Staff Report: Rezoning

Case No. ZON24-45826
Planning & Zoning Commission: November 13, 2024
City Council (1st Reading): December 3, 2024
City Council (Adoption): December 17, 2024

Applicant/Property Owner:	Clausson P. Lexow, Trustee
Project Planner:	Emily W. Johnson, AICP
Amendment Request:	Rezone the subject property from R-1, Single-Family Residential, to B-2, Community Business.

Subject Property Information

Acres:	±15.00 acres
Parcel(s)#:	21466-000-00
Location:	Approximately 660-feet northwest of the intersection at NW 35th Avenue Road and NW 21st Street and approximately 130-feet west of I-75
Existing use:	Vacant/Undeveloped
Future Land Use Designation:	Employment Center
Zoning Designation(s):	R-1, Single-Family Residential
Special District(s)/Plans(s):	West Ocala Vision and Community Plan (2011)
Approved Agreement(s):	Future Land Use Policy 18.29 (Ordinance No. 5935)

Figure 1. Aerial Location Map

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Employment Center	B-2, Community Business	Warehouse and Distribution Center (Fedex)
South	Medium Intensity/Special District	PD, Planned Development	Mixed-use development with hospital (UF Health Ocala Neighborhood Hospital)
East	Employment Center	M-1, Light Industrial PD, Planned Development	Drainage Retention Areas for Fedex and UF Health Ocala Neighborhood Hospital
West	Medium Intensity/ Special District	B-2, Community Business	Motel (Howard Johnson), adjacent to I-75

Applicant Request

The applicant has submitted a petition to rezone the subject property from R-1, Single-Family Residential, to B-2, Community Business, in order to bring the zoning into compliance with the underlying Employment Center future land use classification.

Background:

The approximate 15-acre subject property is currently undeveloped and heavily wooded. It is bordered to the west by I-75. Access to the property is provided via a 20-foot-wide access easement along the northern boundary of parcel 21465-006-00 which connects to NW 35th Avenue Road. This access easement is identified in the approved PD, Planned Development (PD21-44384) and on the approved Site Plan SPL22-44660) for the development located to the south and east UF Health Shands Ocala.

- On November 4, 2008, City Council adopted a Future Land Use Map (FLUM) Amendment LUC08-0022 through Ordinance 5934, which changed the future land use of the subject property from Low Density Residential to Retail Services. At the time of the land use change, the property was planned to be developed as a retail shopping center to complement the industrial park to the north. A Future Land Use Policy (FLUP) was subsequently adopted through Ordinance 5935 and originally numbered as Policy 12.31 and was renumbered as Policy 18.32 with adoption of Ordinance 2013-13 amending the Comprehensive Plan pursuant to the 2035 Ocala Vision Plan. The Policy number was again readjusted to 18.29 with the adoption of the Evaluation and Appraisal Report (EAR) amendments adopted by Ordinance 2021-20. The Future Land Use Element Policy imposes the following development conditions on the subject property:
    1. The aggregate development of the Amendment Parcel along with the aggregate development for the property associated with Case LUC08-0005 shall not exceed what was previously adopted under the City and Council future land use designations;
    2. Prior to final development approval, the property owner will be required to submit a traffic study, capacity reservation and development plan that is consistent with the City's Traffic Study Guidelines and Concurrency Management System;

3. The property owner/developer will be required to provide (as to required improvements for which proportionate share payments may or must be made under the City's Code of Ordinances) required proportionate share contribution payments; and
4. The developer/property owner shall coordinate with FDOT, Marion County and the City to formulate an Access Management Plan that takes into account the existing roadway network, including I-75, US 27, NW 27th Avenue and NW 35th Street and is consistent with the proposed MEC industrial park/retail development adjacent to the north and east.

*It is noted that, development condition one of the adopted future land use policy, includes language which states "previously adopted under the City and Council future land use designation." This appears to be a scrivener's error and should read; "previously adopted under the City and County future land use designation".

- On June 13, 2012, the City transmitted the adoption of a Land Use Blending Overlay (LUBO) through Ordinance 2012-30, which designated the subject property as part of an overall 503.84-acre mixed-use development without fixed Future Land Use Map classification boundaries. The LUBO restricted the total development to not exceed what was previously allowed by the county and city future land uses, or 1,128,970 Average Daily Trips (ADT).
- On January 22, 2013, City Council adopted Comprehensive Plan Amendments consistent with the 2035 Vision, which eliminated the Retail Services Future Land Use Classification and the LUBO. The subject property is currently designated with an Employment Center Future Land Use.

