



Planning & Zoning Commission

December 12, 2022

Case No. ZON22-44908

Staff Report

Petitioner: Friends Recycling, LLC
Property Owner: Friends Recycling, LLC
Manager: Gerald Lourenco
Project Planner: Patricia Z. Hitchcock, AICP
Zoning Change Request: from: M-1, Light Industrial
to: M-2, Medium Industrial

Parcel Information

Acres: ± 10.89 acres
Parcel(s)#: portion of Parcel #21492-000-00
Location: 2340 NW 27th Avenue
Existing use: Recycling center
Future Land Use: Medium Intensity/Special District

Adjacent Land

<u>Direction</u>	<u>Future Land Use</u>	<u>Zone</u>	<u>Current Use</u>
North	Medium Intensity	M-2	Entrance & maintenance barn/facility for construction and demolition landfill operation
East	Neighborhood	R-3	Undeveloped
		R-1	Undeveloped
South	Medium Intensity	M-1	Undeveloped
	Medium Intensity	M-1	Warehouse/distribution
West	Medium Intensity	M-2	Forty (40) foot unimproved strip owned by applicant
	Medium Intensity	M-1	Contractor yard

Request description and zoning district analysis:

The request is for a rezoning from M-1, Light Industrial, to M-2, Medium Industrial, for approximately 10.89 acres located on the west side of NW 27th Avenue in the 2300 block. The land use designation is Medium Intensity/Special District. M-2, Medium Industrial, zoning is permissible in that land use pursuant to Section 122-244. – District criteria., Ocala Code of Ordinances. There are approximately 30 acres of land zoned M-1 and 70 acres of land zoned M-2 adjacent to or in the vicinity of the subject property.

There are a few differences between the two districts. A matrix comparing them is attached. M-1 allows four uses that M-2 does not:

- Construction/farm equipment sales (by Special Exception);
- Laundry and dry cleaning service;
- Auto repair, minor;
- Microbrewer/microdistillery.

M-2 allows four high-impact industrial uses that M-1 does not:

- C&D Landfill subject to criteria (Section 122-1224);
- Industrial dry cleaning plant (by Special Exception);
- Material Recovery Facility subject to criteria (Section 122-1225);
- Outdoor manufacturing (by Special Exception).

The above high-impact industrial uses are not allowed within the Medium Intensity/Special District land use designation.

This leaves outdoor storage as the main difference between the two districts. M-1 limits accessory outdoor storage size, location, and requires screening from view. M-2 only requires that the outdoor storage is accessory to a principal use.

Staff Recommendation:

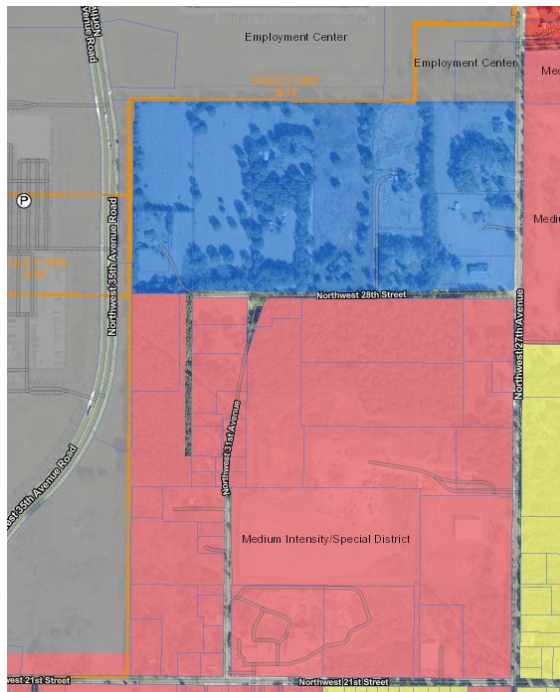
Approval of ZON22-44908

Basis for Approval

The M-2 zoning district is permissible within the Medium Intensity/Special District future land use classification. The predominant zoning in the surrounding area is M-2. Rezoning of the property does not change the uses that could be permitted.

