



Staff Report: Rezoning

Case No. ZON24-45729

Planning & Zoning Commission: August 12, 2024

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

City Council (Adoption): September 17, 2024

Petitioner: CR 462 Property, LLC

Property Owner: CR 462 Property, LLC

Agent: Rodney Rogers, P.E., Rogers Engineering & Land Surveying, LLC

Project Planner: Breah Miller, Planner II

Applicant Request: from: B-2, Community Business
to: M-1, Light Industrial

Rezone the subject property from B-2, Community Business, to M-1, Light Industrial.

Future Land Use: Employment Center

Parcel Information

Acres: ±9.10 acres

Parcel(s)#: 2284-006-000

Location: 240 SW 46th Avenue

Existing use: Undeveloped

Overlay(s): N/A

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Employment Center	B-2, Community Business	Parking Lot (Commercial Vehicle Driving Facility)
East	Commercial (County) Employment Center(City)	B-5, Heavy Business (County) M-2, Medium Industrial (City)	Undeveloped
South	Employment Center	M-1, Light Industrial	Costco Wholesale Logistics (Innovel Distribution Facility)
West	Employment Center	M-2, Medium Industrial	Trinity Tile Group

Applicant Request

The petitioner is requesting to rezone the subject property from B-2, Community Business, to M-1, Light Industrial. The petitioner has indicated an intention to develop a home garden and hobby farm equipment sales facility. However, a site plan or conceptual plan has not been submitted.

Background

The subject property, identified by Parcel Identification Number 2284-006-000, was annexed into the city in 2000 and remains heavily wooded and undeveloped. The subject property was originally zoned M-1, Light Industrial, when it was annexed into the city limits. In 2021, the subject property and the property to the north received approval of rezoning to B-2, Community Business, to permit an event center. The proposed event center received site plan approval in July 2022 through case SPL22-44763. Per Section 122-220, approval shall be valid for two years from the time of approval, with an automatic one-year extension providing there have been no changes in the city's requirements during those two years.

The city maintains SW 46th Avenue which runs north and south and is adjacent to the subject property to the east. This road segment is part of the city's 44th Avenue extension project that will help complete a north/south beltway on the western side of Ocala and I-75. While some segments of this north/south beltway have been completed, there are sections still under construction.

Existing and Proposed Zoning District Standards

	Future Land Use	Zoning District	Intent and Purpose	Minimum Lot Area (square feet)	Maximum Building Height (feet)
Existing	Employment Center	B-2, Community Business	The community business and limited community business (B-2 and B-2A) districts are intended for community businesses, including retail sales, personal and business services, and all office uses. Businesses shall be based on walk-in trade, rather than delivery of supplies and large commodities.	10,000	50
Proposed	Employment Center	M-1, Light Industrial	The light industrial (M-1) district is intended primarily for wholesale distribution, warehouse storage, research and development, showroom sales, and light manufacturing of	10,000	60

			finished or semi-finished products. The light industrial uses shall be compatible with the surrounding uses.		
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Staff Analysis

The subject property currently resides as part of the westerly boundary of an existing enclave within the city. This area is characterized by industrial uses within city limits and heavy business uses in the adjacent county properties. It is noted that the heavy business uses are located within the enclave.

It is important to emphasize that should this rezoning be approved, the previously approved site plan associated with the current B-2 zoning will become invalid. Specifically, the commercial recreation, indoor facilities use approved with this site plan is not a permitted use within M-1, Light Industrial zoning district.

The subject property is consistent with the following lot requirements for M-1:

- A minimum of 100-feet of frontage
- A minimum of 10,000 square feet in lot area

In comparison of permitted uses, the existing B-2, Community Business, zoning provides a greater range of retail and commercial uses than M-1. However, of the two zoning districts, the intended home garden and hobby farm equipment sales is only a permitted principal use in M-1. The requested zoning is consistent with the Employment Center future land use classification, pursuant to Section 122-244 of the Ocala Code of Ordinances. The property was originally zoned M-1; therefore, returning to M-1 would not negatively impact the surrounding area.

The SW 44th Avenue extension is a 3-phase project that will include widening and extension of the roadway from SR200 to US 27. Per the Ocala/Marion County Major Transportation report for fiscal year 2024-2025, “the intent of this project is to reduce congestion, improve the safety and connectivity, and provide multi-modal transportation.” The completion of this roadway project and a rezoning to M-1 will make the intersection of SR 40 and SW 46th Avenue a heavily utilized, industrial node.

Factual Support

1. The requested rezoning is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:
 - a. Future Land Use Element Policy 6.5: Employment Center. The intent of the Employment Center land use is to provide a regionally-important hub for business, enterprise, research and development, and employment activities. Employment Centers are generally single use districts, but may include more than one (1) use if there are appropriate buffers and transitions between complementary uses. Permitted uses shall include a primary use and may include a secondary use. Primary uses are industrial, office and commercial. Secondary uses are public, recreation, institutional, and residential, as well as educational facilities. There are no form requirements in this land use category.