Staff Analysis

Factual Support

The subject property has not been rezoned since the adoption of the Employment Center future land use change. As a result, the existing R-1 zoning designation for the subject property remains inconsistent with the Employment Center future land use, pursuant to Ocala Code of Ordinances Section 122-244.

The subject property lies within the West Ocala Vision and Community Plan (2011) study area. The West Ocala Vision identified six districts, including an Employment Center district, in which the subject property resides. The intent of the Plan's Employment Center district is to promote a regionally important and vibrant hub for business, enterprise, research and development, and employment activities.

B-2, Community Business zoning is compatible with the Employment Center land use designation but restricts residential uses.

Comparison of Zoning District Standards

	Zoning District	Intent and Purpose	Minimum Lot Area	Maximum Building Height
Existing	R-1, Single-Family Residential	Intended to preserve established single-family neighborhoods and to provide for new areas of low and moderate density single-family development.	27,000 square feet	35 feet
Proposed	B-2, Community Business	Intended for community businesses, including retail sales, personal and business services, and all office uses. Businesses shall be based on walk-in trade, rather than delivery of supplies and large commodities.	10,000 square feet	50 feet

Also see Exhibit A: Permitted Uses Table below.

Consistency with Comprehensive Plan and Land Development Regulations

1. The requested zoning change is consistent with the following Objectives and Policies of the City of Ocala Future Land Use Element:

   a. Future Land Use Element Policy 6.5: Employment Center. The intent of the Employment Center land use is to provide a regionally-important hub for business, enterprise, research and development, and employment activities. Employment Centers are generally single use districts, but may include more than one (1) use if there are appropriate buffers and transitions between complementary uses. Permitted uses shall include a primary use and may include a secondary use. Primary uses are industrial, office and commercial. Secondary uses are public, recreation, institutional, and residential, as well as educational facilities. There are no form requirements in this land use category.

   Access is primarily from major collectors, arterials, or limited-access highways. The primary modes of transportation include automobiles, trucks, freight rail, bus, and commuter rail transit. Provisions should be made for walking, bicycles, and transit.

   There is no minimum density and intensity in this future land use category. The maximum density and intensity before any incentives is 24 dwelling units per gross acre or 2.00 FAR. The location and application of incentives shall be set forth in the Land Development Code.

   Staff Comment: The Employment Center Future Land Use classification identifies commercial as a primary use and emphasizes that the area is a regionally important hub for business and employment activities. The proposed B-2 zoning district is compatible with the existing Employment Center land use classification, whereas the existing R-1 zoning district is not.

   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.

   Staff Comment: The proposed B-2 is compatible with the surrounding area, which is primarily characterized by employment center and commercial healthcare uses. The uses allowed within

the B-2 zoning district would provide for an appropriate transition between the existing Employment Center land use and the adjacent Medium Intensity/Special District land use.

c. Future Land Use Element 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.

Staff Comment: As identified in the Level of Service Analysis, public facilities exist to service the subject property.

2. The requested rezoning is consistent with the West Ocala Vision and Community Plan:

a. Recommendation 15 – Employment Center District: The intent of the Employment Center land use category is to promote a regionally important and vibrant hub for business, enterprise, research and development, and employment activities.

3. 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.

Staff Comment: The subject property contains approximately 15.00 acres and meets the requirements for consideration of rezoning set forth by the Code of Ordinances.

b. Section 122-244 – *District criteria:* Zoning districts allowed under the current land use classification.

Employment Center	O-1, OP, B-1, B-1A, **B-2**, B-2A, B-4, B-5, SC, M-1, M-2, M-3, G-U, INST, A-1, PD, FBC

Staff Comment: As indicated in Section 122-244 above, the B-2 zoning district is a permitted district within the subject property's current Employment Center future land use.

Level of Service (LOS)

Transportation: The 2023 congestion management data from the Ocala-Marion TPO for the affected roadway is provided below.

