



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2023-1707

Agenda Item #: b.

Paglia & Associates, LLC / ZON23-45305

Petitioner: Robert W. Batsel Jr., Gooding & Batsel, PLLC

Planner: Emily Johnson 352-629-8313

ewjohnson@ocalafl.gov

A request to rezone from M-1, Light Industrial, to M-2, Medium Industrial, property located at 3100 SW 3rd Street; approximately 2.11 acres.

Recommended Action: Approval

City Council Tentative Schedule: Upon recommendation of approval or denial by the P & Z Commission, this item will be presented to City Council for introduction at the **Tuesday, October 3, 2023**, City Council meeting and second and final hearing at the **Tuesday, October 17, 2023** City Council meeting.

CITY OF OCALA
PLANNING AND ZONING COMMISSION MEMO

Meeting Date: September 11, 2023

Subject: Zoning Change

Submitted by: Emily W. Johnson, AICP

City Council Date: October 3, 2023 (1st reading)

October 17, 2023 (2nd & final reading/public hearing)

STAFF RECOMMENDATION (Motion Ready): **Approval** of a zoning change from M-1, Light Industrial, to M-2, Medium Industrial, for property located at 3100 SW 3rd Street, parcel number 22767-002-00, approximately 2.11 acres (Case ZON23-45305).

OCALA’S RELEVANT STRATEGIC GOALS: Economic Hub, Quality of Place

BACKGROUND:

- Petitioner: Robert W. Batsel, Jr., Gooding & Batsel, PLLC
- Property Owner: Paglia & Associates, LLC
- The subject property is currently developed with a Recycling Center, which is an allowed use within both the current (M-1) and proposed (M-2) zoning districts.
- The Petitioner is requesting to rezone the subject property from M-1, Light Industrial, to M-2, Medium Industrial, with the intention of reclassifying the subject property as a Materials Recovery Facility (MRF). MRFs are only permitted in the M-2 and M-3 zoning districts, and must comply with the supplementary criteria contained under LDR 122-1225.
- The Petitioner has submitted a separate application for a Code Amendment to Section 122-1225 to amend the supplementary district criteria for MRFs; and an application for a lot reconfiguration to combine the subject property with the southern-adjacent parcel, which is already zoned M-2.

FINDINGS AND CONCLUSIONS: The M-2, Medium Industrial zoning district is consistent with the Employment Center future land use classification. The proposed zoning is consistent and compatible with the surrounding area.

FISCAL IMPACT: N/A

ALTERNATIVES:

- Approve with changes
- Deny
- Table

SUPPORT MATERIALS:

- Staff Report
- Aerial Map

- Case Map



Petitioner: Robert W. Batsel, Jr., Gooding & Batsel, PLLC
Property Owner: Paglia & Associates, LLC
Project Planner: Emily W. Johnson, AICP
Zoning Change Request: from: M-1, Light Industrial
to: M-2, Medium Industrial

Parcel Information

Acres: ±2.11 acres
Parcel(s)#: 22767-002-00
Location: 3100 SW 3rd Street
Existing use: Recycling Center
Future Land Use: Employment Center
Overlay(s): West Ocala Community Redevelopment Area (CRA)

Adjacent Land

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Employment Center	M-1	Light Industrial, Manufacturing and Warehouse (Nextrail of Florida, Inc)
East	Employment Center	M-2	Auto supply store, Wholesale and distribution center & Truck/freight terminal (Raney's Chrome Shop)
South	Employment Center	M-2	Undeveloped
West	Employment Center	M-2 and M-1	Wholesale and distribution center & Warehouse (Tri-State Distributors)

Background

The subject property, owned by Paglia & Associates, is generally located south of the terminus of Southwest 3rd Street, approximately 500 feet east of the intersection of Southwest 3rd Street and Southwest 33rd Avenue. The 2.11-acre site is currently developed with a Recycling Center, which is engaged solely in the processing, resale, or reuse of recovered materials¹. The subject property is located within the West Ocala CRA.

