



Applicant/Property Owner: Izoluc, LLC

Agent: William Martter

Project Planner: Breah J. Miller, Planner II

Applicant Request: Special Exception to allow for professional and business office in the R-3, Multi-Family Residential district.

Parcel Information

Acres: ± 0.27 acres

Parcel(s) #: 2826-005-001

Location: 309 NE Sanchez Avenue

Existing use: Single Family Residence with Accessory Dwelling Unit

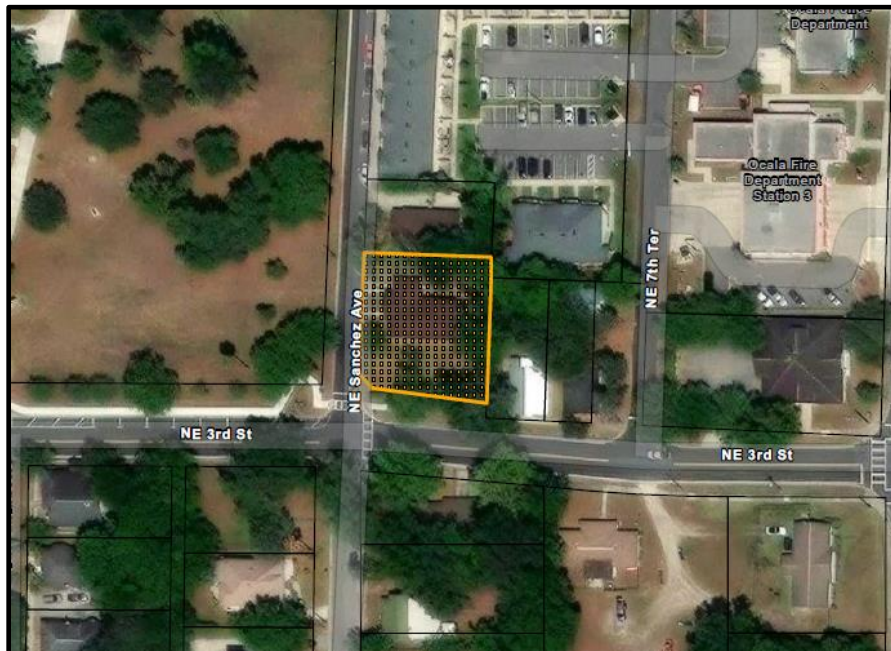
Future Land Use: High Intensity/Central Core

Zoning Designation: R-3, Multi-Family Residential, District

Special District(s)/Plans(s): N/A

Overlay(s): East Ocala Community Redevelopment Area & Opportunity Zone

Figure 1. Aerial Location Map



Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	High Intensity/ Central Core	R-3, Multi-Family District	Single Family Residence
East	High Intensity/ Central Core	R-3, Multi-Family District	Single Family Residence
South	High Intensity/ Central Core	R-3, Multi-Family District	Duplex
West	Public	G-U, Governmental Use	Tuscawilla Park

Applicant Request

The Applicant is requesting a Special Exception to allow for professional and business office for the office of Wilmek Construction, LLC within the R-3, Multi-Family Residential, district. The request includes associated site modifications consisting of the proposed addition of a 9.5-foot by 19-foot concrete parking space, extension of an existing concrete apron, ADA-accessible parking improvements, freestanding signage, and additional buffering. The submitted site sketch does not include any new structures or building expansions. The requested office use will operate entirely within the existing structure on the subject property.

Background

The subject property, identified as Parcel 2826-005-001, was included within the City of Ocala's original incorporated boundaries and is located within the Smith & Daugherty Addition Ocala Plat, as recorded in Plat Book E, Page 11, of the public records of Marion County, Florida. Property Appraiser records indicate that the existing single-family residence and accessory dwelling unit were both constructed in 1938. Although several building permits have been issued for the subject property over the years, no major renovations have occurred since the time of construction and the home remains substantially in its original condition. The survey, submitted as supplemental information with the application, identifies the subject property as a corner lot located at the intersection of NE Sanchez Avenue and NE 3rd Street.

While the property borders the northeastern corner of the Tuscawilla Historic District, the subject property itself is located outside of the Historic District boundaries.

Staff Analysis

The following staff analysis will indicate the requested use is not consistent with standards for approval of a Special Exception. A special exception is generally a use that is not permitted within a zoning district but may be deemed consistent with appropriate measures and standards applied that ensure consistency with the surrounding area and the zoning district.

Pursuant to Section 122-1010 of the City of Ocala Code of Ordinances, the proposed office use is required to provide a minimum of five off-street parking spaces, including one ADA-accessible parking space. The submitted site plan depicts three designated off-street parking spaces, including one ADA-accessible space, as well as an existing concrete driveway capable of accommodating two additional vehicles through tandem parking.

