



Staff Report

Case No. ZON24-45799

Planning & Zoning Commission: September 9, 2024

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

City Council (Adoption): October 15, 2024

Petitioner: Felicia Brooks

Property Owner: Felicia Brooks

Project Planner: Breah Miller, Planner II

Applicant Request: from: M-1, Light Industrial
to: M-2, Medium Industrial

Rezone a rear 8.85 acres of the subject property from M-1, Light Industrial, to M-2, Medium Industrial, to facilitate recreational vehicle and boat outdoor storage.

Future Land Use: Employment Center

Parcel Information

Acres: ±8.85 acres

Parcel(s)#: 24241-010-00

Location: 2600 block of NE 36th Avenue

Existing use: Undeveloped

Overlay(s): N/A

Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Employment Center	PUD-05, Planned Unit Development M-1, Light Industrial	Undeveloped Panther Print Solutions Strategic Business Forms
East	Employment Center	M-1, Light Industrial	WRA Undeveloped
South	Employment Center	M-1, Light Industrial	NE 36 th Ave Industrial Park
West	Employment Center	M-1, Light Industrial	Undeveloped Safetyway Water, LLC Channel Innovations Corporation Ocala Roofing, Inc. Janice Olds Dill Accounting Warzone Airsoft

Applicant Request

The petitioner is requesting to rezone the rear 8.85-acre portion of the 9.16 acre subject property from M-1, Light Industrial, to M-2, Medium Industrial. The northwestern 0.31-acre portion of the subject property fronting on NE 36th Avenue will retain the existing M-1, Light Industrial district. The petitioner has indicated that this requested rezoning amendment is to facilitate the development of a recreational vehicle and boat outdoor storage establishment.

Background

The property, in its entirety contains approximately 9.16 acres, and is located in the 2600 block of NE 36th Avenue. The southern portion of the property is heavily wooded. The northern portion of the subject property (northern 100 feet) contains a restrictive easement for the length of the property serving as half of an existing 200 feet Duke Energy easement for power transmission through the area.

In 2006, applications were made for a land use change from Light Industrial to Retail Services and a rezoning from M-1, Light Industrial, to B-4, General Business. Both requests were subsequently denied with focus on concerns regarding the Duke easement location and access to the site.

The subject property was purchased by the petitioner in 2022. While not part of this application, it is noted that in 2023, ownership of the 0.38-acre property (Parcel 24241-010-01) located directly to the south and having frontage along NE 36th Avenue was transferred to the petitioner. Collectively, this parcel along with the subject property provide the petitioner with ownership of approximately 200-feet of frontage along NE 36th Avenue.

In 2018, following the construction of the NE 36th Avenue overpass, a driveway apron permit (ROW17-0190) was issued to a construction company owned by the petitioner (Brooks Construction Service, LLC) and subsequently constructed for access to the subject property.

Existing and Proposed Development Standards

	Zoning District	Intent and Purpose	Minimum Lot Area (square feet)	Maximum Building Height (feet)
Existing	M-1, Light Industrial	The light industrial (M-1) district is intended 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 storage in the M-1 district has a limitation of 20 percent of the total site area not to exceed 10,000 square feet.	10,000	60

Proposed	M-2, Medium Industrial	The medium industrial (M-2) district is intended primarily for the wholesale distribution, warehouse storage, outdoor storage and sales, research and development and light manufacturing of finished or semi-finished products in multiple-use facilities or structures. Outdoor manufacturing activities associated with permitted uses may be allowed in the M-2 district as a special exception. Service establishments serving the industrial uses or district shall be permitted.	20,000	60
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Staff Analysis

This existing access to the subject property is located within the Duke Energy electrical easement. Prior to site plan approval, the property owner and Duke will need to coordinate access. The area surrounding the subject property is characterized with light industrial districts. The vacant property, owned by the petitioner to the south, along NE 36th Avenue is zoned M-1, Light Industrial. The area south of the subject property includes an existing industrial park subdivision (NE 36th Ave Industrial Park) which is developed with light industrial uses such as warehouse, distribution, and construction service establishments.

The M-1 zoning district only permits limited accessory outdoor storage in the side and rear yards only and must be screened from public view. In comparison, the M-2, Medium Industrial, permits unlimited accessory outdoor storage without any screening or location requirements. It is noted that the M-2 zoning district will introduce the option for unlimited amount of outdoor storage. Additional permitted uses include recreational vehicle and boat outdoor storage in addition to two high-impact industrial uses: construction and demolition landfill and materials recovery facility. Industrial dry-cleaning plant and outdoor manufacturing may also be permitted through Special Exception approval. These more intensive outdoor uses do raise concerns regarding compatibility and impact to existing development in the area. However, the Duke easement and access to the subject property along with the development requirements will further restrict the buildable area of the site. Additionally, the applicant's proposal to retain the M-1 zoning along the frontage of NE 36th will help mitigate potential impact from the more intensive outdoor uses that could potentially occur on the proposed M-2 zoning portion of the property to the east. In effect, retaining this M-1 zoning buffer will serve to maintain the light industrial character along the frontage of NE 36th Avenue.

