



## Staff Report: Rezoning

Case No. ZON24-45741

Planning & Zoning Commission: August 12, 2024

City Council (1<sup>st</sup> Reading): September 3, 2024

City Council (Adoption): September 17, 2024

**Petitioner:** City of Ocala

**Property Owner:** City of Ocala

**Project Planner:** Kristina L. Wright, CNU-A, FRA-RA

**Applicant Request:** From: B-4, General Business District  
To: G-U, Governmental Use

Rezone from B-4, General Business District to G-U, Government Use to facilitate the future development of Fire Station 8.

**Future Land Use:** Low Intensity

**Associated Application:** LUC24-45740

### Parcel Information

**Acres:** ±7.8 acres

**Parcel(s)#:** 21512-000-00

**Location:** Located approximately 300-feet south of the intersection at US Highway 27 and NW 45<sup>th</sup> Terrace.

**Existing use:** Vacant/Undeveloped

**Overlay(s):** N/A

### Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
<b>North</b>	LI, Low Intensity	B-4, General Business	Dollar General Store
<b>East</b>	Commercial (County)	B-5, Heavy Business (County)	Vacant/undeveloped
<b>South</b>	LI, Low Intensity	R-1AA, Single Family Residential	Single Family Residential
<b>West</b>	LI, Low Intensity	B-4, General Business	Public Storage & vacant/undeveloped

### Applicant Request

The city is requesting to rezone the subject property from B-4, General Business, to G-U, Government Use. There is a concurrent application requesting a land use change (LUC24-45740) from Low Intensity to Public to allow for the future development of city Fire Station 8.

**Background**

The subject property, identified by Parcel Identification Number 21512-000-00, is owned by the City of Ocala and contains approximately 7.8 acres. The property is located approximately 300-feet south of the intersection of US Highway 27 and NW 45<sup>th</sup> Terrace. The subject property is vacant and undeveloped.

The subject property was part of an annexation approved by the city in 2006 (Ordinance 5505), including associated future land use designation (Ordinance 5613) and a future land use map and policy amendment (Ordinance 5614). The future land use Policy amendment was approved by City Council several months later and placed conditions on future development. It wasn't until July 2009 that the B-4, General Business zoning district was approved by City Council. The City purchased the property in July 2024 with the intent of developing the northern portion of the parcel as city Fire Station 8. The subject property is part of an overall platted development, known as the Shoppes on 27 Plat Book 12, Pages 33 through 36. The 7.8-acre subject property has approximately 4.2 acres on the south end encumbered by an FDOT Perpetual Easement to Flood as indicated on the Shoppes on 27 plat (Plat Book 12, Page 33), rendering this portion of the property undevelopable. This plat has been further divided but not replatted. There are several encumbrances to the site which include the maintenance of NW 45<sup>th</sup> Terrace as well as the maintenance of a buffer wall off-site between the storage facility and the residential area west of NW 45<sup>th</sup> Terrace. Additionally, future development will be subject to relevant conditions as previously indicated and outlined in Ordinance 5614.

**Existing and Proposed Zoning District Standards**

	<b>Future Land Use</b>	<b>Zoning District</b>	<b>Intent and Purpose</b>	<b>Minimum Lot Area (square feet)</b>	<b>Maximum Building Height (feet)</b>
<b>Existing</b>	Low Intensity	B-4, General Business	Undeveloped	0	60-feet
<b>Proposed</b>	Public	G-U, Government Use	G-U, Government Use is the appropriate classification for the development of Fire Station 8	27,000	35-feet

**Staff Analysis**

The subject property is currently zoned B-4, General Business. The petitioner (city) has requested to rezone to G-U, Governmental Use. This intent of this zoning district as indicated in Section 122-481 is for areas to feature national, state, county, or city government uses. Areas classified as G-U allow for “any lawful government use or related use...can be carried on in a G-U District” so long as any proposed uses demonstrate compatibility with those within the surrounding area. Further, the addition of Fire Station 8 will improve response times and will provide expanded fire service to meet the desired

1.5-mile radius standard. The addition of the fire station will also improve service to businesses and residents within growing area of the city that includes the 44<sup>th</sup> Avenue project nearing completion.

***Factual Support***

1. The requested rezoning is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:

Future Land Use Element Policy 6.6: Public The intent of the Public land use classification is to be used for those parcels of land which are publicly owned and intended for the use of the general public. These include publicly owned parks, active or passive recreational sites, educational facilities, conservation areas or other open space. Permitted primary uses include recreation and civic. Secondary uses include commercial or other uses and activities consistent with the Recreation and Parks Element.

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

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

<b>Public</b>	G-U or FBC
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*Staff Comment: The Public land use designation allows for either G-U or FBC zoning. As the subject property is not located within the downtown form based code district, the G-U, Governmental Use zoning district is appropriate.*

- b. Section 122-481: The government (G-U) district is intended to apply to those areas where the uses conducted are those primarily of national, state, county, or city governments. Areas classified G-U are shown on the official zoning map, but no column for G-U use restrictions is shown in division 2 of this article, since any lawful government use or related use, including commercial and industrial development at the Ocala International Airport can be carried on in a G-U district. However, any governmental use or related use shall be compatible with surrounding uses.

*Staff Comment: The request to rezone is necessitated by the land use change request to Public in the related application LUC24-45740 and is consistent with the Comprehensive Plan. The proposed G-U, Governmental Use zoning district is appropriate for the requested public land use designation for the development of Fire Station 8, which will enhance the ability to provide fire services to surrounding area.*

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

***Level of Service***

*Transportation:* The subject property has approximately 1,035-feet of frontage along NW 45<sup>th</sup> Terrace, which is a 2-lane road in close proximity to US Highway 27, a 4-lane arterial roadway.