Staff research has found that Tandem parking has been approved in other locations but is not clearly a permitted design option pursuant to Section 122-1005 which permits parking that is *accessible without driving over or through any other off-street parking space*. More importantly, the Tandem parking as proposed would potentially prohibit access to the handicapped parking space as shown on the site layout. Additionally, the proposed new parking space located parallel to NE Sanchez Avenue would require drivers to reverse into public right-of-way to exit the subject property. Section 122-1005 also states that *off-street parking spaces shall be so arranged that no automobile shall have to back into a city street, except for one- and two- family dwellings in residential zones*. The subject property is zoned R-3 and is proposed to be converted to a commercial office.

Although NE Sanchez Avenue provides on-street public parking, it does not provide exclusive use to the office. Pursuant to Section 122-1002, there is the potential to apply for a public hearing to the Planning & Zoning Commission for off-street parking facilities on land within 300-feet of the plot. Based on the proposed parking configuration on the site sketch provided, the minimum off-street parking requirement will not be met.

As indicated below, the request does not comply with the applicable Special Exception Standards for Approval set forth in Section 122-73(5) of the City of Ocala Code of Ordinances.

Special Exception Standards for Approval (Section 122-73(5)):

The Code states that the Board of Adjustment shall consider and weigh the following factors and standards, among others, and shall show in its record these factors and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, where they may be relevant and applicable, that the purposes and requirements for granting the special exception have been met by the applicant:

- A. *Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Staff Comment:

The submitted site sketch depicts the continued use of the existing driveway connection on the northwestern frontage of the property along NE Sanchez Avenue. The sketch proposes widening the existing concrete driveway to accommodate one additional parking space located between the western property line and the existing single-family residence.

The existing driveway connection will continue to provide access to the existing accessory dwelling unit, which is proposed to remain, as well as the proposed ADA-accessible parking space, the existing off-street parking space, and the tandem parking area. Public sidewalks currently exist along both NE Sanchez Avenue and NE 3rd Street. The site sketch is not compliant with the following sections of the Code as it pertains to ingress and egress:

- Section 122-1005 – each parking space shall be accessible without driving over or through any other off-street parking space.
- Section 122-1005 – parking spaces shall be so arranged that no automobile shall have to back into a city street.

The proposed ingress and egress arrangement is inadequate and does not provide for automotive and pedestrian safety and convenience, does not support proper traffic flow and circulation, nor does it maintain adequate emergency access in the event of a fire or other emergency.

- B. *Off-street parking and loading areas, where required, including consideration of ingress and egress to the property, and the economic, noise, glare, or odor effects of the location of such off-street parking and loading areas on adjacent and nearby properties and properties generally in the district.*

Staff Comment:

The proposed professional business office would be required to provide five off-street parking spaces, while the remaining accessory dwelling unit would be required to provide an additional one space; a total of six parking spaces would be required for both uses. The submitted site sketch depicts three off-street parking spaces, including one ADA-accessible parking space, as well as an existing concrete driveway capable of accommodating one additional vehicle through tandem parking.

The site sketch is not compliant with the following sections of the Code as it pertains to ingress and egress:

- Section 122-1005 – each parking space shall be accessible without driving over or through any other off-street parking space.
- Section 122-1005 – parking spaces shall be so arranged that no automobile shall have to back into a city street.

The submitted site sketch proposes to utilize the existing landscaped buffer along NE 3rd Street and install an extension to the existing six-foot-tall wooden privacy fence along the northern property boundary to provide screening of vehicular activity. Pursuant to Section 122-1004 *off-street parking areas shall be screened from the bordering streets with a minimum of five feet of landscaped buffer strip between the parking area and the bordering*

street; no additional landscaping is being proposed along NE Sanchez Avenue and the new parking space.

The proposed parking layout, ingress and egress arrangement, and accessibility improvements do not adequately ensure safe vehicular and pedestrian circulation, accessibility compliance, or compatibility with surrounding properties.

- C. *Refuse and service areas, and how these areas correspond with both the off-street parking area, and the ingress and egress to the site.*

Staff Comment:

The proposed office use will continue utilizing the existing curbside refuse collection. No new refuse enclosure or service area is proposed. Any changes in service pickup would require submittal and review of a site plan. A commercial dumpster is not recommended as the early morning hours for commercial sanitation services can impact surrounding residential areas. The office use will generate similar sanitation service to surrounding residential areas.

- D. *Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use.*

Staff Comment:

Electric, Potable Water, and Sanitary Sewer utility services are available on the site and will continue to be provided.

- E. *Screening and buffering, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.*

Staff Comment:

Pursuant to Section 122-260(9), a neighborhood business, institutional, or office use abutting a less intensive use or district shall provide either a ten-foot-deep landscaped buffer area or a four-foot-deep landscaped buffer area combined with a stone, brick, or concrete block wall.

Due to the historic nature of the existing accessory dwelling unit, the required eight-foot interior side setback is not being met. The site sketch depicts an existing six-foot-tall wooden privacy fence along the northern property line which will be extended to the west to accommodate the proposed alterations along that elevation. No additional landscaping is being proposed between the existing residence to the north. The site sketch does indicate existing landscaped buffering along the southern property line and the additional proposed landscaped buffering along the eastern property boundary.

