



# Ocala

## Legislation Text

110 SE Watula Avenue  
Ocala, FL 34471

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**File #:** 2023-1706

**Agenda Item #:** a.

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Juan Manuel Vasquez / ZON23-45299

Petitioner: Juan Manuel Vasquez

Planner: Emily Johnson 352-629-8313

[ewjohnson@ocalafl.gov](mailto:ewjohnson@ocalafl.gov)

A request to rezone from B-1A, Limited Neighborhood Business, to B-4, General Business, property located at 424 SW 11th Street; approximately 0.54 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, October 3, 2023**, City Council meeting and second and final hearing at the **Tuesday, October 17, 2023** City Council meeting.

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**CITY OF OCALA****Meeting Date: September 11, 2023****PLANNING AND ZONING COMMISSION MEMO**

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**Subject:** Zoning Change**Submitted by:** Emily W. Johnson, AICP**City Council Date:** October 3, 2023 (1<sup>st</sup> reading)October 17, 2023 (2<sup>nd</sup> & final reading/public hearing)

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**STAFF RECOMMENDATION** (Motion Ready): **Approval** of a zoning change from B-1A, Limited Neighborhood Business, to B-4, General Business District, for property located at 424 SW 11<sup>th</sup> Street, parcel number 28575-002-01, approximately 0.54 acres (Case ZON23-45299).

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**OCALA'S RELEVANT STRATEGIC GOALS: Economic Hub, Quality of Place**

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**BACKGROUND:**

- **Petitioner:** Juan Manuel Vasquez
- **Property Owner:** Hanimi Challa
- The subject property is undeveloped and is located within the West Ocala CRA. The subject property is directly adjacent to B-4 zoned properties, which are currently developed with a motel and restaurant; the B-1A zoned parcel to the south is under the same ownership as the restaurant and developed as a parking lot.
- It is the Petitioner's intent to develop the subject property with multi-family residences. The Petitioner has submitted a separate application on the subject property for a Special Exception to allow for a multi-family use (up to 10 dwellings at a density of 18.5 dwelling units per acre); which will be considered by the Board of Adjustment on September 18<sup>th</sup>.

**FINDINGS AND CONCLUSIONS:** The B-4, General Business zoning district is consistent with the High Intensity/Central Core future land use classification. The proposed zoning is consistent and compatible with the surrounding area.

**FISCAL IMPACT:** N/A

**ALTERNATIVES:**

- Approve with changes
- Deny
- Table

**SUPPORT MATERIALS:**

- Staff Report
- Aerial Map
- Case Map



**Petitioner:** Juan Manuel Vasquez  
**Property Owner:** Hanimi Challa  
**Project Planner:** Emily W. Johnson, AICP  
**Zoning Change Request:** from: B-1A, Limited Neighborhood Business  
to: B-4, General Business District

### Parcel Information

Acres: ±0.54 acres  
Parcel(s)#: 28575-002-01  
Location: 424 SW 11<sup>th</sup> Street  
Existing use: Undeveloped  
Future Land Use: High Intensity/Central Core  
Overlay(s): West Ocala Community Redevelopment Area (CRA)

### Adjacent Land

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	High Intensity, Central Core	B-4	Single-Family Residence, Motel (Holiday Motel)
East	High Intensity, Central Core	B-4	Motel (Town Plaza Motel), Restaurant (IHOP)
South	High Intensity, Central Core	B-1A	Parking Lot (IHOP)
West	High Intensity, Central Core	B-2	Undeveloped

### Background

The subject property, owned by Hanimi Challa, is generally located at the southeast corner of the intersection of SW 5<sup>th</sup> Avenue and SW 11<sup>th</sup> Street, approximately 510 feet south of State Road 200 and 180 feet west of S Pine Avenue (US Highway 441). The 0.54-acre site is an undeveloped corner made up of 8 lots and portions of two vacated alleyways within Block B of the Meadow View 3<sup>rd</sup> Addition Subdivision (Plat Book C, Page 15); and has approximately 175-feet of frontage along SW 11<sup>th</sup> Street, and approximately 135-feet of frontage along SW 5<sup>th</sup> Avenue. The subject property is located within the West Ocala CRA.

