



Staff Report: Rezoning

Case No. ZON24-45716

Planning & Zoning Commission: August 12, 2024

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

City Council (Adoption): September 17, 2024

Petitioner: Walmart Stores East LP

Property Owner: Trigen Holdings LLC

Agent: Robert Volpe, Holtzman, Vogel, Baran, Torchinsky, & Josefiak, PLLC

Project Planner: Emily W. Johnson, AICP

Applicant Request: from: B-2, Community Business
to: SC, Shopping Center

Rezone the subject property from B-2, Community Business, to SC, Shopping Center.

Future Land Use: Medium Intensity/Special District

Parcel Information

Acres: ±0.36 acres

Parcel(s)#: 29850-000-20

Location: Approximately 807-feet northwest of the intersection at SE 36th Avenue and SE Maricamp Road.

Existing use: Undeveloped

Overlay(s): N/A

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Medium Intensity/ Special District	SC, Shopping Center	Shopping Center (Saddleback Square f/k/a Cedar Shores Plaza), currently under site plan review for redevelopment with a grocery store, self-service gasoline station, and outparcels.
East	Medium Intensity/ Special District	SC, Shopping Center	Shopping Center (Saddleback Square f/k/a Cedar Shores Plaza) Drive-through restaurant (Starbucks)
South	Medium Intensity/ Special District	B-2, Community Business	Undeveloped commercial, currently under conceptual review for a 4-lot commercial subdivision (Maricamp Marketplace)
West	Medium Intensity/ Special District	B-2, Community Business	Undeveloped commercial

Applicant Request

The petitioner is requesting to rezone from B-2, Community Business, to SC, Shopping Center. The rezoning application has been submitted to incorporate the subject property into the existing Shopping Center (Saddleback Square f/k/a Cedar Shores Plaza) located to the east and facilitate development of a self-service gasoline station as part of the overall shopping center redevelopment.

Background

This application includes one parcel of land (Parcel Identification Number 29850-000-20) comprising approximately 0.36 acres. The subject property is generally located west of the existing Saddleback Square (formerly known as Cedar Shores Plaza) Shopping Center and is currently undeveloped.

It is noted that a site plan application (SPL24-45659) to redevelop the overall Shopping Center with a grocery store (Walmart Neighborhood Market), self-service gasoline station, and two additional outparcels is currently under review. During the review, staff identified that the subject property was included as part of the project area with a self-service gasoline station being proposed. Staff informed the petitioner that consistent with Section 122-904(b) of the Code of Ordinances, a rezoning of the subject property from B-2, Community Business, to SC, Shopping Center would be required in order to incorporate the subject property into the overall Shopping Center development.

- The existing 13.39-acre Shopping Center was previously anchored by a Winn-Dixie grocery store. A majority of the Shopping Center was demolished in 2019 (Permit DEMO19-0044).
- Three developed outparcels (Starbucks, Burger King, and Wells Fargo) remain as part of the Shopping Center. The outparcels are under separate ownership.
- Architectural standards and signage for the Shopping Center will be reviewed as part of the site plan, to ensure uniformity in the overall design.

Existing and Proposed Zoning District Standards

	Future Land Use	Zoning District	Intent and Purpose	Minimum Lot Area	Maximum Building Height
Existing	Medium Intensity/ Special District	B-2, Community Business	The community business (B-2) district is intended for community businesses, including retail sales, personal and business services, and all office uses.	10,000 square feet	50 feet
Proposed	Medium Intensity/ Special District	SC, Shopping Center	Intended to ensure that shopping centers and single retail store developments are designed and located to make efficient use of the land and minimize the impacts on infrastructure, adjacent and nearby properties, and the environment.	4 acres	50 feet

Staff Analysis

The intended self-service gasoline station use is permitted within both the existing B-2, Community Business, and requested SC, Shopping Center, zoning districts. Incorporating the subject property into the shopping center to the east, necessitates the rezoning of the subject property to SC, Shopping Center, pursuant to Subsection 122-904(b) of the Code of Ordinances.

The site plan application (SPL24-45659) is currently under review and reflects that access to the subject property will be from an internal roadway network within the Shopping Center. The redevelopment does not propose any changes to the existing driveway access locations along SE Maricamp nor SE 36th Avenue. The SC zoning district standards require the same design and improvement standards to be applied uniformly throughout Shopping Center.

