



# Staff Report

Case No. ZON24-45698

Planning & Zoning Commission: July 8, 2024

City Council (1<sup>st</sup> Reading): August 6, 2024

City Council (Adoption): August 20, 2024

**Petitioner:** Second Nine Partners, LLC  
**Property Owner:** Second Nine Partners, LLC  
**Agent:** Tillman & Associates Engineering, LLC  
**Project Planner:** Andrew Gray  
**Applicant Request:** Rezone from B-2, Community Business (County), to B-2, Community Business (City) for continued use as a DRA in support of Foxwood III and Shops at Foxwood Replat.  
**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:** ± 1.85 acres  
**Parcel(s)#:** 21509+001-02  
**Location:** Approximately 300-feet north of the intersection at US Highway 27 and NW 46<sup>th</sup> Terrace.  
**Existing use:** Drainage Retention Area (DRA)  
**Overlay(s):** N/A

## Adjacent Property Information

<b><u>Direction</u></b>	<b><u>Future Land Use</u></b>	<b><u>Zoning District</u></b>	<b><u>Current Use</u></b>
<b>North</b>	Low Intensity (City)	B-2, Community Business (City)	Proposed Hotel (Staybridge Suites)
<b>South</b>	Low Intensity (City)	B-2, Community Business (City)	Proposed Drive-through restaurant (Starbucks) and Financial Institution (Fifth Third Bank)
<b>East</b>	Low Intensity (City)	B-2, Community Business (City)	Proposed Hotel (Staybridge Suites)
<b>West</b>	Low Intensity (City)	SC, Shopping Center (City)	Vacant Commercial Shopping Center (Shops at Foxwood)

**Background:**

The subject property, identified by Parcel Identification Number 21509+001-02, contains approximately 1.85 acres, and is generally located just north of US Hwy 27 (NW Blitchton Rd) on NW 46<sup>th</sup> Ter and an internal subdivision frontage road associated with the Shops at Foxwood Replat. The subject property is identified as Tract B of the recorded plat of Foxwood III (Plat Book 14, Page 197), as recorded on May 18, 2022. The plat does not identify any restrictions on annexation and the subject property represents an enclave which is surrounded by the city limits on all sides.

The adjacent north and east acreage identified as Lot 2 on the subject plat and all the adjacent lots on the plat maps of the Shops at Foxwood and Shops at Foxwood Replat have been annexed and most are utilized for commercial purposes while several others have been approved for commercial development (drive-through restaurant, financial institution, and hotel). However, the Declaration of Easements with Covenants Affecting Land for the Shops at Foxwood Replat indicates that the subject property is a portion of the DRA Easement Area (subject to a perpetual, non-exclusive easement for the drainage and discharge of surface storm water runoff) in support of Shops at Foxwood Replat as well as a portion of Tract G, Shops at Foxwood (now known as Lot 2, Foxwood III).

The subject property has been developed with a drainage retention area which collects stormwater runoff and allows for up to 80% impervious area on the lots within the Shops at Foxwood Replat. Pursuant to Section 4 of the aforementioned declaration, maintenance of the drainage retention area is the responsibility of the property owners. The current use of the subject property depicted on the Foxwood III plat is indicated to be a drainage retention area. During a site visit to the property, staff observed that the drainage retention area appears to be functioning as designed although somewhat overgrown.

The subject property is in unincorporated Marion County and the petitioner is requesting to annex the property (Case: ANX24-45696) into the City for the property to be in the same jurisdiction as the lots which it is designed and constructed to support. The petitioner has submitted concurrent applications for a land use change to Low Intensity, and rezoning to B-2, Community Business (Case: ZON24-45698). The proposed B-2 zoning district is consistent with the requested Low Intensity land use, pursuant to Section 122-244.

**Existing and Proposed Development Standards**

	Future Land Use Category	Permitted Land Uses	Allowable Density	Allowable FAR
Existing	Commercial (County)	Office, Commercial, Public, Recreation, Residential, Campgrounds, Recreational Vehicle Park	8 units per acre	1.0 FAR
Proposed	Low Intensity (City)	Residential, office, commercial, public, recreation, institutional, light industrial, educational facilities	3-18 units per acre	0.75 FAR

**Staff Analysis**

The proposed B-2, Community Business, zoning district is consistent with the requested Low Intensity future land use classification, pursuant to Section 122-244 of the Ocala Code of Ordinances. Moreover, the subject property will be maintained by the Association and will not produce any additional demand for public facilities.

