



Staff Report

Case No. LUC24-45697

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: Tillman & Associates Engineering, LLC
Project Planner: Andrew Gray
Applicant Request: Change land use from Commercial (County) to Low Intensity (City) for continued use as a DRA in support of Foxwood III and Shops at Foxwood Replat.
Existing Future Land Use: Commercial (County)
Proposed Future Land Use: Low Intensity (City)
Existing Zoning District: B-2, Community Business (County)
Proposed Zoning District: B-2, Community Business (City)

Parcel Information

Acres: ± 1.85 acres
Parcel(s)#: 21509+001-02
Location: Approximately 300-feet north of the intersection at US Highway 27 and NW 46th Terrace.
Existing use: Drainage Retention Area (DRA)
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 (City)	B-2, Community Business (City)	Proposed Hotel (Staybridge Suites)
South	Low Intensity (City)	B-2, Community Business (City)	Proposed Drive-through restaurant (Starbucks) and Financial Institution (Fifth Third Bank)
East	Low Intensity (City)	B-2, Community Business (City)	Proposed Hotel (Staybridge Suites)
West	Low Intensity (City)	SC, Shopping Center (City)	Vacant Commercial Shopping Center (Shops at Foxwood)

Background:

The subject property, identified by Parcel Identification Number 21509+001-02, contains approximately 1.85 acres, and is generally located just north of US Hwy 27 (NW Blitchton Rd) on NW 46th Ter and an internal subdivision frontage road associated with the Shops at Foxwood Replat. The subject property is identified as Tract B of the recorded plat of Foxwood III (Plat Book 14, Page 197), as recorded on May 18, 2022. The plat does not identify any restrictions on annexation and the subject property represents an enclave which is surrounded by the city limits on all sides.

The adjacent north and east acreage identified as Lot 2 on the subject plat and all the adjacent lots on the plat maps of the Shops at Foxwood and Shops at Foxwood Replat have been annexed and most are utilized for shopping center purposes while several others have been approved for other commercial development (drive-through restaurant, financial institution, and hotel). However, the Declaration of Easements with Covenants Affecting Land for the Shops at Foxwood Replat indicates that the subject property is a portion of the DRA Easement Area (subject to a perpetual, non-exclusive easement for the drainage and discharge of surface storm water runoff) in support of Shops at Foxwood Replat as well as a portion of Tract G, Shops at Foxwood (now known as Lot 2, Foxwood III).

The subject property has been developed with a drainage retention area which collects stormwater runoff and allows for up to 80% impervious area on the lots within the Shops at Foxwood Replat. Pursuant to Section 4 of the aforementioned declaration, maintenance of the drainage retention area is the responsibility benefitting lot owners. The current use of the subject property depicted on the Foxwood III plat is indicated to be a drainage retention area. During a site visit to the property, staff observed that the drainage retention area appears to be functioning as designed.

The subject property is in unincorporated Marion County and the petitioner is requesting to annex the property (Case: ANX24-45696) into the City for the property to be in the same jurisdiction as the lots which it is designed and constructed to support. The petitioner has submitted concurrent applications for a land use change to Low Intensity, and rezoning to B-2, Community Business (Case: ZON24-45698). The proposed B-2 zoning district is consistent with the requested Low Intensity land use, pursuant to Section 122-244.

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	8 units per acre	1.0 FAR
Proposed	Low Intensity (City)	Residential, office, commercial, public, recreation, institutional, light industrial, educational facilities	3-18 units per acre	0.75 FAR

Staff Analysis

The requested Low Intensity land use is compatible with the surrounding area. The proposed B-2, Community Business, zoning district is consistent with the requested Low Intensity future land use classification, pursuant to Section 122-244 of the Ocala Code of Ordinances. Moreover, the subject property will be maintained by the property owners and will not produce any additional demand for public facilities.

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. 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 includes an interior location within the Shops at Foxwood located along US Hwy 27 (NW Blitchton Rd) and NW 49th Ave. 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
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 US Hwy 27 (NW Blitchton Rd), just south of the subject property.

Potable Water: Service is available. A City water main runs along US Hwy 27 as well as along the internal subdivision roads for Shops at Foxwood and Shops at Foxwood Replat. Connections would be determined during the site plan review and approval process although not necessary for the subject site.

Sanitary Sewer: Service is available. A City gravity main runs along US Hwy 27 as well as the internal subdivision roads for Shops at Foxwood and Shops at Foxwood Replat in the vicinity of the subject site. Connections would be determined during the site plan review and approval process although not necessary for the subject site.

Stormwater: The subject property is not located within a FEMA Flood Zone. Further, the subject site represents a drainage retention area in support of surrounding commercial lots (existing, proposed and future uses). This facility has presumably been designed to provide flood protection for a 100 year, 24-hour storm event.

Solid Waste: Trash pickup will be available when the property is annexed into city. Service is available to nearby properties within the City limits.

Fire Service: Ocala Fire Rescue Station #1, located at 505 NW Martin L King Ave, is approximately 3.7 miles and Ocala Fire Rescue Station #4, located at 3300 SW 20th St, is approximately 4.6 miles from the subject property.

Schools: This land use change is not anticipated to affect any school district

Staff Recommendation: <i>Approval</i>
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