



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.org

File #: 2023-1359

Agenda Item #: a.

ZON23-45220 / EBL Commercial LLC

Petitioner: EBL Commercial LLC

Agent: Miles Anderson, P.E.

Planner: Divya Govindaraju (352) 629-8305

dgovindaraju@ocalafl.org

A request rezone from B-4, General Business, and M-1, Light Industrial, to M-1, Light Industrial, for property located in the 1800 block of US Highway 27, approximately 2 acres.

Recommended Action: Approval

City Council Tentative Schedule: Upon recommendation of approval or denial by the P & Z Commission, this item will be presented to City Council for introduction at the **Tuesday, August 1, 2023**, City Council meeting and second and final hearing at the **Tuesday, August 15, 2023**, City Council meeting.

CITY OF OCALA**Meeting Date: July 10, 2023****PLANNING AND ZONING COMMISSION MEMO**

Subject: Zoning Change (Planning & Zoning Commission Case No. ZON22-45220)

Submitted by: Divya Govindaraju, Planner II

City Council Date: August 01, 2023 (1st reading)

August 15, 2023 (2nd & final reading/public hearing)

STAFF RECOMMENDATION (Motion Ready): Approval of a request to rezone from B-4, General Business and M-1, Light Industrial, to M-1, Light Industrial, for property located in the 1800 block of US Highway 27 and approximately 2 acres.

OCALA'S RELEVANT STRATEGIC GOALS: Economic Hub

BACKGROUND:

- Applicant: ELB Commercial, LLC
- Property Owner: ELB Commercial, LLC
- The property is split zoned, with the northern portion zoned M-1, Light Industrial, and the southern 150-foot portion zoned B-4, General Business.
- Site plan was submitted in December 2022. The active site plan (SPL22-45045) indicates four warehouses on the property, with a warehouse extending into the B-4, General Business, portion.
- Warehouses are not permitted in the B-4, General Business, zoning district and the applicant is requesting a rezoning to M-1, Light Industrial, to allow the development of warehouses.
- The property is located on a commercial corridor, with auto repair garages to the north, east, and west; and abuts a multifamily residential development (Blitchton Station Apartments) to the south.
- A light industrial use or district abutting a less intensive use or district shall have a 25-foot-deep landscaped buffer area or a ten-foot-deep landscaped buffer area combined with a brick, stone, or concrete block wall.

FINDINGS AND CONCLUSIONS: The requested zoning of M-1, Light Industrial, is consistent with the Comprehensive Plan and with the surrounding area.

FISCAL IMPACT: N/A

ALTERNATIVES:

- Approve
- Deny
- Table

SUPPORT MATERIALS:

- Staff Report
- Case Map
- Aerial Map
- Code Section 122-767
- Site Plan
- Previous Case



Planning & Zoning Commission

July 10, 2023

Case No. ZON23-45220

Staff Report

Petitioner: ELB Commercial, LLC

Property Owner: ELB Commercial, LLC

Project Planner: Divya Govindaraju

Zoning from: M-1, Light Industrial and B-4, General Business
to: M-1, Light Industrial

Parcel Information

Acres: ~ 2 acres

Parcel(s)#: 22323-001-00

Location: Property located in the 1800 block of US Highway 27

Existing use: Vacant

Adjacent Land

<u>Direction</u>	<u>Future Land Use</u>	<u>Zone</u>	<u>Current Use</u>
North	Neighborhood Low Intensity	INST, Institutional B-4, General Business	School Auto Repair
East	Low Intensity Low Intensity Low Intensity	B-4, General Business B-4, General Business B-4, General Business	Single Family Homes
West	Low Intensity	M-1, Light Industrial	Office/Manufacturing
South	Neighborhood	R-3, Multi-Family Residential	Multi-Family Homes

Staff Recommendation: Approval of ZON23-45220

Background:

Subject property located in the 1800 block of US Highway 27 is split zoned, with the northern portion zoned M-1, Light Industrial, and the southern 150-foot portion zoned B-4, General Business. The applicant submitted a site plan (SPL22-45045) in December 2022. The site plan indicates four (4) warehouses on the property, with one warehouse extending into the B-4, General Business, portion. Warehouses are not permitted in the B-4, General Business, zoning district and the applicant is requesting a rezoning to M-1, Light Industrial, to allow the development of warehouses.