The Applicant is requesting to rezone the subject property from B-1A, Limited Neighborhood Business, to B-4, General Business District. The Applicant has submitted a separate application on the subject property for a Special Exception to allow for a multi-family use (up to 10 dwelling units at a density of 18.5 dwelling units per acre), which will be considered by the Board of Adjustment on September 18<sup>th</sup>.

The present B-1A zoning district would only permit multi-family dwellings with a special exception, at a maximum density of 10 dwelling units per acre; this is inconsistent with the underlying High

Intensity/Central Core land use, which carries a minimum residential density of 12 dwelling units per acre. In order to develop the subject property with a multi-family use at the minimum density required by the Future Land Use, a rezoning is required. Based on the restrictions for rezoning property under Section 122-133(b), the only zoning district available for consideration is the adjacent B-4. The requested B-4 zoning district allows for multi-family dwellings with a special exception, at a maximum density of 30 dwelling units per acre.

The subject property is directly adjacent to B-4 zoned properties to the east, which are currently developed with a motel (Town Plaza Motel) and Restaurant (IHOP); the B-1A zoned parcel to the south is under the same ownership as IHOP and developed as a parking lot for the restaurant. Additionally, the properties to the north of the subject property, across Southwest 11<sup>th</sup> Street, are zoned B-4 and developed with a single-family residence and a motel (Holiday Motel). The proposed zoning change is compatible with the surrounding area and the existing underlying land use, High Intensity/Central Core.

**Staff Recommendation:**

*Approval*

### **Basis for Approval**

The B-4, General Business zoning district is consistent with the High Intensity/Central Core future land use classification. The proposed zoning is consistent and compatible with the surrounding area.

### **Factual Support**

1. The proposed B-4, General Business District, zoning is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:
  - a. **Policy 6.1: High Intensity/Central Core:** The intent of this designation is to identify the area suitable for the most intense residential and non-residential development within the City, generally represented as “High Intensity” on the Ocala 2035 Vision. It is anticipated to provide a broad mix of residential, retail, office, governmental, cultural, and entertainment activities that allow residents to live, work, shop, and play within the same area. Specialty shops, restaurants, and residential development shall line the streets, creating a unique environment distinct from suburban retail centers. The High Intensity/Central Core is located in the central area of the City as depicted on the 2035 Future Land Use Map and includes the historic downtown square, central business district, municipal administration buildings, and the hospital district. This intense mix is intended to promote a compact and walkable urban form that supports multi-modal transportation, including bicycles and transit.

The minimum density and intensity before any incentives in this future land use category is 12 dwelling units per gross acre or 0.20 FAR. The maximum density and intensity before any incentives is 60 dwelling units per acre or 8.0 FAR. The location and application of incentives shall be set forth in the Land Development Code.

Increased density and intensity incentives may be approved for inclusion of workforce housing, green building and sustainable design standards, setting aside right-of-way for trails, employment-generating uses, exemplary urban design, or other benefits to the City as specified in the Land Development Code

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:** The subject property has approximately 175-feet of frontage along SW 11<sup>th</sup> Street, and approximately 135-feet of frontage along SW 5<sup>th</sup> Avenue; both of which are local roads with low traffic volume. Access to SW 5<sup>th</sup> Avenue is anticipated via its intersection with SR 200, approximately 510 feet north of the subject property; access to SW 11<sup>th</sup> Street is anticipated via its intersection with S Pine Avenue (US 441), approximately 180 feet east of the subject property. The congestion management data for the arterial roadways is provided below.<sup>1</sup> 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
SR 200	4	45 MPH	Arterial	D	39,800	27,000	C
S Pine Avenue (US 441)	6	35 MPH	Arterial	D	50,000	26,500	D

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

**Potable Water:** Service is available. A City water main runs along SW 5<sup>th</sup> Avenue bordering 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 SW 5<sup>th</sup> Avenue and SW 11<sup>th</sup> Street bordering the property. Connections will be determined during the site plan or subdivision review and approval process.