Road/Street Name	Lanes	Speed Limit	Functional Classification	Adopted LOS	LOS Capacity	2023 AADT	Existing LOS
US Hwy 27 (From NW 49 <sup>th</sup> Ave to NW 44 <sup>th</sup> Ave)	4	45 MPH	Arterial	D	55,700	21,700	B

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

*Internet:* Service is available. A City fiber optic cable runs along NW 44<sup>th</sup> Avenue east of the subject property.

*Potable Water:* Service is available. A City water main runs along NW 45<sup>th</sup> Terrace to the northern extent of the subject 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 U.S. Highway 27 near the property. Connections will be determined during the site plan or subdivision review and approval process.

*Stormwater:* The subject property is partially located within FEMA Flood Zone X (northern half) and within FEMA Flood Zone AE (southern half, which is the part of this property encumbered by an FDOT easement, which is the portion not being developed).

*Solid Waste:* Service is available.

*Schools:* The request will not have an impact on area schools.

*Fire Service:* The request will allow for the addition of Fire Station 8, improving overall fire services to this area of the city.

### **Staff Findings and Recommendation**

- The proposed rezoning is consistent with the requested Public 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 compatible with the surrounding area and the proposed use.
- The request is essential for the development of a fire station which will improve response times and fire services to the area.

<b>Staff Recommendation:</b> <i>Approval</i>
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**Permitted Use Table:**

<b>Permitted Use Type</b>	<b>B-4, General Business</b>	<b>G-U, Governmental Use</b>
<i>Residential Operation</i>	Community residential home, fraternity or sorority house, Residence—Gallery*, Residence—Office*, Rooming/boarding house*	
<i>Residential Type</i>	Single-family dwelling, Two-family dwelling, Mutlifamily dwelling*	
<i>General Retail</i>	Auto supply store, Bakery store, Building material sales, Department store, Drug store, Electronic cigarette/vaporizer store, Electronics store, Furniture store, Garden and nursery sales, Grocery store, Hardware store, Home decorating store, Pawn shop, Pharmacy, Playground equipment sales, outdoor; Roadside fruit and vegetable sales, Specialty retail store, Swimming pool sales (enclosed), Used merchandise store, Videotape store, Home garden/hobby farm equipment sales*, Model manufactured home centers*, Swimming pool sales*	
<i>Vehicular Sales</i>	Automobile rental sales; Automobile sales, new or used; Automobile specialty sales, new or used, Boat store*, Truck rental and sales*	
<i>Business Service</i>	Construction service establishment, Equipment rental and leasing, General business service, Maintenance and cleaning service, Parking garage, Parking lot, Pest control service, Radio/TV broadcasting facility, and Security systems service, Advertising services (on-site, off-site signs)*, Day labor service establishment*	
<i>Eating or Drinking Establishment</i>	Alcoholic beverage establishment (off-premises consumption), Alcoholic beverage establishment (on-premises consumption), Drive-in or drive-through restaurant, Fast-food restaurant, Restaurant (enclosed), (drive-through window permitted as an accessory use)	
<i>Hospitality and Tourism</i>	Antique gallery/art gallery/museum; Conference center,	

	Hotel/convention center, Motel	
<b><i>Office Use</i></b>	Commercial photography (art and graphic design service), Computer maintenance and repair, Financial institution, Photocopying and duplicating service, Photofinishing laboratory, Prepackaged software services, Print shop, Professional and business service	
<b><i>Personal Service</i></b>	Bail bonds agency, Check cashing establishment, Coin-operated laundry, Emergency shelter, Funeral home/crematory, Hairstyling shop, Laundry and dry-cleaning pickup establishment, Laundry and dry cleaning service, Major household repair establishment, Mini-warehouse, Minor household repair establishment, Recreational vehicle park, Recycling collection point, Tattoo or body piercing establishment, Kennel*	
<b><i>Vehicular Service</i></b>	Auto repair, minor; Automobile cleaning, detailing service; Drive-through facility (non-restaurant), accessory use only; Full-service station, Self-service station/convenience store, Repair garage*	
<b><i>Community Service</i></b>	Church/place of worship, Day care facility, Library, Private Club, Open pavilion engagement center*	
<b><i>Educational Use</i></b>	College/university, Community education center, School, private elementary and secondary, Speech and language center/school, Vocational/professional school	
<b><i>Recreational Use</i></b>	Bowling center, Commercial recreation, indoor; Dance/art/music studio, Drive-in theatre, Motion picture theatres, except drive-in; Multipurpose facility, Physical fitness center, Recreation facility, indoor, Commercial outdoor baseball batting facility*, Commercial recreation, outdoor*; Driving range*, Golf course*, Miniature golf*, Shooting ranges, indoor*, Temporary commercial amusement*	

<b><i>Public Uses</i></b>	Post office, Public transportation terminal, Park/open space area*	<ul style="list-style-type: none"> <li>• National Governments</li> <li>• State Governments</li> <li>• County Governments</li> <li>• City Governments</li> </ul>
<b><i>Health Care Uses</i></b>	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, Satellite hospital emergency room	
<b><i>Industrial Uses</i></b>	Low-impact industrial use: Microbrewery/micro distillery; Low-impact industrial use: Assembly of electronic components*	

\*Permitted by Special Exception