



## Staff Report

Case No. ZON23-45511

Planning & Zoning Commission: March 11, 2024

City Council (1<sup>st</sup> Reading): April 2, 2024

City Council (Adoption): April 16, 2024

**Petitioner:** Jagdesh Baijnauth  
**Property Owner:** Jagdesh Baijnauth  
**Agent:** Fred N. Roberts, Esq., Klein & Klein, LLC  
**Project Planner:** Breah Miller, Planner II  
**Applicant Request:** Rezone the subject property from RO, Residential Office, to B-2, Community Business District, to allow for future commercial uses allowed under the B-2, Community Business District.  
**Future Land Use:** Low Intensity

### Parcel Information

**Acres:** ±0.81 acres  
**Parcel(s)#:** 26428-000-00  
**Location:** 2405 NE 14<sup>th</sup> Street  
**Existing use:** Single-Family Residence  
**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>	Low Intensity	MH – Mobile Home	Wagon Wheel Mobile Park
<b>East</b>	Low Intensity	B-2 – Community Business B-1 – Neighborhood Business	Vacant Shell Food Mart/Gas Station
<b>South</b>	Low Intensity Neighborhood	B-2 – Community Business R-3 – Multi- Family Residential	Vacant Lynwood Estates
<b>West</b>	Low Intensity	RO – Residential Office	Vacant

## Background

The subject property, identified by Parcel Identification Number 26428-000-00, contains an approximate 0.81 acres, and is generally located northwest of the intersection of NE 25<sup>th</sup> Avenue and NE 14<sup>th</sup> Street. The subject property is currently developed with a single-family residence which was constructed in 1946. The properties directly to the east and west are vacant/undeveloped. The property to north is the Wagon Wheel Mobile Home Park.

The Petitioner is requesting to rezone the subject property from Residential Office (RO) zoning district to Community Business (B-2). The applicant has no proposed use at this time. The request to rezone is for future commercial development permitted within B-2. The existing home will be demolished for future development and site plan approval will be required.

## Existing and Proposed Development Standards

	Zoning District	Intent and Purpose	Minimum Lot Area (square feet)	Maximum Building Height (feet)
<b>Existing</b>	RO, Residential Office	The residential-office (RO) district is intended primarily for professional and business office uses that are not incompatible with adjacent residential zones. This district shall allow one- and two-family dwellings and professional and business offices. Development shall be subject to the limitations of section 122-375; however, overnight parking of business vehicles shall be restricted to automobiles and trucks of three-fourths ton or less.	12,100 square feet	50 feet
<b>Proposed</b>	B-2, Community Business	The community business and limited community business (B-2 and B-2A) districts are 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.	7,500 square feet	60 feet

## Staff Analysis

The proposed rezoning would allow for future development consistent with the Low Intensity future land use designation and is compatible with the surrounding area.

The subject property had a historic land use of Professional Services (Office). The Professional Services land use category was intended to include services which are provided within the confines of an office, such as, but not limited to, insurance, real estate, medical, dental, or law offices. The citywide comprehensive plan amendment adopted on January 22, 2013 (Ordinance 2013-13) changed the future land use designation of the subject properties from Professional Services to Low Intensity. Low Intensity Future Land Use classification is generally intended for residential, office, commercial, public, recreation, institutional, light industrial, and educational facilities. The Petitioner's current use, rezoning request, and intention to develop the subject property as commercial are all consistent and compatible with the underlying Low Intensity Future Land Use.

The property to the east, 26399-006-00, has the zoning classification of B-2, Community Business. When this parcel received its zoning classification of B-2, Community Business, it was combined with parcel 26399-000-00 which lies to the north and has frontage along SE 25<sup>th</sup> Avenue. It was subdivided in 1993, leaving the 0.54 acres, B-2, Community Business, between the RO, Residential Office- zoned parcels to the west (including the subject parcel) and a B-1, Neighborhood Business, parcel to the east. North of the subject property is the Wagon Wheel mobile home park that was established in 1960. To the south, across NE 14<sup>th</sup> Street, there is R-3, Multi-family residential, property which consist of multi-family, single-family, and legal nonconforming mobile homes, as well as a vacant B-2, Community business property that was once the location for Blue Skies Estates mobile home park.

The proposed future development is not anticipated to negatively impact nearby the residential to the north and south, and is consistent and compatible with the surrounding area. Future development will be buffered from less intensive uses and zoning districts in accordance with Ocala Code of Ordinances Section 122-260 which a 25-foot-deep landscaped buffer area or a ten-foot-deep landscaped buffer area combined with a brick, stone or concrete block wall.

### ***Factual Support***

1. The requested rezoning 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.

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 are 18 dwelling units per acre or 0.75 FAR.

