



# Ocala

## Legislation Text

110 SE Watula Avenue  
Ocala, FL 34471

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**File #:** 2023-1534

**Agenda Item #:** a.

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ZON23-45261 / 4-H Equities, LLC

Petitioner: 4-Equities LLC

Agent: Fred N. Roberts

Planner: Endira Madraveren 352-629-8440

[emadraveren@ocalafl.org](mailto:emadraveren@ocalafl.org)

A request to rezone from M-1, Light Industrial, to M-2, Medium Industrial, for a portion of the property located in the 3000 block of NE 36th Ave, between NE 25th Street and NE 33rd Street (Parcel 24236-000-00), approximately 2.12 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, September 5, 2023**, City Council meeting and second and final hearing at the **Tuesday, September 19, 2023**, City Council meeting.

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**CITY OF OCALA****Meeting Date: August 14, 2023****PLANNING AND ZONING COMMISSION MEMO**

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**Subject:** Zoning Change**Submitted By:** Endira Madraveren**City Council Date:** September 5, 2023 (1<sup>st</sup> reading)  
September 19, 2023 (2<sup>nd</sup> & final reading/public hearing)

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Staff Recommendation (Motion Ready): Recommend approval of a rezoning a portion of the parcel from M-1, Light Industrial to M-2, Medium Industrial, for property 3000 block of NE 36<sup>th</sup> Avenue, between NE 25<sup>th</sup> Street and NE 33<sup>rd</sup> Street (Parcel 24236-000-00), approximately 2.12 acres (Case ZON23-45261).

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**OCALA'S RELEVANT STRATEGIC GOALS: Quality of Place**

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**BACKGROUND:**

- **Petitioner:** 4-H Equities, LLC
- **Property Owner:** 4-H Equities, LLC
- **Agent:** Fred N. Roberts, Jr., Esq, Klein & Klein, LLC
- The property was annexed into the City in 2009 with a Land Use designation of Light Industrial and Zoning of M-1, Light Industrial.
- Citywide comprehensive plan amendment, adopted on January 22, 2013 (Ordinance 2013-13), changed the future land use designation of the subject property from Light Industrial to Employment Center.
- The original property went through several real estate transactions to create the subject property and several others.
- The property owner hopes to develop the property as a mixed-use project with office to the west fronting NE 36th Ave and warehouse, outdoor storage, and RV/boat storage to the east. The warehouse, outdoor storage and RV/boat storage would be better suited to M-2, Medium Industrial zoning.
- The proposal is to rezone the easternmost ±2.12 acres to M-2, leaving the ±0.89 acres as M-1 to screen the outdoor uses from NE 36<sup>th</sup> Ave.

**FINDINGS AND CONCLUSIONS:** The M-1, Light Industrial, and M-2, Medium Industrial, zoning districts are consistent with the Employment Center future land use classification. The proposed zoning is consistent and compatible with the surrounding area.

**FISCAL IMPACT:** N/A

**ALTERNATIVES:**

- Approve
- Deny
- Table

**SUPPORT MATERIALS:**

- Staff Report
- Case Map
- Case Aerial



## Planning & Zoning Commission

August 14, 2023

Case No. ZON23-45261

Staff Report

**Petitioner:** 4-H Equities, LLC  
**Property Owner:** 4-H Equities, LLC  
**Agent:** Fred N. Roberts, Jr., Esq, Klein & Klein, LLC  
**Project Planner:** Endira Madraveren  
**Zoning Change Request:** from: M-1, Light Industrial  
to: M-2 Medium Industrial

### Parcel Information

**Acres:** ±2.12 acres  
**Parcel(s)#:** A portion of 24236-000-00  
**Location:** 3000 block of NE 36<sup>th</sup> Avenue, between NE 25<sup>th</sup> Street and NE 33<sup>rd</sup> Street  
**Existing use:** Vacant/Undeveloped  
**Future Land Use:** Employment Center

### Adjacent Land

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Employment Center	M-1, Light Industrial	Vacant/Undeveloped
East	Employment Center	M-1, Light Industrial	City DRA
South	Employment Center	M-1, Light Industrial	Vacant/Undeveloped
West	Neighborhood	G-U, Governmental Use	Booster Stadium

### Background

The subject property was annexed into the City in December 2009. In January 2010, City Council approved both the Future Land Use change (Ordinance 2010-25) from Industrial (County) to Light Industrial (City) and the Zoning change (Ordinance 2010-26) from M-1, Light Industrial (County), to M-1, Light Industrial (City). The citywide comprehensive plan amendment, adopted on January 22, 2013 (Ordinance 2013-13), changed the future land use designation of the subject property from Light Industrial to Employment Center.