Additionally, pursuant to Section 122-1004, *all off-street parking areas shall be screened from bordering streets by a minimum five-foot landscaped buffer strip, excluding sidewalks, driveways, and necessary appurtenances.* No additional landscaping is being proposed along the western property line between NE Sanchez and the new parking space.

As proposed, the screening and buffering improvements are not adequate to preserve nor improve compatibility and harmony between the proposed use and the adjacent residential properties.

- F. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of signs and lighting on properties in the district and compatibility and harmony with other properties in the district.*

Staff Comment:

Per Section 110-158, *Maximum Area; Permitted Signs*, one freestanding sign structure is permitted for each street frontage consisting of identification or directory signage. Additionally, for signs receiving Special Exception approval for non-residential uses within residential zoning classifications, the maximum permitted sign area is limited to 12 square feet.

A proposed 2-foot by 6-foot freestanding sign, located along the NE Sanchez frontage, is depicted on the site sketch. The proposed sign contains a total area of 12 square feet, meeting the maximum permitted sign area allowed by Code. Therefore, staff finds the proposed signage is consistent with this standard.

- G. Required yards and open spaces.*

Staff Comment:

The proposal does not include any additional structures or building construction; therefore, the existing yard setbacks will not be impacted. Existing structures were constructed in 1938 and do not meet the current standards of the Code of Ordinances. Future development will be required to meet setback requirements as outline in Section 122-286.

- H. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district.*

Staff Comment:

There are no proposed additions or new structures associated with this request.

- I. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.*

Staff Comment:

The proposed conversion of the existing residential property to accommodate office use includes associated parking, signage, and site modifications. As proposed, the site layout does not meet the minimum Code requirements related to parking circulation, accessibility, buffering, landscaping, and signage.

Therefore, staff finds the proposed Special Exception adversely impacts adjacent and nearby residential properties and will negatively affect the character and compatibility of properties generally within the district, making the request consistent with this section.

- J. *Visual, physical, and economic impact of the proposed project or use on a historically designated property and district.*

Staff Comment: The subject property is not individually designated historic properties nor is it located within a designated historic district.

Staff Findings and Recommendation

- The request proposes office use within the existing residential structure without expanding the building footprint or constructing additional structures.
- The proposed site improvements include one additional concrete parking space, the extension of an existing driveway apron, ADA-accessible parking improvements, a freestanding sign, and additional landscape buffering.
- The site provides a total of four parking spaces, including one ADA-accessible parking space, which does not meet the minimum parking requirements of Section 122-1010.
- Existing access from NE Sanchez Avenue is not adequate to serve the proposed office use and should be expanded to accommodate the existing and proposed driveways.
- Existing public utility services are available and adequate to serve the proposed use.
- The proposed landscaping, buffering, and existing privacy fencing provide are not adequate screening between the proposed office use and adjacent residential properties.
- The proposed 2-foot by 6-foot freestanding sign complies with the maximum permitted sign area for Special Exception uses within residential zoning districts.
- No additional structures or building expansions are proposed; therefore, the existing yard setbacks and building height will remain unchanged. All future development will be required to meet setbacks pursuant to Section 122-286.
- The subject property is not individually designated as a historic property and is not located within a designated historic district.
- Subject to compliance with all applicable development regulations and permitting requirements, the proposed office use is not compatible with the surrounding area and does not comply with the Special Exception Standards for Approval contained in Section 122-73(5) of the City of Ocala Code of Ordinances

Staff Recommendation: Denial

If the board finds the competent and substantial evidence to support the proposed application and finds it consistent with the requirements for a special exception and consistent with the land development regulations and city's comprehensive plan, staff would request the following conditions be applied:

Recommended Conditions of Approval:

1. The Special Exception approval shall be limited to the applicant and the proposed office use described in the application. This approval shall not be transferred to a subsequent property owner without a new Special Exception approval by the Board of Adjustment.
2. A parking reduction must be granted pursuant to Section 122-1016 or a parking agreement with properties within a 300-foot radius with subsequent public hearing must be approved within 10 months of the effective date of the Special Exception or the Special Exception shall expire.
3. The minor site plan shall be consistent with the provided site sketch. However, a driveway apron should be reconfigured to accommodate the existing and proposed driveways on-site and landscaping buffers should be enhanced to meet the requirements of the Code.
4. Minor Site Plan approval for the driveway extension, fencing, landscaped buffer and additional parking space shall be obtained within one year of the effective date of the Special Exception or the Special Exception shall expire.
5. SITE permit for all exterior improvements shall be obtained and finalized within 18 months of the effective date of the Special Exception or the Special Exception shall expire.
6. Building permits for interior renovations for the subject office must be finalized and obtain Certificate of Occupancy within 18 months of the effective date of the Special Exception or the Special Exception shall expire.
7. No dumpster shall be permitted for office use. Curbside pickup must be utilized.
8. Freestanding signage shall be located only along NE Sanchez Avenue, limited to 12 square feet in area, meeting all required setbacks. The sign shall only be externally illuminated and shall not create any off-site glare or distractions.