The property is located on a commercial corridor, with auto repair garages to the north, east, and west. The property abuts a multifamily residential development (Blitchton Station Apartments) to the south. A light or medium industrial or a retail or wholesale business use or district abutting a less intensive use or district shall have a 25-foot-deep landscaped buffer area or a ten-foot-deep landscaped buffer area combined with a brick, stone, or concrete block wall.¹

The uses permitted in the M-1, Light Industrial, as compared to B-4, General Business, zoning district

are listed in Table 1. Major differences between the uses permitted in two zoning districts are the residential, manufacturing, and outdoor storage components. Residential uses are permitted in the B-4, General Business, district. Light Manufacturing is permitted in the M-1, Light Industrial, district. Outdoor manufacturing is not allowed in the M-1, Light Industrial, district. Outdoor storage is allowed as a permitted accessory use. Additional outdoor storage can be requested as part of the public hearing process before the planning and zoning commission and city council.

The active site plan review has completed the second review cycle. No outdoor storage is proposed.

Previous Cases / Property History:

The property was rezoned from B-4, General Business, to M-1, Light Industrial, in 2013 (ZON13-0013), to accommodate the tool manufacturing business. The rezoning request did not include a 150-foot-wide strip of wooded property adjacent to the apartments; this would act as a landscape buffer. In the 2002 site plan for the property and the properties to the west, this 150-foot-wide strip was dedicated to a drainage retention area.

Basis for Approval:

The requested zoning designation of M-1, Light Industrial, is consistent with the underlying land use designation of Low Intensity and the West Ocala Community Redevelopment Area Plan.

Factual Support:

1. The proposed M-1, Light Industrial zoning is consistent with the following Objective and Policies of the City of Ocala Future Land Use Element:
 - a. **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.
 - b. 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.
2. Approval of this request will not adversely affect the health, safety, convenience, prosperity, or general welfare of the community.

Level of Service Impact Analysis:

Transportation: The subject property has frontage on US 27. Developments that create 100 or more new peak hour trips will trigger the requirement that a traffic study be conducted.

Table 1: Traffic Circulation

Road/Street Name	# of Lanes	Functional Class	Adopted LOS	LOS Capacity	2021 ADT	Existing LOS
US 27 (NW 27 th Ave to MLK)	4	Principal Arterial	D	39,800	23,900	C
US 27 (MLK to US 441)	4	Principal Arterial	D	39,800	28,600	C

LOS=Level of Service, ADT=Average Daily Trips

Electric: The property is in the Ocala Electric service territory.

Internet: Fiber Network available for this area.

Potable Water: Connection options will be determined during the site plan approval. The Water Treatment Plant #1 serving this property has a permitted capacity of 24.42 million gallons per day. Water Treatment Plant #1 is operating at 15.67 million gallons per day, based on maximum annual daily flow.

Sanitary Sewer: All new development in the City is required to connect to the City's sanitary sewer system if available within one-eighth mile. Sanitary sewer is available to the property. Non- residential development at maximum FAR could generate a demand of 9,000 gallons per day.⁴

Connection options will be determined during the site plan approval. The Water Reclamation Facility #3 serving this property has a permitted capacity of 4 million gallons per day. Water Reclamation Facility (WRF) #3 is operating at 2.384 million gallons per day capacity.²

Stormwater: For any future development, runoff must be retained on-site to match pre-development conditions. Facilities must be designed to provide flood protection for a 100 year, 24-storm event.³

Solid Waste: The estimated daily generation of solid waste by non-residential development is 0.0112 lbs. per square foot of occupied building space. Non-residential development at maximum FAR could generate a demand of 7,318 lbs. per day.⁵

Fire Service: Service is available.

Schools: Residential development is not permitted in the M-1, Light Industrial, District. There will be no impact on the school districts.

Land Use Designation

Existing:

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 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.

Zoning Classification

Existing:

M-1, Light Industrial District: The light industrial (M-1) district is intended primarily for wholesale distribution, warehouse storage, research and development, showroom sales, and light manufacturing of finished or semi-finished products. The light industrial uses shall be compatible with the surrounding uses.⁴

B-4, General Business District: The general business (B-4) district is intended for larger retail establishments, businesses catering to highway trade and motorists' needs, and businesses that receive a large number of delivery trucks.⁵

Requested:

M-1, Light Industrial District: The light industrial (M-1) district is intended primarily for wholesale distribution, warehouse storage, research and development, showroom sales, and light manufacturing of finished or semi-finished products. The light industrial uses shall be compatible with the surrounding uses.⁶

1 City of Ocala Code of Ordinances, Section 122-260; Buffers

2. The maximum 3-month average daily flow between February 2022 and April 2022 was 2.370 million gallons per day. Based on this, 1.63 million gallons per day is the available capacity at WRF#3.

