



## Planning & Zoning Commission

March 14, 2022

Case No. ZON22-44689

Staff Report

**Petitioner:** KG Land Properties, LLC

**Property Owner:** KG Land Properties, LLC

**Project Planner:** Divya Govindaraju

**Zoning Change Request:** from: B-2, Community Business  
to: R-3, Multi-family Residential

### Parcel Information

Acres: ~19.34 acres  
Parcel(s)#: 2390-013-000 and 2390-010-000  
Location: Dead end of SW 40<sup>th</sup> Ave, south of SW 43<sup>rd</sup> St  
Existing use: Undeveloped  
Future Land Use: Low Intensity

### Adjacent Land

<u>Direction</u>	<u>Future Land Use</u>	<u>Zone</u>	<u>Current Use</u>
North	Low Intensity	M-1	Undeveloped
		M-1	Chemical Industry
East	Low Intensity	M-1	Vacant
		PD	Vacant
South	Low Intensity	PD	Undeveloped
		M-1	Vacant
West	Low Intensity	B-2	Apartments
	Low Intensity	SC	Shopping Center

### Background

- These properties are located on SW 40<sup>th</sup> Avenue, that currently ends in a cul-de-sac at the subject properties. SW 40<sup>th</sup> Avenue is planned to extend further south and connect with SW 49<sup>th</sup> Avenue at the intersection of SW 95<sup>th</sup> Street.
  - Right of way is currently exists between SW 95<sup>th</sup> Street and SW 66<sup>th</sup> Street and will be extended from SW 66<sup>th</sup> Street north to the point where SW 40<sup>th</sup> Avenue currently ends.
- The extension of SW 40<sup>th</sup> Avenue to the south is likely to significantly increase traffic on that roadway due to it serving as an alternative route for traffic currently on SR 200.
- The properties were rezoned in April 2021 from M-1, Light Industrial, to B-2, Community Business, to allow for retail uses or multi-family by special exception. (ZON21-0001)
- The property owner is currently interested in solely developing multi-family dwellings and is therefore requesting a rezoning of the property to R-3, Multi-family Residential.
- The future land use classification on this property is Low Intensity, which allows a density of 3 units to 18 units per acre and a maximum intensity of 0.75 Floor Area Ratio (FAR).
- The R-3, Multi-family Residential, zoning district is allowed in the Low Intensity future land use classification.
- Approximately 14.67 acres of multi-family residential development is proposed on SW 40<sup>th</sup> Ave currently, to the north of the subject property. The property is currently under traffic analysis.

**Staff Recommendation:**

**Approval of ZON22-44689**

**Basis for Approval**

The R-3, Multifamily Residential, zoning district is consistent with the Medium Intensity future land use classification and with the surrounding area.

**Factual Support**

1. The proposed R-3, Multi-family Residential, zoning 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.<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.

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

**Potable Water:** Service is available within 1/4 mile of the parcel and connections will be determined during the site plan or subdivision review and approval process.

**Sanitary Sewer:** Service is available within 1/8 mile of the parcel and connections will be determined during the site plan or subdivision review and approval process.

**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.<sup>2</sup>

**Solid Waste:** Service is available.

**Fire Service:** Service is available.

**Schools:** This property is currently served by Saddlewood Elementary, Liberty Middle, and West Port High School districts.

Adequate capacity exists for this project from a districtwide perspective, however, all three schools serving this proposed development are experiencing persistent localized overcrowding. The extent of the project's adverse impacts to already overcrowded schools is subject to specifics (e.g., age-restricted or all ages market rate, project timing, phasing, absorption rate and extent of build out).

**ZON22-44689**

2390-013-000, 2390-010-000

					PROPOSED	ALLOWED
					PROJECT DWELLING UNITS	
				DWELLING TYPE	312	
				MFR		
SCHOOL LEVEL	DISTRICT WIDE UTILIZATION	SCHOOL NAME	SY 21-22 120th DAY	MFR STU GEN RATE	ESTIMATED STUDENTS	
E	92%	Saddlewood	103.8%	0.097	30	0.00000
M	83%	Liberty	111.6%	0.040	12	0.00000
H	88%	West Port	109.8%	0.043	13	0.00000

\* District Wide Utilization - annual calculation uses most recent 120th Day membership counts for a School Year (SY).

^^ XXth Day Utilization - from most recent 20 day interval of membership counts for a School Year (SY).

Correction was made to the calculations submitted to P&Z on March 14, 2022

## Zoning

### Existing

**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.<sup>3</sup>

### Requested

**R-3, Multi-Family Residential:** The multi-family residential (R-3) district is intended to be a multi-family area, including higher residential densities in accordance with the comprehensive plan. This district shall allow single-family, two-family and multi-family dwellings, residence-offices and residence-galleries. Professional and business offices that are of compatible scale and intensity may be allowed as special exceptions by the board of adjustment.<sup>4</sup>

<sup>1</sup> City of Ocala Comprehensive Plan, Future Land Use Element, Policy 6.3

<sup>2</sup> City of Ocala Comprehensive Plan, Stormwater Sub-Element, Policy 3.1.

<sup>3</sup> City of Ocala Code of Ordinances, Chapter 122, Article V, Division 18, Sec 122-621, Intent and Purpose

<sup>4</sup> City of Ocala Code of Ordinances, Chapter 122, Article V, Division 5, Sec 122-351, Intent and Purpose