



**Applicant:** Ocala 42<sup>nd</sup> Street, Ltd.  
**Property Owner:** Ocala 42<sup>nd</sup> Street, Ltd. & Williams Family Irrevocable Trust  
**Project Planner:** Kristina L. Wright, CNU-A, MAURP, FRA-RA  
**Amendment Request:** Rezone the subject property from B-2, Community Business, and No Zoning to PD, Planned Development, with associated PD Plan and Standards Book.

**Parcel Information**

**Acres:** ±11.62 acres  
**Parcel(s)#:** 23901-000-00 and 23900-000-00  
**Location:** 3635 & 3521 SW 42<sup>nd</sup> Street  
**Existing use:** Single-Family Residential  
**Future Land Use:** Low Intensity  
**Zoning Designation:** B-2, Community Business, and No Zoning  
**Special District(s)/Plan(s):** N/A  
**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>	Low Intensity	B-2, Community Business	Hilton Ocala
<b>East</b>	Low Intensity	PD, Planned Development	Retreat at 42 <sup>nd</sup> Apartment Complex
<b>South</b>	Low Intensity	No Zoning	City Owned Electric Substation and WRA
<b>West</b>	Low Intensity	B-2, Community Business	Interstate 75, hotel, and restaurants

**Applicant Request:**

The request is to rezone the subject property from B-2, Community Business, and No Zoning to PD, Planned Development for future commercial and/or residential development. The applicant does not have specific intentions for a development and intends to secure a PD zoning that will require substantial changes, and therefore additional public hearings, prior to future development.

The agent, Fred N. Roberts, Jr., Esq. of Klein & Klein, LLC is representing the applicant in this request.

**Background:**

Parcel 23900-000-00 was annexed into the city in 1996 via Ordinance 2686. At the time of annexation, the property was developed as a single-family residence. The use of the property has not changed in the following years.

Parcel 23901-000-00 was later annexed into the city in May 2010 via case number ANX09-0009. Several months later (September 2010) the parcel was approved for a future land use of Retail Services and a zoning designation of B-2, Community Business. In January of 2013, the City Council amended the comprehensive plan consistent with the 2035 Vision. This consolidated Future Land Use Classifications; the subject property was designated as Low Intensity. Currently, the parcel is developed with a single-family residence that was constructed in 1967.

In 2023, the property to the east was developed as a multi-family residential apartment complex, known as the Retreat at 42<sup>nd</sup>. The subject property is also adjacent to a hotel (Ocala Hilton) to the north. The adjacent roadway of SW 42<sup>nd</sup> Street was expanded as part of a joint City/County Road project. This expanded the road from a two-lane local road to a four-lane arterial beltway around the city reducing impacts on other major arterial roads throughout the City and County.

**Staff Analysis**

***Factual Support:***

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.

The PD Program Table indicates that the future development may consist of up to 126,541 square feet of commercial, retail, office, and any other uses allowed within B-2 zoning district and/or up to 209 multi-family residential units. The Planned Development (PD) plan and Standards Book is currently in review at the staff level. The maximum density in the Low Intensity future land use is 18 dwelling units per gross acre. The PD Plan is proposing a maximum building height of 50 feet along with buffers of 15-feet to the north and east, 10-feet on the south, with interior buffers between potential commercial and residential uses of 20-feet. Setbacks are proposed to be 20-feet on all sides, front, side, and rear.

### **Neighborhood Meeting**

A neighborhood meeting was held on March 6, 2024, at the Ocala Hilton with the agent providing information regarding the rezoning process and the timeframes for completion. According to the report submitted by the applicant, four people were in attendance. The questions from property owners pertained to the rezoning process, timeframes, and concerns regarding the signage.

### **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:

- 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.

### **Consistency with Land Development Regulations**

The requested zoning designation of PD, Planned Development, is eligible to implement the land use designation of Low Intensity. The PD plan is either consistent or intends to be consistent with chapter 122, article V, division 30 of the City's land development regulations prior to site plan approval. Currently, 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 11.62 acres. The proposed development will be a combination of multi-family and/or commercial development with approximately 760 ft. of frontage along SW 42<sup>nd</sup> Street. As such, 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.

<b>Low Intensity</b>	R-1, R-1A, R-1AA, R-2, R-3, RZL, RBH-1, RBH-2, RBH-3, OH, RO, O-1, OP, B-1, B-1A, B-2, B-2A, B-4, B-5****, SC, M-1, M-2, G-U, INST, A-1***, <b>PD</b> , FBC
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\*\*\* =As of June 1, 2014, a rezoning application for A-1 must be associated with an annexation case where a portion of the annexed property is already zoned A-1 in the county

\*\*\*\*= B-5 zoning shall be consistent with the low-intensity future land use classification for parcels located within the North Magnolia CRA Subarea boundary.