***Factual Support***

1. The requested land use change 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 Policy 7.2: City guidelines shall be context-sensitive to providing appropriate transitions between adjacent land uses with particular emphasis on building compatibility between neighborhoods and non-residential uses.
2. 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 property includes an interior location within the Shops at Foxwood located along US Hwy 27 (NW Blitchton Rd) and NW 49<sup>th</sup> Ave. 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
US Hwy 27 (From NW 44 <sup>th</sup> Ave to NW 49 <sup>th</sup> Ave)	4	45 MPH	Arterial	D	55,700	21,700	B
US Hwy 27 (From NW 49 <sup>th</sup> Ave to NW 60 <sup>th</sup> Ave)	4	55 MPH	Arterial	D	55,700	18,100	B

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

**Internet:** Service is available. A City fiber optic cable runs along US Hwy 27 (NW Blitchton Rd), just south of the subject property.

**Potable Water:** Service is available. A City water main runs along US Hwy 27 as well as along the internal subdivision roads for Shops at Foxwood and Shops at Foxwood Replat. Connections would be determined during the site plan review and approval process although not necessary for the subject site.

**Sanitary Sewer:** Service is available. A City gravity main runs along US Hwy 27 as well as the internal subdivision roads for Shops at Foxwood and Shops at Foxwood Replat in the vicinity of the subject site. Connections would be determined during the site plan review and approval process although not necessary for the subject site.

**Stormwater:** The subject property is not located within a FEMA Flood Zone. Further, the subject site represents a drainage retention area in support of surrounding commercial lots (existing, proposed and future uses). This facility has presumably been designed to provide flood protection for a 100 year, 24-hour storm event.

**Solid Waste:** Trash pickup will be available when the property is annexed into city. Service is available to nearby properties within the City limits.

**Fire Service:** Ocala Fire Rescue Station #1, located at 505 NW Martin L King Ave, is approximately 3.7 miles and Ocala Fire Rescue Station #4, located at 3300 SW 20<sup>th</sup> St, is approximately 4.6 miles from the subject property.

**Schools:** This zoning change is not anticipated to affect any school district

<b>Staff Recommendation:</b> <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"> <li>• Model home sales lot, model home complex</li> </ul>	<ul style="list-style-type: none"> <li>• Bed and breakfast</li> <li>• Community residential home</li> <li>• Fraternity or sorority house</li> <li>• Residence-Gallery</li> <li>• Residence-Office</li> <li>• Rooming/Boarding House</li> </ul>
<i>Residential Type</i>	<ul style="list-style-type: none"> <li>• Dwelling units for owner or employee</li> </ul>	<ul style="list-style-type: none"> <li>• Single-family dwelling</li> <li>• Single-family dwellings (attached)</li> <li>• Two-family dwelling</li> <li>• Multi-family dwelling*</li> </ul>
<i>General Retail</i>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Automobile parts, new</li> <li>• Bait and tackle, sporting goods</li> <li>• Bakery, meats, delicatessen, or confectionary</li> <li>• Bakery, industrial, commercial*</li> <li>• Garden supply</li> <li>• Gun shop</li> <li>• Household appliance, furnishings, sales, repair</li> <li>• Package liquor store</li> <li>• Pawnshop*</li> <li>• Plant nursery, retail</li> <li>• Plant nursery wholesale*</li> <li>• Produce, outside building*</li> <li>• Seafood shop</li> <li>• Stores, department, furniture, hardware, household appliances, optical, pet</li> <li>• Stores, drug</li> <li>• Swimming pool supplies*</li> <li>• Used merchandise, inside building</li> <li>• Used merchandise, outside building, including flea market*</li> </ul>	<ul style="list-style-type: none"> <li>• Auto supply store</li> <li>• Bakery store</li> <li>• Department store</li> <li>• Drugstore</li> <li>• Electronics store</li> <li>• Furniture store</li> <li>• Garden and nursery sales</li> <li>• Grocery store</li> <li>• Hardware store</li> <li>• Home decorating store</li> <li>• Pharmacy</li> <li>• Roadside fruit and vegetable sales</li> <li>• Specialty retail store</li> <li>• Swimming pool sales (enclosed)</li> <li>• Used merchandise store</li> <li>• Videotape store</li> </ul>