- **Adopted LOS / Available Capacity:**

Road/ Street Name	Lanes	Speed Limit	Functional Classification	Adopted LOS	LOS Capacity	2023 AADT	Existing LOS
NW 35th Ave	4	40 MPH	Local	E	67,770	9,800	B

Developments proposing to generate 100 or more net new PM peak hour trips are required to submit a traffic study as part of the site plan review. The affected segment of NW 35th Avenue is currently operating above the adopted Level of Service.

Potable Water: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A city water main runs along NW 35th Avenue Road.

- *Adopted Level of Service (LOS) Potable Water:* 300 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 167 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of the City's water system is 24.4 million gallons daily (mgd).

Sanitary Sewer: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. City gravity mains run along NW 35th Avenue Road.

- *Adopted Level of Service (LOS) Sanitary Sewer:* 250 gallons per day (gpd) per equivalent residential unit (ERU), or the equivalent of 80 gallons per capita daily (gpcd).
- *Available Capacity:* Capacity is available. The permitted capacity of Water Reclamation Facility #2 is 6.5 million gallons daily (mgd) and the permitted capacity of Water Reclamation Facility #3 is 4.0 million gallons daily (mgd).

Solid Waste: The subject property is located within the City's service area; refuse pickup will be determined during the site plan or subdivision review process.

- *Adopted Level of Service (LOS) Solid Waste:* 0.0112 pounds per square foot of occupied building space per day for nonresidential development.
- *Available Capacity:* Solid waste is transported to facilities outside of the City.

Parks and Recreation Facilities:

- *Adopted Level of Service (LOS) Solid Waste:* 4.6 developed park acres per 1,000 population for each Regional Park Service Area (RPSA).
- *Available Capacity:* Capacity is available. The City's 69,283 population requires 318.70 developed park acres. The city currently owns and maintains 622.27 developed park acres, pursuant to the Fall 2024 Activity Guide released by the Recreation and Parks Department.

Other Public Facilities:

The following public facilities do not have adopted Level of Service standards and are provided as additional information.

Stormwater: The subject property is not located within a FEMA Flood Zone. The subject property was evaluated during the Ocala Flood Study and has a Base Flood Elevation (BFE) of 68.00. For any future redevelopment, 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.

Electric: The subject property is currently serviced by Ocala Electric Utility.

Fiber: City utilities are available at this location; connections will be determined during the site plan or subdivision review process. A City fiber optic cable runs along NW 35th Avenue Road.

Fire Service: Ocala Fire Rescue Station #1 is located 2.6 miles from the subject property, at 505 NW Martin Luther King Jr. Avenue. This distance exceeds the desired industry standard of 1.5 miles for fire service by 1.1 miles.

Schools: This rezoning is not anticipated to impact Schools.

Conclusions

Property History: Pursuant to Ocala Code of Ordinances Section 122-244, the current R-1 zoning district is not compatible with the existing Employment Center future land use. The subject property

was not rezoned after the adoption of the land use change(s). Rezoning to the requested B-2 zoning district will bring the subject property into compliance with the underlying Employment Center land use classification.

Land Development Code / Comprehensive Plan Consistency: Pursuant to Code of Ordinances Section 122-286 properties in the requested B-2 zoning district shall be at least 100-feet-wide and contain at least 10,000 square feet. The subject property meets the minimum lot width and area requirements of the B-2 zoning district. The requested B-2 zoning district is consistent with the existing Employment Center future land use classification pursuant to Code of Ordinances Section 122-244. The underlying Employment Center Future Land Use classification has a maximum intensity of 2.0 Floor Area Ratio (FAR) for nonresidential development. Based on the 15.00-acre size of the subject property, there would be a potential for 1,306,800 square feet of building area; however, development of the subject property is limited in scale by the restrictions of FLUP 18.29. The total development of the subject property, as well as the parcels affected by the LUBO cannot exceed 1,128,970 Average Daily Trips (ADT) as established through a Traffic Study. Any future development will have to meet the requirements for site plan approval, including the traffic study requirements provided in the City of Ocala Traffic Impact Analysis Guidelines.

Zoning Comparison: The existing R-1 zoning district is primarily intended for single-family residential neighborhood development. The proposed B-2 zoning district would expand non-residential uses which are more aligned with the Employment Center land use and compatible with the development of the surrounding area, which are included in the attached permitted uses table.