Factual Support

1. The requested rezoning is consistent with the following Objectives and Policies of the City of Ocala Comprehensive Plan:
 - a. Future Land Use Element Policy 6.2: Medium Intensity/Special District. The intent of this category is to identify neighborhood and community-serving activity centers, generally represented as "Medium Low" or "Medium High" on the Ocala 2035 Vision. The Medium Intensity/Special District should facilitate developments with two (2) or more uses. Permitted uses include residential, office, commercial, public, recreation, educational facilities, and institutional. Light industrial shall only be allowable in designated locations as specified in the Land Development Code and must meet the intent of the Medium Intensity/Special District category, including form and design guidelines as applicable.

The character, function, and form of new buildings or development on vacant land shall be regulated by a form-based code zoning district that includes design standards adopted specifically for a Medium Intensity/Special District identified in Objective 8, a Planned Development (PD) zoning district that includes specific design standards related to the surrounding uses, or a Chapter 163 Development Agreement with specific design standards. Existing developed and public properties shall be regulated by the Land Development Code.

A Medium Intensity/Special District is intended to promote a walkable urban form with buildings at moderate build-to lines from the street and public right-of-way, as depicted in Figure C. Parking may occur on-street or in the moderate build-to-line of buildings, though rear and side yard parking is encouraged, as depicted in Figure D. Shade for pedestrians should be provided through landscaping or building design. Open space in Medium Intensity/Special District areas consists of large neighborhood and community parks.

The minimum density and intensity before any incentives in this future land use category is 5 dwelling units per gross acre or 0.15 FAR. The maximum density and intensity before any incentives is 30 dwelling units per acre or 4.0 FAR. The location and application of incentives shall be set forth in the Land Development Code.

Staff Comment: Pursuant to FLUE Policy 6.2, the Medium Intensity/Special District Future Land Use Category is "intended to identify neighborhood and community-service activity centers, and facilitates mixed-used developments within such centers." The proposed Shopping Center redevelopment will contain a mixture of retail and service uses intended to meet the needs of the surrounding community; including a grocery store, self-service gasoline station,

and two outparcels in addition to the existing drive-through restaurants and financial institution.

- b. Future Land Use Element Objective 7: The City intends to promote quality urban design in the development and redevelopment of automobile-oriented suburban corridors.

Staff Comment: While the subject property only constitutes a small portion of the redevelopment, its inclusion in the Shopping Center plan contributes toward a compact and unified design at the intersection of two minor arterial roadways.

- i. Future Land Use Element Policy 7.2: City guidelines shall be context-sensitive to provide appropriate transitions between adjacent land uses, with particular emphasis on building compatibility between neighborhoods and non-residential uses.

Staff Comment: The Shopping Center is located at the intersection of two minor arterial roadways, which is an appropriate location for a mixed-use Shopping Center. The proposed redevelopment will contain a mixture of retail and service uses intended to meet the needs of the surrounding community. Additionally, rezoning the subject property provides for a more uniform shopping center boundary relative to the roadway, providing for a more appropriate transition between adjacent land uses.

- c. Future Land Use Element 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: As identified in the Level of Service Analysis section of this report, adequate public facilities exist to service the subject property.

- 2. The requested rezoning is consistent with the following Sections of the City of Ocala Code of Ordinances:

- a. Subsection 122-133(b)(2): The application requests to rezone parcel or parcels to the same zoning classification as an adjoining parcel not separated by a right-of-way for a street, a street, or a drainage retention area.

Staff Comment: The subject property is adjacent to the SC, Shopping Center, zoning district. The parcels are not separated by any right-of-way, street, or drainage retention area.

- b. Section 122-244 - District criteria: Zoning districts allowed under each land use classification.

Medium Intensity/ Special District	R-1, R-1A, R-1AA, R-2, R-3, RZL, RO, O-1, OP, B-1, B-1A, B-2, B-2A, B-4, SC, M-1, M-2, G-U, INST, A-1, PD, FBC
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Staff Comment: The SC, Shopping Center, zoning district is permitted within the Medium Intensity/Special District Future Land Use Classification.

- c. Subsection 122-902(a): The purpose of this division is to ensure that shopping centers and single retail store developments are designed and located to make efficient use of the land and minimize the impacts on infrastructure, adjacent and nearby properties, and the environment.

Staff Comment: The subject property abuts an existing Shopping Center; access is proposed via an internal roadway network. Architectural standards and signage for the Shopping Center will be reviewed as part of the site plan, to ensure uniformity in the overall design.

