



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2024-0901

Agenda Item #: a.

HWY 40 Investment LLC, and Central FL Petroleum Distributors LC / ZON24-45514

Petitioner: HWY 40 Investment, LLC and Central FL Petroleum Distributors LC

Agent: Craig Brashier, AICP, CHW, Inc.

Planner: Emily Johnson 352-629-8313

ewjohnson@ocalafl.gov

A request to rezone from B-2 Community Business (County) to B-2, Community Business (City), for a property located at the northeast corner of NW 60th Avenue and W Highway 40 (Parcel 2303-013-001, 2303-012-067, 2303-012-072 and 23174-000-00); approximately 2.56 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, April 2, 2024**, City Council meeting and second and final hearing at the **Tuesday, April 16, 2024**, City Council meeting.

PLANNING AND ZONING COMMISSION MEMO

Subject: Rezoning

Submitted by: Emily W. Johnson, AICP

City Council Date: April 2, 2024 (1st reading)
April 16, 2024 (2nd & final reading/public hearing)

STAFF RECOMMENDATION (Motion Ready): **Approval** of a request to rezone from B-2, Community Business (County), to B-2, Community Business (City), for four parcels located at the northeast corner of NW 60th Avenue and W Highway 40, Parcel Numbers 2303-013-001, 2303-012-067, 2303-012-072, and 23174-000-00; approximately 2.56 acres. (Case ZON24-45514).

OCALA'S RELEVANT STRATEGIC GOALS: Economic Hub

BACKGROUND:

- Petitioner: HWY 40 Investment LLC & Central FL Petroleum Distributors LC
- Property Owner: HWY 40 Investment LLC & Central FL Petroleum Distributors LC
- Agent: Craig Brashier, AICP, CHW Professional Consultants
- The subject properties are in unincorporated Marion County and the petitioner is requesting to annex the properties into the city to connect to City utilities and facilitate future development of a hotel; however, a site plan for the proposed development has not been submitted at this time.
- Two of the four subject properties are improved; Parcel Number 2303-013-001 is currently developed with an operating self-service station/convenience store use (Shell gas station), and Parcel Number 2303-012-067 is currently developed with a single-family residence. Both existing uses are permitted within the requested B-2, Community Business zoning district under City of Ocala Code of Ordinances Section 122-622. Parcel Numbers 2303-012-072 and 23174-000-00 are vacant and undeveloped.
- The subject properties are contiguous to City limits to the south, across SR-40, and to the west, across NW 60th Avenue; the annexation into the city limits does not create an enclave.
- Adequate public facilities are available for the subject properties.
- The subject properties are currently zoned B-2, Community Business in unincorporated Marion County; the existing self-service station/convenience store and single-family residence uses, and the proposed hotel use, are permitted within the requested B-2, Community Business zoning district under City of Ocala Code of Ordinances Section 122-622. The subject properties meet the minimum frontage requirement (100-feet) and the minimum area requirement (10,000 square feet) for the requested B-2, Community Business, zoning district.
- The petitioner has submitted concurrent applications for annexation (ANX24-45512) and land use change to Low Intensity (Case: LUC24-45513).

ZON24-45514

FINDINGS AND CONCLUSIONS: The B-2 zoning district is consistent with the requested Low Intensity future land use classification, pursuant to Section 122-244 of the Code of Ordinances. Adequate public facilities exist to service the proposed development. 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
- Case Map
- Aerial Map



Staff Report

Case No. ZON24-45514

Planning & Zoning Commission: March 11, 2024

City Council (1st Reading): April 2, 2024

City Council (Adoption): April 16, 2024

Petitioner: HWY 40 Investment LLC & Central FL Petroleum Distributors LC
Property Owner: HWY 40 Investment LLC & Central FL Petroleum Distributors LC
Agent: Craig Brashier, AICP, CHW Professional Consultants
Project Planner: Emily W. Johnson, AICP
Applicant Request: Rezone from B-2, Community Business (County), to B-2, Community Business (City) to facilitate future development of a hotel.