Access is primarily from major collectors, arterials, or limited-access highways. The primary modes of transportation include automobiles, trucks, freight rail, bus, and commuter rail transit. Provisions should be made for walking, bicycles, and transit.

There is no minimum density and intensity in this future land use category. The maximum density and intensity before any incentives is 24 dwelling units per gross acre or 2.00 FAR. The location and application of incentives shall be set forth in the Land Development Code.

Staff Comment: Pursuant to this Comprehensive Plan Policy, the Employment Center land use is intended as regional hubs, the property is bounded on two sides with industrially zoned distribution properties, and it is located along a major arterial roadway.

- b. 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. 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, 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 Level of Service analysis section of this report indicates adequate public facilities are available to serve the subject property.

- ii. Future Land Use Policy 12.2: The City shall permit new industrial development only when City sewer lines are available concurrent with the industrial development and have capacity sufficient to handle the wastewater. Wastewater connections are subject to the requirements of Section 367.111, Florida Statutes. Industries with wastewater which do not meet City quality standards set forth in Ch. 24-164 shall be required to pretreat their wastewater before transporting it to publicly owned sewage treatment facilities.

Staff Comment: As identified below in the Level of Service Analysis, adequate public facilities exist to service the subject property. Proposed development will be required to undergo site plan review. At that time, the development will be required to provide or connect to existing facilities to ensure adequate services prior to construction.

- c. Future Land Use Element Objective 14: The City shall continue existing regulations or adopt new regulations to ensure that development is consistent with the Future Land Use Map and are compatible with neighboring development, available services and facilities, and topography and soil conditions.
 - i. Policy 14.1.5: Industrial uses will not be allowed to use local residential streets as a major means of transportation.

Staff Comment: The subject property has access to SW 46th Avenue which is a primary north/south roadway providing service to larger industrial areas west of I-75.

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

- a. Section 122-133(b)(1): The application requests to rezone parcel or parcels that are a minimum of 30,000 square feet of area not separated by a right-of-way for a street, a street, or a drainage retention area.

Staff Comment: The subject parcel is greater than 30,000 square feet in area, not separated in any manner.

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

Employment Center	O-1, OP, B-1, B-1A, B-2, B-2A, B-4, B-5, SC, M-1, M-2, M-3, G-U, INST, A-1, PD, FBC
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- a. Section 122-761: The light industrial (M-1) district is intended primarily for wholesale distribution, warehouse storage, research and development, showroom sales, and light manufacturing of finished or semi-finished products. The light industrial uses shall be compatible with the surrounding uses. Outdoor manufacturing is not allowed in the M-1 district. Outdoor storage is allowed as a permitted accessory use, if it complies with design criteria in section 12-763. Additional outdoor storage, subject to design criteria (see section 122-767) can be requested as part of the public hearing process before the planning and zoning commission and city council. Service establishments serving the industrial uses or the district shall be permitted. Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.

Staff Comment: The M-1 zoning district is consistent with the applicants intended use of the subject property: home garden and hobby farm equipment sales facility.

Level of Service Analysis

Transportation: The subject property has approximately 365-feet of frontage along west side of SW 46th Avenue, south of SR 40. 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	2021 AADT	Existing LOS
SW 46 th Avenue	4	45 MPH	Arterial	E	16,727	9,100	C

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

Internet: Service is available. A city fiber optic cable runs along SW 46th Avenue just south of the subject property.

Potable Water: Service is available. A city water main runs along SW 46th 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 SW 46th 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 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 1.57 miles from the subject property, at 240 SW 46th Avenue.

Schools: The proposed rezoning is not anticipated to impact school capacity.

Staff Findings and Recommendation

- The proposed rezoning is consistent with the Employment Center Future Land Use classification, pursuant to Section 122-244 of the Code of Ordinances.
- During the required site plan process adequate public facilities will be required to service the proposed development.
- The proposed zoning is compatible with the surrounding area.
- At the time of site plan review, the developer will be required to come into compliance with the City of Ocala Code of Ordinances, including the Supplementary District Regulations consistent with Section 122-1220.