3 Ocala Comprehensive Plan, Stormwater Sub-Element Policy 3.1.

4 City of Ocala Code of Ordinances, Section 122-761; M-1 Light Industrial District

5 City of Ocala Code of Ordinances, Section 122-721; B-4, General Business District

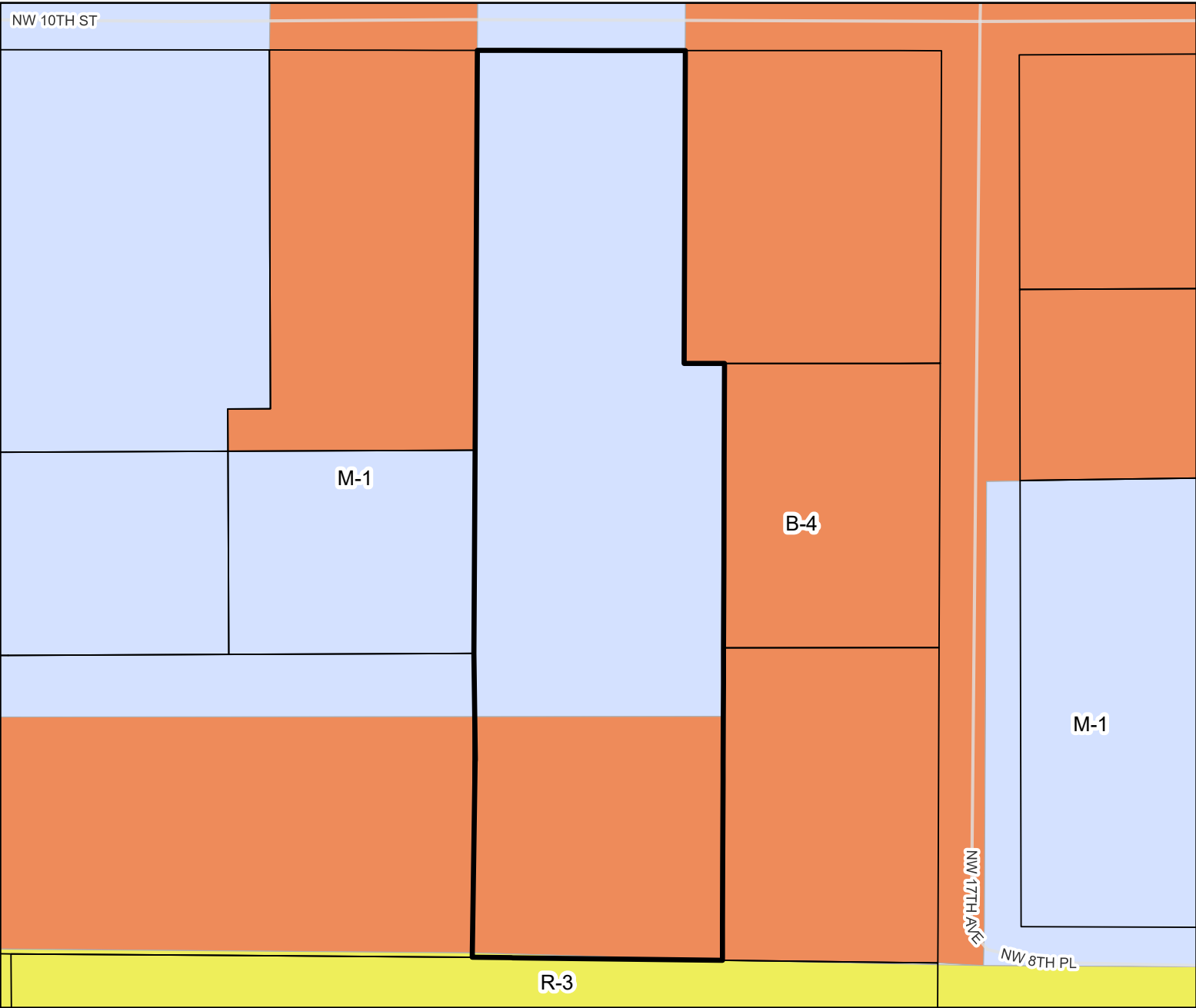
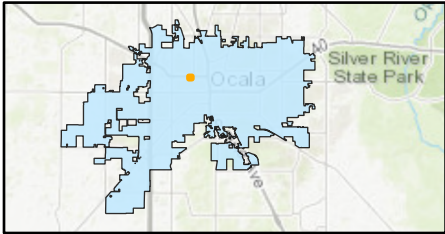
6 City of Ocala Code of Ordinances, Section 122-761; M-1 Light Industrial District

