



Staff Report: Rezoning

Case No. ZON24-45770

Planning & Zoning Commission: October 14, 2024

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

City Council (Adoption): November 19, 2024

Property Owner/Applicant: RST Cypress Pointe Estates, LP
Agent: Robert Colvard, Roundstone Development
Project Planner: Emily W. Johnson, AICP
Amendment Request: Rezone the subject property from B-2A, Limited Community Business, to R-3, Multi-Family Residential

Subject Property Information

Acres: ±1.20 acres
Parcel(s)#: 2730-1000-00
Location: 3900 block of East Silver Springs Boulevard
Existing use: Vacant/Undeveloped
Future Land Use Designation: Low Intensity
Zoning Designation: B-2A, Limited Community Business
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	Low Intensity	B-2A, Limited Community Business	Multi-Tenant Retail Building (Pinnacle Plaza)
South	Low Intensity	R-3, Multi-Family Residential	Proposed Assemblage for Cypress Pointe Estates
East	Low Intensity	PUD-08, Planned Unit Development (8 units/acre) B-2A, Limited Community Business	Villas of Stone Ridge Ocala Oaks Rehabilitation Center
West	Low Intensity	R-3, Multi-Family Residential	Windsor Towers Apartments

Applicant Request

The applicant has submitted a petition to rezone from Limited Community Business (B-2A) to Multi-Family Residential (R-3). The petitioner has submitted the request to allow for multi-family residential development.

The Agent, Robert Colvard, Roundstone Development, is representing the applicant in this request.

Background:

This application includes one parcel of undeveloped land (Parcel 2730-1000-00) comprising approximately 1.20 acres. The subject property is generally located west of NE 39th Road, along the south side of East Silver Springs Blvd (State Road 40).

Two Special Exceptions (SE) were approved by the Board of Adjustment in September 2020 (SE20-0003) and November 2022 (SE22-44992) allowing multi-family residential on the subject property zoned B-2A and the adjacent R-3 zoned property to the southwest (Parcel 27261-001-04). It is noted that SE22-44992 contained a condition requiring that site plan approval be obtained within two years of the special exception approval. To date, no site plan applications or approvals have occurred. This special exception will expire in November 2024.

The subject property provides access to the vacant R-3 zoned parcel located immediately to the south and west (Parcel 27261-001-04). The petitioner has indicated their intent to develop the subject property and the adjoining property to the southwest as one project.

Staff Analysis

Factual Support

Comparison of Zoning District Standards

	Zoning District	Intent and Purpose	Minimum Lot Area	Maximum Building Height
Existing	B-2A, Limited Community Business	Intended for community businesses, including retail sales, personal and business services, and all office uses. Businesses shall be based on walk-in trade, rather than delivery of supplies and large commodities.	10,000 square feet	50 feet
Proposed	R-3, Multi-Family Residential	Intended to be a multi-family area, including higher residential densities in accordance with the comprehensive plan.	10,000 square feet	50 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 6.3: Low Intensity: The intent of the Low Intensity land use classification is to identify areas that are generally oriented towards the automobile as the primary mode of transportation, with pedestrian circulation and activity being generally less than High Intensity/Central Core and Medium Intensity/Special District districts. Low Intensity may contain a single use. Mixed use development is encouraged. Permitted uses include office, commercial, public, recreation, institutional, educational facilities and residential. Light industrial shall only be allowable in designated locations as specified in the Land Development Code and must meet the intent of the Low Intensity category, including form and design guidelines as applicable. It is also the intent of this category to promote a walkable suburban form.

The form of buildings and development may be regulated for specified areas by a Form Based Code or Corridor Overlay. Buildings may have larger setbacks from the street and public right-of-way than other mixed-use districts, as depicted in Figure E. Buildings may have surface parking between the building and the street, though rear and side yard parking is encouraged for non-residential uses, as depicted in Figure F. Low Intensity areas may have large open space areas such as community and regional parks, trails, or surface stormwater management facilities designed as amenities.

The minimum density and intensity in this future land use category is 3 dwelling units per gross acre or 0.00 FAR. The maximum density and intensity is 18 dwelling units per acre or 0.75 FAR.

Staff Comment: Residential land uses are permitted within the Low Intensity Future Land Use

Classification. Existing multi-family residential uses surround the subject property and provide for a transition between the more intense commercial uses fronting E Silver Springs Boulevard and nearby single-family residential neighborhoods.