- d. Subsection 122-904(b): Property to be developed or redeveloped as a shopping center must be zoned shopping center (SC), unless development meeting the definition of a shopping center or single retail store development is included within a planned development (PD).

Staff Comment: The rezoning has been requested in order to incorporate the subject property into the Shopping Center located to the east. This will facilitate development of a self-service gasoline station as part of a larger redevelopment of the shopping center.

- e. Subsection 122-906(c): Property outside the 300-foot radius that abuts a shopping center or single retail store development may be developed provided all motor vehicle access is from the abutting development. The construction of a service road, or extension of an existing service road, is allowed provided one end of the service road is within the 300-foot radius, or provides access to property that is within the 300-foot radius, provided there are no more than two connections between the service road and each public road frontage, subject to the other limitations in this division and the land development regulations.

Staff Comment: The subject property is located outside of the 300-foot radius described within the location requirements for a Shopping Center. However, the requested rezoning is still supported by the Code due as the subject property abuts an existing Shopping Center, and the proposed internal roadway access falls within said radius.

Level of Service Analysis

Transportation: The subject property has approximately 162.5-feet of road frontage along SE Maricamp Road; however, access to the site will be from an internal roadway as part of the Shopping Center. The existing Shopping Center has two entrances and approximately 700-feet of frontage along SE Maricamp Road; and three entrances and approximately 1,100-feet of frontage along SE 36th Avenue. The 2023 congestion management data from the Ocala-Marion TPO for the affected arterial roadways 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
SE Maricamp Road (SR 464 from SE 24 th St to SE 36 th Ave)	4	55 MPH	Arterial	D	38,430	34,800	D
SE 36 th Avenue (From SR 464 to SE 24th St)	4	55 MPH	Arterial	E	35,820	18,700	C

Electric: The subject property is in the OEU service territory.

Internet: Service is available. A city fiber optic cable runs along SE Maricamp Road in front of the subject property.

Potable Water: Service is available. City water mains run along SE Maricamp Road in front of the property. Connections will be determined during the site plan review and approval process.

Sanitary Sewer: Service is available. A city gravity main runs along SE Maricamp Road in front of the property. Connections will be determined during the site plan review and approval process.

Stormwater: The subject property is not located within a Flood Zone. For any future development, runoff must be retained on-site within the overall Shopping Center 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 #2 is located 0.31 miles from the subject property, at 2701 SE 36th Avenue.

Schools: The proposed rezoning is not anticipated to impact schools.

Staff Findings and Recommendation

- The proposed rezoning is consistent with the Medium Intensity/Special District Future Land Use classification, pursuant to Section 122-244 of the Code of Ordinances.
- The proposed development meets the intent, purpose, and location criteria of the Shopping Center Ordinance, pursuant to Chapter 122, Division 29 of the Code of Ordinances.
- The proposed SC, Shopping Center, zoning district has very similar permitted uses in comparison to the existing B-2, Community Business zoning of the subject property. .
- Adequate public facilities exist to service the proposed development.
- The proposed zoning is compatible with the surrounding area.
- 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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Permitted Uses Table:

Permitted Use Type	B-2, Community Business	SC, Shopping Center
<i>Residential Operation</i>	<ul style="list-style-type: none"> • Bed and breakfast • Community residential home • Fraternity or sorority house • Residence-Gallery • Residence-Office • Rooming/Boarding House 	<i>None permitted</i>
<i>Residential Type</i>	<ul style="list-style-type: none"> • Single-family dwelling • Single-family dwellings (attached) • Two-family dwelling • Multi-family dwelling* 	<ul style="list-style-type: none"> • Multi-family dwelling
<i>General Retail</i>	<ul style="list-style-type: none"> • 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 store • Swimming pool sales (enclosed) • Used merchandise store • Videotape store 	<ul style="list-style-type: none"> • Auto supply store • Bakery store • Building materials sales (no outdoor sales or storage) • Department store • Drugstore • Electronics store (accessory installation work must be done in an enclosed building) • Furniture store • Grocery store • Hardware store, no outdoor sales or storage • Home decorating store • Specialty retail store • Swimming pool sales (enclosed) • Used merchandise store • Videotape store
<i>Vehicular Sales</i>	<i>None permitted</i>	<ul style="list-style-type: none"> • Automobile sales, new or used (limited to 6 vehicles and in an enclosed building)
<i>Business Service</i>	<ul style="list-style-type: none"> • Equipment rental and leasing • General business service • Parking lot • Parking garage • Radio/TV broadcasting facility • Security systems service 	<ul style="list-style-type: none"> • General business service
<i>Eating or Drinking Establishment</i>	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establish (on-premises consumption) • Fast food restaurant • Restaurant (enclosed), (drive- 	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establishment (on-premises consumption as an incidental use to a restaurant serving food) • Restaurant (drive-in or drive-

