



Staff Report

Case No. ZON23-45443

Planning & Zoning Commission: March 11, 2024

City Council (1st Reading): April 2, 2024

City Council (Adoption): April 16, 2024

Petitioner: A P LLC
Property Owner: A P LLC
Agent: David Tillman, Tillman & Associates Engineering, LLC
Project Planner: Emily W. Johnson, AICP
Applicant Request: Rezone the subject property from PUD-09, Planned Unit Development, to M-1, Light Industrial to facilitate development of a low-impact industrial warehouse use.
Future Land Use: Employment Center

Parcel Information

Acres: ±11.61 acres
Parcel(s)#: 24272-001-00
Location: 3400 block of NE 36th Avenue, in proximity to the southwest corner of NE 36th Avenue and NE 24th Street, north of the CSX Railroad.
Existing use: Undeveloped
Overlay(s): N/A

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Employment Center Neighborhood	M-1 – Light Industrial RO – Residential Office B-2 – Community Business	Business and Professional Offices (Nadeau-Stout Custom Homes, IPC Services) Undeveloped
East	Employment Center	M-1 – Light Industrial	NE 36 th Ave Industrial Park (PB T, PG 024) and Strahle’s Industrial Park (PB 7, PG 185), adjacent to NE 36 th Avenue bridge
South	Employment Center	M-1 – Light Industrial	Griffin Industrial Park (PB 6, PG 185), adjacent to CSX Railroad Right-of-Way
West	Employment Center	M-1 – Light Industrial M-2 – Medium Industrial	Warehousing Light Manufacturing

Background

The subject property, identified by Parcel Identification Number 24272-001-00, contains an approximate 11.61 acres, and is generally located southwest of the intersection of NE 24th Street and NE 36th Avenue. More specifically, the properties are located between the 3200 and 3600 blocks of NE 24th Street. The subject property is currently vacant and undeveloped. It is bordered to the east by the elevated roadway of NE 36th Avenue, and to the south by a CSX Railroad Right-of-Way.

On June 19, 2007, the City Council adopted rezoning PUD07-0002 through Ordinance 5678, which changed the zoning district from M-1, Light Industrial, to PUD-09, Planned Unit Development and approved the associated conceptual plan for Oakview Park, a residential PUD containing a maximum of 100 dwelling units (8.4 dwelling units per acre). However, PD standards have not been adopted and are not in place on the property. Currently, the Petitioner is requesting to rezone the subject property from Planned Unit Development (PUD) zoning district to Light Industrial (M-1), citing market and demand changes. The Petitioner’s narrative statement identifies an intention to develop the site with a low-impact industrial warehouse use.

The Petitioner has submitted a concurrent application to delete Future Land Use Policy 18.7 and associated development conditions adopted through Ordinance 5610 (FLUP23-45444), in order to allow for the subject property to be developed in a manner consistent with the present Employment Center future land use designation; the proposed text amendment was transmitted to the Florida Department of Commerce (FL-Commerce) on February 19, 2024.

Existing and Proposed Development Standards

	Zoning District	Intent and Purpose	Minimum Lot Area (square feet)	Maximum Building Height (feet)
Existing	PUD-09, Planned Unit Development*	PUD07-0002 was approved on June 19, 2007 for a maximum of 100 dwelling units (8.4 dwelling units per acre).	8,000 square feet	50 feet
Proposed	M-1, Light Industrial	Intended primarily for wholesale distribution, warehouse storage, research and development, showroom sales, and light manufacturing of finished or semi-finished products. Outdoor manufacturing is not allowed in the M-1 district. Outdoor storage is allowed as a permitted accessory use, if it complies with design criteria. Service establishments serving the industrial uses or the district shall be permitted.	10,000 square feet	60 feet

*The Planned Unit Development (PUD) district has since been repealed by Ord. No. 2019-28, § 19, adopted Mar. 19, 2019, and replaced with the Planned Development (PD) district. A rezoning is required to bring undeveloped and

expired PUD zoning districts into compliance with current code.

Staff Analysis

The proposed rezoning would allow for future development consistent with the Employment Center future land use designation and is compatible with the surrounding area.

The subject property is currently zoned PUD-09, Planned Unit Development and is subject to development conditions under Future Land Use Policy 18.7 which restrict the allowable land use to a maximum of 100 residential dwelling units. The underlying Employment Center Future Land Use classification is generally intended for industrial, office and commercial uses, but does allow for residential uses as part of a mixed-use Planned Development (PD). The Petitioner's request and intention to develop the subject property as Light Industrial (M-1) is consistent and compatible with the Employment Center Future Land Use and negates the necessity for development conditions on the subject property.

The subject property is adjacent to M-1, Light Industrial, zoned properties to the south, east and west. The proposed low-impact warehouse use is not anticipated to negatively impact nearby the residential and commercial properties to the north, and is consistent and compatible with the surrounding area. Future development will be buffered from less intensive uses and zoning districts in accordance with Ocala Code of Ordinances Section 122-260; which requires a 20-foot yard where a business or industrial district is separated by a two-lane street from a residential district.