- b. 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: Existing multi-family residential uses surround the subject property and provide for a transition between the more intense commercial uses fronting E Silver Springs Boulevard and nearby single-family residential neighborhoods.

- c. 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, adequate public facilities exist to service the subject property.

2. The requested rezoning is consistent with the following Sections of the Land Development Regulations:

- 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 1.20 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.

Low Intensity	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*, PD, FBC
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Staff Comment: As indicated in Section 122-244 above, the R-3 zoning district is a permitted district within the subject property's current Low Intensity 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 R-3 zoning district is consistent with the intended use of multi-family residential (apartment complex). Approval of the rezoning to R-3 will allow for the same variety of residential uses by-right, instead of by special exception; however, the R-3 zoning district does not permit many of the commercial and office uses allowed within the current B-2A zoning district.

Level of Service (LOS)

For zoning amendments, the intent of the LOS analysis is to provide basic information on the adopted LOS standard and current status of public facilities capacity where available. As zoning does not authorize the development of land, what will ultimately be built on the property is unknown and not relative for the consideration of the zoning request. Further, LOS analysis will be required upon development.

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
SR 40	4	45 MPH	Arterial	D	38,430	22,300	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 E. Silver Springs Boulevard is currently operating above the adopted Level of Service.

Potable Water: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A city water main runs along NE 39th Road.

- *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 utilities are available at this location; connections will be determined during the site plan or subdivision review process. A city gravity main runs along E Silver Springs Boulevard.

- *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 site plan or 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 currently serviced by Ocala Electric Utility.

Fiber: Service is not currently available at this location. There are four service requests in the multi-family developments adjacent to the subject.

Fire Service: Ocala Fire Rescue Station #5 is located approximately 2.4 miles from the subject property at 2340 NE 25th Avenue. Although the distance exceeds the desired industry standard of 1.5 miles for fire service.

Schools: The subject property is serviced by Ward Highlands Elementary (operating at 110.11% capacity), Fort King Middle (74.71%) and Vanguard High Schools (87.79%). The proposed rezoning of the property may generate up to 2 additional Elementary School-aged students, 1 additional Middle School-aged student, and 1 additional High School-aged student.

School Level	MFR Student Generation Rate	Project Dwelling Units (MFR)	
		3 (min. 3 d.u./acre required by FLU)	21 (max. 18 d.u./acre permitted by FLU)
E	0.139	0	2
M	0.056	0	1
H	0.067	0	1

Conclusions

Property History: The history of prior applications is noteworthy for this application as the subject property received prior approval to allow for multi-family residential through the city's special exception process. This requested rezoning changes the path for allowing multi-family development from a special exception process through current B-2A zoning to a use permitted by right in the R-3 zoning district.

Land Development Code / Comprehensive Plan Consistency: Pursuant to Code of Ordinances Section 122-286 properties in the requested R-3 shall be at least 100-feet-wide and contain at least 10,000 square feet. The subject property meets the minimum lot width and lot area requirements of the R-3 zoning district. The requested R-3 zoning district is consistent with the existing Low Intensity Future Land Use classification pursuant to Code of Ordinances Section 122-244. The underlying Low Intensity Future Land Use classification has a minimum density of 3 dwelling units per acre, and a maximum density of 18 dwelling units per acre. Based upon the 1.2-acre size of the subject property, there is a potential for 21 residential units. Any future development will have to meet the requirements for site plan approval, including architectural review requirements for multi-family dwellings under subsection 122-216(t).

Zoning Comparison: The existing B-2A zoning permits multi-family only by special exception, whereas the proposed R-3 zoning allows for a variety of residential uses by-right, including multi-

family. However, the current B-2A zoning allows for a wide variety of commercial and office uses, which are not permitted in the proposed R-3 zoning. Additionally, the R-3 zoning restricts drainage retention areas from being located in the front yard.

Level of Service: The possible density and intensity for development and impact to public facilities is primarily determined by the land use and is not impacted by zoning amendments. However, zoning amendments do provide for the introduction or subtraction of permitted uses which can reduce or have further impact to public facilities. For this amendment, the proposed change B-2A to R-3 does reduce the overall allowance of permitted non-residential uses providing the potential for less impact. Further LOS analysis will be required at the time of development to determine the impact to public facilities.

Surrounding Area / Compatibility: The proposed R-3 zoning is compatible with the surrounding uses. Multi-family residential uses surround the subject property providing a compatible transition between the more intense commercial uses fronting the Boulevard and nearby single-family residential neighborhoods. Business, retail, and shopping center uses are prominent along the corridor. East Silver Springs Boulevard is a major arterial roadway and serves as a primary thoroughfare.

