



Staff Report

Case No. ZON24-45695

Planning & Zoning Commission: July 8, 2024

City Council (1st Reading): August 6, 2024

City Council (Adoption): August 20, 2024

Petitioner: Second Nine Partners LLC
Property Owner: Second Nine Partners LLC
Agent: Guy Lemieux, Second Nine Partners LLC
Project Planner: Kristina L. Wright, CNU-A, FRA-RA
Applicant Request: from: PUD, Planned Unit Development (County)
to: R-3, Multi-Family Residential District (City)
Rezone from PUD, Planned Unit Development (County), to R-3, Multi-Family Residential District (City) to facilitate the future development of multi-family residential housing.

Existing Future Land Use: Commercial (County)

Proposed Future Land Use: Low Intensity (City) (LUC24-45694)

Parcel Information

Acres: ±25.67 acres

Parcel(s)#: 21509-001-01 and 21509+001-01

Location: Approximately 600-feet north of the intersection at US Highway 27 and NW 49th Avenue, Lot 1 and Drainage Retention Area Tract A of the Foxwood III Replat (P.B. 14, Pg. 197)

Existing use: Vacant/Undeveloped

Overlay(s): N/A

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Medium Residential (County)	R-1, Single-Family Residential (County)	Single-Family Residential Subdivision (Quail Meadow)
East	Commercial (County)	A-1, General Agriculture (County)	Undeveloped agriculturally-zoned land
South	Low Intensity (City)	SC, Shopping Center (City) B-2, Community Business (City)	Shopping Center (Shops at Foxwood) Hotel (Staybridge Suites, under construction)
West	Commercial (County)	Community Business: B-2	Shopping Center (Quail Meadow Commons)

Background

The subject property, identified by Parcel Identification Numbers 21509-001-01 and 21509+001-01, contains an approximate 25.67 acres, and is generally located behind the Shops at Foxwood shopping center, east of NW 49th Avenue, and to the south of and adjacent to the Quail Meadow Subdivision. The subject property is currently vacant and undeveloped.

These properties are part of an overall master planned development, platted within the Foxwood III Plat and further articulated through the subsequent PUD. Parcel 21509+001-01 serves as a drainage retention area for the surrounding development.

More specifically, the subject property was platted as part of the Foxwood III (Plat Book 14, Page 197); the plat subtitle indicates that this was platted as part of a private commercial subdivision described as a replat of a portion of Tract ‘G’ of Shops at Foxwood (Plat Book 12, Page 3). The plat depicts a 40-foot-wide ingress/egress access easement, and a 20-foot-wide ingress/egress access easement in the middle of the northern boundary that appears near the NW 47th Avenue access to Quail Meadow. All other parcels described in the plats of Shops at Foxwood (Plat Book 12, Page 3), Shops at Foxwood Replat (Plat Book 12, Page 161) and Foxwood III (Plat Book 14, Page 197) have been annexed and assigned B-2, Community Business, and SC, Shopping Center, zoning districts; with the exception of a drainage retention area which is being presented for consideration under a separate application (ANX24-45696).

The subject property is contiguous to the City limits yet contains the Marion County well parcel (21509-001-00) noted as an exception from the legal description of the subject properties; the well site is not subject to the annexation request. The subject property also has a 20-foot-wide utility easement as indicated in the Foxwood III Plat (PB 14, PG 198) surrounding said well site, which is to be retained.

On April 5, 2022, the Marion County Board of County Commissioners approved a rezoning on the subject properties to PUD, Planned Unit Development, along with a conceptual plan for 396 multi-family units. However, the conceptual plan shared by the applicant’s agent, Tillman Engineering, is informational at this stage since it is not required at this time. It is a concept plan reflecting the County’s approval of the PUD, included to provide additional information about the historical approvals for the site.

Existing and Proposed Development Standards

	Future Land Use	Zoning District	Intent and Purpose	Minimum Lot Area (square feet)	Maximum Building Height (feet)
Existing	Commercial (County)	PUD-Planned Unit Development (County)*	Original PUD zoning was created to develop 396 multi-family units	N/A	50-feet

Proposed	Low Intensity (City)	R-3 Multi-Family Residential (City)**	R-3 zoning will allow for by-right development of multi-family residences	7,500 s.f.	50-feet
<p>*Marion County approved the following setbacks for the PUD: 20-feet (Front), 8-feet (Sides), 20-feet (Rear), 10-feet (Minimum Building Separation). **The R-3 zoning district requires the following setbacks for multi-family residential development: 20-feet (Front Yard), 8-feet (Interior Side Yard), 20-feet (Street Side and Rear Yard), 25-feet (Interior Rear Yard).</p>					

Applicant Request

The petitioner has submitted concurrent application to annex the subject properties (ANX24-45693); change the land use classification from Commercial (County) to Low Intensity (City); and to rezone from PUD, Planned Unit Development (County) to R-3, Multi-Family Residential District (City) (ZON24-45695) in order to connect to City utilities and facilitate development of a 396-unit multi-family residential development, consistent with the development previously approved by Marion County.

The provided conceptual plan depicts that both the single-family residential subdivision to the north, and the Marion County well site will be buffered by open space/common area. Access is provided to an internal roadway network via one entrance on NW 49th Avenue, and two entrances to a privately maintained roadway internal to the plat of Shops at Foxwood (Plat Book 12, Page 3). Stormwater retention ponds are depicted in the side yards, consistent with Code of Ordinances Subsection 122-354(3), which prohibits drainage retention from being located in the front yard of R-3 zoned properties.

