



Staff Report

SE24-45543

Board of Adjustment: March 18, 2024

Petitioner: Ashcroft Properties Inc.

Property Owner: Ashcroft Properties, Inc. and Avalon Condominium Units Association, Inc.

Agent: Miles Christian Anderson, Miles Anderson Consulting Engineers

Project Planner: Emily W. Johnson, AICP

Applicant Request: Special Exception to allow multi-family dwellings in the B-4, General Business zoning district.

Parcel Information

Acres: ± 7.14 acres

Parcel(s) #: 25226-008-02

Location: 3415 West Anthony Road

Future Land Use: Low Intensity

Zoning District: B-4, General Business

Existing Use: Partially developed Avalon condominium community

Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Low Intensity	B-4, General Business	Multi-tenant inline commercial building and self-service station / convenience store
West	Low Intensity	B-4, General Business	Multi-tenant inline shopping center
South	Low Intensity	B-4, General Business	Vacant and undeveloped commercial
East	Neighborhood	R-3, Multi-Family Residential	Single-family residence; vacant and undeveloped residential

Background:

The subject property, identified by Parcel Identification Number 25226-008-02, contains an approximate 7.14 acres, and is generally located in the 3400 block of West Anthony Road, southeast of the intersection of West Anthony Road and NW 35th Street. The subject property is currently partially developed with the existing Avalon condominium community; which consists of 5 completed townhome buildings, Buildings 300, 400, 500, 600, and 700 (total of 24 units).

The petitioner has previously received two special exceptions on the subject property:

- A Special Exception (SE04-0004) for development of fifty (50) multifamily units in the B-4 zoning district was approved for the subject property on May 24, 2004, subject to the following conditions:
 1. The plan submitted for site plan approval must be substantially the same (access location, number of units, open space, layout, etc.) as the sketch plan considered at the May 17, 2004 BOA meeting.
 2. Not more than 50 residential units shall be developed.
 3. Condominium units shall be a minimum of 1,500 square feet of living area.
 4. The development and units shall be established as Condominium ownership.

Construction was required to commence within six months of Board approval and be completed within one year or the Special Exception would expire. Only 20 units and the pool recreation area were completed under the originally approval site plan (SPL04-0058).

- A re-approval of the prior Special Exception (SE19-0004) to facilitate completion of the partially constructed project was approved on July 15, 2019, with the following modifications to the originally approved plan:
 1. Reduction in the number of total units from 50 to 41, and reconfiguration of the remaining buildings.
 2. Reduction in the minimum unit size from 1,500 to 1,300 square feet of living area.

Site plan approval for the requested modifications was required to be obtained within two years or the Special Exception would expire. The modified site plan (SPLM19-0008) was approved on December 26, 2019 for the construction of Buildings 300, 100A, 100B, 200A, and 200B; however, construction was only completed on Building 300, and approval of the Special Exception and Site Plan has since expired.

Currently, the petitioner is requesting a re-approval of the Special Exception in order to facilitate completion of the final phase of the development. The petitioner has submitted a revised concept plan which proposes to consolidate the footprints of Buildings 100A, 100B, 200A and 200B into two buildings with a maximum of 10 units each (a maximum of 20 units) in approximately the same respective locations as approved by SPLM19-0008. Development would not exceed the originally approved maximum of 50 residential units on the subject property; the petitioner is requesting to maintain the minimum unit size of 1,300 square feet as previously approved under SE19-0004.

Staff Analysis

Approval of the Special Exception with conditions is recommended to allow for completion of the partially developed condominium community. Pursuant to Ocala Code of Ordinances Section 122-724(1)(b), multifamily dwellings are permitted at a maximum of 30 dwelling units per acre with a special exception in the B-4, General Business zoning district, and subject to the architectural review requirements under Section 122-216(t).

The proposed development does not exceed the allowances made under previously approved Special Exceptions SE04-0004 and SE19-0004, and meets the standards for approval of a Special Exception pursuant to Ocala Code of Ordinances Section 122-73(5).

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

The Code states that the Board of Adjustment, in reaching its conclusion and in making the required findings, 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, that the purposes and requirements for granting the special exception have been met by the applicant. The required factors to be weighed are as follows:

- 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.

Ingress/egress is provided via an existing access drive which is privately owned and maintained by the Avalon Condominium Association, and connects to West Anthony Road. The concept plan indicates an additional 24-foot-wide emergency-only egress to West Anthony Road between Buildings 600 and 700; consistency with the secondary access requirement under Ocala Code of Ordinances Section 122-216(k)(5) for residential developments containing more than 16 units will be determined during the site plan review process.

- 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.

Parking for the condominium units is provided via individual driveways. Ocala Code of Ordinances Section 122-1010(a)(2) requires 1.5 parking spaces per multi-family dwelling; parking requirements will be addressed as part of the site plan process.

- 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.

Refuse service is currently available to the development via an existing dumpster on-site, shown on the concept plan, and will continue to be provided. No changes to the refuse service area are anticipated as part of this request.

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

Utility services are currently available to the development, 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.

The subject B-4, General Business, zoned property is currently partially-developed with a multi-family residential use, and is adjacent to B-4 zoned properties to the south and north, and an R-3, Multi-family Residential, zoned property to the east. The site does not abut any

less intensive uses or districts, and therefore does not necessitate additional buffering beyond the minimum required 4-foot-wide perimeter buffer required by Ocala Code of Ordinances Section 122-260(c)(1).

- 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.

All signage must comply with Chapter 110, Ocala Code of Ordinances. Additional signage is not anticipated as part of this request.

- G. Required yards and open spaces.

Pursuant to Ocala Code of Ordinances Section 122-286, multi-family residential dwelling units in the B-4, General Business, zoning district are required to maintain a 25-foot front yard, 8-foot interior side yard, and a 25-foot interior rear yard. The proposed buildings will be located in the same respective locations as previously approved by SPLM19-0008; the concept plan indicates that a 25-foot-wide building setback will be maintained around the perimeter of the entire site.

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

Pursuant to Ocala Code of Ordinances Section 122-286, the maximum allowable height in the B-4, General Business, zoning district is 60-feet. Design features of the proposed Buildings 100 and 200 shall be largely consistent with the façades of existing buildings within the Avalon condominium community, which are a mix of one-story and two-story units.

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

The additional housing will create greater interaction between neighboring uses, thereby providing positive economic effects for properties within the district.

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

This site is not located within a designated historic district.

Recommended Conditions of Approval:

1. This Special Exception shall remain with the Property in perpetuity, regardless of changes in ownership.
2. No more than 50 dwelling units shall be developed on the subject property.
3. Condominium units shall contain a minimum of 1,300 square feet of living area.
4. Architectural renderings shall be submitted for Buildings 100 and 200 for review with the site plan application, design features shall be largely consistent with the façades of existing buildings within the Avalon condominium community.
5. Site Plan approval for Buildings 100 and 200 shall be issued within 18 months of the date of approval by the Board of Adjustment or this Special Exception shall expire.

Staff Recommendation: Approval with Conditions