The Petitioner is requesting to rezone the subject property from M-1, Light Industrial, to M-2, Medium Industrial, with intention of reclassifying the subject property as a Materials Recovery Facility (MRF) engaged in the separation of solid waste and recyclable materials, processing of materials for reuse, relocation of solid waste materials to an offsite landfill, and outdoor storage of dumpsters, portable

¹ City of Ocala Code of Ordinances, Chapter 122, Article I, Sec 122-3.

toilets, and other waste management equipment. The Petitioner has submitted a separate application for a Code Amendment to Section 122-1225 to amend the supplementary district criteria for MRFs; and an application for a lot reconfiguration to combine the subject property with the southern-adjacent parcel, which is already zoned M-2.

The present M-1 zoning district does not allow for the proposed MRF use. MRFs are only permitted in the M-2 and M-3 zoning districts, and must comply with the supplementary criteria contained under LDR 122-1225. Additionally, the existing M-1 zoning district limits the size and location of any accessory outdoor storage²; whereas outdoor storage is allowed as an accessory use within the M-2 zoning district without such limitations.

The subject property is directly adjacent to an M-2 zoned property to the east, which is currently developed with an auto supply store, wholesale and distribution center, and truck/freight terminal (Raney's Chrome Shop); the undeveloped M-2 zoned parcel to the south is under the same ownership as the subject property, and includes an easement for access which runs along the western boundary of the subject property. The proposed zoning change is compatible with the surrounding area and is consistent with the existing underlying land use, Employment Center.

Staff Recommendation:

<i>Approval</i>

Basis for Approval

The M-2, Medium Industrial zoning district is consistent with the Employment Center future land use classification. The proposed zoning is consistent and compatible with the surrounding area.

Factual Support

1. The proposed M-2, Medium Industrial zoning district is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:
 - a. **Policy 6.5: Employment Center:** The intent of this designation 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.

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.

2. Approval of this request will not adversely affect the health, safety, convenience, prosperity, or general welfare of the community.

² City of Ocala Code of Ordinances, Division 25, Article V, Sec 122-763.

Level of Service Impact Analysis

Transportation: The subject property has frontage along SW 3rd Street; which is a local road with low traffic volume. Access to SW 3rd Street is via its intersection with SW 33rd Avenue, approximately 500 feet east of the subject property. The congestion management data for SW 33rd Avenue is provided below.³ 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 33 AV	2	35 MPH	Collector	E	29,340	2,700	B

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

Potable Water: Service is available. A City water main runs along SW 3rd Street, with existing connections to the subject property.

Sanitary Sewer: Service is available. A City gravity and force main runs along SW 3rd Street, with existing connections to the subject property.

From Jan 2022 through Dec 2022	WTP #1	Total Maximum Daily Flow at Plant as recorded on MOR during last 12 month period, MGD and which month									
PWS ID:	3420922	15.670 MGD on May 18, 2022									
Permitted Capacity (MGD):	24.42										
From Jan 2022 through Dec 2022	WRF #2	Maximum monthly average daily flow over the last 12 month period					Maximum 3-month average daily flow over the last 12 month period				
Facility ID:	FLA010680	4.941 MGD in September 2022					4.891 MGD in Sep, Oct and Nov of 2022				
Permitted Capacity (MGD):	6.5										

Source: City of Ocala Water Resources

Stormwater: 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.⁴

Solid Waste: Service is available.

Fire Service: Ocala Fire Rescue Station #4 is located 1.13 miles away.

Schools: The proposed development is not anticipated to generate attendance towards the public schools zoned to the surrounding area. The proposed use as a MRF may not operate within 200-feet of a school or day care facility.⁵ College Park Elementary School is located approximately 0.67 miles from the subject property.

³ Ocala-Marion TPO, *Congestion Management Plan Roadway Database*, October 2021.

⁴ City of Ocala Comprehensive Plan, Stormwater Sub-Element, Policy 6.5.

⁵ City of Ocala Code of Ordinances, Division 1, Article IX, Sec 122-1225.