Staff Analysis

The proposed rezoning is consistent with the requested Low Intensity Future 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 consistent and compatible with the surrounding area.

The subject property is currently zoned PUD, Planned Unit Development (County). The petitioner is requesting to rezone to R-3, Multi-Family Residential District (City), in association with a concurrent annexation (ANX24-45693), to connect to existing utilities and facilitate future multi-family residential development consistent with the conceptual PUD plan approved by Marion County. Pursuant to Code of Ordinances Section 122-246, all annexed territory shall be considered to be zoned in the same or most closely corresponding zoning classification given it by the County zoning code. Since the applicant is seeking to have these parcels annexed into the city, this rezoning and land use change would achieve the same goal of 396 units of multi-family residential while streamlining the process; multi-family residences are a permitted use by-right within the R-3 zoning district. Per Sec. 122-260(c), a multifamily project requires landscape buffers, which will be addressed at the site plan review stage.

Future development will be subject to site plan review in accordance with Article IV of Chapter 122 of the Code of Ordinances, including the submission of elevations for architectural review to ensure consistency and compatibility with the surrounding area. Development of townhomes (or single-family attached dwelling units) under fee-simple ownership will require submission of a Developer’s

Agreement in accordance with Section 122-357 of the Code of Ordinances. Additionally, no onsite drainage retention area exceeding 2 ½ feet in depth or a 3:1 slope shall be permitted in the front yard, pursuant to subsection 122-354(3) of the Code of Ordinances. A secondary means of ingress/egress will be required for any development containing 16 or more residential units, pursuant to subsection 122-216(k)(5).

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.
- 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.

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

- a. Section 122-246 – Annexed territory:
 - a. All territory which may be annexed to the city after the effective date of the ordinance from which this section is derived (May 8, 1992) shall be considered to be zoned in the zoning classification given it by the county zoning code; provided that if no such classification exists in the zoning ordinance of the city then the property shall be zoned within the city under that classification most closely corresponding to the existing county classification.
- 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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- c. Section 122-351: The multi-family residential (R-3) district is intended to be a multi-family area, including higher residential densities in accordance with the comprehensive plan. This district shall allow single-family, two-family, and multi-family dwellings, residence-offices,

and residence-galleries. Professional and business offices that are of compatible scale and intensity may be allowed as special exceptions by the board of adjustment.

3. 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 approximately 390-feet of frontage along NW 49th Avenue, which is a 3-lane road in close proximity to US Highway 27, which is a 4-lane arterial. The 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 th Ave to NW 49 th Ave)	4	45 MPH	Arterial	D	55,700	21,700	B
US Hwy 27 (From NW 49 th Ave to NW 60 th 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 NW 49th Avenue in front of the subject property.

Potable Water: Service is available. A City water main runs along NW 49th Avenue in front of the 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 NW 49th Avenue in front of the 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 directed into the off-site drainage system as part of the “Foxwood Commons” subdivision.

Solid Waste: Service is available.

Fire Service: Ocala Fire Rescue Station #1 is located approximately 3.5 miles from the subject property, at 3001 NE 21st Street.

Schools: The subject property is serviced by College Park Elementary (operating at 108.80% capacity), Howard Middle (operating at 65.21% capacity) and West Port High School (operating at 116.83%). The proposed development of the property may generate up to 55 additional Elementary School-aged students, up to 22 additional Middle School-aged students, and up to 26 additional High School-aged students. Both the elementary school and the high school are over capacity and will require paying

school concurrency fees after July 2024, which will take place during the building permit stage prior to the issuance of a Certificate of Occupancy.

School Level	MFR Student Generation Rate	Project Dwelling Units (MFR)	
		462 (maximum 18 d.u. / ac permitted by LI FLU)	396 (proposed 15.4 d.u. / ac)
E	0.139	64	55
M	0.056	25	22
H	0.067	30	26

Staff Recommendation: *Approval*

Permitted Uses Table:

Permitted Use Type	PUD, Planned Urban Development	R-3, Multi-Family Residential
<i>Residential Operation</i>		<ul style="list-style-type: none"> • Bed and breakfast • Community residential home (max 12 residents) • Home occupation • Fraternity or sorority house* • Residence – Gallery* • Residence – Office* • Rooming/boarding house*
<i>Residential Type</i>	<ul style="list-style-type: none"> • 396 Multi-family residential dwellings 	<ul style="list-style-type: none"> • Multi-family dwelling • Single-family dwelling • Single-family (attached) dwelling unit • Two-family dwelling
<i>Business Service</i>		<ul style="list-style-type: none"> • Parking lot*
<i>Hospitality and Tourism</i>		<ul style="list-style-type: none"> • Conference center • Antique gallery/art gallery/museum*
<i>Office Use</i>		<ul style="list-style-type: none"> • Professional and business office*
<i>Community Service</i>		<ul style="list-style-type: none"> • Church/place of worship* • Day care facility* • Private club*
<i>Recreational Use</i>		<ul style="list-style-type: none"> • Recreation facility, indoor*
<i>Public Use</i>		<ul style="list-style-type: none"> • Park/open space area*
<i>Health Care Use</i>		<ul style="list-style-type: none"> • Assisted living facility • Neighborhood wellness center* • Transitional recovery facility*

*Permitted by Special Exception