



CITY OF OCALA GROWTH MANAGEMENT STAFF REPORT: ZONING CASE

CASE NUMBER ZON22-45004

HEARING DATES		
Planning and Zoning Commission:	City Council First Reading:	City Council Final Reading:
November 14, 2022	December 6, 2022	December 20, 2022
CASE INFORMATION: ZON22-45004		
Petition Request (Rezoning)	From	To
	M-1, Light Industrial District	B-5, Wholesale Business District
Property Owner	Kathy F. Smith	
Petitioner	Kathy F. Smith	
Parcel Number(s)	22291-000-00	
Property Address	2640 NW 10 th Street	
Property Size	0.90 +/- acres	
Future Land Use	Employment Center	
Zoning District	M-1, Light Industrial	
Existing Use	Multi-Unit Building: Vacant (Units A and J), Automotive Paint and Supply Co. (Units B, C, D, E, H), and U-Dump Trailers (Units G and F).	
Staff Planner	Jeff Shrum, AICP	
Attachments	#1 Case Map #2 Aerial Map #3 Site Photos #4 M-1 and B-5 Zoning District Standards and Permitted Uses	

I. BACKGROUND

Request: The property owner Kathy F. Smith submitted a rezoning application to the City on October 11, 2022. The request is to rezone the property located at 2640 NW 10th Street (Parcel ID 22291-000-00) from the current M-1, Light Industrial District to B-5, Wholesale Business District. The applicant

has indicated the purpose of the rezoning request is to allow for a general/grocery store intended to occupy the two vacant units. Attachment #1 of this report shows an aerial of the subject property and the surrounding area. Attachment #2 shows the existing zoning of the subject property and the zoning of surrounding properties.

Subject Property Information:

The subject property is approximately 0.90 +/- acres in size. The property has an existing 12,600-square-foot multi-unit structure “Plaza 27” built-in 1975. At present, the property has four assigned addresses for units A, B, F, and G. Current businesses occupying the building include Automotive Paint and Supply Co. and U-Dump Trailers. City records indicate that there has been previous non-conforming retail/business uses on this property including: a general/grocery store (Oma’s General Store in 2007) and a restaurant (Suzy’s Restaurant in 2004). Further review of City records does not indicate any code violations or complaints related to these previous non-conforming uses.

Surrounding Property Information:

Table 1: Surrounding Property Information			
Direction	FLUM	Zoning District	Existing Use(s)
East	Employment Center	M-1	Manufacturing and warehousing use
West	Employment Center	B-5	Under construction – U-Dump Trailers
North	Employment Center	B-5	Multi-unit building and Automotive Parts Store (O’Reilly Auto Parts, Various Retail/Business uses
South	Employment Center	B-5	Under construction – U-Dump Trailers

Attachment 3 of this report includes site pictures of the subject property and the surrounding area for additional information.

II. ANALYSIS

Existing M-1 Zoning: The subject property’s existing zoning designation of M-1, Light Industrial is defined in Section 122-176 of the Land Development Code as: “...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.”

Proposed B-5 Zoning: In comparison, the requested B-5, Wholesale Business district is defined in Section 122-174 and: “...is intended primarily for retail sales, wholesale trade and warehouse storage requiring a large site or structure. Outdoor sales with some B-5 uses are permitted, with criteria as set forth in [section 122-1205](#). Outdoor storage is a permitted accessory use with criteria as defined

in [section 122-282](#).” In terms of development standards, the B-5 zoning district establishes lot and yard standards for the potential to accommodate residential uses. The B-5 zoning district does not have a minimum lot area standard.

Staff Analysis:

The full listing of zoning standards and permitted uses for the M-1 and B-5 Zoning Districts can be found in Attachment #4 of this report (Chapter 122, Article V, Division 24 (B-5) and 25 (M-1). The significant difference between these two zoning categories is in the permitted uses for each district. A change from the M-1 zoning district to the B-5 zoning would increase the range of permitted business and retail uses allowed on the site. It is also noted that permitted outdoor sales and storage use standards remain similar between the B-5 and M-1 zoning districts. Another difference is that the M-1 district prohibits residential uses and the B-5 district allows limited residential use subject to recommendation by the Planning and Zoning Commission and approval by City Council. There is no change in the maximum building height which remains at 60’. If amended, the proposed B-5 zoning would:

- Add a limited residential use option for the subject property.
- Remove light manufacturing as a permitted use.
- Adds significant expansion to retail and business-permitted uses on the property.
- Removes the current minimum 10,000 square-foot lot size requirement (the parcel is approximately 39,204 square feet in size).

All other standards remain the same or are similar between the M-1 and B-5 zoning districts.