	<p>through window permitted as an accessory use)</p> <ul style="list-style-type: none"> • Drive-in or drive-through restaurant* 	<p>through)</p> <ul style="list-style-type: none"> • Restaurant (enclosed), (outdoor seating is allowed, and on-premises consumption of alcoholic beverages outside an enclosed building is allowed) • Restaurant, fast-food
<i>Hospitality and Tourism</i>	<ul style="list-style-type: none"> • Antique gallery/art gallery/museum • Conference center • Hotel/convention center • Motel 	<ul style="list-style-type: none"> • Antique gallery/art gallery/museum • Conference center • Hotel/convention center
<i>Office Use</i>	<ul style="list-style-type: none"> • Commercial photography (art and graphic design service) • Computer maintenance and repair • Financial institution • Photocopying and duplicating service • Photofinishing laboratory • Prepackaged software services • Professional and business office • Print shop 	<ul style="list-style-type: none"> • Commercial photography (art and graphic design service) • Computer maintenance and repair • Financial institution • Photocopying and duplicating service • Photofinishing laboratory • Prepackaged software services • Professional and business office
<i>Personal Service</i>	<ul style="list-style-type: none"> • Check cashing establishment • Coin-operated laundry • Emergency shelter • Funeral home/crematory • Hairstyling shop • Laundry and dry-cleaning pickup • Laundry and dry-cleaning service • Major household repair establishment • Mini-warehouse • Minor household repair establishment • Recreational vehicle park • Recycling collection point • Tattoo of body piercing establishment 	<ul style="list-style-type: none"> • Check cashing establishment • Laundry, coin-operated and dry cleaning • Hairstyling shop • Laundry and dry-cleaning pickup • Laundry and dry-cleaning service • Minor household repair establishment • Recycling collection point
<i>Vehicular Service</i>	<ul style="list-style-type: none"> • Auto repair, minor • Automobile cleaning, detailing service • Drive-through facility (non-restaurant), accessory use only • Full-service station • Self-service station/convenience 	<ul style="list-style-type: none"> • Drive-through facility, non-restaurant • Self-service station/convenience store

	store	
<i>Community Service</i>	<ul style="list-style-type: none"> • Church/place of worship • Day care facility • Library • Private club 	<ul style="list-style-type: none"> • Church/place of worship • Day care facility
<i>Educational Use</i>	<ul style="list-style-type: none"> • College/university • Community education center • School, private elementary and secondary • Speech and language center/school • Vocational/professional school 	<ul style="list-style-type: none"> • Speech and language center/school • Vocational/professional school • College/university* • Community education center*
<i>Recreational Use</i>	<ul style="list-style-type: none"> • Bowling center • Commercial recreation, indoor • Dance/art/music studio • Motion picture theatres, except drive-in • Physical fitness center • Recreation facility, indoor • Commercial outdoor baseball batting facility* • Commercial recreation, outdoor* • Driving range* • Miniature golf* 	<ul style="list-style-type: none"> • Commercial recreation, indoor • Dance/art/music studio • Movie theater/motion picture theater, except drive-in • Physical fitness center
<i>Public Use</i>	<ul style="list-style-type: none"> • Post office • Park/open space area* • Public transportation terminal* 	<ul style="list-style-type: none"> • Post office
<i>Health Care Use</i>	<ul style="list-style-type: none"> • Assisted living facility • Medical and dental laboratory • Medical and dental office • Transitional recovery facility • Transitional treatment facility • Veterinarian office 	<ul style="list-style-type: none"> • Medical and dental laboratory • Medical and dental office • Veterinarian office • Satellite hospital emergency room
<i>Low-Impact Industrial Use</i>	<ul style="list-style-type: none"> • Microbrewery/microdistillery • Assembly of electronic components* 	<ul style="list-style-type: none"> • Microbrewery/microdistillery • Assembly of electronic components*

*Permitted by Special Exception