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

<b><i>Office Use</i></b>	<ul style="list-style-type: none"> <li>• Advertising specialties</li> <li>• Bank, credit union, financial and loan</li> <li>• Employment office</li> <li>• Professional office</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial photography (art and graphic design service)</li> <li>• Computer maintenance and repair</li> <li>• Financial institution</li> <li>• Photocopying and duplicating service</li> <li>• Photofinishing laboratory</li> <li>• Prepackaged software services</li> <li>• Professional and business office</li> <li>• Print shop</li> </ul>
<b><i>Personal Service</i></b>	<ul style="list-style-type: none"> <li>• Barber, beauty shop</li> <li>• 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</li> <li>• Pest control agency, supplies*</li> <li>• Storage, mini-warehouses</li> <li>• Tattoo, body-piercing parlor</li> <li>• Taxidermist</li> <li>• Cemetery, crematory, mausoleum*</li> </ul>	<ul style="list-style-type: none"> <li>• Check cashing establishment</li> <li>• Coin-operated laundry</li> <li>• Emergency shelter</li> <li>• Funeral home/crematory</li> <li>• Hairstyling shop</li> <li>• Laundry and dry-cleaning pickup</li> <li>• Laundry and dry-cleaning service</li> <li>• Major household repair establishment</li> <li>• Mini-warehouse</li> <li>• Minor household repair establishment</li> <li>• Recreational vehicle park</li> <li>• Recycling collection point</li> <li>• Tattoo of body piercing establishment</li> </ul>
<b><i>Adult Use Establishment</i></b>	<ul style="list-style-type: none"> <li>• Nightclub</li> </ul>	
<b><i>Vehicular Service</i></b>	<ul style="list-style-type: none"> <li>• Automobile paint and body shop*</li> <li>• Convenience store, gas station</li> <li>• Automobile repair, no paint or body work</li> </ul>	<ul style="list-style-type: none"> <li>• Auto repair, minor</li> <li>• Automobile cleaning, detailing service</li> <li>• Drive-through facility (non-restaurant), accessory use only</li> <li>• Full-service station</li> <li>• Self-service station/convenience store</li> </ul>
<b><i>Community Service</i></b>	<ul style="list-style-type: none"> <li>• Church, Places of Worship</li> <li>• Club, private, lodge, fraternity, sorority</li> <li>• Daycare, child, adult</li> <li>• Library</li> <li>• Orphanage</li> </ul>	<ul style="list-style-type: none"> <li>• Church/place of worship</li> <li>• Day care facility</li> <li>• Library</li> <li>• Private club</li> </ul>
<b><i>Educational Use</i></b>	<ul style="list-style-type: none"> <li>• Schools, public, and accredited private or parochial</li> </ul>	<ul style="list-style-type: none"> <li>• College/university</li> <li>• Community education center</li> <li>• School, private elementary and secondary</li> <li>• Speech and language center/school</li> <li>• Vocational/professional school</li> </ul>

<b><i>Recreational Use</i></b>	<ul style="list-style-type: none"> <li>• Bowling alley</li> <li>• Fitness centers and gymnasiums</li> <li>• Game arcade, coin-operated</li> <li>• Golf course</li> <li>• Studios, art, dance, music, photography, radio, television</li> <li>• Marina</li> <li>• Poolroom</li> <li>• Recreation building</li> <li>• Theater</li> </ul>	<ul style="list-style-type: none"> <li>• Bowling center</li> <li>• Commercial recreation, indoor</li> <li>• Dance/art/music studio</li> <li>• Motion picture theatres, except drive-in</li> <li>• Physical fitness center</li> <li>• Recreation facility, indoor</li> <li>• Commercial outdoor baseball batting facility*</li> <li>• Commercial recreation, outdoor*</li> <li>• Driving range*</li> <li>• Miniature golf*</li> </ul>
<b><i>Public Use</i></b>	<ul style="list-style-type: none"> <li>• Public parks, playgrounds</li> <li>• Post Office, privately owned, leased</li> <li>• Sewage treatment plans (inflow exceeding 5,000 gallons per day)*</li> <li>• Sprayfields / effluent disposal area*</li> <li>• Utility company service yards*</li> <li>• Water wellfields*</li> </ul>	<ul style="list-style-type: none"> <li>• Post office</li> <li>• Park/open space area*</li> <li>• Public transportation terminal*</li> </ul>
<b><i>Health Care Use</i></b>	<ul style="list-style-type: none"> <li>• Hospital</li> <li>• Veterinary clinic, small animals</li> </ul>	<ul style="list-style-type: none"> <li>• Assisted living facility</li> <li>• Medical and dental laboratory</li> <li>• Medical and dental office</li> <li>• Transitional recovery facility</li> <li>• Transitional treatment facility</li> <li>• Veterinarian office</li> </ul>
<b><i>High-Impact Industrial Use</i></b>	<ul style="list-style-type: none"> <li>• Garbage transfer station</li> </ul>	
<b><i>Low-Impact Industrial Use</i></b>	<ul style="list-style-type: none"> <li>• Bottling plant (non-alcoholic beverages)*</li> <li>• Gas, bottled, refill cylinders*</li> <li>• Gas meter facility and supply lines, high pressure*</li> <li>• Storage warehouses*</li> </ul>	<ul style="list-style-type: none"> <li>• Microbrewery/ microdistillery</li> <li>• Assembly of electronic components*</li> </ul>

\*Permitted by Special Exception