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 Comment: Aggregate open space is provided in accordance with Section 122-924(4). Gross open space provided is calculated at 4.55-acres, with proposed aggregate open space calculated at 0.81-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 is clustered into usable recreation areas for residents, including a centralized playground and pavilion 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 Comment: The applicant is requesting a variation from code for the minimum forty percent (40%) open space. There is a proposed minimum 36.08% open space for the single-use residential PD project.

- (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 July 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: 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)(l).

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 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: “Due to the size of the project the request to reduce open space from 40% to 36.08% is needed to build enough homes to make the project feasible. Aggregate open space at 10% is still met.”

2. 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 190’ is requested on certain blocks.”

3. Section 114-92 –

- (b) *Individual plots.* All new developments within the city limits will be required to design and construct sidewalks parallel to the streets in which the development has frontage. Developments

that are located on corner lots will be required to install sidewalks on all their public street frontages. These sidewalks will be constructed from property line to property line. Previously platted single-family lots will be exempt from this requirement unless this breaks the continuity of the existing sidewalk system.

- (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.
- (d) *Planned unit development subdivisions*. When designing a planned unit development subdivision, the developer will provide a pedestrian walkway system that separates vehicular traffic from pedestrian traffic. This design should provide for pedestrian circulation throughout the project and not necessarily be limited to street frontages.

Applicant Statement: "In lieu of sidewalks being constructed on internal streets the applicant is requesting to provide a walking trail as depicted on concept plan. Stabilized material to be utilized. Sidewalk to be provided or fee pay in lieu of for frontage along NE 28th Street and NE 25th Avenue."

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
NE 25 th Ave	2	35 MPH	Collector	E	11,232	8,000	D

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 segment of NE 25th Avenue is 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 25th Avenue.

- *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: The proposed development will be required to extend sewer services to this project. A force main is available along NE 25th Avenue to the south and west of the subject property; and an existing 8" gravity main currently serves the Raven Glen Unit 1 subdivision to the south. Connections will be determined during the subdivision review 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: 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. 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. There are 45 service requests in the single-family residential subdivisions located to the south of the subject property (Raven Glen Units 1 and 2).

Fire Service: Ocala Fire Rescue Station #5 is located approximately 0.5 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 Ocala Springs Elementary (operating at 130.51% 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	63 SFR (max. 5 d.u./acre permitted by FLU)	53 SFR (proposed by PD Plan)
E	0.13	8	6
M	0.064	4	3
H	0.094	5	4

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 reduction in required open space from 40% to 36.08% open space, with 19.06% aggregate open space provided.
 - Requested variation to the block length standard requirement for subdivisions. The PD Standards Book proposes that the minimum block length be reduced to 190-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 a stabilized perimeter walking trail in lieu of internal sidewalks. The PD Standards Book identifies that sidewalks will be constructed along NE 28th Street and NE 25th Avenue, or the appropriate fee will be paid into the City's Sidewalk Bank.
- 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 proposed development will be required to extend sewer services to this project.

Staff Recommendation: Approval of PD24-45735
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