



Staff Report

Case No. ANX24-45512

Planning & Zoning Commission: March 11, 2024

City Council (1st Reading): April 2, 2024

City Council (Adoption): April 16, 2024

Petitioner: HWY 40 Investment LLC & Central FL Petroleum Distributors LC
Property Owner: HWY 40 Investment LLC & Central FL Petroleum Distributors LC
Agent: Craig Brashier, AICP, CHW Professional Consultants
Project Planner: Emily W. Johnson, AICP
Applicant Request: Annexation of four parcels, consisting of 2.56 contiguous acres, from unincorporated Marion County to connect to City utilities and facilitate future development of a hotel.

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: ± 2.56 acres
Parcel(s)#: 2303-013-001, 2303-012-067, 2303-012-072, and 23174-000-00
Location: The northeast corner of NW 60th Avenue and W Highway 40
Existing use: Self-service station/convenience store (Shell), single-family residence, and vacant commercial
Overlay(s): N/A

Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Medium Residential (County)	R-2, One and Two-Family Dwelling (County)	Single-family residences
South	Employment Center (City)	B-2, Community Business (City)	Self-service station/convenience store (Circle K) Financial institution (First Federal Bank)
East	Commercial (County)	R-2, One and Two-Family Dwelling (County) B-2, Community Business (County)	Vacant Residential Business and professional office

West	Low Intensity (City)	B-2, Community Business (City)	Vacant Commercial
------	----------------------	--------------------------------	-------------------

Background

The subject properties, identified by Parcel Identification Numbers 2303-013-001, 2303-012-067, 2303-012-072, and 23174-000-00, contain approximately 2.56 cumulative acres, and are generally located in the 5900 block between West SR-40 and NW 1st Street. The subject properties are identified as part of Blocks M and L of the recorded plat of Ocala Ridge Unit 3 (Plat Book G, Page 38), as recorded on January 26, 1960. The plat does not identify any restrictions on use or annexation; several lots within the same Block L have been annexed and are utilized for commercial purposes.

The subject properties are contiguous to City limits to the south, across SR-40, and to the west, across NW 60th Avenue. Located to the northeast of the Ocala International Airport, the properties will require an avigation easement at such time that they are developed with vertical improvements. This easement limits the right to generate noise, dust, turbulence, vibration, illumination, air currents, fumes, exhaust, smoke, and other effects inherent to the operation of aircraft. This agreement is important for maintaining safety and accommodating aviation needs near the airport.

Two of the four subject properties are improved; Parcel Number 2303-013-001 is currently developed with an operating self-service station/convenience store use (Shell gas station), and Parcel Number 2303-012-067 is currently developed with a single-family residence. Both existing uses are permitted within the requested B-2, Community Business, zoning district under City of Ocala Code of Ordinances Section 122-622. Parcel Numbers 2303-012-072 and 23174-000-00 are vacant and undeveloped. During a site visit to the property, staff observed undisclosed parking of semi-trucks and storage of trailers on the vacant parcels. Upon further discussion with the petitioner, the owner has been made aware that the existing non-conforming use is not permitted within the requested B-2, Community Business, zoning district and would not be allowed to continue upon annexation.

The subject properties are in unincorporated Marion County and the petitioner is requesting to annex the properties into the City to obtain City utilities for the intended future development of a hotel; however, a site plan for the proposed development has not been submitted at this time. The petitioner has submitted concurrent applications for a land use change to Low Intensity (Case: LUC24-45513) and rezoning to B-2, Community Business (Case: ZON24-45514).

Staff Analysis

The subject properties are contiguous to the City limits and the requested annexation does not create an enclave. The existing uses are permitted within the requested B-2 zoning district; the petitioner has confirmed that any existing, non-conforming uses will not continue upon annexation. Adequate public facilities are available for the subject properties.

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 properties have approximately 540-feet of frontage along West SR-40, 518-feet of frontage along NW 1st Street, and 210-feet of frontage along NW 60th Avenue. 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
SR-40 (From SW 60 th Ave to SW 52 nd Ave)	4	50 MPH	Arterial	D	38,430	27,100	C
NW 60 th Ave	4	45 MPH	Arterial	E	35,820	11,100	C

(From SR-40 to NW 17 th St)							
---	--	--	--	--	--	--	--

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

Internet: Service is available. A City fiber optic cable runs along NW 60th Ave, bordering the subject properties to the west.

Potable Water: Service is available. A City water main runs along SR-40 in front of the subject properties. Connections will be determined during the site plan or subdivision review and approval process.

Sanitary Sewer: Service is available. A City gravity main runs along SR-40 in front of the subject 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: Trash pickup will be available when the properties are annexed into city. Service is available to the properties within the City limits to the south, west and east.

Fire Service: Ocala Fire Rescue Station #4, located at 3300 SW 20th Street, is approximately 2.7 miles from the subject properties.

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

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