*Staff Comment: The PD zoning district is a permitted district within the subject property’s current Low Intensity future land use.*

1. Section 122-942(a): Planned Development Required Standards

- (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; both proposed roadways lead onto SW 42<sup>nd</sup> Street. A cross-access connection is also proposed to the Ocala Hilton to the north.*

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 the following buffers:*

- North: 15 feet
- East: 15 feet
- South: 10 feet
- West: No buffer required

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: Page 4 of the Planned Development PD Standards indicates that utilities will be located underground to eliminate conflict with landscaping.*

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 requirement of 25% open space and 10% required aggregate open space per Sec. 122-942(a)(4)(a). However, there currently is no indication of the location and extent of recreation areas, amenities, and water features on either the PD Plan or the PD Standards book. As indicated on the PD Cover Page, substantial changes to the PD will require additional public hearings and approval by the Planning & Zoning Commission and City Council.*

- 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: The applicant has not provided an indication of how drainage retention areas, parking, loading areas, or driveways will be addressed. The layout of the multi-family apartment residences and the commercial space has not been conceptualized on the PD plan. As indicated on the PD Cover Page, substantial changes to the PD will require additional public hearings and approval by the Planning & Zoning Commission and City Council.*

- 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: The indication of open space clusters is required and will require additional Planning and Zoning Commission and City Council review and approval since this also constitutes a major change. The PD Plan only generally states that open space will be clustered into larger tracts/areas without demonstrating how this will be achieved within the PD Plan per Sec. 122-942.*

- 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 mention of a proposed minimum of 25% open space within the PD Plan tabular data; however, this is not depicted within the PD Plan. As indicated on the PD Cover Page, substantial changes to the PD will require*

*additional public hearings and approval by the Planning & Zoning Commission and City Council.*

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 indicating evidence of a complete, unified, and otherwise unencumbered control of the entire area of the proposed planned development. The applicant is an individual and has provided information necessary to demonstrate that the proposed development can be lawfully completed according to the plans sought to be approved.*

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: The applicant has indicated that it is unknown as to whether there will be phasing for this project. Any major change to the PD Plan and PD Standards book will require additional public hearings with the Planning and Zoning Commission and City Council.*

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

*Staff Response: The applicants are aware that should a subdivision plan be necessary after any substantial changes, they will also need to meet the requirements of Chapter 114.*

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: To comply with Chapter 122, Article IV, the applicant must submit a PD Plan and PD Standards book that will allow the site plan to achieve consistency. This will require additional public hearings with the Planning and Zoning Commission as well as City Council since this will constitute a major change.*

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(7-9) 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 Analysis above. All utility services are in proximity to the development.*

**Level of Service (LOS):**

**Transportation:** Access to the property will be from SW 42<sup>nd</sup> Street. A Traffic Impact Study was not submitted with the PD rezoning application. 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
SW 42 <sup>nd</sup> ST	4	45 MPH	Arterial	E	35,820	20,200	C

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 affected segment of SW 42<sup>nd</sup> Street is currently operating above the adopted Level of Service.

**Potable Water:** A 16-inch water main runs along SW 42<sup>nd</sup> Street in front of both parcels. Connections will be determined during the site plan or subdivision review 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:** An existing gravity main connection provides city sewer to parcel 23900-000-00, any additional connections will be determined during the site plan or subdivision 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:** Service is available. Pick-up services will be determined during the site plan or subdivision 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:**

**Stormwater:** Portions of the properties are located within FEMA Flood Zones A and AE (2017) and is part of an existing Ocala Flood Study (City of Ocala Stormwater Management Plan Studies of 1984). 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:** Fiber optic cable service is available at this location.

**Fire Service:** Both City Fire Stations #4 and #6 are equidistant from the subject property and are located approximately within a 1.5-mile radius.

**Schools:** The subject property is serviced by Saddlewood Elementary (operating at 112.53% capacity), Liberty Middle (92.63%) and West Port High School (116.83%). The proposed development of the property may generate up to 29 additional Elementary School-aged students, up to 12 additional Middle School-aged students, and up to 14 additional High School-aged students.

	<b>Project Dwelling Units (MFR)</b>		
<b>School Level</b>	<b>MFR Student Generation Rate</b>	<b>34 (min. 3 d.u./acre required by FLU)</b>	<b>209 (max. 18 d.u./acre permitted by FLU)</b>
E	0.139	5	29
M	0.056	2	12
H	0.067	2	14

**Staff Findings and Recommendation**

- The proposed rezoning is consistent with the Low Intensity Future Land Use classification.
- The proposed PD, Planned Development zoning district allows for a customization of uses and development to create a unique development that economizes the use of land and resources to advance the quality of development that may otherwise be stifled by conventional zoning.
- The applicant has provided a lack of detail with the submitted PD Plan and Standards Book. The applicant has provided the following statement of intent within the PD Standards Book:

*Statement of Intent Regarding Building Orientation and Notice Regarding Major Changes to PD Plans: All buildings shall be oriented towards the interior of the subject property or towards Southwest 42<sup>nd</sup> Street. As the precise orientation or location of any buildings is not included, the final locations or orientation shall be deemed to constitute a “substantial change” requiring such final plans to be reheard before the planning and zoning commission and City Council after due public notice pursuant to Section 122-946(a) of the Code of Ordinances of the City of Ocala.*

As such, the applicant acknowledges that future development will be deemed a substantial change, which will require additional public hearings.

- Staff is recommending approval as all substantial changes to the PD will require additional public

hearings and approval by the Planning & Zoning Commission and City Council.

- The PD as proposed will only secure a consistent zoning between the two subject parcels.
- Adequate public facilities exist to service the proposed development.

<b>Staff Recommendation:</b> <b>Approval</b>
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