



Staff Report

Case No. ZON24-45638

Planning & Zoning Commission: June 10, 2024

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

City Council (Adoption): July 16, 2024

Petitioner: METTA Property Holdings, LLC & Lawrence Stuck

Property Owner: METTA Property Holdings, LLC & Lawrence Stuck

Agent: Joseph Shahadey

Project Planner: Endira Madraveren

Applicant Request: from: M-1, Light Industrial District
to: B-2, Community Business District

Rezone the subject property from M-1, Light Industrial, to B-2, Community Business, to facilitate a physical fitness center and hairstyling shop.

Future Land Use: Low Intensity

Parcel Information

Acres: ±0.93 acres

Parcel(s)#: 26020-000-00 & 26018-000-00

Location: 1703 and 1713 NE 8th Road

Existing use: Single Family Residence & Personal Service Business

Overlay(s): Opportunity Zone & East Ocala CRA

Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Low Intensity	B-4, General Business District	Consolidated Electrical Distributors, Inc.
East	Low Intensity	M-1, Light Industrial District	City Water Retention Area
South	Low Intensity	M-1, Light Industrial District	Ocala Kitchen & Bath, Inc.
West	Low Intensity	M-1, Light Industrial District	Ward Construction & Roofing, Inc. Single Family Residential All Weather Heating and Cooling, Inc.

Background

The subject properties, identified by Parcel Numbers 26020-000-00 & 26018-000-00, are approximately 0.93 acres, and are located at 1703 and 1713 NE 8th Road respectively. The properties are both developed with single family residences. The home on Parcel 26020-000-00 was built in 1950, while the home on Parcel 26018-000-00 was constructed 8 years later, in 1958. It appears that both homes have some form of accessory structure located on the rear of their parcels.

The North Magnolia area has historically been an industrial node as North Magnolia Avenue and NE Jacksonville Road were major corridors prior to the development of US Highway 441. Its proximity to the railroad lines has also contributed to the industrial uses in the area. The properties have remained industrially zoned, even though the character of the area has begun to change in the last 15 to 20 years to more office and commercial uses. Many personal service uses are generally not permitted in the industrial zoning districts.

The single-family residence (1713 NE 8th Road) has historically been used for single-family purposes; whereas the home located at 1703 NE 8th Road, has been utilized for commercial uses for approximately 36 years. In 1988, the site received a business tax receipt or equivalent (Merchants/Dealers) for a pool contractor's office; this license expired in 2009. In 2015, the city approved a business tax receipt (personal service) for a tattoo and piercing shop dba Barefoot Stacy's Tattoos. Once the business license for Barefoot Stacy's Tattoos expired, an occupancy change to Sugarcoat Beaute Bar (personal service) was approved.

The petitioners are proposing to continue the single-family use on Parcel 26018-000-00(north), while the petitioners to the south (26020-000-00) intends to establish a physical fitness center and hairstyling shop which provides massage therapy and yoga instructional classes. The personal service uses (Barefoot Stacy's Tattoos and Sugarcoat Beaute Bar) were nonconforming, as they are not permitted as principal uses nor by special exception in the M-1, Light Industrial, zoning district. As the uses had been expired for a period longer than one calendar year, they are no longer permitted at these locations. Therefore, it has become necessary for the property owners to apply for a rezoning to a zoning district in which the uses are permitted. There have not been any previous public hearings or site plan approvals for the subject parcels, nor are there any active code cases associated with the sites.

Existing and Proposed Development Standards

	Future Land Use	Zoning District	Intent and Purpose	Minimum Lot Area (square feet)	Maximum Building Height (feet)
Existing	Low Intensity	M-1, Light Industrial District	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.	10,000	60

			Outdoor manufacturing is not allowed in the M-1 district.		
Requested	Low Intensity	B-2, Community Business District	The community business and limited community business (B-2 and B-2A) districts are intended for community businesses, including retail sales, personal and business services, and all office uses. No incidental use involving manufacturing processes shall be allowed in the B-2A zone. Businesses shall be based on walk-in trade, rather than delivery of supplies and large commodities.	7,500	50
Low Intensity, future land use permits a maximum density of 3-18 units per acre or an intensity of 0.75 floor area ratio (FAR)					

Staff Analysis

The subject property is surrounded by M-1, Light Industrial, zoning on the eastern, western, and southern sides. However, the adjoining property to north (26237-000-00) is zoned B-4, General Business, zoning district. This area is characterized by business and low impact industrial uses as rezoning requests have been requested to be more in line with the change in the character of the area from formerly industrial to more commercial and office uses. The subject properties meet the minimum frontage requirement (100-feet) as well as the 7,500 minimum lot area requirements.