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 6.5: 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.

- 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.

- ii. Policy 12.2: The City shall permit new industrial development only when City sewer lines are available concurrent with the industrial development and have capacity sufficient to handle the wastewater. Wastewater connections are subject to the requirements of Section 367.111, Florida Statutes. Industries with wastewater which do not meet City quality standards set forth in Ch. 24-164 shall be required to pretreat their wastewater before transporting it to publicly owned sewage treatment facilities.
 - c. Future Land Use Element Objective 14: The City shall continue existing regulations or adopt new regulations to ensure that development is consistent with the Future Land Use Map and are compatible with neighboring development, available services and facilities, and topography and soil conditions.
 - i. Policy 14.1.5: Industrial uses will not be allowed to use local residential streets as a major means of transportation.
2. 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.

- b. Section 122-244 - District criteria: Zoning districts allowed under each 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
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- c. Section 122-761: The light industrial (M-1) district is intended primarily for wholesale distribution, warehouse storage, research and development, showroom sales, and light manufacturing of finished or semi-finished products. The light industrial uses shall be compatible with the surrounding uses. Outdoor manufacturing is not allowed in the M-1 district. Outdoor storage is allowed as a permitted accessory use, if it complies with design criteria in section 12-763. Additional outdoor storage, subject to design criteria (see section 122-767) can be requested as part of the public hearing process before the planning and zoning commission and city council. Service establishments serving the industrial uses or the district shall be permitted. Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.
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 frontage along NE 24th Street, which is a county-maintained 2-lane collector roadway with interrupted flow. 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	Lanes	Speed	Functional	Adopted	LOS	2023	Existing
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Name		Limit	Classification	LOS	Capacity	AADT	LOS
NE 24 ST	2	45 MPH	Collector	E	12,744	2,300	C

Electric: The subject property is within the Ocala Electric Utility service territory.

Internet: Service is available. A City fiber optic cable runs along NE 24th Street in front of the subject property.

Potable Water: Service is available. A City water main runs along NE 24th Street 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 NE 24th Street 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. The subject property was evaluated in the Ocala Flood Study and has a Base Flood Elevation of 72. For any future development, 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.

Solid Waste: Service is available.

Fire Service: Ocala Fire Rescue Station #5 is located approximately 0.92 miles from the subject property, at 2340 NE 25th Avenue.

Schools: This amendment is not anticipated to affect any school district

Staff Recommendation: <i>Approval</i>
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Permitted Uses Table:

Permitted Use Type	PUD-09, Planned Unit Development	M-1, Light Industrial
<i>Residential Type</i>	<ul style="list-style-type: none"> • Single and multi-family residences, not to exceed 100 dwellings 	
<i>General Retail</i>		<ul style="list-style-type: none"> • Furniture store, with a minimum of 10,000 square feet of warehouse space • Home garden/hobby farm equipment sales • Used merchandise store
<i>Vehicular Sales</i>		<ul style="list-style-type: none"> • Construction/farm equipment sales* • Truck rental and sales*
<i>Agricultural Use</i>		<ul style="list-style-type: none"> • Indoor greenhouse • Indoor hemp facility
<i>Business Service</i>		<ul style="list-style-type: none"> • Advertising services (on-site/off-site signs) • Construction service establishment • Day labor service establishment* • Equipment rental and leasing • General business service • Maintenance and cleaning service • Parking garage (or structure) • Parking lot • Pest control service • Radio/TV broadcasting facilities • Security systems service
<i>Eating or Drinking Establishment</i>		<ul style="list-style-type: none"> • Alcoholic beverage establishment (off-premises consumption) • Restaurant (enclosed)
<i>Office Use</i>		<ul style="list-style-type: none"> • Commercial photography (art and graphic design service) • Computer maintenance and repair • Photofinishing laboratory • Prepackaged software services • Print shop • Professional and business office
<i>Personal Service</i>		<ul style="list-style-type: none"> • Bail bonds agency • Kennel • Laundry and dry-cleaning service • Major household repair establishment • Mini-warehouse • Minor household repair establishment • Recycling collection point
<i>Vehicular Service</i>		<ul style="list-style-type: none"> • Auto repair, minor • Repair garage

		<ul style="list-style-type: none"> • Self-service/convenience store
<i>Community Service</i>		<ul style="list-style-type: none"> • Day care facilities*
<i>Educational Use</i>		<ul style="list-style-type: none"> • Community education center • Vocational/professional school
<i>Recreational Use</i>		<ul style="list-style-type: none"> • Recreation facility, indoor*
<i>Health Care Use</i>		<ul style="list-style-type: none"> • Medical and dental laboratory • Veterinarian office
<i>Low-Impact Industrial Use</i>		<ul style="list-style-type: none"> • Assembly of electronics components • Carpet and upholstery cleaning • Manufacturing, light • Microbrewery/microdistillery • Newspaper printing facilities • Packing and crating • Recycling center • Research and testing laboratory • Truck/freight terminal • Warehouse • Wholesale and distribution

*Permitted by Special Exception