



Planning & Zoning Commission

December 13, 2021

Case No. LUC09-0009

Staff Report

Applicant: Second Nine Partners, LLC
Property Owner: Second Nine Partners, LLC; Real Sub, LLC; McDonalds USA, LLC
Project Planner: Patricia Hitchcock, AICP

Land Use Change Request from: Commercial ^(County)
to: Low Intensity ^(City)

Parcel Information

Acres: ±17.94 Acres
Parcel(s)#: 21509-002-01, 21509-003-00, 21509-002-03, and 21509-002-04
Location: 2600-2610 NW 46th Terrace and 2765 NW 49th Avenue
Existing use: Shops at Foxwood shopping center

Adjacent Land

<u>Direction</u>	<u>Future Land Use</u>	<u>Zone</u>	<u>Current Use</u>
North	Commercial ^(County)	B-2, Community Business ^(County)	Undeveloped
East	Commercial ^(County)	B-2, Community Business ^(County)	Undeveloped
	Low Intensity ^(City)	B-2, Community Business ^(City)	
South	Commercial ^(County)	B-2, Community Business ^(County)	Bank
	Commercial ^(County)	PUD, Planned Unit Development ^(County)	Undeveloped
West	Commercial ^(County)	B-2, Community Business ^(County)	Quail Meadows Commons shopping center

Background:

These properties were the subject of an annexation agreement between Second Nine Partners LLC and the City of Ocala executed on May 5, 2009. Second Nine Partners LLC applied for City annexation, land use, and zoning and paid all associated fees in the amount of \$5,800. At the time, the property was not contiguous to the City limits, and was not eligible for annexation. The projects were therefore placed on hold.

Presently, the property is contiguous to the City boundary and eligible for annexation. City staff recommends moving forward with annexation, land use, and zoning in accordance with the existing agreement. The 2009 application requested Commercial land use and SC (Shopping Center) zoning. The Commercial land use classification no longer exists, so City staff will propose applying the closest existing land use classification of Low Intensity. This is consistent with adjacent commercial properties that are currently within the City limits.

Staff Recommendation:

Approval of LUC09-0009

Basis: The requested Future Land Use designation of Low Intensity is consistent with the Comprehensive Plan and the surrounding area. Approval of the requested land use change is appropriate.

Factual Support:

1. Consistent with the following Objective and Policies of the City of Ocala Future Land Use Element:
 - a. 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.
 - b. 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.
2. Approval of this request will not adversely affect the health, safety, convenience, prosperity or general welfare of the community.

Services Analysis:

Transportation: The property has direct access to US 27, a principal arterial; and NW 49th Avenue, a local roadway. Developments proposing to generate 100 or more peak hour trips are required to submit a traffic study as part of the site plan review. Developments proposing to generate less than 100 peak hour trips are required to submit a traffic impact statement.

Table 1: Traffic Circulation¹

Road/Street Name	# of Lanes	Functional Class	Adopted LOS	LOS Capacity	2021 AADT	Existing LOS
US Hwy 27 NW 60 th Ave to I-75	4	Principal Arterial	C	37,900	21,000	C
US Hwy 27 I-75 to NW 27 th Ave	4	Principal Arterial	D	39,800	21,000	C
I-75 SR 40 to US Hwy 27	6	Principal Arterial	C	93,000	78,000	B
I-75 US Hwy 27 to SR 326	6	Principal Arterial	C	93,000	69,500	B
NW 44 th Ave US Hwy 27 to NW 63 rd St	4	Collector	E	72,600	8,200	B
NW 38 th Ave NW 3 rd St to US Hwy 27	2	Collector	E	14,040	3,400	C

LOS=Level of Service, AADT=Annual Average Daily Traffic

Potable Water: The property is located within the City of Ocala service area and is currently connected to City water.

Sanitary Sewer: The property is located within the City of Ocala service area and is currently connected to City sewer.

Stormwater: There are drainage retention areas on-site and off-site that serve the existing development. 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-storm event.²

Solid Waste: Service is available.

Fire Service: Service is available from the City of Ocala. In the event of future development, an impact fee will be required during the development review process to maintain adequate fire protection services in the City.

Schools: The request for Low Intensity future land use is not expected to have an impact on area schools.

Electric: The property is currently served by Ocala Electric Utility.

Land Use Designation

Existing: Marion County

Commercial (COM). This land use designation is intended to provide for mixed use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to six (6) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

Proposed: City of Ocala

Low Intensity is intended 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. The minimum density and intensity in this future land use category is 3 dwelling units per gross acre or 0.00 FAR. The maximum density and intensity is 18 dwelling units per acre or 0.75 FAR.³

¹ Ocala/Marion County Transportation Planning Organization, Congestion Management Plan Database, 2021.

² Ocala Comprehensive Plan, Stormwater Sub-Element Policy 3.1.

³ Ocala Comprehensive Plan, Future Land Use Element, Policy 6.3