Background – Land Use and Development:

The subject property is just south of and shares the entrance to the Friends Recycling construction and demolition (C&D) landfill. Friends Recycling operates a recycling center on a 3.34 acre portion of the subject property. The land use designation is Medium Intensity/Special District which includes an area



that covers approximately 100 acres lying west of NW 27th Avenue, between NW 21st Street and NW 28th Street. This land use designation facilitates developments with two (2) or more uses which may include residential, office, commercial, public, recreation, education facilities and institutional. Light industrial shall only be allowable in designated locations as specified in the Land Development code and must meet the intent of the Medium Intensity/Special District category, including form and design guidelines as applicable. The 2035 Comprehensive Plan was adopted in 2013 and the Future Land Use Map was amended. The Medium Intensity/Special District land use designation was applied to parts of the City that displayed nodal characteristics with transportation connectivity that could support mixed use development and create activity centers outside of the downtown. This mix is intended to promote a walkable urban form.

This area designated as Medium Intensity/Special District, in which the subject property is located, primarily contains industrial uses, such as, a contractor yard and the C&D landfill. The high-impact industrial uses are incongruent with the aspirational nature of the Medium Intensity/Special District designation. Upon adoption of the land use designation, the existing high-impact industrial uses were made non-conforming. The uses are allowed to continue as long as there is not more than a twelve month gap in operation.

Additionally, this area was not reflected on the 2035 Vision Plan as Medium Intensity (the designation terminology at that time.) However, in 2013, the area was designated Medium Intensity/Special District with the idea that the high-impact industrial uses would cease and the area would be available for redevelopment. It is important to note that the area has seen significant changes since then, turning more toward a development pattern consistent with the Employment Center future land use designation. Further, this area is near the NW 35th Avenue Road corridor that is designated as Employment Center and is now home to numerous large warehouse/distribution facilities such as, Fed Ex, Chewy, and AutoZone, with more such facilities in planning stages. The significant changes are:

1. In 2018, a site plan (SPL17-0032) was approved for construction of a 21,875 square foot recycling center building by Friends Recycling. The Ocala Code of Ordinances defines Recycling Center as a building in which used material is separated prior to shipment to others who will use those materials to manufacture new products. Recycling Center is a permitted use in the existing M-1 and proposed M-2 zoning.
2. The C&D landfill had been nonconforming even prior to the adoption of the Medium Intensity/Special District land use designation as the City had deleted the use as permitted within any zoning district many years ago. The code was amended in August 2021 to allow C&D landfills in the M-2 and M-3 zones with criteria and subject to a Development Agreement pursuant to Chapter 163, Florida Statutes.
3. The City entered into a Development Agreement pursuant to Chapter 163, Florida Statutes, with Friends Recycling, LLC, on September 14, 2021, to provide for the continuation and the reasonable expansion of the C&D landfill.
4. The City approved a site plan for expansion of the C&D landfill pursuant to above Development Agreement was approved in July 2022.
5. The City amended the code in August 2022, the code was amended to allow Materials Recovery Facility (MRF) use in M-2 and M-3 with criteria which includes the ability to require a Development Agreement pursuant to Chapter 163, Florida Statutes.

Friends Recycling has been transparent in its efforts to obtain approval from the City to operate the existing Recycling Center as a MRF. Recyclable materials collected from residences and businesses sent to Recycling Centers should have only small percentages of solid waste or garbage. There are education efforts to encourage customers to only dispose of items that can be accepted by recycling programs. Invariably, there will be some contaminants which are separated and sent to a proper disposal facility. Unlike a Recycling Center, a MRF accepts solid waste and sorts out the recyclable materials. Monitoring to identify the difference between the two uses by evaluating solid waste percentages is challenging. However, it is important to emphasize that the objective measures are to ensure that solid waste is removed from the site within 24 hours or the next business day and that there is no outdoor storage.

