



# Staff Report: Land Use Change

Case No. LUC24-45691

Planning & Zoning Commission: August 12, 2024

City Council (1<sup>st</sup> Reading): September 3, 2024

City Council (Adoption): September 17, 2024

**Petitioner:** B I Realty, LLC & Racetrac, Inc.  
**Property Owner:** B I Realty, LLC  
**Agent:** Robert W. Batsel, Jr. Esq., Gooding & Batsel, PLLC  
**Project Planner:** Emily W. Johnson, AICP  
**Applicant Request:** Change the land use from Commercial (County) to Low Intensity (City).  
**Existing Zoning:** B-2, Community Business (County)  
**Associated Applications:** ANX24-45690, ZON24-45692

## Parcel Information

**Acres:** ±5.86 acres  
**Parcel(s)#:** 22866-000-02 and 22866-000-03  
**Location:** 4040 W Silver Springs Boulevard, along with the property located directly to the south  
**Existing use:** Vacant, previously developed motel  
**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>	Commercial (County)	B-4, Regional Business (County)	Undeveloped Commercial & Mobile Home Park, adjacent to SR-40
<b>East</b>	Low Intensity (City)	B-2, Community Business (City) B-4, General Business (City)	Drive-through Restaurant (Burger King), adjacent to SW 40 <sup>th</sup> Avenue Warehouse (Quality Stone), adjacent to SW 40 <sup>th</sup> Avenue
<b>South</b>	High Residential (County)	P-MH, Mobile Home Park (County)	Mobile Home Park (Affordable Rentals, FKA West Village MHP)
<b>West</b>	Commercial (County)	A-1, General Agriculture (County) R-E, Residential Estate (County)	Church (Watula Baptist Church), adjacent to SW 41 <sup>st</sup> Avenue Single-Family Residence, adjacent to SW 41 <sup>st</sup> Avenue

**Applicant Request**

The petitioner is requesting a land use change to Low Intensity Future Land Use, in association with an annexation to connect to City utilities and facilitate development of a self-service gasoline station/convenience store.

The petitioner has submitted concurrent applications to annex the subject properties into City limits (ANX24-45690); and to rezone from B-2, Community Business (County) to B-2, Community Business (City) (ZON24-45692).

**Background**

The subject properties, identified by Parcel Identification Numbers 22866-000-02 and 22866-000-03, contain approximately 5.86 acres, and are generally located at the southwest corner of the intersection at State Road 40 (W Silver Springs Boulevard) and SW 40th Avenue. Parcel 22866-000-02 was previously developed with a motel, which was demolished in 2018 (Marion County Permit No. 2017121005); two access driveway aprons, pavement, a sign cabinet, and fencing remain on the site. A City-owned well site abuts the subject properties to the west.

The subject properties are contiguous to the City limits and are adjacent to properties serviced by City utilities. Furthermore, the subject properties lie within an existing enclave, as defined by Florida Statutes (F.S) subsection 171.031(5)(a). The enclave encompasses approximately 238.09 acres of unincorporated land that is bounded on all sides by city limits.

**Associated City Project**

On June 18, 2024, the City Council and Marion County Board of County Commissioners jointly approved a right-of-way transfer from Marion County to the City for ownership and maintenance of SW 38th Avenue, SW 3rd Street, and SW 40th Avenue. The purpose of this transfer is to facilitate roadway realignment and intersection improvement at this location. While designs are currently in the conceptual stage, the subject properties are integral to the redesign.

**Existing and Proposed Land Use Standards**

	Future Land Use Category	Permitted Land Uses	Allowable Density	Allowable FAR
Existing (County)	Commercial	Office, Commercial, Public, Recreation, Residential, Campgrounds, Recreational Vehicle Park (RVP)	0-8 du/ac	0 - 1.0
Proposed (City)	Low Intensity	Office, commercial, public, recreation, institutional, educational facilities, and residential.	3 to 18 du/ac	Up to 0.75

**Staff Analysis**

The petitioner is requesting to change the land use classification from Commercial (County) to Low Intensity (City), in association with a concurrent annexation (ANX24-45690). Pursuant to Code of Ordinances Section 122-246, all annexed territory shall be subject to the land use change process to

bring the land use into compliance with the City's comprehensive plan. The Case Map reflects that the adjacent, annexed properties to the east have been designated as Low Intensity Future Land Use classification, as have the remainder of the properties in the general area. Annexation of the subject properties diminishes the existing enclave.

***Factual Support***

1. The requested land use change is consistent with the following Objectives and Policies of the City of Ocala Comprehensive Plan:

- 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.

*Staff Comment: While mixed use development is typically encouraged in this land use classification, single-use developments are allowable. The subject properties are in close proximity to I-75 and are located along a major arterial roadway (State Road 40), where automobiles are the primary mode of transportation, consistent with the intent and purpose of the Low Intensity land use classification.*

- 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: The Case Map reflects that the adjacent, annexed properties to the east have been designated as Low Intensity Future Land Use classification, as have the remainder of the properties in the general area.*

- c. 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.

*Staff Comment: The subject properties are contiguous to the City limits and are adjacent to properties serviced by City utilities. Additionally, annexation of the subject properties diminishes an existing enclave.*

- 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.

*Staff Comment: The subject properties are contiguous to the City limits and are adjacent to properties serviced by City utilities.*

2. The requested land use change is consistent with the following Sections of the City of Ocala Code of Ordinances:
- a. Subsection 122-246(b): All annexed territory shall, at the earliest available date, be subject to the land use change process to bring the land use into compliance with the comprehensive plan. This process may result in a different land use designation and zoning classification.

*Staff Comment: The land use change application has been submitted in conjunction with an application to annex the subject properties.*

***Level of Service Analysis***

**Transportation:** The subject properties have approximately 350-feet of frontage along State Road 40 (W Silver Springs Boulevard). The 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
SR 40 (From SW 46 <sup>th</sup> Ave to I-75 Ramp)	4	50 MPH	Arterial	D	38,430	31,500	C

**Electric:** The subject properties are within the Ocala Electric Utility service territory.

**Internet:** Service is available. A City fiber optic cable runs along SW 41<sup>st</sup> Avenue, along the eastern boundary of the subject properties.

**Potable Water:** Service is available. City water mains run along State Road 40 in front of the properties, and along SW 41<sup>st</sup> Avenue and SW 40<sup>th</sup> Avenue on either side of the properties. Connections will be determined during the site plan or subdivision review and approval process.

**Sanitary Sewer:** Service is available. City gravity mains run along State Road 40 in front of the properties, and along SW 41<sup>st</sup> Avenue and SW 40<sup>th</sup> Avenue on either side of the properties. Connections will be determined during the site plan or subdivision review and approval process.

**Stormwater:** The subject properties are not located within a FEMA Flood Zone. 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-hour storm event.

**Solid Waste:** Service is available.

**Fire Service:** Service is available. Ocala Fire Rescue Station #4 is located approximately 2.2 miles from the subject properties, at 3300 SW 20<sup>th</sup> Street.

**Schools:** The proposed amendment is not anticipated to affect any schools.

**Staff Findings and Recommendation**

- The requested Low Intensity land use is compatible with the surrounding area.
- This request brings the property into compliance with Section 122-246 of the Code of Ordinances, by assigning a land use to properties being annexed into the city.
- Annexation of the subject properties diminish an existing enclave.
- Adequate public facilities exist to service the proposed development.

- Approval of this request will not adversely affect the health, safety, convenience, prosperity, or general welfare of the community.

**Staff Recommendation:**      *Approval*