	M-1, Light Industrial	M-2, Medium Industrial
Outdoor Allowances	<ul style="list-style-type: none"> 20% of total site area or 10,000 sq ft (whichever is greater) Outdoor storage must be in the side or rear yard. 	<ul style="list-style-type: none"> Unlimited storage Outdoor storage can be in the front, side or rear yard.

Factual Support

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

- a. Policy 6.5 Employment Center. The intent of the Employment Center land use is to provide a regionally important hub for business, enterprise, research and development, and employment activities. Employment Centers are generally single use districts but may include more than one (1) use if there are appropriate buffers and transitions between complementary uses. Permitted uses shall include a primary use and may include a secondary use. Primary uses are industrial, office and commercial. Secondary uses are public, recreation, institutional, and residential, as well as educational facilities. There are no form requirements in this land use category.

Staff Comment: The property will be surrounded by less intensive uses on the northern, southern, eastern, and western portion of the property. During the required site plan process adequate buffering will be required pursuant to Sec 122-260(8) of the code of Ordinance.

- 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, 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: There is water and sewer infrastructure within 1/8th of a mile. Prior to site plan approval, Duke Energy and the property owner will be required to coordinate access.

- ii. Policy 12.2: The City shall permit new industrial development only when City sewer lines are available concurrent with the industrial development and have capacity sufficient to handle the wastewater. Wastewater connections are subject to the requirements of Section 367.111, Florida Statutes. Industries with wastewater which do not meet City quality standards set forth in Ch. 24-164 shall be required to pretreat their wastewater before transporting it to publicly owned sewage treatment facilities.

Staff Comment: There is not a city gravity main located along NE 36th Avenue. However, there are sewer lines within 1/8 of a mile, connections will be determined during the site plan process.

- c. Future Land Use Element Objective 14: The City shall continue existing regulations or adopt new regulations to ensure that development is consistent with the Future Land Use Map and are compatible with neighboring development, available services and facilities, and topography and soil conditions.

- i. Policy 14.1.5: Industrial uses will not be allowed to use local residential streets as a major means of transportation.

Staff Comment: The site has access from a nonresidential street as its major means of

transportation.

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

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

Employment Center	O-1, OP, B-1, B-1A, B-2, B-2A, B-4, B-5, SC, M-1, M-2, M-3, G-U, INST, A-1, PD, FBC
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- c. Section 122-761: The medium industrial (M-2) district is intended primarily for the wholesale distribution, warehouse storage, outdoor storage and sales, research and development and light manufacturing of finished or semi-finished products in multiple-use facilities or structures. Outdoor manufacturing activities associated with permitted uses may be allowed in the M-2 district as a special exception. Service establishments serving the industrial uses or district shall be permitted. Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.
- d. Section 122-260(8): a light or medium industrial or a retail or wholesale business use or district abutting a less intensive use or district shall have a 25-foot-deep landscaped buffer area or a ten-foot-deep landscaped buffer area combined with a brick, stone or concrete block wall.

Level of Service Analysis

Transportation: The subject property has approximately 112-feet of frontage along west side of NE 36th Avenue, north of SR 40. The congestion management data from the Ocala-Marion TPO for the affected roadway is provided below. 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	2026 AADT	Existing LOS
NE 36 th Avenue	4	35 MPH	Arterial	E	12,744	11,000	C

Electric: The subject property is in the OEU service territory.

Internet: Service is available. A City fiber optic cable runs along NE 36th Avenue just west of the subject property and within the Duke Energy easement just north of the subject property.

Potable Water: Service is available. A City water main runs along NE 36th Avenue of the property. Connections will be determined during the site plan or subdivision review and approval process.

Sanitary Sewer: Service is available, but a 0.21-mile extension will be required.

Stormwater: The subject property is 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: Service is available.

Fire Service: Ocala Fire Rescue Station #5 is located approximately 1 mile from the subject property, on NE 36th Avenue.

Schools: This rezoning will not affect any schools.

Staff Findings and Recommendation

- The proposed rezoning is consistent with the Employment Center Future Land Use classification.
- Adequate public facilities exist within an 1/8-mile radius; however, it will be the developer's obligation to extend services to meet their needs. City Water Resources indicate that the ability to connect to existing infrastructure exists.
- The rezoning maintains the frontage along NE 36th Avenue with the M-1 zoning to maintain the light industrial character of this corridor.
- The Duke energy transmission easement along with buffering and development standards (upon site development) will help to minimize potential impact to the surrounding properties.