At the time the annexation, land use, and zoning were approved, the property was part of a larger, 8.89-acre, parcel of land. Since 2010, however, the land has gone through what appears to be several real estate transactions, forming new parcels – including a 11.74-acre city owned drainage retention area.

The property is surrounded on three sides by similarly zoned, M-1, properties. In June 2023, the property owner held a preapplication meeting with the City's site plan review committee. It was established at that meeting that the owner desired to develop the property with office uses fronting NE 36<sup>th</sup> Ave, with warehouse, outdoor storage, and RV/boat storage to the east (or interior). The office and warehouse uses are permitted by right in the M-1 zoning district; however, RV/Boat storage is only a permitted use in the M-2 and M-3 zoning districts. Outdoor storage is limited in M-1 to 30-percent of the gross floor area of the main building or structure, with a maximum of 10,000 square feet, with the possibility to request a public hearing to increase to 20-percent of the total site area. There are no

restrictions to the size of outdoor storage in M-2. The property owner was advised at that time of the potential limitations to the property. They are requesting that the easternmost, approximately 2.12-acres, be rezoned from M-1, Light Industrial to M-2, Medium Industrial, to accommodate these additional uses. The outdoor storage areas, including the RV/boat storage, are proposed to be screened from public view although that is not required.

**Staff Recommendation:**

**Approval of ZON23-45261**

### **Basis for Approval**

The M-1 and M-2 zoning districts are compatible with the Employment Center future land use classification and with the surrounding area. The reserved  $\pm 0.89$ -acres of M-1 will serve as additional buffering to ensure that the outdoor storage will not have an adverse effect on the abutting neighborhoods or Booster Stadium to the west.

### **Factual Support**

1. The proposed M-2 zoning is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:

#### **Policy 6.5: Employment Center**

The intent of the Employment Center land use is to provide a regionally-important hub for business, enterprise, research and development, and employment activities. Employment Centers are generally single use districts, but may include more than one (1) use if there are appropriate buffers and transitions between complementary uses. Permitted uses shall include a primary use and may include a secondary use. Primary uses are industrial, office and commercial. Secondary uses are public, recreation, institutional, and residential, as well as educational facilities. There are no form requirements in this land use category. <sup>1</sup>

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:** Development that creates 100 or more new peak hour trips will trigger the requirement that a traffic study be conducted.

Road/Street Name	Lanes	Speed Limit	Functional Classification	Adopted LOS	LOS Capacity	2021 AADT	Existing LOS
NE 36 <sup>th</sup> Ave	2	40 MPH	Arterial	E	11,300	12,744	C

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

**Potable Water:** Service is available for this property, connection options will be determined during the site plan approval

**Sanitary Sewer:** Service is available for this property, capacity and connection will be determined during the site plan approval.

**Stormwater:** This property is not located within a flood zone. Facilities must be designed to provide flood protection for a 100 year 24-hour storm event. For any future development, runoff must be retained on-site to match pre-development conditions.

**Solid Waste:** The city has a contract for unlimited tonnage of solid waste.

**Fire Service:** City Fire Station #5 is located within a 1.25-mile radius.

**Schools:** This zoning change is not proposed to affect any school district.

## **Zoning**

### **Existing**

**M-1, Light Industrial** zoning district is intended primarily for wholesale distribution, warehouse storage, research and development, showroom sales, and light manufacturing of finished or semi-finished products.<sup>2</sup>

### **Requested**

**M-2, Medium Industrial** zoning district is intended primarily for the wholesale distribution, warehouse storage, outdoor storage and sales, research and development and light manufacturing of finished or semi-finished products in multiple-use facilities or structures. Outdoor manufacturing activities associated with permitted uses may be allowed in the M-2 district as a special exception. Service establishments serving the industrial uses or district shall be permitted. Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.<sup>3</sup>

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<sup>1</sup> Ocala Comprehensive Plan Future Land Use Element, Policy 6.3, Low Intensity

<sup>2</sup> Ocala Code of Ordinances, Section 122-761, Light Industrial District

