



# Staff Report

Case No. ANX24-45696

Planning & Zoning Commission: July 8, 2024

City Council (1<sup>st</sup> Reading): August 6, 2024

City Council (Adoption): August 20, 2024

**Petitioner:** Second Nine Partners, LLC  
**Property Owner:** Second Nine Partners, LLC  
**Agent:** Tillman & Associates Engineering, LLC  
**Project Planner:** Andrew Gray  
**Applicant Request:** Annexation of one parcel, consisting of an enclave of 1.85 acres, from unincorporated Marion County for continued use as a DRA in support of Foxwood III and Shops at Foxwood Replat.  
**Existing Future Land Use:** Commercial (County)  
**Proposed Future Land Use:** Low Intensity (City)  
**Existing Zoning District:** B-2, Community Business (County)  
**Proposed Zoning District:** B-2, Community Business (City)

## Parcel Information

**Acres:** ± 1.85 acres  
**Parcel(s)#:** 21509+001-02  
**Location:** Approximately 300-feet north of the intersection at US Highway 27 and NW 46<sup>th</sup> Terrace.  
**Existing use:** Drainage Retention Area (DRA)  
**Overlay(s):** N/A

## Adjacent Property Information

| <u>Direction</u> | <u>Future Land Use</u> | <u>Zoning District</u>         | <u>Current Use</u>                                                                         |
|------------------|------------------------|--------------------------------|--------------------------------------------------------------------------------------------|
| <b>North</b>     | Low Intensity (City)   | B-2, Community Business (City) | Proposed Hotel (Staybridge Suites)                                                         |
| <b>South</b>     | Low Intensity (City)   | B-2, Community Business (City) | Proposed Drive-through restaurant (Starbucks) and Financial Institution (Fifth Third Bank) |
| <b>East</b>      | Low Intensity (City)   | B-2, Community Business (City) | Proposed Hotel (Staybridge Suites)                                                         |
| <b>West</b>      | Low Intensity (City)   | SC, Shopping Center (City)     | Vacant Commercial<br>Shopping Center (Shops at Foxwood)                                    |

**Background:**

The subject property, identified by Parcel Identification Number 21509+001-02, contains approximately 1.85 acres, and is generally located just north of US Hwy 27 (NW Blitchton Rd) on NW 46<sup>th</sup> Ter and an internal subdivision frontage road associated with the Shops at Foxwood Replat. The subject property is identified as Tract B of the recorded plat of Foxwood III (Plat Book 14, Page 197), as recorded on May 18, 2022. The plat does not identify any restrictions on annexation and the subject property represents an enclave which is surrounded by the city limits on all sides.

The adjacent north and east acreage identified as Lot 2 on the subject plat and all the adjacent lots on the plat maps of the Shops at Foxwood and Shops at Foxwood Replat have been annexed and most are utilized for commercial purposes while several others have been approved for commercial development (drive-through restaurant, financial institution, and hotel). However, the Declaration of Easements with Covenants Affecting Land for the Shops at Foxwood Replat indicates that the subject property is a portion of the DRA Easement Area (subject to a perpetual, non-exclusive easement for the drainage and discharge of surface storm water runoff) in support of Shops at Foxwood Replat as well as a portion of Tract G, Shops at Foxwood (now known as Lot 2, Foxwood III).

The subject property has been developed with a drainage retention area which collects stormwater runoff and allows for up to 80% impervious area on the lots within the Shops at Foxwood Replat. Pursuant to Section 4 of the aforementioned declaration, maintenance of the drainage retention area is the responsibility of the Association or benefitting lot owners. During a site visit to the property, staff observed that the drainage retention area appears to be functioning as designed although somewhat overgrown.

The subject property is in unincorporated Marion County and the petitioner is requesting to annex the property into the City in order for the property to be in the same jurisdiction as the lots which it is designed and constructed to support. The petitioner has submitted concurrent applications for a land use change to Low Intensity (Case: LUC24-45697) and rezoning to B-2, Community Business (Case: ZON24-45698).

**Staff Analysis**

The subject property is contiguous to the city limits and the requested annexation eliminates an enclave. The existing use is permitted within the requested B-2 zoning district. Moreover, the subject property will be maintained by the Association and will not produce any additional demand for public facilities.