Existing Future Land Use: Commercial (County)
Proposed Future Land Use: Low Intensity (City)
Existing Zoning District: B-2, Community Business (County)
Proposed Zoning District: B-2, Community Business (City)

Parcel Information

Acres: ± 2.56 acres
Parcel(s)#: 2303-013-001, 2303-012-067, 2303-012-072, and 23174-000-00
Location: The northeast corner of NW 60th Avenue and W Highway 40
Existing use: Self-service station/convenience store (Shell), single-family residence, and vacant commercial
Overlay(s): N/A

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Medium Residential (County)	R-2, One and Two-Family Dwelling (County)	Single-family residences
South	Employment Center (City)	B-2, Community Business (City)	Self-service station/convenience store (Circle K) Financial institution (First Federal Bank)
East	Commercial (County)	R-2, One and Two-Family Dwelling (County) B-2, Community Business (County)	Vacant Residential Business and professional office

West	Low Intensity (City)	B-2, Community Business (City)	Vacant Commercial
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Background

The subject properties, identified by Parcel Identification Numbers 2303-013-001, 2303-012-067, 2303-012-072, and 23174-000-00 contain approximately 2.56 cumulative acres, and are generally located in the 5900 block between West SR-40 and NW 1st Street. The subject properties are identified as part of Blocks M and L of the recorded plat of Ocala Ridge Unit 3 (Plat Book G, Page 38), as recorded on January 26, 1960. The plat does not identify any restrictions on use or annexation; several lots within the same Block L have been annexed and are utilized for commercial purposes.

The subject properties are contiguous to City limits to the south, across SR-40, and to the west, across NW 60th Avenue. Located to the northeast of the Ocala International Airport, the properties will require an aviation easement at such time that they are developed with vertical improvements. This easement limits the right to generate noise, dust, turbulence, vibration, illumination, air currents, fumes, exhaust, smoke, and other effects inherent to the operation of aircraft. This agreement is important for maintaining safety and accommodating aviation needs near the airport.

Two of the four subject properties are improved; Parcel Number 2303-013-001 is currently developed with an operating self-service station/convenience store use (Shell gas station), and Parcel Number 2303-012-067 is currently developed with a single-family residence. Both existing uses are permitted within the requested B-2, Community Business zoning district under City of Ocala Code of Ordinances Section 122-622. Parcel Numbers 2303-012-072 and 23174-000-00 are vacant and undeveloped.

The subject properties are in unincorporated Marion County and the petitioner is requesting to annex the properties (ANX24-45512) into the City to obtain City utilities for the future development of a hotel; however, a site plan for the proposed development has not been submitted at this time. The petitioner has submitted concurrent applications for a land use change to Low Intensity (Case: LUC24-45513) and rezoning to B-2, Community Business.

Existing and Proposed Development Standards

	Zoning District	Intent and Purpose	Minimum Lot Area (square feet)	Maximum Building Height (feet)
Existing	B-2, Community Business (County)	The Community Business classification provides for the shopping and limited service needs of several neighborhoods, a community, or a substantial land area. Retail stores are intended to include general merchandise, fashion, durable goods, and personal services. All commercial activity involving retail sales or rentals shall take place in a completely enclosed building.	None	50 feet
Proposed	B-2, Community	The community business (B-2) district is	10,000 square feet	50 feet

	Business (City)	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		
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Staff Analysis

The subject properties are currently zoned B-2, Community Business in unincorporated Marion County; the existing self-service station/convenience store and single-family residence uses, and the proposed hotel use, are permitted within the requested B-2, Community Business zoning district under City of Ocala Code of Ordinances Section 122-622. The subject properties meet the minimum frontage requirement (100-feet) and the minimum area requirement (10,000 square feet) for the requested B-2, Community Business, zoning district.

The B-2 zoning district is consistent with the requested Low Intensity future land use classification, pursuant to Section 122-244 of the Code of Ordinances. Adequate public facilities exist to service the proposed development. The proposed zoning is consistent and compatible with the surrounding area.

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 6.3: Low Intensity The intent of the Low Intensity land use classification is 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.
 - 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. 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. The requested rezoning 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.
- b. Section 122-244 - District criteria: Zoning districts allowed under each land use classification.