CASE MAP

Case Number: ZON23-45220
Parcel Number: 22323-001-00

Property Size: Approximately 2.00 acres
Land Use Designation: Low Intensity
Zoning: B-4, General Business and M-1, Light Industrial
Proposal: A request to rezone from B-4, General Business, and M-1, Light Industrial, to M-1, Light Industrial, for property located in the 1800 block of US Highway 27 and property located at 1800 NW 10th St, approximately 3.43 acres.

P&Z Meeting: July 10, 2023
Location Map



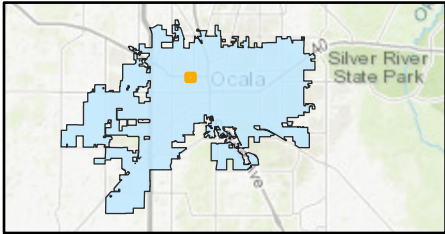
- Property
- Parcels
- B-4:General Business
- M-1:Light Industrial
- R-3:Multi-Family Residential

AERIAL MAP

Case Number: ZON23-45220
Parcel Number: 22323-001-00

Property Size: Approximately 2.00 acres
Land Use Designation: Low Intensity
Zoning: B-4, General Business and M-1, Light Industrial
Proposal: A request to rezone from B-4, General Business, and M-1, Light Industrial, to M-1, Light Industrial, for property located in the 1800 block of US Highway 27 and property located at 1800 NW 10th St, approximately 3.43 acres.

P&Z Meeting: July 10, 2023
Location Map



 Property
 Parcels



Sec. 122-767. Approval of additional outdoor storage.

In lieu of the outdoor storage permitted as an accessory use in the M-1 district as defined in section 122-763, an applicant can apply for additional outdoor storage, subject to design criteria identified in this section. The process to obtain the additional outdoor storage requires two public hearings, one with the planning and zoning commission and the other with the city council. The planning and zoning commission is the recommending body and the city council has final authority. The planning and zoning commission will recommend for or against and the city council will approve or deny the additional outdoor storage, subject to the criteria identified in this section and any conditions and safeguards deemed appropriate.

- (1) The applicant must submit a site plan (ten copies) showing the location, size and proposed use of the outdoor storage area. The site plan must also conform to the following criteria:
 - a. The outdoor storage area shall not exceed 20 percent of a site.
 - b. The outdoor storage area must be set back a minimum of 25 feet from the right-of-way and ten feet from abutting properties.
 - c. The outdoor storage area cannot be located in a required buffer as outlined in section 122-260.
 - d. The outdoor storage area must be located in the side or rear yard. Corner lots must locate the outdoor storage area in the rear yard (see definitions of side and rear yards in section 122-2).
 - e. The outdoor storage area cannot be part of the required off-street parking area or open space requirements of the site plan.
 - f. An outdoor storage area must be contained and screened from public view with a design and materials (wall, fence, berm or landscaping) approved as part of the public hearing process.
 - g. The outdoor storage shall not exceed 15 feet in height above the ground surface; however, during the public hearing process additional height can be approved if the applicant submits a plan showing how it will be screened from public view.
- (2) The M-1 outdoor storage requirements include: all new uses with outdoor storage; any change of use, when the new use is one that has outdoor storage; expansion of an existing use to include outdoor storage; and expansion of an existing area used for outdoor storage.