***Factual Support***

1. The requested rezoning is consistent with the following Objectives and Policies of the City of Ocala Comprehensive Plan:
  - a. Future Land Use Element 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.
    - i. 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.
  - b. Future Land Use Element Policy 13.2: The City shall continue to enforce the provisions of the

Land Development Code that requires new development to pay for its share of existing or planned capital facilities through an impact fee charge, mobility fee, or other appropriate means.

- c. Sanitary Sewer Sub-Element Policy 5.1: The City shall require that any land or development receiving sanitary sewer services from the City of Ocala will annex into the City if or when it becomes contiguous to the City.
  - d. Potable Water Sub-Element Policy 5.1: The City shall require that any land or development receiving potable water services from the City of Ocala will annex into the City if or when it becomes contiguous to the City.
2. The requested annexation is consistent with the following Sections of the City of Ocala Code of Ordinances:
- a. Section 122-246 – Annexed territory:
    - (a) All territory which may be annexed to the city after the effective date of the ordinance from which this section is derived (May 8, 1992) shall be considered to be zoned in the zoning classification given it by the county zoning code; provided that if no such classification exists in the zoning ordinance of the city then the property shall be zoned within the city under that classification most closely corresponding to the existing county classification.
    - (b) All annexed territory shall, at the earliest available date, be subject to the land use change process in order to bring the land use into compliance with the comprehensive plan. This process may result in a different land use designation and zoning classification.
3. 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 includes an interior location within the Shops at Foxwood located along US Hwy 27 (NW Blitchton Rd) and NW 49<sup>th</sup> Ave. The 2023 Congestion Management Data from the Ocala-Marion TPO for the affected roadway is provided below. Developments proposing to generate 100 or more peak hour trips are required to submit a traffic study as part of the site plan review.

| Road/Street Name                                                       | Lanes | Speed Limit | Functional Classification | Adopted LOS | LOS Capacity | 2023 AADT | Existing LOS |
|------------------------------------------------------------------------|-------|-------------|---------------------------|-------------|--------------|-----------|--------------|
| US Hwy 27<br>(From NW 44 <sup>th</sup> Ave to NW 49 <sup>th</sup> Ave) | 4     | 45 MPH      | Arterial                  | D           | 55,700       | 21,700    | B            |
| US Hwy 27<br>(From NW 49 <sup>th</sup> Ave to NW 60 <sup>th</sup> Ave) | 4     | 55 MPH      | Arterial                  | D           | 55,700       | 18,100    | B            |

**Electric:** The subject property is in the Ocala Electric Utility service territory.

**Internet:** Service is available. A City fiber optic cable runs along US Hwy 27 (NW Blitchton Rd), just south of the subject property.

**Potable Water:** Service is available. A City water main runs along US Hwy 27 as well as along the internal subdivision roads for Shops at Foxwood and Shops at Foxwood Replat. Connections would be determined during the site plan review and approval process although not necessary for the subject site.

**Sanitary Sewer:** Service is available. A City gravity main runs along US Hwy 27 as well as the internal subdivision roads for Shops at Foxwood and Shops at Foxwood Replat in the vicinity of the subject site. Connections would be determined during the site plan review and approval process although not necessary for the subject site.

**Stormwater:** The subject property is not located within a FEMA Flood Zone. Further, the subject site represents a drainage retention area in support of surrounding commercial lots (existing, proposed and future uses). This facility has presumably been designed to provide flood protection for a 100 year, 24-hour storm event.

**Solid Waste:** Trash pickup will be available when the property is annexed into city. Service is available to nearby properties within the City limits.

**Fire Service:** Ocala Fire Rescue Station #1, located at 505 NW Martin L King Ave, is approximately 3.7 miles and Ocala Fire Rescue Station #4, located at 3300 SW 20<sup>th</sup> St, is approximately 4.6 miles from the subject property.

**Schools:** This annexation is not anticipated to affect any school district.

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|----------------------------------------------|
| <b>Staff Recommendation:</b> <i>Approval</i> |
|----------------------------------------------|