Low Intensity	R-1, R-1A, R-1AA, R-2, R-3, RZL, RBH-1, RBH-2, RBH-3, OH, RO, O-1, OP, B-1, B-1A, B-2 , B-2A, B-4, B-5, SC, M-1, M-2, G-U, INST, A-1, PD, FBC
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- c. Section 122-621: 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. No incidental use involving manufacturing processes shall be allowed in the B-2A zone. Businesses shall be based on walk-in trade, rather than delivery of supplies and large commodities.
3. Approval of this request will not adversely affect the health, safety, convenience, prosperity, or general welfare of the community.

Level of Service Impact Analysis

Transportation: The subject properties have approximately 540-feet of frontage along West SR-40, 518-feet of frontage along NW 1st Street, and 210-feet of frontage along NW 60th Avenue. The 2023 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 60 th Ave to SW 52 nd Ave)	4	50 MPH	Arterial	D	38,430	27,100	C
NW 60 th Ave (From SR-40 to NW 17 th St)	4	45 MPH	Arterial	E	35,820	11,100	C

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

Internet: Service is available. A City fiber optic cable runs along NW 60th Ave, bordering the subject properties to the west.

Potable Water: Service is available. A City water main runs along SR-40 in front of the subject properties. 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 SR-40 in front of the subject 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: Trash pickup will be available when the properties are annexed into city. Service is available to the properties within the City limits to the south, west and east.

Fire Service: Ocala Fire Rescue Station #4, located at 3300 SW 20th Street, is approximately 2.7 miles from the subject properties.

Schools: This rezoning is not anticipated to affect any school district

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

Permitted Use Type	B-2, Community Business (County)	B-2, Community Business (City)
<i>Residential Operation</i>	<ul style="list-style-type: none"> • Model home sales lot, model home complex 	<ul style="list-style-type: none"> • Bed and breakfast • Community residential home • Fraternity or sorority house • Residence-Gallery • Residence-Office • Rooming/Boarding House
<i>Residential Type</i>	<ul style="list-style-type: none"> • Dwelling units for owner or employee 	<ul style="list-style-type: none"> • Single-family dwelling • Single-family dwellings (attached) • Two-family dwelling • Multi-family dwelling*
<i>General Retail</i>	<ul style="list-style-type: none"> • Artisan shops, antiques, art gallery, art supplies, astrologer, books and stationary, camera, clocks, clothing, craft, gifts, hobby supplies, ice cream shop, jewelry, leather goods, luggage, radio and television, shoes, souvenirs, smoke shop, tobacco, toys, watches and similar establishments including repair • Automobile parts, new • Bait and tackle, sporting goods • Bakery, meats, delicatessen, or confectionary • Bakery, industrial, commercial* • Garden supply • Gun shop • Household appliance, furnishings, sales, repair • Package liquor store • Pawnshop* • Plant nursery, retail • Plant nursery wholesale* • Produce, outside building* • Seafood shop • Stores, department, furniture, hardware, household appliances, optical, pet • Stores, drug • Swimming pool supplies* • Used merchandise, inside building • Used merchandise, outside building, including flea market* 	<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

<i>Vehicular Sales</i>	<ul style="list-style-type: none"> • Automobile, truck sales, new, used* • Automobile rental • Bicycle sales, rentals • Boats, marine motors sales, service • Golf cart, LSV sales • Motorcycle sales, service* • Recreational vehicle rental • Recreational vehicle sales* • Trailers, sales, and service* 	
<i>Agricultural Use</i>	<ul style="list-style-type: none"> • Agricultural uses as an interim use, excluding livestock • Horses or cattle, not a sales operation* • Land, farm management 	
<i>Business Service</i>	<ul style="list-style-type: none"> • Air-conditioning, heating, ventilation equipment sales, service, repair • Construction or contractor yard* • Lawn mowers, power, sales, repair • Lumber yards, building material sales* • Office furniture, equipment, sales, service • Paint and wallpaper • Parking garage, public • Parking lot • Parking of commercial vehicles for permitted business as an accessory use • Parking of commercial vehicles in excess of 16,000 lbs. not used by permitted business* 	<ul style="list-style-type: none"> • Equipment rental and leasing • General business service • Parking lot • Parking garage • Radio/TV broadcasting facility • Security systems service
<i>Eating or Drinking Establishment</i>	<ul style="list-style-type: none"> • Bar, alcohol sales • Food catering • Restaurant • Restaurant, including fast food, drive through 	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establish (on-premises consumption) • Fast food restaurant • Restaurant (enclosed), (drive-through window permitted as an accessory use) • Drive-in or drive-through restaurant*
<i>Hospitality and Tourism</i>	<ul style="list-style-type: none"> • Museum • Hotel, motel 	<ul style="list-style-type: none"> • Antique gallery/art gallery/museum • Conference center • Hotel/convention center • Motel