(Code 1961, § 22-11(12); Code 1985, § 7-717(g); Ord. No. 2275, § 24, 5-5-92; Ord. No. 2317, § 2, 11-17-92; Ord. No. 2453, §§ 1, 2, 5-10-94; Ord. No. 2532, § 1, 7-11-95; Ord. No. 2630, §§ 1—4, 7-23-96; Ord. No. 5954, § 2, 2-17-09)

Table 1: Permitted Use Table (Refer Sec 122-286)

B-4, General Business	Both	M-1, Light Industrial
Alcoholic beverage establishment (on-premises consumption)	Furniture store	Construction/farm equipment sales
Drive-in or drive-through restaurant	Home garden/hobby farm equipment sales	Truck rental and sales
Fast-food restaurant	Used merchandise store	Indoor greenhouse
Antique gallery/art gallery/museum	Advertising service (on-site/off-site signs)	Indoor hemp facility
Conference center	Construction service establishment	Carpet and upholstery cleaning
Hotel/convention center	Day labor service establishment	Manufacturing, light
Financial institution	Equipment rental and leasing	Microbrewery/micro distillery
Photocopying and duplicating services	General business service	Newspaper printing facility
Check cashing establishment	Maintenance and cleaning service	Packing and crating Recycling center
Coin-operated laundry and dry cleaning	Parking garage (or structure)	Research and testing laboratory
Emergency shelter	Parking lot	Truck/freight terminal
Funeral home and/or crematory	Pest control service	Warehouse
Hairstyling shop	Radio/TV broadcasting facility	Wholesale and distribution
Laundry and dry-cleaning pickup establishment	Security systems service	Construction/farm equipment sales
Recreational vehicle park	Alcoholic beverage establishment (off-premises consumption)	Outdoor Storage (as an accessory use)
Tattoo or body piercing establishment	Restaurant (enclosed)	

Automobile cleaning/detailing services	Motel	
Drive-through facility (non-restaurant)	Commercial photography (art and graphic design service)	
Full-service station	Computer maintenance and repair	
Church/place of worship	Photofinishing laboratory	
Library	Prepackaged software services	
Open pavilion engagement center	Print shop	
Private club	Professional and business office	
Colleges/universities	Bail bonds agency	
School, private elementary and secondary	Kennel	
Bowling center	Laundry and dry-cleaning service	
Commercial outdoor baseball batting facility	Major household repair establishment	
Commercial recreation, indoor	Mini warehouse (self-service storage facility)	
Commercial recreation, outdoor	Minor household repair establishment	
Dance/art/music studio	Recycling collection point	
Drive-in theater	Auto repair, minor	
Driving range	Repair garage	
Golf course	Self-service station/convenience store	
Miniature golf	Day care facility Day care facility	
Motion picture theaters (except drive-in)	Community education center	
Multipurpose facility	Vocational professional school	
Physical fitness center	Recreation facility, indoor	
Temporary commercial amusement	Shooting range, indoor	

Park/open space area	Medical and dental laboratory	
Post office (federal)	Veterinarian office	
Public transportation terminal	Assembly of electronic components	
Assisted living facility	Furniture store	
Medical and dental office on major and minor arterials	Home garden/hobby farm equipment sales	
Medical and dental office on local and collector streets	Used merchandise store	
Satellite Hospital Emergency Room	Truck rental and sales	
Transitional/recovery facility		
Transitional treatment facility		
Community residential home		
Fraternity or sorority house		
Residence-gallery/office		
Rooming/boarding house		
Multifamily dwellings		
Single-family dwelling		
Two-family dwelling		
Auto supply store		
Bakery store		
Building material sales		
Department store		
Drugstore		
Electronic cigarette/vaporizer store		
Electronics store		
Garden and nursery sales		
Grocery store		
Hardware store		
Home decorating store		

Model manufactured home center		
Pawn shop		
Pharmacy		
Playground equipment sales, outdoor		
Roadside fruit and vegetable sales		
Specialty retail stores		
Swimming pool sales (enclosed)		
Swimming pool sales (outdoor sales)		
Automobile rental sales		
Videotape store		
Automobile sales, new or used		
Automotive specialty sales		
Boat store		

ORDINANCE 2014-16

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM B-4, GENERAL BUSINESS, TO M-1, LIGHT INDUSTRIAL, FOR CERTAIN PROPERTY LOCATED ON THE SOUTH SIDE OF NW 10TH STREET, BETWEEN NW 17TH AVENUE AND NW 19TH AVENUE, OCALA, FLORIDA (CASE NO. ZON13-0013); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session, as follows:

