



Rezoning Staff Report

Case No. ZON24-45752

Planning & Zoning Commission: September 9, 2024

City Council (1st Reading): October 1, 2024

City Council (Adoption): October 15, 2024

Petitioner: The Board of Trustees of the FL Annual Conference of The United Methodist Church

Property Owner: The Board of Trustees of the FL Annual Conference of The United Methodist Church

Agent: Derek Batsel, Boyd-Mox Development, LLC

Project Planner: Emily W. Johnson, AICP

Applicant Request: from: Institutional (INST)
to: Limited Community Business (B-2A)

Rezone the subject property from Institutional (INST) to Limited Community Business (B-2A).

Future Land Use: Low Intensity

Parcel Information:

Acres: ±4.63 acres

Parcel(s)#: 2920-010-008

Location: 1712 SE Lake Weir Avenue

Existing use: Church/place of worship (Druid Hills United Methodist Church)

Overlay(s): N/A

Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Low Intensity	O-1, Office	Assisted living facility (The Lodge Health & Rehabilitation Center)
East	Low Intensity	B-2, Community Business	Drugstore (CVS Pharmacy)
South	Neighborhood	RO, Residential Office R-1, Single-Family Residential	Single-family residences
West	Low Intensity Neighborhood	RO, Residential Office R-1, Single-Family Residential	Professional and business office (Florida Blue) Single-family residences

Applicant Request

The petitioner is requesting to rezone from Institutional (INST), to Limited Community Business (B-2A). While a rezoning does not bind the applicant to a particular use, they have indicated the purpose of this application is to allow the existing use of a church/place of worship to remain while adding a transitional recovery facility to the property. Additionally, the applicant indicated:

- The proposed facility will be operated as an extension of Open Arms Village, a local sober living program.
- No medical services will be provided on site.
- The proposed transitional recovery facility is proposed to have 16 beds.
- The church/place of worship is currently only used for meetings on Tuesday evenings and will not be utilized during construction.

This application includes one parcel of land (Parcel Identification Number 2920-010-008) comprising approximately 4.63 acres.

Background

The subject property is generally located at the southwest corner of the intersection of SE 17th Street (SR 464) and SE Lake Weir Road. Property Appraiser records indicate that the subject property was developed as a church/place of worship in 1964.

A building permit (BLD24-0902) to renovate a portion of the existing church into a transitional recovery facility is currently under review. Staff identified that the proposed use is not permitted in the current INST zoning district. After discussion with staff, the petitioner made application to rezone to B-2A, which allows for both the church use and accessory use of a transitional recovery facility. For clarification, the Code of Ordinances Section 122-3 defines a transitional recovery facility as:

“(1) a facility providing lodging for persons progressing from treatment or incarceration for alcoholism, drug addiction, criminal conduct, delinquency, mental or emotional illness or similar conditions, with the intention of returning its residents to normal participation in community life; or (2) a building that provides housing and a living environment for persons who have demonstrated a tendency towards alcoholism, drug abuse, anti-social or criminal conduct, and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse (commonly referred to as a "halfway house"). This category shall not include a facility or dwelling defined as an assisted living facility, hospital, medical/dental office, community work release facility, fraternity or sorority house, or community residential home.”

Existing and Proposed Zoning District Standards

	Zoning District	Intent and Purpose	Minimum Lot Area	Maximum Building Height
Existing	INST, Institutional*	The purpose of this district is to ensure that institutional uses such as churches, schools, and hospitals meet the following criteria: minimum of one acre; designed and located to make efficient use of the land and	1 acre	50 feet

		infrastructure (roads, water, sewer stormwater and recreation); and minimal impact on adjacent and nearby uses.		
Proposed	B-2A, Limited Community Business**	Intended for community businesses, including retail sales, personal and business services, and all office uses. No incidental use involving manufacturing processes shall be allowed.	10,000 square feet	50 feet
<p>*The INST, Institutional, zoning district requires the following setbacks for nonresidential uses: 25-feet (front), 25-feet (street-side yard), 20-feet (interior rear yard). **The B-2A, Limited Community Business, zoning district does not require any setbacks for nonresidential uses.</p>				

Staff Analysis

The subject property meets the minimum lot width and lot area requirements of the B-2A zoning district. Pursuant to Code of Ordinances Section 122-286 properties in the requested B-2A zoning district shall be at least 100-feet-wide and contain at least 10,000 square feet. Additionally, the requested B-2A zoning district is consistent with the existing Low Intensity Future Land Use classification pursuant to Code of Ordinances Section 122-244.