From Jan 2022 through Dec 2022	WTP #1	Total Maximum Daily Flow at Plant as recorded on MOR during last 12 month period, MGD and which month									
PWS ID:	3420922	15.670 MGD on May 18, 2022									
Permitted Capacity (MGD):	24.42										
From Jan 2022 through Dec 2022	WRF #2	Maximum monthly average daily flow over the last 12 month period					Maximum 3-month average daily flow over the last 12 month period				
Facility ID:	FLA010680	4.941 MGD in September 2022					4.891 MGD in Sep, Oct and Nov of 2022				
Permitted Capacity (MGD):	6.5										

Source: City of Ocala Water Resources

**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.

<sup>1</sup> Ocala-Marion TPO, *Congestion Management Plan Roadway Database*, October 2021.

<sup>2</sup> City of Ocala Comprehensive Plan, Stormwater Sub-Element, Policy 6.5.

**Fire Service:** Ocala Fire Rescue Station #3 is located 0.66 miles away.

**Schools:** The subject property is serviced by Shady Hill Elementary (operating at 92.57% capacity), Osceola Middle (115.29%) and Forest High Schools (97.58%).<sup>3</sup> The proposed development will have a minimal effect on the public schools zoned to the surrounding area.

		DWELLING TYPE	PROJECT DWELLING UNITS	
		MFR	5	16
SCHOOL LEVEL	SCHOOL NAME	MFR STU GEN RATE	ESTIMATED STUDENTS	
Elementary	Shady Hill	0.139	0	2
Middle	Osceola	0.056	0	0
High	Forest	0.067	0	1

*Source: MCPS Planning & Governmental Relations Department, Student Generation Multipliers.*

## Zoning

### **Existing**

**B-1A, Limited Neighborhood Business:** The limited neighborhood business (B-1A) district is intended for neighborhood convenience goods and services involving basic, regular household purchases. In order to keep building scale and intensity compatible with surrounding residential development, there is a maximum allowable square footage, and an architectural review is necessary for more intense uses. Multifamily development in the B-1A district requires a special exception by the Board of Adjustment and shall be no greater than 10 dwelling units per gross acre.<sup>4</sup>

### **Requested**

**B-4, General Business District:** The general business (B-4) district is intended for larger retail establishments, businesses catering to highway trade and motorists' needs, and businesses that receive a large number of delivery trucks. Multifamily development in the B-4 district requires a special exception by the Board of Adjustment and shall be no greater than 30 dwelling units per gross acre<sup>5</sup>

<sup>3</sup> MCPS SY2022-2023 Membership by Grade, Summary Table – 160<sup>th</sup> Day.

<sup>4</sup> City of Ocala Code of Ordinances, Division 17, Sec 122-601.

<sup>5</sup> City of Ocala Code of Ordinances, Division 23, Sec 122-721.

**Permitted Uses Table:**

	<b>B-1A, Limited Neighborhood Business</b>	<b>Both Districts</b>	<b>B-4, General Business District</b>
<b><i>Residential Operation</i></b>	<ul style="list-style-type: none"> <li>Community residential home (maximum of 12 unrelated residents)</li> </ul>	<ul style="list-style-type: none"> <li>Residence—Gallery (permitted by special exception in B-4)</li> <li>Residence—Office (permitted by special exception in B-4)</li> </ul>	<ul style="list-style-type: none"> <li>Community residential home (maximum of 14 unrelated residents)</li> <li>Fraternity or sorority house</li> <li>Rooming / boarding house*</li> </ul>
<b><i>Residential Type</i></b>	<ul style="list-style-type: none"> <li>Multi-family dwelling (maximum of 10 dwellings per acre)*</li> </ul>	<ul style="list-style-type: none"> <li>Single-Family Dwelling Unit</li> <li>Two-Family Dwelling Unit</li> </ul>	<ul style="list-style-type: none"> <li>Multi-family dwelling (maximum of 30 dwellings per acre)*</li> </ul>
<b><i>Retail Uses</i></b>		<ul style="list-style-type: none"> <li>Bakery store</li> <li>Hardware store</li> <li>Home decorating store</li> <li>Specialty retail stores</li> <li>Videotape store</li> <li>Garden and Nursery Sales (permitted by special exception in B-1A)</li> </ul>	<ul style="list-style-type: none"> <li>Auto supply store</li> <li>Building material sales</li> <li>Department store</li> <li>Drug store</li> <li>Electronic cigarette/vaporizer store</li> <li>Electronics store</li> <li>Furniture store</li> <li>Grocery store</li> <li>Pawn shop</li> <li>Pharmacy</li> <li>Playground equipment sales, outdoor</li> <li>Roadside fruit and vegetable sales</li> <li>Swimming pool sales (enclosed)</li> <li>Used merchandise store</li> <li>Home garden/hobby farm equipment sales*</li> <li>Model manufactured home centers*</li> <li>Swimming pool sales (outdoor sales)*</li> </ul>
<b><i>Vehicular Sales</i></b>			<ul style="list-style-type: none"> <li>Automobile rental sales</li> <li>Automobile sales,</li> </ul>