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

Permitted Use Type	M-2, Medium Industrial Zoning District	M-1, Light Industrial Zoning District
<i>Residential Operation</i>	<ul style="list-style-type: none"> • <i>None permitted</i> 	<ul style="list-style-type: none"> • <i>None permitted</i>
<i>Residential Type</i>	<ul style="list-style-type: none"> • <i>None permitted</i> 	<ul style="list-style-type: none"> • <i>None permitted</i>
<i>General Retail</i>	<ul style="list-style-type: none"> • Furniture store • Home garden/hobby farm equipment sales • Used merchandise store 	<ul style="list-style-type: none"> • Furniture store • Home garden/hobby farm equipment sales • Used merchandise store
<i>Vehicular Sales</i>	<ul style="list-style-type: none"> • Truck rental and sales 	<ul style="list-style-type: none"> • Construction/farm equipment sales* • Truck rental and sales*
<i>Agricultural Use</i>	<ul style="list-style-type: none"> • Indoor greenhouse • Indoor hemp facility 	<ul style="list-style-type: none"> • Indoor greenhouse • Indoor hemp facility
<i>Business Service</i>	<ul style="list-style-type: none"> • Advertising service (on-site/off-site signs) • Construction service establishment • Day labor service establishment • Equipment rental and leasing • General business service • Maintenance and cleaning service • Parking garage (or structure) • Parking lot • Pest control service • Radio/TV broadcasting facility • Security systems service 	<ul style="list-style-type: none"> • Advertising service (on-site/off-site signs) • Construction service establishment • Day labor service establishment* • Equipment rental and leasing • General business service • Maintenance and cleaning service • Parking garage (or structure) • Parking lot • Pest control service • Radio/TV broadcasting facility • Security systems service
<i>Eating or Drinking Establishment</i>	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Restaurant (enclosed) 	<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Restaurant (enclosed)
<i>Hospitality and Tourism</i>	<ul style="list-style-type: none"> • <i>None permitted</i> 	<ul style="list-style-type: none"> • <i>None permitted</i>
<i>Office Use</i>	<ul style="list-style-type: none"> • Commercial photography (art and graphic design service) • Computer maintenance and repair • Photofinishing laboratory • Prepackaged software services • Print shop 	<ul style="list-style-type: none"> • Commercial photography (art and graphic design service) • Computer maintenance and repair • Photofinishing laboratory • Prepackaged software services • Print shop

	<ul style="list-style-type: none"> Professional and business office 	<ul style="list-style-type: none"> Professional and business office
<i>Personal Service</i>	<ul style="list-style-type: none"> Bail bonds agency Kennel Major household repair establishment Mini-warehouse (self-service storage facility) Minor household repair establishment Recycling collection point 	<ul style="list-style-type: none"> Bail bonds agency Kennel Laundry and dry cleaning service Major household repair establishment Mini-warehouse (self-service storage facility) Minor household repair establishment Recycling collection point
<i>Adult Use Establishment</i>	<i>None permitted</i>	<i>None permitted</i>
<i>Vehicular Service</i>	<ul style="list-style-type: none"> Repair garage Self-service station/convenience store 	<ul style="list-style-type: none"> Auto repair, minor Repair garage Self-service station/convenience store
<i>Community Service</i>	<ul style="list-style-type: none"> Day care facility* 	<ul style="list-style-type: none"> Day care facility*
<i>Educational Use</i>	<ul style="list-style-type: none"> Community education center Vocational professional school 	<ul style="list-style-type: none"> Community education center Vocational professional school
<i>Recreational Use</i>	<ul style="list-style-type: none"> Recreation facility, indoor* Shooting range, indoor 	<ul style="list-style-type: none"> Recreation facility, indoor* Shooting range, indoor
<i>Public Use</i>	<ul style="list-style-type: none"> Airport 	<ul style="list-style-type: none"> <i>None permitted</i>
<i>Health Care Use</i>	<ul style="list-style-type: none"> Medical and dental laboratory Veterinarian office 	<ul style="list-style-type: none"> Medical and dental laboratory Veterinarian office
<i>High-Impact Industrial Use</i>	<ul style="list-style-type: none"> Construction and demolition landfill Industrial dry cleaning plant* Materials recovery facility Outdoor manufacturing* 	<i>None permitted</i>
<i>Low-Impact Industrial Use</i>	<ul style="list-style-type: none"> Assembly of electronic components Carpet and upholstery cleaning Manufacturing, light Newspaper printing facility Packing and crating Recreational vehicle and boat outdoor storage Recycling center Research and testing 	<ul style="list-style-type: none"> Assembly of electronic components Carpet and upholstery cleaning Manufacturing, light Microbrewery/microdistillery Newspaper printing facility Packing and crating Recycling center Research and testing laboratory

	<ul style="list-style-type: none">laboratory• Truck/freight terminal• Warehouse• Wholesale and distribution	<ul style="list-style-type: none">• Truck/freight terminal• Warehouse• Wholesale and distribution
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*Permitted by Special Exception