<i>Office Use</i>	<ul style="list-style-type: none"> • Advertising specialties • Bank, credit union, financial and loan • Employment office • Professional office 	<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
<i>Personal Service</i>	<ul style="list-style-type: none"> • Barber, beauty shop • Personal services, detective agency, dressmaker, dry-cleaning - including picking-up, florist, interior design, locksmith, laundry, laundromat, pressing, mending clothes, shoes including repair, tailor, travel agency • Pest control agency, supplies* • Storage, mini-warehouses • Tattoo, body-piercing parlor • Taxidermist • Cemetery, crematory, mausoleum* 	<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
<i>Adult Use Establishment</i>	<ul style="list-style-type: none"> • Nightclub 	
<i>Vehicular Service</i>	<ul style="list-style-type: none"> • Automobile paint and body shop* • Convenience store, gas station • Automobile repair, no paint or body work 	<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 store
<i>Community Service</i>	<ul style="list-style-type: none"> • Church, Places of Worship • Club, private, lodge, fraternity, sorority • Daycare, child, adult • Library • Orphanage 	<ul style="list-style-type: none"> • Church/place of worship • Day care facility • Library • Private club
<i>Educational Use</i>	<ul style="list-style-type: none"> • Schools, public, and accredited private or parochial 	<ul style="list-style-type: none"> • College/university • Community education center • School, private elementary and secondary • Speech and language center/school • Vocational/professional school

<i>Recreational Use</i>	<ul style="list-style-type: none"> • Bowling alley • Fitness centers and gymnasiums • Game arcade, coin-operated • Golf course • Studios, art, dance, music, photography, radio, television • Marina • Poolroom • Recreation building • Theater 	<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*
<i>Public Use</i>	<ul style="list-style-type: none"> • Public parks, playgrounds • Post Office, privately owned, leased • Sewage treatment plans (inflow exceeding 5,000 gallons per day)* • Sprayfields / effluent disposal area* • Utility company service yards* • Water wellfields* 	<ul style="list-style-type: none"> • Post office • Park/open space area* • Public transportation terminal*
<i>Health Care Use</i>	<ul style="list-style-type: none"> • Hospital • Veterinary clinic, small animals 	<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
<i>High-Impact Industrial Use</i>	<ul style="list-style-type: none"> • Garbage transfer station 	
<i>Low-Impact Industrial Use</i>	<ul style="list-style-type: none"> • Bottling plant (non-alcoholic beverages)* • Gas, bottled, refill cylinders* • Gas meter facility and supply lines, high pressure* • Storage warehouses* 	<ul style="list-style-type: none"> • Microbrewery/ microdistillery • Assembly of electronic components*