			<ul style="list-style-type: none"> <li>new or used</li> <li>• Automobile specialty sales, new or used</li> <li>• Boat store*</li> <li>• Truck rental and sales*</li> </ul>
<b><i>Business Services</i></b>		<ul style="list-style-type: none"> <li>• Parking lot</li> </ul>	<ul style="list-style-type: none"> <li>• Construction service establishment</li> <li>• Equipment rental and leasing</li> <li>• General business service</li> <li>• Maintenance and cleaning service</li> <li>• Parking garage</li> <li>• Pest control service</li> <li>• Radio/TV broadcasting facility</li> <li>• Security systems service</li> <li>• Advertising services (on-site, off-site signs)*</li> <li>• Day labor service establishment*</li> </ul>
<b><i>Eating or Drinking Establishment</i></b>		<ul style="list-style-type: none"> <li>• Alcoholic Beverage Establishment (off-premises consumption)</li> <li>• Alcoholic Beverage Establishment (on-premises consumption)</li> <li>• Restaurant (enclosed)</li> <li>• Restaurant (enclosed) with drive-through window (permitted by special exception in B-1A)</li> </ul>	<ul style="list-style-type: none"> <li>• Drive-in or drive-through restaurant</li> <li>• Fast-food restaurant</li> </ul>
<b><i>Hospitality and Tourism</i></b>		<ul style="list-style-type: none"> <li>• Antique gallery/art gallery/museum</li> </ul>	<ul style="list-style-type: none"> <li>• Conference Center</li> <li>• Hotel/convention center</li> <li>• Motel</li> </ul>
<b><i>Office Use</i></b>		<ul style="list-style-type: none"> <li>• Photocopying and duplication service</li> <li>• Professional and</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial photography (art and graphic design)</li> </ul>



		<ul style="list-style-type: none"> <li>business office</li> <li>Financial institution (permitted by special exception in B-1A)</li> </ul>	<ul style="list-style-type: none"> <li>service)</li> <li>Computer maintenance and repair</li> <li>Photofinishing laboratory</li> <li>Prepackaged software services</li> <li>Print shop</li> </ul>
<b><i>Personal Service</i></b>		<ul style="list-style-type: none"> <li>Coin-operated laundry and dry cleaning</li> <li>Hairstyling shop</li> <li>Minor household repair establishment</li> </ul>	<ul style="list-style-type: none"> <li>Bail bonds agency</li> <li>Check cashing establishment</li> <li>Emergency shelter</li> <li>Funeral home/crematory</li> <li>Laundry and dry cleaning pickup establishment</li> <li>Laundry and dry cleaning service</li> <li>Major household repair establishment</li> <li>Mini-warehouse</li> <li>Recreational vehicle park</li> <li>Recycling collection point</li> <li>Tattoo or body piercing establishment</li> <li>Kennel*</li> </ul>
<b><i>Vehicular Service</i></b>		<ul style="list-style-type: none"> <li>Drive-through facility, non-restaurant (permitted by special exception in B-1A)</li> <li>Self-service station/convenience store (permitted by special exception in B-1A)</li> </ul>	<ul style="list-style-type: none"> <li>Auto repair, minor</li> <li>Automobile cleaning, detailing service</li> <li>Full-service station</li> <li>Repair garage*</li> </ul>
<b><i>Community Service</i></b>		<ul style="list-style-type: none"> <li>Church/place of worship</li> <li>Day care facility</li> <li>Library</li> </ul>	<ul style="list-style-type: none"> <li>Private club</li> <li>Open pavilion engagement center*</li> </ul>
<b><i>Educational Use</i></b>		<ul style="list-style-type: none"> <li>Speech and language center/school</li> </ul>	<ul style="list-style-type: none"> <li>College / university</li> <li>Community education center</li> </ul>