The B-2, Community Business, zoning district is consistent with the existing Low Intensity future land use classification, pursuant to Section 122-244 of the Ocala Code of Ordinances. The B-2, Community Business, zoning district will permit both the single-family residential use and proposed uses of either a hairstyling shop or physical fitness center. The B-2 zoning is consistent with the land use and surrounding area with nearby B-2 zoning located approximately 1,000-feet to the north. Adequate public facilities exist to service the existing development. Adequate parking will need to be provided for the proposed use. Any substantial site alteration to the subject properties will be subject to a site plan review. The proposed zoning is consistent and compatible with the surrounding area.

Factual Support

1. The requested rezoning is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:
 - a. 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.

- b. **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.
 - c. **Objective 14:** The City shall continue existing regulations or adopt new regulations to ensure that development is consistent with the Future Land Use Map and are compatible with neighboring development, available services and facilities, and topography and soil conditions.
2. The requested rezoning is consistent with the following Sections of the City of Ocala Code of Ordinances:
- a. **Section 122-133(b)(1):** The application requests to rezone parcel or parcels that are a minimum of 30,000 square feet of area not separated by a right-of-way for a street, a street, or a drainage retention area.
 - b. **Section 122-244 - District criteria:** Zoning districts allowed under each land use classification.

Low Intensity	R-1, R-1A, R-1AA, R-2, R-3, RZL, RBH-1, RBH-2, RBH-3, OH, RO, O-1, OP, B-1, B-1A, B-2, B-2A, B-4, B-5, SC, M-1, M-2, G-U, INST, A-1, PD, FBC
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- c. **Section 122-721:** The community business (B-2) district are intended for community businesses, including retail sales, personal and business services, and all office uses.

Level of Service Impact Analysis

Transportation: The subject properties have approximately 223-feet of frontage along NE 8th Road which is approximately 0.27 miles north of the intersection of NE 8th Road and NE 14th Street (FL 492). 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	2021 AADT	Existing LOS
NE 8th Road	2	30 MPH	Collector	E	11,232	6,500	D

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

Internet: Service is available. A City fiber optic cable runs along NE 8th Road in front of the subject property.

Potable Water: Service is available. A City water main runs along NE 8th Road in front of the property. 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 8th Road in front of the property. Connections will be determined during the site plan or subdivision review and approval process.

Stormwater: The subject property is 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: Ocala Fire Rescue Station #3 is located approximately 0.9 miles from the subject properties, at 1703 NE 8th Road and 0.9 miles from the subject properties, at 1713 NE 8th Road.

Schools: Multi-family is only permitted as a special exception in the B-2 zoning district and would be further addressed during the special exception process.

Staff Recommendation: *Approval of a rezoning to B-2, Community Business District.*

Permitted Uses Table:

Permitted Use Type	M-1, Light Industrial Zoning District	B-2, Community Business Zoning District
<i>Residential Operation</i>	<i>None permitted</i>	• Bed and breakfast • Community residential home* • Fraternity or sorority house* • Residence-gallery • Residence-office • Rooming/boarding house
<i>Residential Type</i>	<i>None permitted</i>	• Multifamily dwellings* • Single-family dwelling • Single-family (attached) dwelling* • Two-family dwelling
<i>General Retail</i>	• Furniture store* • Home garden/hobby farm equipment sales* • Used merchandise*	• Auto supply store • Bakery store • Department store • Drugstore • Electronics store • Furniture store • Garden and nursery sales* • Grocery store • Hardware store • Home decorating store • Pharmacy* • Roadside fruit and vegetable sales* • Specialty retail stores • Swimming pool sales (enclosed) • Used merchandise store* • Videotape store
<i>Vehicular Sales</i>	• Construction/farm equipment sales* • Truck rental and sales*	<i>None permitted</i>
<i>Agricultural Use</i>	• Indoor greenhouse* • Indoor hemp facility*	<i>None permitted</i>
<i>Business Service</i>	• Advertising service (on-site/off-site signs) • Construction service establishment* • Day labor service* • Equipment rental and leasing • General business service • Maintenance and cleaning service • Parking garage (or structure) • Parking lot • Pest control service • Radio/TV broadcasting facility	• Equipment rental and leasing • General business service • Parking garage (or structure) • Parking lot • Pest control service • Radio/TV broadcasting facility • Security systems service

	• Security systems service	
<i>Eating or Drinking Establishment</i>	• Alcoholic beverage establishment (off-premises consumption) • Restaurant (enclosed)*	• Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establishment (on-premises consumption) • Drive-in or drive-through restaurant* • Fast-food restaurant • Restaurant (enclosed)*
<i>Hospitality and Tourism</i>	<i>None permitted</i>	• Antique gallery/art gallery/museum • Conference center • Hotel/convention center • Motel
<i>Office Use</i>	• Commercial photography (art and graphic design service) • Computer maintenance and repair • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office	• Commercial photography (art and graphic design service) • Computer maintenance and repair • Financial institution • Photocopying and duplicating services • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office
<i>Personal Service</i>	• Bail bonds agency • Kennel • Laundry and dry cleaning service • Major household repair establishment • Mini-warehouse (self-service storage facility)* • Minor household repair establishment • Recycling collection point	• Check cashing establishment • Coin-operated laundry and dry cleaning • Emergency shelter • Funeral home and/or crematory • Hairstyling shop • Laundry and dry-cleaning pickup establishment • Laundry and dry cleaning service • Major household repair establishment • Mini-warehouse (self-service storage facility)* • Minor household repair establishment • Recreational vehicle park* • Recycling collection point • Tattoo or body piercing establishment
<i>Adult Use Establishment</i>	<i>None permitted</i>	<i>None permitted</i>

<i>Vehicular Service</i>	• Auto repair, minor • Repair garage • Self-service station/convenience store*	• Auto repair, minor • Automobile cleaning/detailing services • Drive-through facility (non-restaurant)* • Full-service station* • Self-service station/convenience store*
<i>Community Service</i>	• Day care facility*	• Church/place of worship • Day care facility* • Library • Private club
<i>Educational Use</i>	• Community education center • Vocational professional school	• Colleges/universities • Community education center • School, private elementary and secondary • Speech and language center/school • Vocational professional school
<i>Recreational Use</i>	• Recreation facility, indoor* • Shooting range, indoor*	• Bowling center • Commercial outdoor baseball batting facility* • Commercial recreation, indoor • Commercial recreation, outdoor* • Dance/art/music studio • Driving range* • Miniature golf* • Motion picture theaters (except drive-in) • Multipurpose facility • Physical fitness center • Recreation facility, indoor
<i>Public Use</i>	<i>None permitted</i>	• Park/open space area* • Post office (federal) • Public transportation terminal*
<i>Health Care Use</i>	• Medical and dental laboratory • Veterinarian office	• Assisted living facility* • Medical and dental laboratory • Medical and dental office on major and minor arterials • Medical and dental office on local and collector streets • Transitional/recovery facility* • Transitional treatment facility* • Veterinarian office
<i>High-Impact Industrial Use</i>	<i>None permitted</i>	<i>None permitted</i>
<i>Low-Impact</i>	• Assembly of electronic components	• Assembly of electronic

<i>Industrial Use</i>	• Carpet and upholstery cleaning • Manufacturing, light • Newspaper printing facility • Packing and crating • Recycling center • Research and testing laboratory • Truck/freight terminal • Warehouse • Wholesale and distribution	components* • Microbrewery/ microdistillery
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*Permitted by Special Exception or under specific criteria