The subject property is located at the southwest corner of the intersection of SE 17th Street/SR 464 and SE Lake Weir Road/CR 464A. The surrounding area along SE 17th Street includes a mix of properties with B-2, B-1, RO, O-1, and SC zoning designations. These properties are developed with primarily commercial, and office uses. The area south and west of the subject property is developed with single family homes having R-1 zoning. The proposed B-2A zoning provides for a limited range of commercial and residential uses compatible with the area.

The setbacks and buffering are existing to the current use of the property as a church/place of worship. Upon review of the Code, staff identified that the existing INST zoning district has more stringent yard setback requirements than the requested B-2A zoning district. However, a 10-foot-wide landscape buffer may be required at the time of site plan review, consistent with Code of Ordinances Section 122-260. The subject property does not appear to have any landscape buffering in place along the southern or western boundaries, where it is adjacent to existing single-family residential uses. Further development of the property may require additional compliance with buffering and development regulations at the time of site plan review.

While not applicable to a rezoning, it is noted that transitional recovery facilities are permitted in the B-2A zoning district, subject to the supplemental regulations contained in the city’s Code of Ordinances Section 122-1198(c). Prior to commencement of operations, the petitioner will have to demonstrate consistency with the following:

- A minimum of 300 square feet of indoor living space shall be provided for each occupant of the structure.
- Parking must be provided at a rate of one parking space for each three beds, and one parking space for each two employees.
- The applicant must be in possession of all applicable state licenses, and the structures shall meet any building and housing codes applicable to the proposed use.

- A transitional recovery facility shall adhere to the site plan requirements of Chapter 122, Article 4 of the Code of Ordinances.

Factual Support

1. The requested rezoning is consistent with the following Objectives and Policies of the City of Ocala Comprehensive Plan:

- 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.

The minimum density and intensity in this future land use category is 3 dwelling units per gross acre or 0.00 FAR. The maximum density and intensity is 18 dwelling units per acre or 0.75 FAR.

Staff Comment: Institutional and commercial land uses are permitted within the Low Intensity Future Land Use Classification.

- b. Future Land Use Element Policy 7.2: City guidelines shall be context-sensitive to provide appropriate transitions between adjacent land uses, with particular emphasis on building compatibility between neighborhoods and non-residential uses.

Staff Comment: The subject property is located at the intersection of a minor arterial (SE 17th Street/SR 464) and collector roadway (SE Lake Weir Road). The surrounding area is developed with a mixture of commercial, office, and residential uses.

- c. Future Land Use Element 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.

Staff Comment: As identified in the Level of Service Analysis, adequate public facilities exist to service the subject property.

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

- a. Subsection 122-133(b)(1): The application requests to rezone parcel or parcels that are a minimum of 30,000 square feet of area not separated by a right-of-way for a street, a street, or a drainage retention area.

Staff Comment: Containing approximately 4.63 acres, the subject property exceeds the minimum land area required to rezone to a non-adjacent zoning district.

- 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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Staff Comment: The B-2A zoning district is permitted within the Low Intensity Future Land Use Classification.

- c. Subsection 122-621: The limited community business (B-2A) district is 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.

Staff Comment: The B-2A zoning district allows for both the proposed transitional recovery facility, and continuation of the existing church/place of worship use. No medical services will be provided onsite, and prospective residents will be required to have already completed treatment prior to approval of residency.

Level of Service Analysis

Transportation: The subject property has approximately 490-feet of road frontage along SE 17th Street (SR 464) and approximately 230-feet of road frontage along SE Lake Weir Road (CR 464A). The 2023 congestion management data from the Ocala-Marion TPO for the affected roadways is provided below. The affected segments of SE 17th Street (SR 464) and SE Lake Weir Road (CR 464A) are currently operating above the adopted Level of Service. Developments proposing to generate 100 or more net new PM 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 464 (From SE 3 rd Ave to SE 11 th Ave)	4	35 MPH	Arterial	D	38,430	30,300	C
CR 464A (From SE 31 st St to SR 464)	2	40 MPH	Collector	E	14,742	10,600	D

Potable Water: The subject property is currently serviced by City utilities. City water mains run along SE 17th Street, SE Lake Weir Road, and SE 7th Avenue. The adopted Level of Service (LOS) for potable water is 300 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 167 gallons per capita daily (gpcd).

Sanitary Sewer: The subject property is currently serviced by City utilities. City gravity mains run along SE 17th Street, SE Lake Weir Road, and SE 7th Avenue. The adopted Level of Service (LOS) for sanitary sewer is 250 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 80 gallons per capita daily (gpcd).

Solid Waste: The subject property is currently serviced by City utilities. The adopted Level of Service (LOS) for nonresidential development is 0.112 pounds per square foot of occupied building space per day.