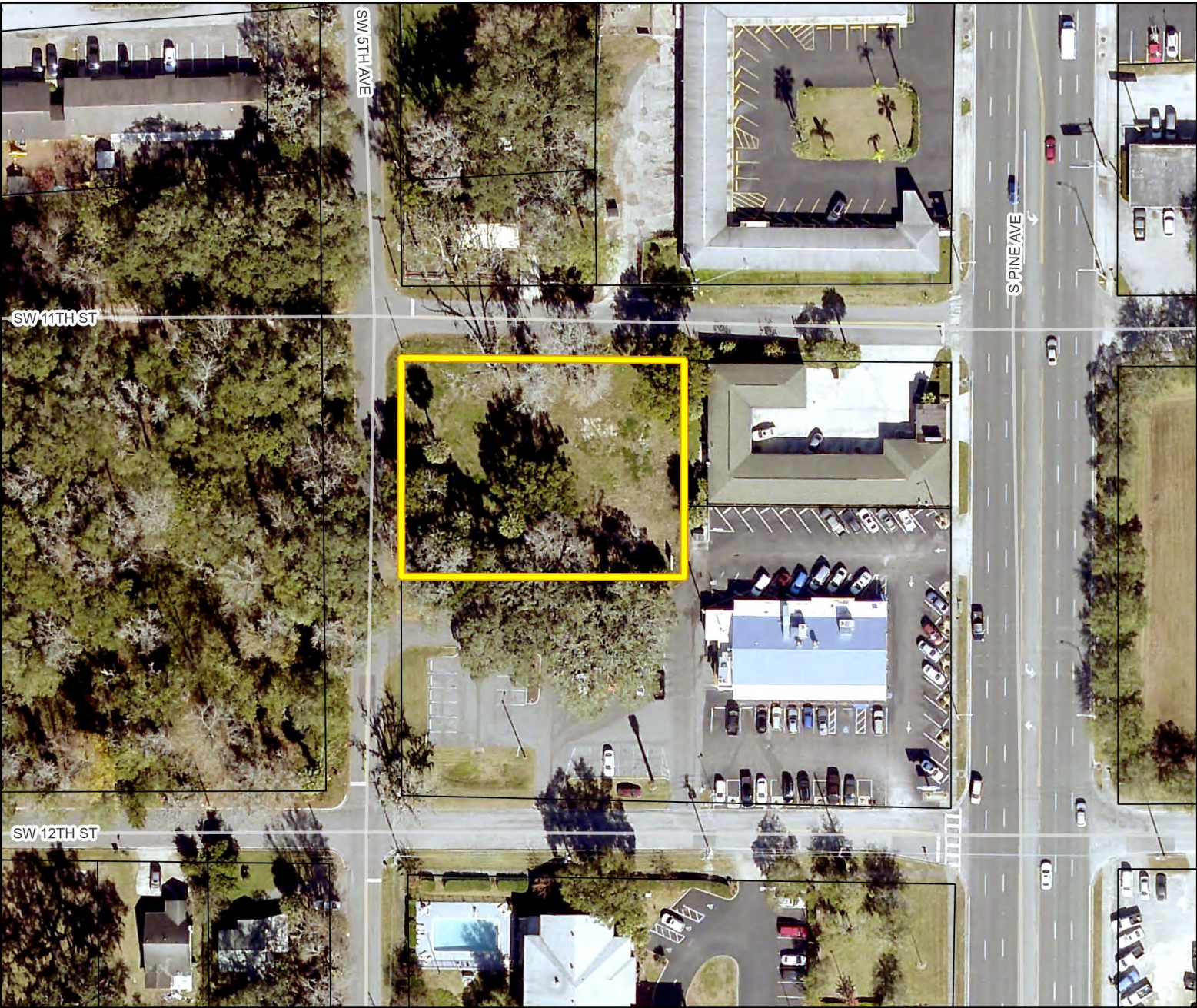
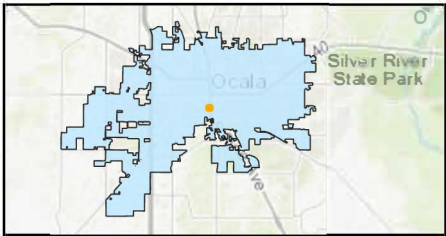
			<ul style="list-style-type: none"> <li>• School, private elementary and secondary</li> <li>• Vocational/ professional school</li> </ul>
<b><i>Recreational Use</i></b>		<ul style="list-style-type: none"> <li>• Dance/art/music studios</li> <li>• Physical fitness center</li> </ul>	<ul style="list-style-type: none"> <li>• Bowling center</li> <li>• Commercial recreation, indoor</li> <li>• Drive-in theatre</li> <li>• Motion picture theatres, except drive-in</li> <li>• Multipurpose facility</li> <li>• Recreation facility, indoor</li> <li>• Commercial outdoor baseball batting facility*</li> <li>• Commercial recreation, outdoor*</li> <li>• Driving range*</li> <li>• Golf course*</li> <li>• Miniature golf*</li> <li>• Shooting ranges, indoor*</li> <li>• Temporary commercial amusement*</li> </ul>
<b><i>Public Use</i></b>		<ul style="list-style-type: none"> <li>• Post office</li> <li>• Parks/open space areas*</li> </ul>	<ul style="list-style-type: none"> <li>• Public transportation terminal</li> </ul>
<b><i>Health Care Use</i></b>		<ul style="list-style-type: none"> <li>• Medical and dental office</li> <li>• Veterinarian office (no overnight boarding in B-1A)</li> </ul>	<ul style="list-style-type: none"> <li>• Assisted living facility</li> <li>• Medical and dental laboratory</li> <li>• Transitional recovery facility</li> <li>• Transitional treatment facility</li> <li>• Satellite hospital emergency room</li> </ul>
<b><i>Industrial Uses</i></b>		<ul style="list-style-type: none"> <li>• Microbrewery/ microdistillery</li> </ul>	<ul style="list-style-type: none"> <li>• Assembly of electronic components*</li> </ul>