C&D Landfill and MRF are classified as High-Impact Industrial Uses in Section 122-287, Ocala Code of Ordinances. Only light industrial or low-impact industrial uses may be allowed in Medium Intensity/Special District land use. The requested rezoning from M-1, Light Industrial, to M-2, Medium Industrial, will not allow a MRF to operate as a conforming use until a change in land use occurs from Medium Intensity/Special District to Employment Center. To clarify, a land use change is not part of this request. If a land use change request is submitted in the future, staff would recommend that the existing Development Agreement for the C&D land fill be amended to address potential high-impact industrial uses.

Factual Considerations:

1. The requested M-2, Medium Industrial, zone is permissible within the Medium Intensity/Special District land use designation pursuant to Section 122-244. – District criteria., Ocala Code of Ordinances.
2. The rezoning to M-2 will not allow any new or additional uses from what is allowed in the existing M-1, Light Industrial, zone as high-impact industrial uses are not allowed within the Medium Intensity/Special District land use designation. As stated above, the rezoning will not allow the existing Recycling Center to be operated as a MRF.
3. M-2 zoning will allow a greater amount of outdoor storage, although it will still need to be accessory to a principal use. Any outdoor storage associated with the Recycling Center will require an amendment to the site plan approval to show it. That will also require the expansion of the project area for the Recycling Center which will likely result in noncompliance with the minimum FAR requirement of the Medium Intensity/Special District designation. The minimum FAR requirement will be challenging to any new development seeking outdoor storage.
4. The proposed M-2 zoning is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:
 - a. **Policy 14.1.5:** Industrial uses will not be allowed to use local residential streets as a major means of transportation.
 - b. **Policy 15.1:** The City shall continue to identify necessary lands suitable for utility services and facilities to support proposed development.
5. 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.

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

Potable Water: Service is available within 500 feet of the parcel and connections will be determined during the site plan review and approval process should there be any new construction.

Sanitary Sewer: Service is not available within 1/8 mile of the parcel.

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-hour storm event.¹

Solid Waste: Service is available.

Fire Service: Service is available.

Schools: N/A

Land Use

Existing

Medium Intensity/Special District category facilitates developments with two (2) or more uses. Permitted uses include residential, office, commercial, public, recreation, education facilities and institutional. Light industrial shall only be allowable in designated locations as specified in the Land Development code and must meet the intent of the Medium Intensity/Special District category, including form and design guidelines as applicable. This mix is intended to promote a walkable urban form. The minimum density and intensity before any incentives in this future land use category is 5 dwelling units per gross acre or 0.15 FAR. The maximum density and intensity before any incentives is 30 dwelling units per acre or 4.0 FAR. The location and application of incentives shall be set forth in the Land Development Code.²

Zoning

Existing

M-1, Light Industrial: 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. Outdoor manufacturing is not allowed in the M-1 district. Outdoor storage is allowed as a permitted accessory use, if it complies with design criteria in section 12-763. Additional outdoor storage, subject to design criteria (see section 122-767) can be requested as part of the public hearing process before the planning and zoning commission and city council. Service establishments serving the industrial uses or the district shall be permitted. Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.³

Requested

M-2, Medium Industrial: The Medium Industrial (M-2) zoning district is intended for wholesale distribution, warehouse storage, research and development, and light manufacturing of finished or semi-finished products. However, the M-2 district does allow outdoor storage and sales. Service establishments serving the industrial uses or district are also permitted. Lots in the M-2 district must have a minimum width of 200 feet and a minimum area of 20,000 square feet. Building heights may not exceed 60 feet.

¹ City of Ocala Comprehensive Plan, Stormwater Sub-Element, Policy 3.1.

² Ocala Comprehensive Plan Future Land Use Element, Policy 6.2, Medium Intensity/Special District

³ City of Ocala Land Development Code, Section 122-761, Intent and purpose.