Staff Findings and Recommendation

- The proposed rezoning is consistent with the existing Low Intensity Future Land Use classification pursuant to Code of Ordinances Section 122-244.
- The proposed R-3 zoning district allows for a variety of residential uses by-right, including multi-family, which the existing B-2A zoning district permits by special exception.
- The proposed multi-family residential use is a permitted use within the requested R-3 zoning district pursuant to Section 122-351 of the Code of Ordinances and is compatible with the surrounding uses.
- No Level of Service issues have been identified for public facilities as a result of the zoning amendment.

Staff Recommendation: <i>Approval</i>
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Exhibit A. Permitted Uses Table

Permitted Use Type	B-2A, Limited Community Business	R-3, Multi-Family Residential
<i>Residential Operation</i>	• Bed and breakfast • Community residential home (max 14 residents) • Fraternity or sorority house • Residence-gallery • Residence-office • Rooming/boarding house	• Bed and breakfast • Community residential home (max 12 residents) • Home occupation • Fraternity or sorority house* • Residence – Gallery* • Residence – Office* • Rooming/boarding house*
<i>Residential Type</i>	• Single-family dwelling • Single-family (attached) dwelling • Two-family dwelling • Multi-family dwelling*	• Multi-family dwelling • Single-family dwelling • Single-family (attached) dwelling unit • Two-family dwelling
<i>General Retail</i>	• Auto supply store • Bakery store • Department store • Drugstore • Electronics store • Furniture store • Garden and nursery sales • Grocery store • Hardware store • Home decorating store • Pharmacy • Roadside fruit and vegetable sales • Specialty retail stores • Swimming pool sales (enclosed) • Used merchandise store • Videotape store	<i>None Permitted</i>
<i>Business Service</i>	• Equipment rental and leasing • General business service • Parking garage • Parking lot • Pest control service • Radio/TV broadcasting facility • Security systems service	• Parking Lot*
<i>Eating or Drinking Establishment</i>	• Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establishment (on-premises consumption) • Fast-food restaurant • Restaurant (enclosed) • Drive-in or drive-through restaurant*	<i>None Permitted</i>
<i>Hospitality and</i>	• Antique gallery/art gallery/museum	• Conference center

<i>Tourism</i>	• Conference center • Hotel/convention center • Motel	• Antique gallery/art gallery/museum*
<i>Office Use</i>	• Commercial photography (art and graphic design service) • Computer maintenance and repair • Financial institution • Photocopying and duplicating services • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office	• Professional and business office*
<i>Personal Service</i>	• Check cashing establishment • Coin-operated laundry • Emergency shelter • Funeral home/crematory • Hairstyling shop • Laundry and dry-cleaning pickup • Laundry and dry cleaning service • Major household repair establishment • Mini-warehouse (self-service storage facility) • Minor household repair establishment • Recreational vehicle park • Recycling collection point • Tattoo or body piercing establishment	<i>None Permitted</i>
<i>Vehicular Service</i>	• Auto repair, minor • Automobile cleaning, detailing service • Drive-through facility (non-restaurant) • Full-service station • Self-service station/convenience store	<i>None Permitted</i>
<i>Community Service</i>	• Church/place of worship • Day care facility • Library • Private club	• Church/place of worship* • Day care facility* • Private club*
<i>Educational Use</i>	• College/university • Community education center • School, private elementary and secondary • Speech and language center/school • Vocational/professional school	<i>None Permitted</i>

<i>Recreational Use</i>	• Bowling center • Commercial recreation, indoor • Dance/art/music studio • Motion picture theaters, except drive-in • Physical fitness center • Recreation facility, indoor • Commercial outdoor baseball batting facility* • Commercial recreation, outdoor* • Driving range* • Miniature golf*	• Recreation facility, indoor*
<i>Public Use</i>	• Post office • Park/open space area* • Public transportation terminal*	• Park/open space area*
<i>Health Care Use</i>	• Assisted living facility • Medical and dental laboratory • Medical and dental office • Transitional recovery facility • Transitional treatment facility • Veterinarian office	• Assisted living facility • Neighborhood wellness center* • Transitional recovery facility*
<i>Low-Impact Industrial Use</i>	• Microbrewery/microdistillery • Assembly of electronics components*	<i>None Permitted</i>

*Permitted by Special Exception