\*Permitted by Special Exception

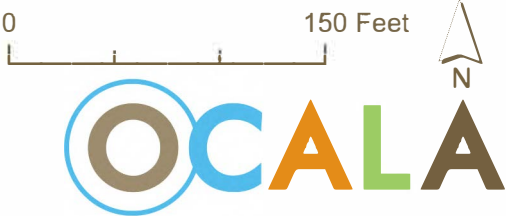


AERIAL MAP

Case Number: ZON23-45299  
Parcel: 28575-002-01  
  
Property Size: Approximately 0.54 acres  
Land Use Designation: High Intensity/Central Core  
Zoning: B-1A, Limited Neighborhood Business  
Proposal: A request to rezone from B-1A, Limited Neighborhood Business, to B-4, General Business.



Property  
Parcels

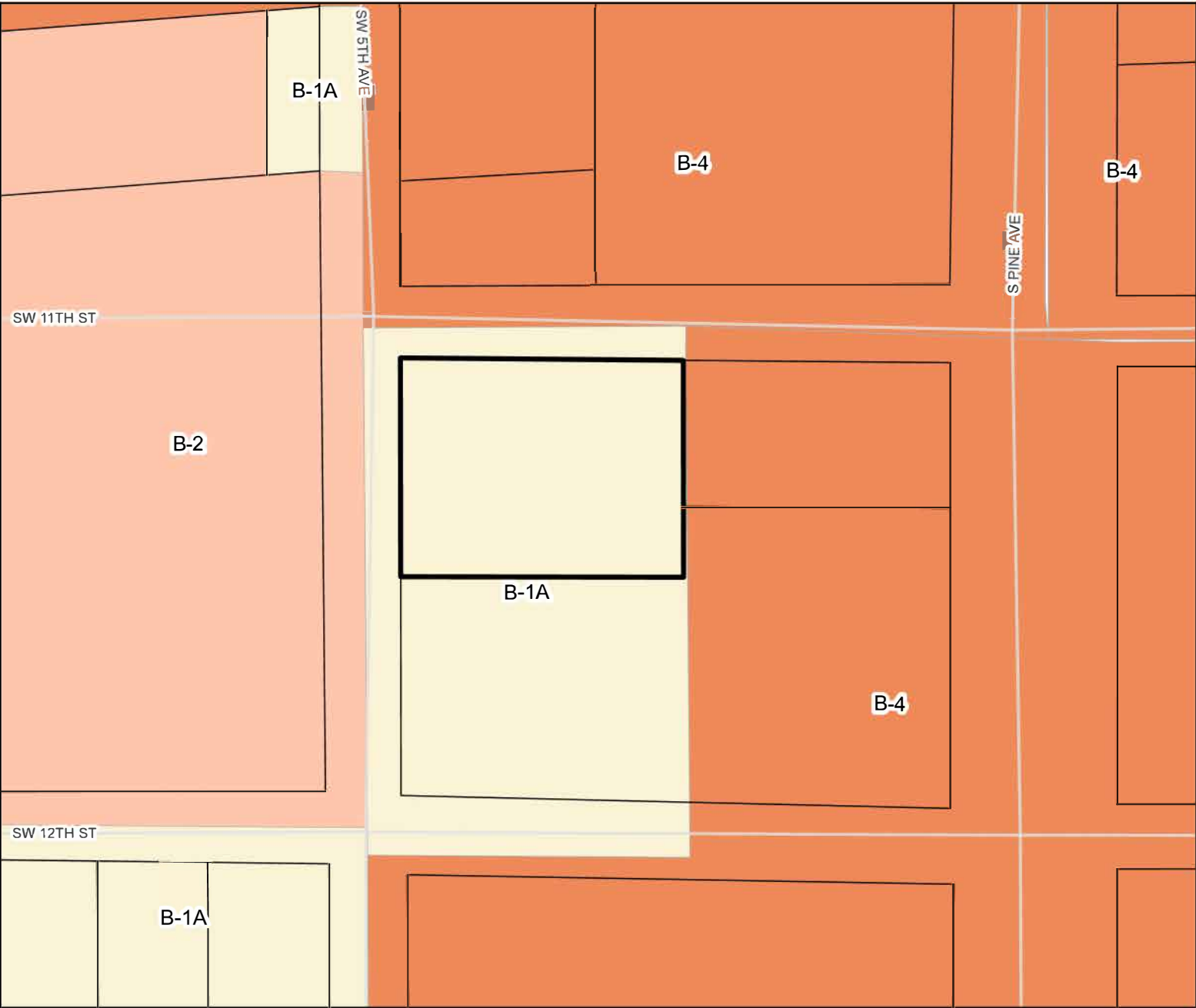
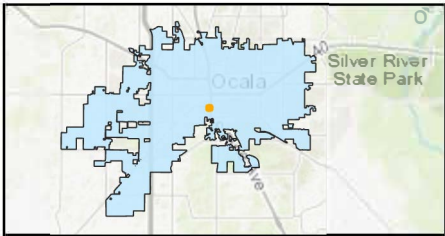




CASE MAP

Case Number: ZON23-45299  
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P&Z Meeting: September 11, 2023  
Location Map



- Property
- Parcels
- B-1A: Limited Neighborhood Business
- B-2: Community Business
- B-4: General Business