Surrounding Area / Compatibility: The proposed B-2 is compatible with the surrounding area, which is primarily characterized by employment center and commercial healthcare uses. The UF Health Ocala Neighborhood Hospital, located to the south and east, is part of a mixed-use development and provides access to the subject property via an easement. The subject property is also directly adjacent to B-2, and M-1, Light Industrial, uses located within the Ocala/Marion County Commerce Center.

Staff Findings and Recommendation

- The subject property must be rezoned to provide consistency with the existing Employment Center Future Land Use classification pursuant to Code of Ordinances Section 122-244.
- The rezoning would allow for the development of non-residential uses which are more appropriately aligned with the Employment Center future land use and is compatible with the existing development of the surrounding area.
- The request is consistent with the West Ocala Vision and Community Plan, the Comprehensive Plan, and the City's Code of Ordinances.
- No Level of Service issues have been identified for public facilities as a result of the zoning amendment.

Staff Recommendation:	***Approval***

Exhibit A. Permitted Uses Table

Permitted Use Type	R-1, Single-Family Residential	B-2, Community Business
Residential Operation	• Community residential home (max 6 residents) • Home occupation	• Bed and breakfast • Community residential home (max 14 residents) • Fraternity or sorority house • Residence – Gallery • Residence – Office • Rooming/boarding house
Residential Type	• Single-family dwelling	• Single-family dwelling • Single-family (attached) dwelling unit • Two-family dwelling • Multi-family dwelling (maximum of 20 dwelling units per acre)*
General Retail	*None Permitted*	• Auto Supply Store • Bakery Store • Department Store • Drugstore • Electronics Store • Furniture Store • Garden and nursery sales • Grocery store • Hardware store • Home decorating store • Pharmacy • Roadside fruit and vegetable sales • Specialty retail store • Swimming pool sales (enclosed) • Used merchandise store • Videotape Store
Vehicular Sales	*None Permitted*	*None Permitted*
Business Service	• Parking lot*	• Equipment rental and leasing • General business service • Parking garage • Parking lot • Radio/TV broadcasting facility • Security systems service
Eating or Drinking Establishment	*None Permitted*	• Alcoholic beverage establishment (off-premises consumption) • Alcoholic beverage establishment (on-premises consumption) • Fast food restaurant • Restaurant (enclosed), drive-through window permitted as an accessory use • Drive-in or drive-through restaurant*
Hospitality and	*None Permitted*	• Antique gallery/art gallery/museum

Tourism		• Conference center • Hotel/convention center • Motel
Office Use	*None Permitted*	• Commercial photography (art and graphic design service) • Computer maintenance and repair • Financial institution • Photocopying and duplicating service • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office
Personal Service	*None Permitted*	• Check cashing establishment • Coin-operated laundry • Emergency shelter • Funeral home/crematory • Hairstyling shop • Laundry and dry-cleaning pickup • Laundry and dry-cleaning service • Major household repair establishment • Mini-warehouse • Minor household repair establishment • Recreational vehicle park • Recycling collection point • Tattoo or body piercing establishment
Vehicular Service	*None Permitted*	• Auto repair, minor • Automobile cleaning, detailing service • Drive-through facility (non-restaurant), accessory use only • Full-service station • Self-service station/convenience store
Community Service	• Church/place of worship* • Day care facility*	• Church/place of worship • Day care facility • Library • Private club
Educational Use	*None Permitted*	• College/university • Community education center • School, private elementary and secondary • Speech and language center/school • Vocational/professional school
Recreational Use	*None Permitted*	• Bowling center • Commercial recreation, indoor • Dance/art/music studio • Motion picture theatres, except drive-in • Physical fitness center • Recreation facility, indoor • Commercial, outdoor baseball batting

		facility* • Commercial recreation, outdoor* • Driving range* • Miniature golf*
Public Use	• Park/open space area*	• Post office • Park/open space area* • Public transportation terminal*
Health Care Use	*None Permitted*	• Assisted living facility • Medical and dental laboratory • Medical and dental office • Transitional recovery facility • Transitional treatment facility • Veterinarian office
Low Impact Industrial Use	*None Permitted*	• Microbrewery/microdistillery • Assembly of electronic components*

*****Permitted by Special Exception