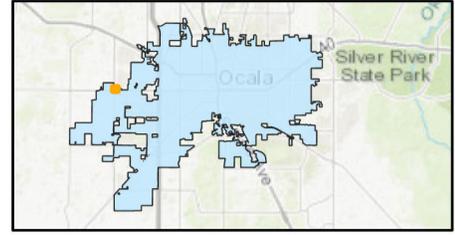
*Permitted by Special Exception

CASE MAP

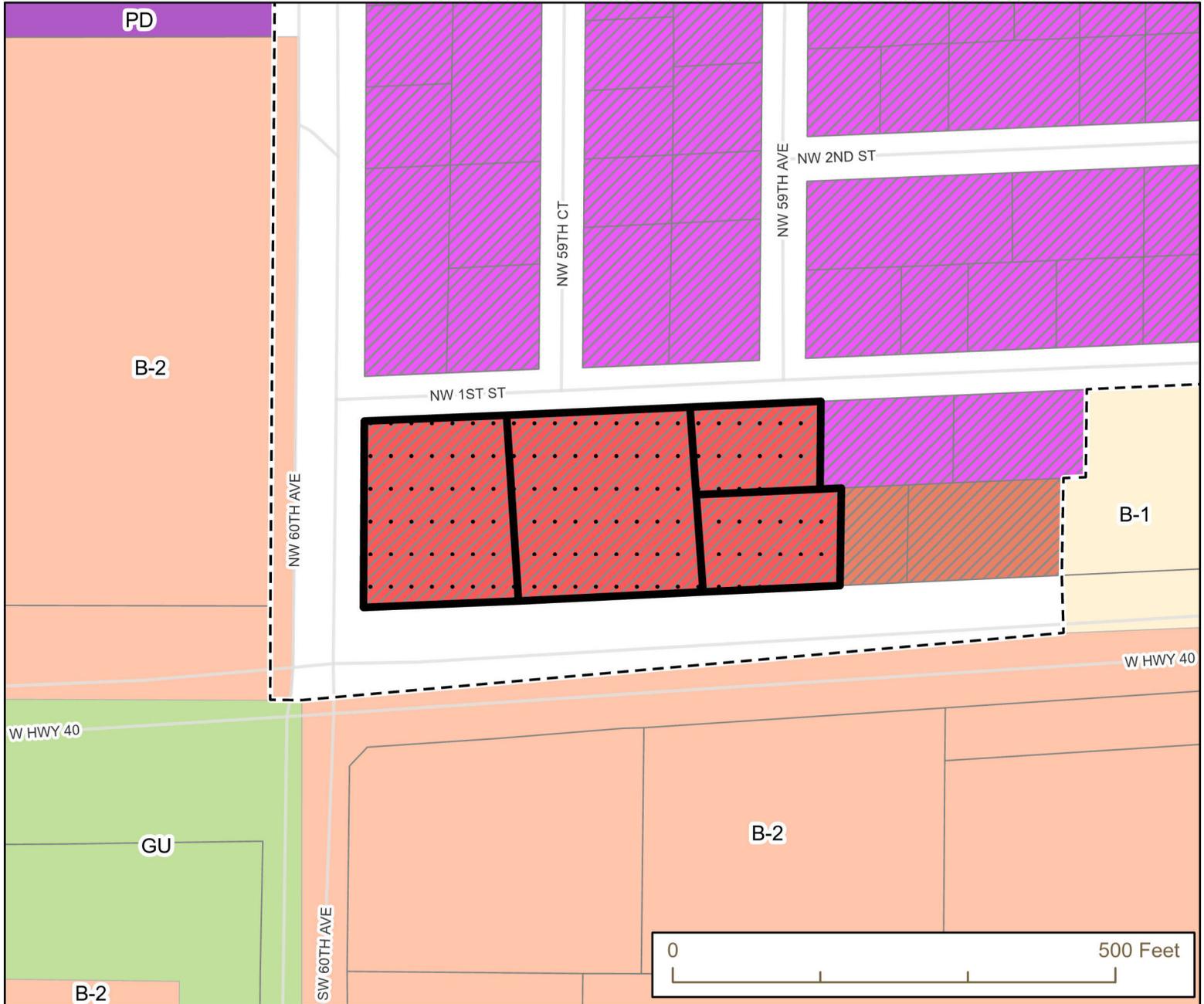
P&Z Meeting: March 11, 2024

Case Number: ZON24-45514
Parcel: 2303-012-067, 2303-012-072, 2303-013-001, 23174-000-00

Location Map



Property Size: Approximately 2.56 acres
Land Use Designation: Commercial (County)
Zoning: B-2, Community Business (County)
Proposal: A request to rezone from B-2 Community Business (County) to B-2, Community Business (City)



- Subject Property
- Parcels
- City Limits
- B-1:Neighborhood Business
- B-2:Community Business
- GU:Governmental Use
- Planned Development
- B-2, Community Business (county)
- B-4, Regional Business (county)
- R-2 (county)



CASE MAP

P&Z Meeting: March 11, 2024

Case Number: ZON24-45514
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Location Map



- Subject Property
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- B-4, Regional Business (county)
- R-2 (county)



Prepared by the City of Ocala
 Growth Management Department
 by kwirthin on 2/20/2024