Zoning

Existing

M-1, Light Industrial District: 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.⁶

Requested

M-2, Medium Industrial District: The medium industrial (M-2) district is intended primarily for the wholesale distribution, warehouse storage, outdoor storage and sales, research and development and light manufacturing of finished or semi-finished products in multiple-use facilities or structures. Outdoor manufacturing activities associated with permitted uses may be allowed in the M-2 district as a special exception. Service establishments serving the industrial uses or district shall be permitted. Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.⁷

Permitted Uses Table:

	M-1, Light Industrial	Both Districts	M-2, Medium Industrial
<i>Retail Uses</i>		<ul style="list-style-type: none"> Furniture Store (minimum of 10,000 square feet of warehouse space) Home garden/hobby farm equipment sales Used merchandise store 	
<i>Vehicular Sales</i>	<ul style="list-style-type: none"> Construction/ farm equipment sales* 	<ul style="list-style-type: none"> Truck rental and sales (permitted by Special Exception in M-1) 	
<i>Agricultural Uses</i>		<ul style="list-style-type: none"> Indoor greenhouse Indoor hemp facility 	
<i>Business Services</i>		<ul style="list-style-type: none"> Advertising services (on- 	

⁶ City of Ocala Code of Ordinances, Division 25, Sec 122-761.

⁷ City of Ocala Code of Ordinances, Division 26, Sec 122-781.

		<ul style="list-style-type: none"> site/off-site signs) • Construction service establishment • Day labor service establishment (permitted by Special Exception in M-1) • Equipment rental and leasing • General business service • Maintenance and cleaning service • Parking garage (or structure) • Parking lot • Pest control service • Radio/TV broadcasting facilities • Security systems service 	
<i>Eating or Drinking Establishment</i>		<ul style="list-style-type: none"> • Alcoholic Beverage Establishment (off-premises consumption) • Restaurant (enclosed) 	
<i>Office Use</i>		<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"> • Laundry and dry-cleaning service 	<ul style="list-style-type: none"> • Bail bonds agency • Kennel • Major household repair establishment 	

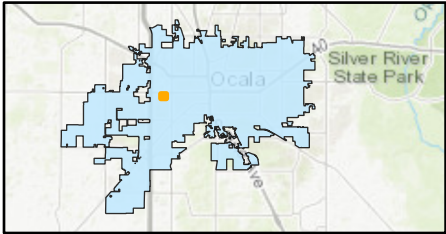
		<ul style="list-style-type: none"> • Mini-warehouse • Minor household repair establishment • Recycling collection point 	
<i>Vehicular Service</i>	<ul style="list-style-type: none"> • Auto repair, minor 	<ul style="list-style-type: none"> • Repair garage • Self-service/convenience store 	
<i>Community Service</i>		<ul style="list-style-type: none"> • Day care facilities* 	
<i>Educational Use</i>		<ul style="list-style-type: none"> • Community education center • Vocational/professional school 	
<i>Recreational Use</i>		<ul style="list-style-type: none"> • Recreation facility, indoor* 	
<i>Public Use</i>			<ul style="list-style-type: none"> • Airport
<i>Health Care Use</i>		<ul style="list-style-type: none"> • Medical and dental laboratory • Veterinarian office 	
<i>Industrial Uses</i>	<ul style="list-style-type: none"> • Microbrewery/microdistillery 	<ul style="list-style-type: none"> • Assembly of electronics components • Carpet and upholstery cleaning • Manufacturing, light • Newspaper printing facilities • Packing and crating • Recycling center • Research and testing laboratory • Truck/freight terminal • Warehouse • Wholesale and distribution 	<ul style="list-style-type: none"> • Construction and demolition landfill • Materials recovery facility • Industrial dry cleaning plant* • Outdoor manufacturing*



*Permitted by Special Exception

AERIAL MAP

Case Number: ZON23-45305
Parcel: 22767-002-00

Property Size: Approximately 2.11 acres
Land Use Designation: Employment Center
Zoning: M-1, Light Industrial
Proposal: Request to rezone from M-1, Light Industrial to M-2, Medium Industrial



 Property
 Parcels



CASE MAP

Case Number:

ZON23-45305

Parcel:

22767-002-00

Property Size:

Approximately 2.11 acres

Land Use Designation:

Employment Center

Zoning:

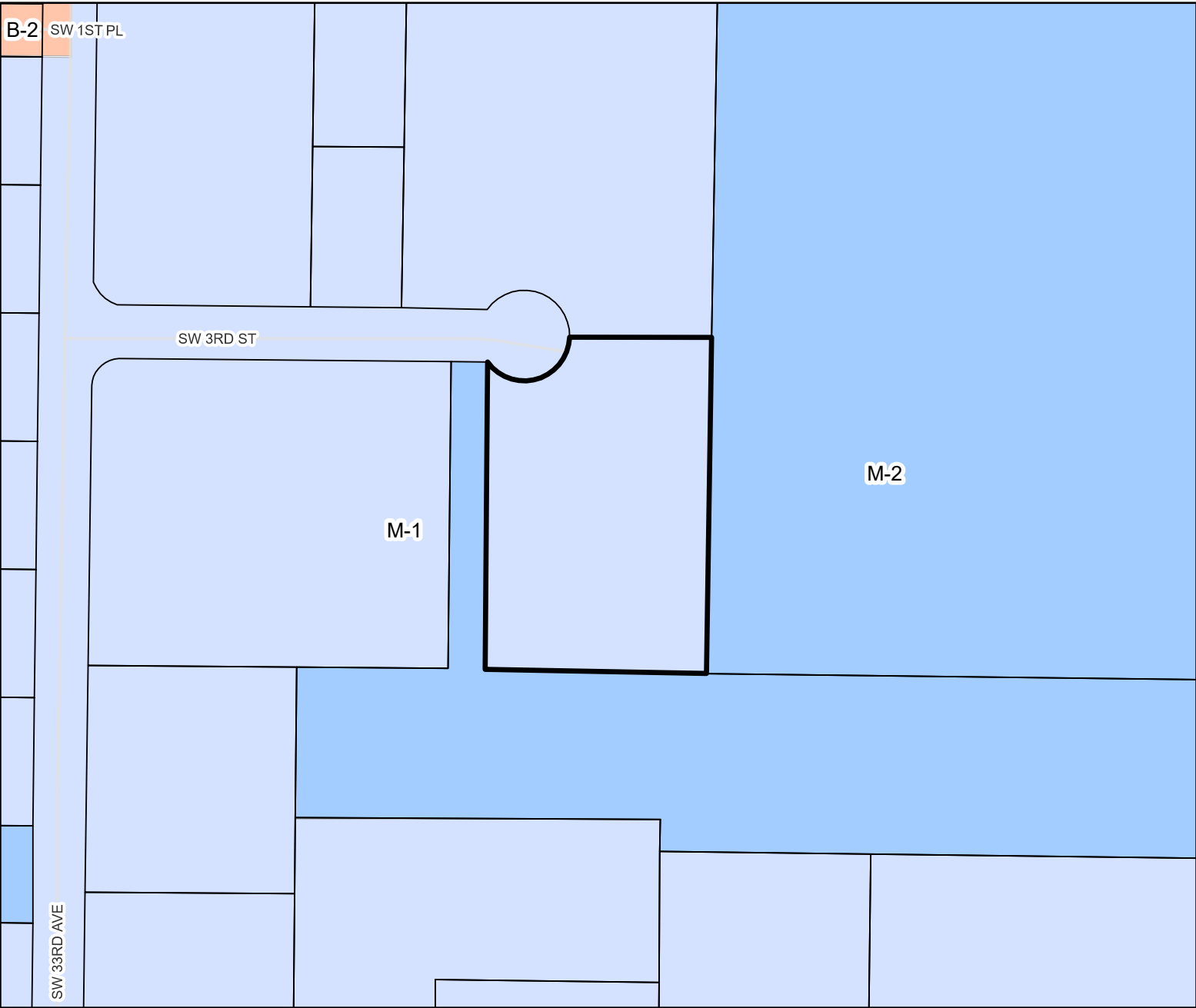
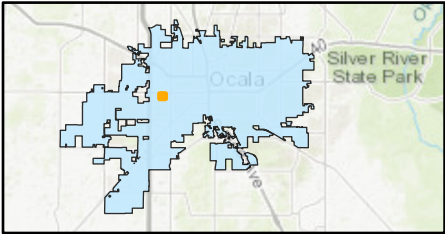
M-1, Light Industrial

Proposal:

Request to rezone from M-1, Light Industrial to M-2, Medium Industrial

P&Z Meeting: September 11, 2023

Location Map



- Property
- Parcels
- B-2:Community Business
- M-1:Light Industrial
- M-2:Medium Industrial