Staff Recommendation: <i>Approval</i>
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Permitted Uses Table:

Permitted Use Type	B-2, Community Business Zoning District	M-1, Light Industrial Zoning District
<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 	<ul style="list-style-type: none"> • <i>None permitted</i>
<i>Residential Type</i>	<ul style="list-style-type: none"> • Multifamily dwellings* • Single-family dwelling • Single-family (attached) dwelling* • Two-family dwelling 	<ul style="list-style-type: none"> • <i>None permitted</i>
<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 stores • Swimming pool sales (enclosed) • Used merchandise store* • Videotape store 	<ul style="list-style-type: none"> • Furniture store* • Home garden/hobby farm equipment sales* • Used merchandise*
<i>Vehicular Sales</i>	<i>None permitted</i>	<ul style="list-style-type: none"> • Construction/farm equipment sales* • Truck rental and sales*
<i>Agricultural Use</i>	<i>None permitted</i>	<ul style="list-style-type: none"> • Indoor greenhouse* • Indoor hemp facility*
<i>Business Service</i>	<ul style="list-style-type: none"> • Equipment rental and leasing • General business service • Parking garage (or structure) • Parking lot • Pest control service 	<ul style="list-style-type: none"> • Advertising service (on-site/off-site signs) • Construction service establishment* • Day labor service*

	<ul style="list-style-type: none"> • Radio/TV broadcasting facility • Security systems service 	<ul style="list-style-type: none"> • Equipment rental and leasing • General business service • Maintenance and cleaning service • Parking garage (or structure) • Parking lot • Pest control service • Radio/TV broadcasting facility • Security systems service
<i>Eating or Drinking Establishment</i>	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establishment (on-premises consumption) • Drive-in or drive-through restaurant* • Fast-food restaurant • Restaurant (enclosed)* 	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Restaurant (enclosed)*
<i>Hospitality and Tourism</i>	<ul style="list-style-type: none"> • Antique gallery/art gallery/museum • Conference center • Hotel/convention center • Motel 	<i>None permitted</i>
<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 services • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office 	<ul style="list-style-type: none"> • Commercial photography (art and graphic design service) • Computer maintenance and repair • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office
<i>Personal Service</i>	<ul style="list-style-type: none"> • Check cashing establishment • Coin-operated laundry and dry cleaning • Emergency shelter 	<ul style="list-style-type: none"> • Bail bonds agency • Kennel • Laundry and dry cleaning service

	<ul style="list-style-type: none"> • Funeral home and/or crematory • Hairstyling shop • Laundry and dry-cleaning pickup establishment • Laundry and dry cleaning service • Major household repair establishment • Mini-warehouse (self-service storage facility)* • Minor household repair establishment • Recreational vehicle park* • Recycling collection point • Tattoo or body piercing establishment 	<ul style="list-style-type: none"> • Major household repair establishment • Mini-warehouse (self-service storage facility)* • Minor household repair establishment • Recycling collection point
<i>Adult Use Establishment</i>	<i>None permitted</i>	<i>None permitted</i>
<i>Vehicular Service</i>	<ul style="list-style-type: none"> • Auto repair, minor • Automobile cleaning/detailing services • Drive-through facility (non-restaurant)* • Full-service station* • Self-service station/convenience store* 	<ul style="list-style-type: none"> • Auto repair, minor • Repair garage • Self-service station/convenience 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"> • Day care facility*
<i>Educational Use</i>	<ul style="list-style-type: none"> • Colleges/universities • Community education center • School, private elementary and secondary • Speech and language center/school • Vocational professional school 	<ul style="list-style-type: none"> • Community education center • Vocational professional school
<i>Recreational Use</i>	<ul style="list-style-type: none"> • Bowling center • Commercial outdoor baseball batting facility* • Commercial recreation, indoor 	<ul style="list-style-type: none"> • Recreation facility, indoor* • Shooting range, indoor*

	<ul style="list-style-type: none"> • Commercial recreation, outdoor* • Dance/art/music studio • Driving range* • Miniature golf* • Motion picture theaters (except drive-in) • Multipurpose facility • Physical fitness center • Recreation facility, indoor 	
<i>Public Use</i>	<ul style="list-style-type: none"> • Park/open space area* • Post office (federal) • Public transportation terminal* 	<ul style="list-style-type: none"> • <i>None permitted</i>
<i>Health Care Use</i>	<ul style="list-style-type: none"> • Assisted living facility* • Medical and dental laboratory • Medical and dental office on major and minor arterials • Medical and dental office on local and collector streets • Transitional/recovery facility* • Transitional treatment facility* • Veterinarian office 	<ul style="list-style-type: none"> • Medical and dental laboratory • Veterinarian office
<i>High-Impact Industrial Use</i>	<i>None permitted</i>	<i>None permitted</i>
<i>Low-Impact Industrial Use</i>	<ul style="list-style-type: none"> • Assembly of electronic components* • Microbrewery/microdistillery 	<ul style="list-style-type: none"> • Assembly of electronic components • Carpet and upholstery cleaning • Manufacturing, light • Newspaper printing facility • Packing and crating • Recycling center • Research and testing laboratory • Truck/freight terminal • Warehouse • Wholesale and distribution

*Permitted by Special Exception