



Staff Report

Case No. LUC24-45694

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: Commercial (County)
to: Low Intensity
Change the land use from Commercial (County) to Low Intensity (City) to facilitate the future development of multi-family residential housing.

Existing Zoning: PUD, Planned Urban Development (County)

Proposed Zoning: R-3, Multi-Family Residential District (City) (ZON24-45695)

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

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
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.

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 a Low Intensity Future Land Use classification, 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, which has been included to provide additional information about the historical approvals for the site.

Applicant Request

The petitioner has submitted concurrent applications 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.

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 (RVP)	0-8 du/ac	0 - 1.0
Proposed	Low Intensity (City)	Office, commercial, public, recreation, institutional, educational facilities, and residential.	3 to 18 du/ac	Up to 0.75

Staff Analysis

The requested Low Intensity land use is consistent and compatible with the surrounding area. The proposed R-3, Multi-Family Residential, zoning district is consistent with the requested Low Intensity future land use classification, pursuant to Section 122-244 of the Ocala Code of Ordinances. Adequate public facilities exist to service the proposed development; however, the applicant will need to pay school concurrency to address the school impacts from the project.

The petitioner is requesting to change the land use classification from Commercial (County) to Low Intensity (City), in association with a concurrent annexation (ANX24-45693), to connect to existing utilities and facilitate future multi-family residential development. Pursuant to Code of Ordinances Section 122-246, all annexed territory shall be subject to the land use change process to bring the land use into compliance with the City’s comprehensive plan. The adjacent, annexed properties to the south have been designated as Low Intensity Future Land Use classification.

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; while mixed use development is typically encouraged in this land use classification, single-use developments are allowable. The subject properties are part of an overall platted development, which has primarily been developed with commercial uses. The plat restrictions of Foxwood III (Plat Book 14, Page 197) do not allow for further subdivision of the tract unless re-platted; which lends to multi-family residential as the primary avenue for introducing a mixture of uses to the surrounding area. The requested Low Intensity Future Land Use classification carries an underlying density of 3 to 18 dwelling units per acre, and a maximum intensity of 0.75 FAR. The petitioner is proposing 396 multi-family units, which equates to 15.4 dwelling units per acre, consistent with the density of the requested Low Intensity Future Land Use classification.

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. Consistent with the following principles of the Ocala 2035 Vision (2010):
 - a. Vision 2035 Principle: Ocala has diverse mixed-use centers offering convenient shopping and services easily accessible by neighborhood residents wishing to either walk, bicycle, or drive.
 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. 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 properties are within 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 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 NW 49th Avenue 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 directed into the off-site drainage system as part of the “Foxwood Commons” subdivision.

Solid Waste: Service is available.

Fire Service: Service is available. Ocala Fire Rescue Station #1 is located approximately 3.5 miles from the subject property, at 3001 NE 21st Street. The City of Ocala is planning a new fire station which is approximately 2,500-feet from the subject property to the south.

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: <i>Approval</i>
--