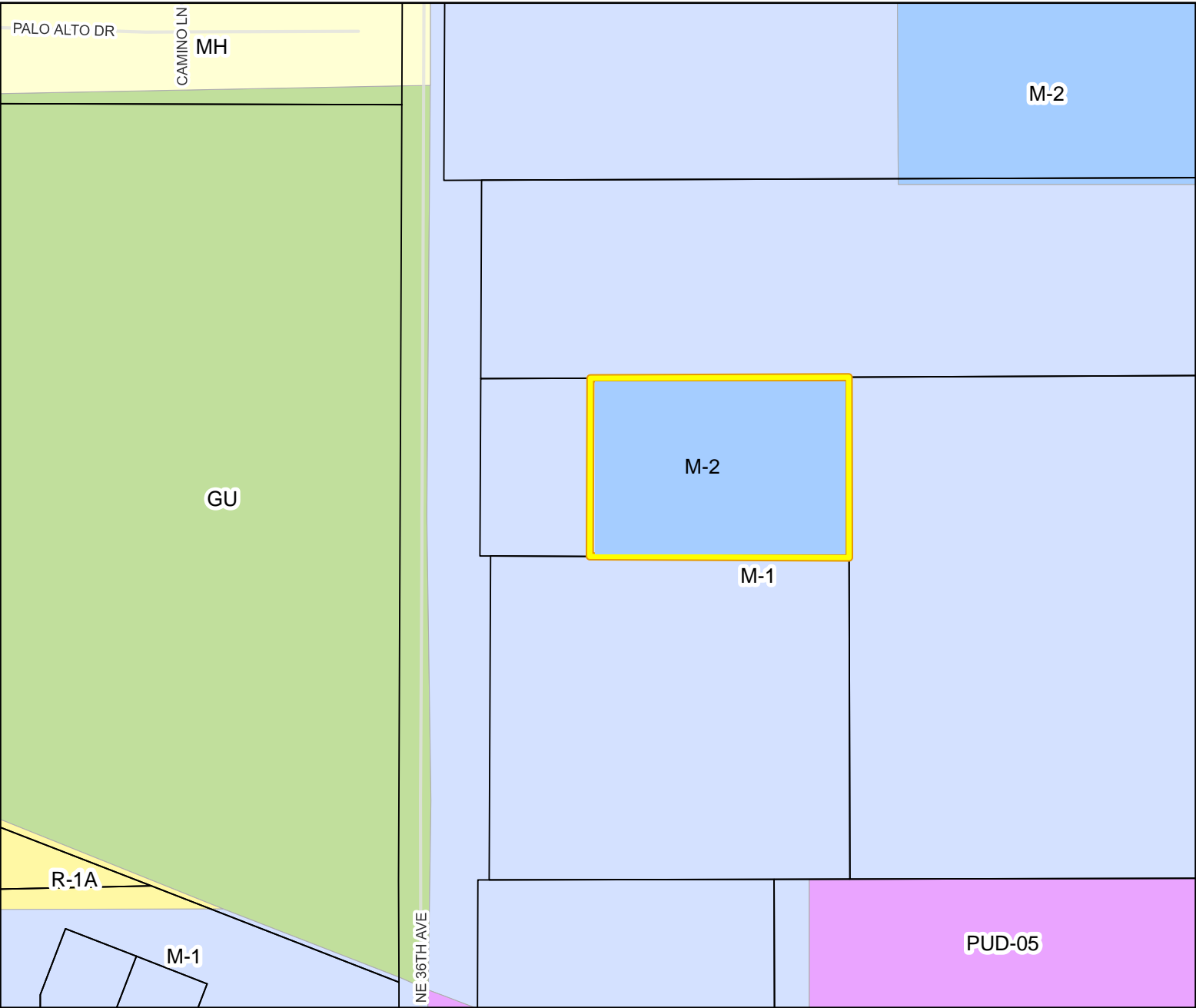
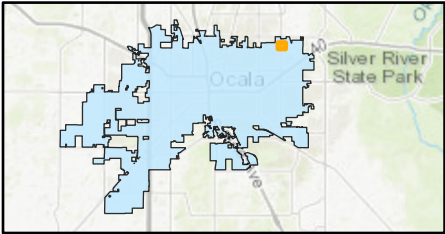
<sup>3</sup> Ocala Code of Ordinances, Section 122-781, Medium Industrial District

CASE MAP

Case Number: ZON23-45261  
Parcel: 24236-000-00

Property Size: Approximately 2.12 acres  
Land Use Designation: Employment Center  
Zoning: M-1, Light Industrial  
Proposal: A request to rezone a portion of parcel from M-1, Light Industrial to M-2, Medium Industrial.

P&Z Meeting: August 14, 2023  
Location Map



- Property
- Parcels
- GU:Governmental Use
- M-1:Light Industrial
- M-2:Medium Industrial
- MH:Mobile Home Park
- PUD-05:Planned Unit Development-5 Units
- R-1A:Single Family Residential



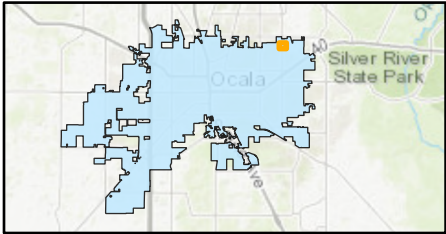


AERIAL MAP

Case Number: ZON23-45261  
Parcel: 24236-000-00

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P&Z Meeting: August 14, 2023  
Location Map



 Property  
 Parcels

0 340 Feet

