



# Staff Report

Case No. ANX24-45693

Planning & Zoning Commission: July 8, 2024

City Council (1<sup>st</sup> Reading): August 6, 2024

City Council (Adoption): August 20, 2024

**Petitioner:** Second Nine Partners LLC  
**Property Owner:** Second Nine Partners LLC  
**Agent:** Guy Lemieux, Second Nine Partners LLC  
**Project Planner:** Kristina L. Wright, CNU-A, FRA-RA  
**Applicant Request:** Annexation of a 25.67-acre property from unincorporated Marion County to connect to City utilities to facilitate the future development of multi-family residential housing.

**Existing Future Land Use:** Commercial (County)  
**Proposed Future Land Use:** Low Intensity (City)  
**Existing Zoning District:** PUD, Planned Unit Development (County)  
**Proposed Zoning District:** R-3, Multi-Family Residential District (City)

### Parcel Information

**Acres:** ±25.67 acres  
**Parcel(s)#:** 21509-001-01 and 21509+001-01  
**Location:** Approximately 600-feet north of the intersection at US Highway 27 and NW 49<sup>th</sup> Avenue, Lot 1 and Drainage Retention Area Tract A of the Foxwood III Replat (P.B. 14, Pg. 197)  
**Existing use:** Vacant/Undeveloped  
**Overlay(s):** N/A

### Adjacent Property Information

<b>Direction</b>	<b>Future Land Use</b>	<b>Zoning District</b>	<b>Current Use</b>
<b>North</b>	Medium Residential (County)	R-1, Single-Family Residential (County)	Single-Family Residential Subdivision (Quail Meadow)
<b>East</b>	Commercial (County)	A-1, General Agriculture (County)	Undeveloped, agriculturally-zoned land
<b>South</b>	Low Intensity (City)	SC, Shopping Center (City) B-2, Community Business (City)	Shopping Center (Shops at Foxwood) Hotel (Staybridge Suites, under construction)
<b>West</b>	Commercial (County)	Community Business: B-2	Shopping Center (Quail Meadow Commons)

## Background

The subject property, identified by Parcel Identification Numbers 21509-001-01 and 21509+001-01, contains an approximate 25.67 acres, and is generally located behind the Shops at Foxwood shopping center, east of NW 49<sup>th</sup> Avenue, and to the south of and adjacent to the Quail Meadow Subdivision. These properties are part of an overall master planned development, platted within the Foxwood III Plat and further articulated through the subsequent PUD. Parcel 21509+001-01 serves as a drainage retention area for the surrounding development.

More specifically, the subject property was platted as part of the Foxwood III (Plat Book 14, Page 197); the plat subtitle indicates that this was platted as part of a private commercial subdivision described as a replat of a portion of Tract 'G' of Shops at Foxwood (Plat Book 12, Page 3). The plat depicts a 40-foot-wide ingress/egress access easement, and a 20-foot-wide ingress/egress access easement in the middle of the northern boundary that appears near the NW 47<sup>th</sup> Avenue access to Quail Meadow. All other parcels described in the plats of Shops at Foxwood (Plat Book 12, Page 3), Shops at Foxwood Replat (Plat Book 12, Page 161) and Foxwood III (Plat Book 14, Page 197) have been annexed, with the exception of a drainage retention area which is being presented for consideration to annex under a separate application (ANX24-45696).

### ***Annexations: F.S. Ch. 171.031 Definitions***

(3) "Contiguous" means that a substantial part of a boundary of the territory sought to be annexed by a municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, may not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically.

### ***F.S. Ch. 171.043 Character of the area to be annexed***

(3)(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such a sparsely developed area; or (b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The subject property is contiguous to the City limits yet contains the Marion County well parcel (21509-001-00) noted as an exception from the legal description of the subject properties; the well site is not subject to the annexation request. The subject property also has a 20-foot-wide utility easement as indicated in the Foxwood III Plat (PB 14, PG 198) surrounding said well site, which is to be retained.

On April 5, 2022, the Marion County Board of County Commissioners approved a rezoning on the subject properties to PUD, Planned Unit Development, along with a conceptual plan for 396 multi-family units. The applicant has submitted a conceptual plan consistent with the development approved by Marion County. The applicant is now seeking to rezone the current approved County PUD zoning to a City R-3 zoning through concurrent application ZON24-45695 as further detailed below.

### **Applicant Request**

The petitioner is requesting an annexation to connect to City utilities and facilitate development of a 396-unit multi-family residential development, consistent with the development previously approved by Marion County.

The petitioner has submitted concurrent applications to change the land use classification from Commercial (County) to Low Intensity (City) (LUC24-45694); and to rezone from PUD, Planned Unit Development (County) to R-3, Multi-Family Residential District (City) (ZON24-45695).

### **Staff Analysis**

The subject properties are contiguous to the City limits to the south, and the requested annexation does not create an enclave. Adequate public facilities exist to service the subject properties.

### ***Factual Support***

1. The requested annexation 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 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 property has approximately 390-feet of frontage along NW 49<sup>th</sup> Avenue. 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	2023 AADT	Existing LOS
US Hwy 27 (From NW 44 <sup>th</sup> Ave to NW 49 <sup>th</sup> Ave)	4	45 MPH	Arterial	D	55,700	21,700	B
US Hwy 27 (From NW 49 <sup>th</sup> Ave to NW 60 <sup>th</sup> Ave)	4	55 MPH	Arterial	D	55,700	18,100	B

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

**Internet:** Service is available. A City fiber optic cable runs along NW 49<sup>th</sup> Avenue in front of the subject property.

**Potable Water:** Service is available. A City water main runs along NW 49<sup>th</sup> Avenue 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 NW 49<sup>th</sup> Avenue 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 directed into the off-site drainage system as part of the “Foxwood Commons” subdivision.

**Solid Waste:** Service is available.

**Fire Service:** Ocala Fire Rescue Station #1 is located approximately 3.5 miles from the subject property, at 3001 NE 21<sup>st</sup> Street.

**Schools:** The subject property is serviced by College Park Elementary (operating at 108.80% capacity), Howard Middle (operating at 65.21% capacity) and West Port High School (operating at 116.83%). The proposed development of the property may generate up to 55 additional Elementary School-aged students, up to 22 additional Middle School-aged students, and up to 26 additional High School-aged students.

School Level	MFR Student Generation Rate	Project Dwelling Units (MFR)	
		462 (maximum 18 d.u. / ac permitted by LI FLU)	396 (proposed 15.4 d.u. / ac)
E	0.139	64	55
M	0.056	25	22
H	0.067	30	26

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