Section 1. The following described lands are hereby rezoned and reclassified according to the zoning regulation of the City of Ocala, Florida, as M-1, Light Industrial:

COMMENCE AT THE NW CORNER OF THE SE 1/4 OF THE SE ¼ OF SECTION 12 TOWNSHIP 15S, RANGE 21E, MARION COUNTY, FLORIDA, THENCE SOUTH 85.72 FEET; THENCE N 89°38'00" E 182.0 FEET; THENCE SOUTH 125 FEET; THENCE WEST 27 FEET; THENCE SOUTH 34 FEET; THENCE WEST 155.8 FEET; THENCE NORTH 159.05 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BLOCK "A", LOTS 4, 5, 6, 11, 12 AND THE NORTH 40.91 FEET OF LOTS 3 & 13 AND THE WEST 38 FEET OF LOT 9 AND THE WEST 38 FEET OF THE NORTH 27.34 FEET OF LOT 10, LINCOLN VILLAGE, TOGETHER WITH BLOCK "B", LOTS 4, 5, 6, 8, 9 AND THE NORTH 40.91 FEET OF LOT 3 AND THE WEST 107 FEET OF LOT 7, LINCOLN VILLAGE AND THE EAST ½ OF THE NW 18TH AVE LYING WEST OF BLOCK "B" LOTS 4, 5, 6, 7, 8 AND THAT PORTION LYING WEST OF THE NORTH 40.91 FEET OF LOT 3 AND THE WEST ½ OF NW 18TH AVE LYING EAST OF BLOCK "A", LOTS 11 & 12 AND THAT PORTION LYING EAST OF THE NORTH 40.91 FEET OF LOT 13 AND THE EAST ½ OF NW 19TH AVE LYING SOUTH OF NW 10TH ST AND WEST OF BLOCK "A", LOTS 4 & 5 AND THAT PORTION LYING WEST OF THE NORTH 40.91 FEET OF LOT 3, AS RECORDED IN PLAT BOOK G, PAGE 8, PUBLIC RECORDS OF MARION COUNTY, FLORIDA. (AKA: 22324-000-00, 22323-000-00, 22323-001-00 & 22315-001-00)

Section 2. The zoning map of the City of Ocala is hereby amended to reflect the change in zoning classification from B-4, General Business, to M-1, Light Industrial, as to lands described in Section 1 of this ordinance.

Section 3. Severability Clause. Should any provision or section of this ordinance be held by a Court of Competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall take effect upon approval by the Mayor, or upon being law without such approval.

ATTEST:

By: Angel B. Jacobs
Angel B. Jacobs
City Clerk

CITY OF OCALA

By: John M. McLeod
John M. McLeod
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on 1/22, 2014.

By: Reuben Kent Guinn
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: Patrick G. Gilligan
Patrick G. Gilligan
City Attorney

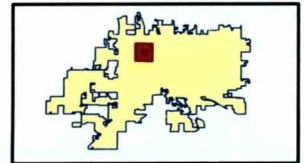
Ordinance No: 2014-16
Introduced: 1/7/2014
Adopted: 1/21/2014
Legal Ad No: A000811672 - 1/10/14

ZONING CASE MAP ORDINANCE 2014-16

P&Z MEETING: 12/9/2013

CASE NUMBER: ZON13-0013
PARCELNUMBER: 22324-000-00, 22315-001-00, A PORTION OF 22323-000-00 & A PORTION OF 22323-001-00
PROPERTY SIZE: APPROX 3.79 ACRES
EXISTING LANDUSE: LOW INTENSITY
PROPOSED: REQUEST TO CHANGE ZONING FROM B-4, GENERAL BUSINESS TO M-1, LIGHT INDUSTRIAL