Consistency with the Land Development Code:

The subject property is surrounded by existing B-5 zoning to the north (across US 17), west, and south (see Zoning Map, Attachment #1). To the east is M-1 zoning which comprises the zoning designation for much of the area south of the US 27 corridor in this area. It is important to note general store/grocery store locations are very limited in this area.

Staff Analysis:

The fact that there have been previous grocery and restaurant uses on the subject property further minimizes any concerns for incompatibility between the subject property and surrounding M-1 zoned properties. Additionally, the expanded allowance for retail and restaurant uses in this commercial and industrial area of US 27 would provide additional shopping/retail and service opportunities. The proximity of retail/services businesses within this area would provide the opportunity for localized traffic and passerby traffic to stay within this US 27 corridor area and not travel to other destinations increasing congestion further west along US 27 or south to the SR 200 corridor.

- Limited general store/grocery store options in this area.
- Location of grocery/restaurant and retail options have the potential to reduce traffic impacts.
- The allowance of lesser intense uses through the B-5 zoning designation to surrounding M-1 zoned properties provides introduces the potential for compatibility issues.

- Previous non-conforming uses (general grocery and restaurant) on the subject property existed for several years without computability issues or complaints upon review of City code enforcement records.

Consistency with the Comprehensive Plan:

Policy 6.5 of the Comprehensive Plan establishes the future land use classification (Employment Center) which establishes Primary uses including “...industrial, office, and commercial.” Further, Section 122-244 of the City’s Land Development Code provides for the implementing zoning districts for each future land use category. The existing zoning (B-5) and proposed zoning (M-1) zoning districts are both listed as implementing zoning districts for the Employment Center land use classification. Additional supporting Goals, Objectives, and Policies of the comprehensive plan include:

- Transportation Element GOAL I: To create and maintain a safe, efficient, and aesthetic transportation system that encourages multi-modal transportation and promotes the mobility strategies of the Ocala 2035 Vision.

Specifically the statement in Goal 1 of the Transportation Element is regarding the intent to create and maintain an “efficient” transportation system. The B-5 zoning would permit a broader range of retail and business opportunities in this northwest area of the city such as a grocery store which would promote localized/more efficient vehicular trips for services and goods that are currently limited in this area.

Public Facility/Level of Service (LOS) and Concurrency:

The City’s adopted future land Use categories establish the development potential for property within the City which is typically indicated through “density” and “intensity” standards. The subject property’s future land use designation is Employment Center which is not being amended with this petition. It is also noted that the applicant has indicated no intention to further develop the subject property as a result of this amendment. Any future request to further develop or intensify development/use of the property will require an additional level of service and concurrency management analysis.

Schools:

Impacts on schools is not an adopted LOS standard by the City of Ocala. However, the potential for impact on schools should be discussed as part of the staff report where land use amendments create the potential for increased residential density. This proposed rezoning amendment does introduce the limited opportunity for residential use on the subject property through the proposed B-5 zoning where the current M-1 zoning prohibits residential use. However, any such residential use on the subject property would require additional approval by City Council consistent with Section 122-1194 of the Land Development Code. Further impacts to schools would be evaluated in the event a future request for residential use is proposed.

Staff Analysis:

- The introduction of additional business, retail, and restaurant options into this area provides additional opportunity to reduce trip lengths in this area due to the limited availability of surrounding goods and services.
- The proposed zoning amendment does not change the development potential for the subject property which is established by the future land use category (Employment Center), which is not being amended with this application.

- The amendment does not result in any additional impacts to public facilities.

FINDINGS:

In Support of the Petition:

1. Introduction of additional retail and support service uses into this northwest area of the city would have the benefit/potential reduction of vehicular trips due to the limited availability of retail/service/grocery uses in this area.
2. The proposed B-5 zoning is consistent with the existing zoning designation for adjacent properties west and south of the subject property along with properties north (opposite US 27) and therefore the requested B-5 zoning would not create an isolated zoning district.
3. Development standards for the M-1 and B-5 zoning districts are very similar.
4. The amendment does not result in any impact on public services and the level of service.
5. Previous non-conforming General Store and Restaurant uses existed on the subject property and a review of City records did not find any history of issues or complaints regarding these previous non-conforming uses.
6. Any residential use would require subsequent approval by City Council.
7. The amendment is consistent with the City of Ocala Land Development Code.
8. The amendment is consistent with the City of Ocala Comprehensive Plan.

In Opposition of Petition:

1. The amendment will permit limited residential use on the subject property (requires subsequent City Council approval).
2. The amendment would result in the introduction of less intense retail and business/services uses into the area having the potential for compatibility concerns.

III. STAFF RECOMMENDATION

Based upon the staff report, analysis, and findings, Staff recommends APPROVAL of Case Number ZON22-45004 to rezone the subject property (Parcel #22291-000-00) from M-1, Light Industrial to B-5, Wholesale Business.