Parks and Recreation Facilities: The adopted Level of Service (LOS) is 4.6 developed park acres per 1,000 population for each Regional Park Service Area (RPSA). The proposed rezoning is not anticipated to impact parks and recreation facilities.

Stormwater: The subject property is partially located within FEMA Flood Zone “AE”. For any future redevelopment, 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.

Electric: The subject property is currently serviced by Ocala Electric Utility. A Level of Service (LOS) has not been adopted for electric.

Fiber: The subject property is currently serviced by Ocala Fiber. A Level of Service (LOS) has not been adopted for fiber.

Fire Service: Ocala Fire Rescue Station #7 is located 1.6 miles from the subject property, at 885 SE 31st Street. Although the distance slightly exceeds the desired industry standard of 1.5 miles for fire service, a Level of Service (LOS) has not been adopted.

Schools: The proposed rezoning is not anticipated to impact schools.

Staff Findings and Recommendation

- The proposed rezoning is consistent with the Low Intensity Future Land Use classification.
- The proposed B-2A zoning district provides more opportunity for commercial, office, and healthcare uses compared to the existing INST zoning.
- Compared to the nearby B-2 zoned properties, the proposed B-2A, Limited Community Business, zoning district allows for a more limited set of permitted uses.
- The proposed B-2A zoning district allows for the proposed transitional recovery facility use.
- The proposed B-2A zoning district allows for the continuation of the existing church/place of worship use.
- The proposed zoning is compatible with the surrounding area.
- Adequate public facilities exist to service the proposed development.

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

Permitted Use Type	INST, Institutional	B-2A, Limited Community Business
<i>Residential Operation</i>	<ul style="list-style-type: none"> • Community residential home • Single-family dwelling (as part of a church/place of worship or school site) 	<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>	<i>None permitted</i>	<ul style="list-style-type: none"> • Single-family dwelling • Single-family dwellings (attached) • Two-family dwelling • Multi-family dwelling (maximum of 20 units per acre)
<i>General Retail</i>	<i>None permitted</i>	<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 • Specialty retail store • Used merchandise store • Videotape store
<i>Business Service</i>	<i>None permitted</i>	<ul style="list-style-type: none"> • Equipment rental and leasing • General business service • Parking garage • Parking lot • Radio/TV broadcasting facility • Security systems service
<i>Eating or Drinking Establishment</i>	<i>None permitted</i>	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establishment (on-premises consumption) • Fast food restaurant • Restaurant (enclosed), (drive-through window permitted as an accessory use) • Drive-in or drive
<i>Hospitality and Tourism</i>	<i>None permitted</i>	<ul style="list-style-type: none"> • Antique gallery/art gallery/museum • Conference center • Hotel/convention center • Motel
<i>Office Use</i>	<i>None permitted</i>	<ul style="list-style-type: none"> • Commercial photography (art and

		<ul style="list-style-type: none"> • graphic design service) • Financial institution • Photocopying and duplicating service • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office
<i>Personal Service</i>	<ul style="list-style-type: none"> • Recycling collection point 	<ul style="list-style-type: none"> • Coin-operated laundry • Emergency shelter • Hairstyling shop • Laundry and dry-cleaning pickup • Laundry and dry-cleaning service • Major household repair establishment • Minor household repair establishment • Tattoo or body piercing establishment
<i>Vehicular Service</i>	<i>None permitted</i>	<ul style="list-style-type: none"> • Auto repair, minor • Automobile cleaning, detailing service • Drive-through facility (non-restaurant), accessory use only • Full-service station
<i>Community Service</i>	<ul style="list-style-type: none"> • Church/place of worship • Day care facility • Library* • Private club* 	<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"> • Life skills center • Schools, public and private • Speech and language center/school • Vocational/professional school 	<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"> • Recreation facility, indoor • Bingo (as part of a church/place of worship, school, or indoor recreation facility) • Outdoor recreation uses (as part of a church/place of worship, school, or indoor recreation facility) • Temporary commercial amusement* 	<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
<i>Public Use</i>	<ul style="list-style-type: none"> • Cemetery* • Parks/open space area* 	<ul style="list-style-type: none"> • Post office • Park/open space area
<i>Health Care Use</i>	<ul style="list-style-type: none"> • Hospital 	<ul style="list-style-type: none"> • Assisted living facility

	<ul style="list-style-type: none"> • Satellite hospital emergency room 	<ul style="list-style-type: none"> • Medical and dental laboratory • Medical and dental office • Transitional recovery facility • Transitional treatment facility • Veterinarian office
<i>Low-Impact Industrial Use</i>	<i>None permitted</i>	<ul style="list-style-type: none"> • Microbrewery/microdistillery

*Permitted by Special Exception