Increased density and intensity incentives may be approved for inclusion of workforce housing, green building and sustainable design standards, setting aside right-of-way for trails, employment generating uses, exemplary urban design, or other benefits to the City as specified

in the Land Development Code. The location and application of incentives shall be set forth in the Land Development Code.

- 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, 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.
  - 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.
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.

<b>Employment Center</b>	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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3. Section 122-621: The community business and limited community business (B-2 and B-2A) districts are 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.
4. 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 has frontage along NE 14<sup>th</sup> Street. 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
NE 14th ST	4	45 MPH	Arterial	D	39,800	20,200	C

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

**Internet:** Service is available. Fiber optic cables run along NE 14<sup>th</sup> Street.

**Potable Water:** Service is available. A City water main runs along NE 14<sup>th</sup> Street in front 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 NE 14<sup>th</sup> Street in front of the subject property. Connections will be determined during the site plan or subdivision review and approval process.

**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 0.68 miles from the subject property.

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

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

<b>Permitted Use Type</b>	<b>RO, Residential Office</b>	<b>B-2, Community Business</b>
<b><i>Residential Type</i></b>	<ul style="list-style-type: none"> <li>• Residence- gallery</li> <li>• Residence- office</li> <li>• Single- family dwelling</li> <li>• Two- family dwelling</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> <li>• Single- family dwelling</li> <li>• Single- family (attached) dwelling unit</li> <li>• Two- family dwelling</li> </ul>
<b><i>General Retail</i></b>		<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 stores</li> <li>• Swimming pool sales (enclosed)</li> <li>• Used merchandise store</li> <li>• Videotape store</li> </ul>
<b><i>Vehicular Sales</i></b>		
<b><i>Agricultural Use</i></b>		
<b><i>Business Service</i></b>		<ul style="list-style-type: none"> <li>• Equipment rental and leasing</li> <li>• General business service</li> <li>• Parking garage (or structure)</li> <li>• Parking lot</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>• Alcoholic beverage establishment (off-premises consumption)</li> <li>• Alcoholic beverage establishment (on-premises consumption)</li> <li>• Fast-food restaurant</li> <li>• Restaurant (enclosed)</li> </ul>
<b><i>Hospitality and Tourism</i></b>		<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>• Professional and business</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial photography (art and</li> </ul>

	office	<ul style="list-style-type: none"> <li>graphic design service)</li> <li>• Computer maintenance and repair</li> <li>• Financial institution</li> <li>• Photocopying and duplicating services</li> <li>• Photofinishing laboratory</li> <li>• Prepackaged software services</li> <li>• Print shop</li> <li>• Professional and business office</li> </ul>
<b><i>Personal Service</i></b>	<ul style="list-style-type: none"> <li>• Hairstyling shop</li> </ul>	<ul style="list-style-type: none"> <li>• Check cashing establishment</li> <li>• Coin-operated laundry and dry cleaning</li> <li>• Emergency shelter</li> <li>• Funeral home and/or crematory</li> <li>• Hairstyling shop</li> <li>• Laundry and dry cleaning pickup establishment</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 or body piercing establishment</li> </ul>
<b><i>Vehicular Service</i></b>		<ul style="list-style-type: none"> <li>• Auto repair, minor</li> <li>• Automobile cleaning/detailing services</li> <li>• Drive-through facility (non-restaurant)</li> <li>• Repair garage</li> <li>• Full-service station</li> <li>• Self-service/convenience store</li> </ul>
<b><i>Community Service</i></b>		<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>• Colleges/universities</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 center</li> <li>• Commercial recreation, indoor</li> <li>• Dance/art/music studio</li> <li>• Motion picture theaters (except drive-in)</li> <li>• Physical fitness center</li> </ul>

		<ul style="list-style-type: none"> <li>• Recreation facility, indoor</li> </ul>
<b><i>Public Use</i></b>		<ul style="list-style-type: none"> <li>• Post office (federal)</li> </ul>
<b><i>Health Care Use</i></b>	<ul style="list-style-type: none"> <li>• Medical and dental office on major and minor arterials</li> <li>• Medical and dental office on local and collector streets*</li> </ul>	<ul style="list-style-type: none"> <li>• Assisted living facility</li> <li>• Medical and dental laboratory</li> <li>• Medical and dental office on major and minor arterials</li> <li>• Medical and dental office on local and collector streets</li> <li>• Transitional/recovery facility</li> <li>• Transitional treatment facility</li> <li>• Veterinarian office</li> </ul>
<b><i>Low-Impact Industrial Use</i></b>		<ul style="list-style-type: none"> <li>• Microbrewery/microdistillery</li> </ul>

\*Permitted by Special Exception