



Staff Report: Annexation

Case No. ANX24-45690

Planning & Zoning Commission: August 12, 2024

City Council (1st Reading): September 3, 2024

City Council (Adoption): September 17, 2024

Petitioner: B I Realty, LLC & Racetrac, Inc.
Property Owner: B I Realty, LLC
Agent: Robert W. Batsel, Jr. Esq., Gooding & Batsel, PLLC
Project Planner: Emily W. Johnson, AICP
Applicant Request: Annexation of two contiguous parcels, comprised of approximately 5.86 acres, from unincorporated Marion County.
Existing Future Land Use: Commercial (County)
Existing Zoning District: B-2, Community Business (County)
Associated Applications: LUC24-45691, ZON24-45692

Parcel Information

Acres: ±5.86 acres
Parcel(s)#: 22866-000-02 and 22866-000-03
Location: 4040 W Silver Springs Boulevard, along with the property located directly to the south
Existing use: Vacant, previously developed motel
Overlay(s): N/A

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Commercial (County)	B-4, Regional Business (County)	Undeveloped Commercial & Mobile Home Park, adjacent to SR-40
East	Low Intensity (City)	B-2, Community Business (City) B-4, General Business (City)	Drive-through Restaurant (Burger King), adjacent to SW 40 th Avenue Warehouse (Quality Stone), adjacent to SW 40 th Avenue
South	High Residential (County)	P-MH, Mobile Home Park (County)	Mobile Home Park (Affordable Rentals, FKA West Village MHP)
West	Commercial (County)	A-1, General Agriculture (County) R-E, Residential Estate (County)	Church (Watula Baptist Church), adjacent to SW 41 st Avenue Single-Family Residence, adjacent to SW 41 st Avenue

Applicant Request

The petitioner is requesting annexation to connect to City utilities and facilitate development of a Racetrac self-service gasoline station/convenience store.

The petitioner has submitted concurrent applications to change the land use classification from Commercial (County) to Low Intensity (City) (LUC24-45691); and to rezone from B-2, Community Business (County) to B-2, Community Business (City) (ZON24-45692).

Background

The subject properties, identified by Parcel Identification Numbers 22866-000-02 and 22866-000-03, contain approximately 5.86 acres, and are generally located at the southwest corner of the intersection of State Road 40 (W Silver Springs Boulevard) and SW 40th Avenue. Parcel 22866-000-02 was previously developed with a motel. The motel was demolished in 2018 (Marion County Permit 2017121005) but two access driveway aprons, pavement, a sign cabinet, and fencing remain on the site. A City-owned well site abuts the subject properties to the west.

The subject properties are contiguous to the City limits and are adjacent to properties serviced by City utilities. Furthermore, the subject properties lie within an existing enclave, as defined by Florida Statutes (F.S) subsection 171.031(5)(a). The enclave encompasses approximately 238.09 acres of unincorporated land that is bounded on all sides by city limits.

Associated City Project

On June 18, 2024, the City Council and Marion County Board of County Commissioners jointly approved a right-of-way transfer from Marion County to the City for ownership and maintenance of SW 38th Avenue, SW 3rd Street, and SW 40th Avenue. The purpose of this transfer is to facilitate roadway realignment and intersection improvement at this location. While designs are currently in the conceptual stage, the subject properties are integral to the redesign.

Staff Analysis

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.

Staff Comment: The subject properties are contiguous to the City limits and are adjacent to properties serviced by City utilities. Additionally, annexation of the subject properties diminishes an existing enclave.

- 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.

Staff Comment: The subject properties are contiguous to the City limits and are adjacent to properties serviced by City utilities.

- b. 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.

Staff Comment: The subject properties are contiguous to the City limits and are adjacent to properties serviced by City utilities.

- c. 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.

Staff Comment: The subject properties are contiguous to the City limits and are adjacent to properties serviced by City utilities.

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.

Staff Comment: The associated rezoning application (ZON24-45692) proposes to rezone the property to B-2, Community Business (City). The City’s B-2 zoning district is the most closely corresponding classification to the existing B-2, Community Business (County) zoning in terms of intensity and allowable uses.

- (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.

Staff Comment: The petitioner has submitted concurrent applications to change the land use classification from Commercial (County) to Low Intensity (City) (LUC24-45691); and to rezone from B-2, Community Business (County) to B-2, Community Business (City) (ZON24-45692).

Level of Service Analysis

Transportation: The subject properties have approximately 350-feet of frontage along State Road 40 (W Silver Springs Boulevard). 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
SR 40 (From SW 46 th Ave to I-75 Ramp)	4	50 MPH	Arterial	D	38,430	31,500	C

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

Internet: Service is available. A City fiber optic cable runs along SW 41st Avenue, along the eastern boundary of the subject properties.

Potable Water: Service is available. City water mains run along State Road 40 in front of the properties, and along SW 41st Avenue and SW 40th Avenue on either side of the properties. Connections will be determined during the site plan or subdivision review and approval process.

Sanitary Sewer: Service is available. City gravity mains run along State Road 40 in front of the properties, and along SW 41st Avenue and SW 40th Avenue on either side of the 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: Service is available.

Fire Service: Ocala Fire Rescue Station #4 is located approximately 2.2 miles from the subject properties, at 3300 SW 20th Street.

Schools: This annexation is not anticipated to affect any schools.

Staff Findings and Recommendation

- The subject properties are contiguous to the City limits to the east.
- The requested annexation diminishes an existing enclave.
- Adequate public facilities exist to service the subject properties.
- Approval of this request will not adversely affect the health, safety, convenience, prosperity, or general welfare of the community.

Staff Recommendation: <i>Approval</i>
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