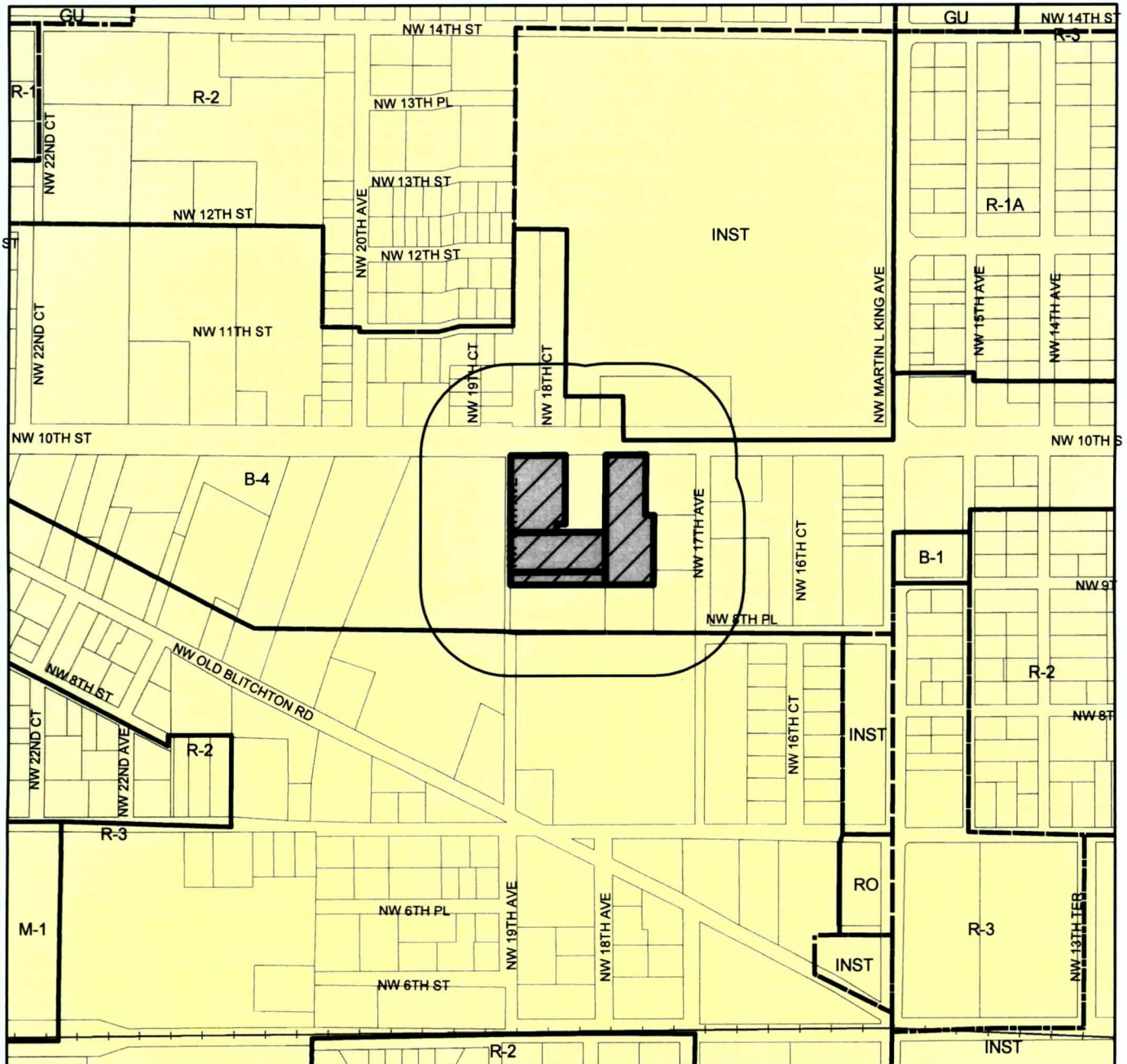
LOCATION MAP



SEC 12 TWP 15 RNG 21

500

Feet



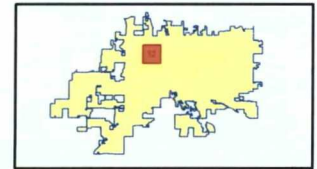
Legend

- Zoning Project
- 300' Buffer
- Zoning Boundary
- SDE.LANDBASE.VPARCEL
- City Limits

ZONING MAP

CASE NUMBER: ZON13-0013
PARCELNUMBER: 22324-000-00, 22315-001-00, A PORTION OF 22323-000-00
 & A PORTION OF 22323-001-00
PROPERTY SIZE: APPROX 3.79 ACRES
EXISTING LANDUSE: LOW INTENSITY
PROPOSED: REQUEST TO CHANGE ZONING FROM B-4, GENERAL
 BUSINESS TO M-1, LIGHT INDUSTRIAL

LOCATION MAP



SEC 12 TWP 15 RNG 21

500

Feet



Plot: 11/18/2013 ZON13-0013 ds