



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

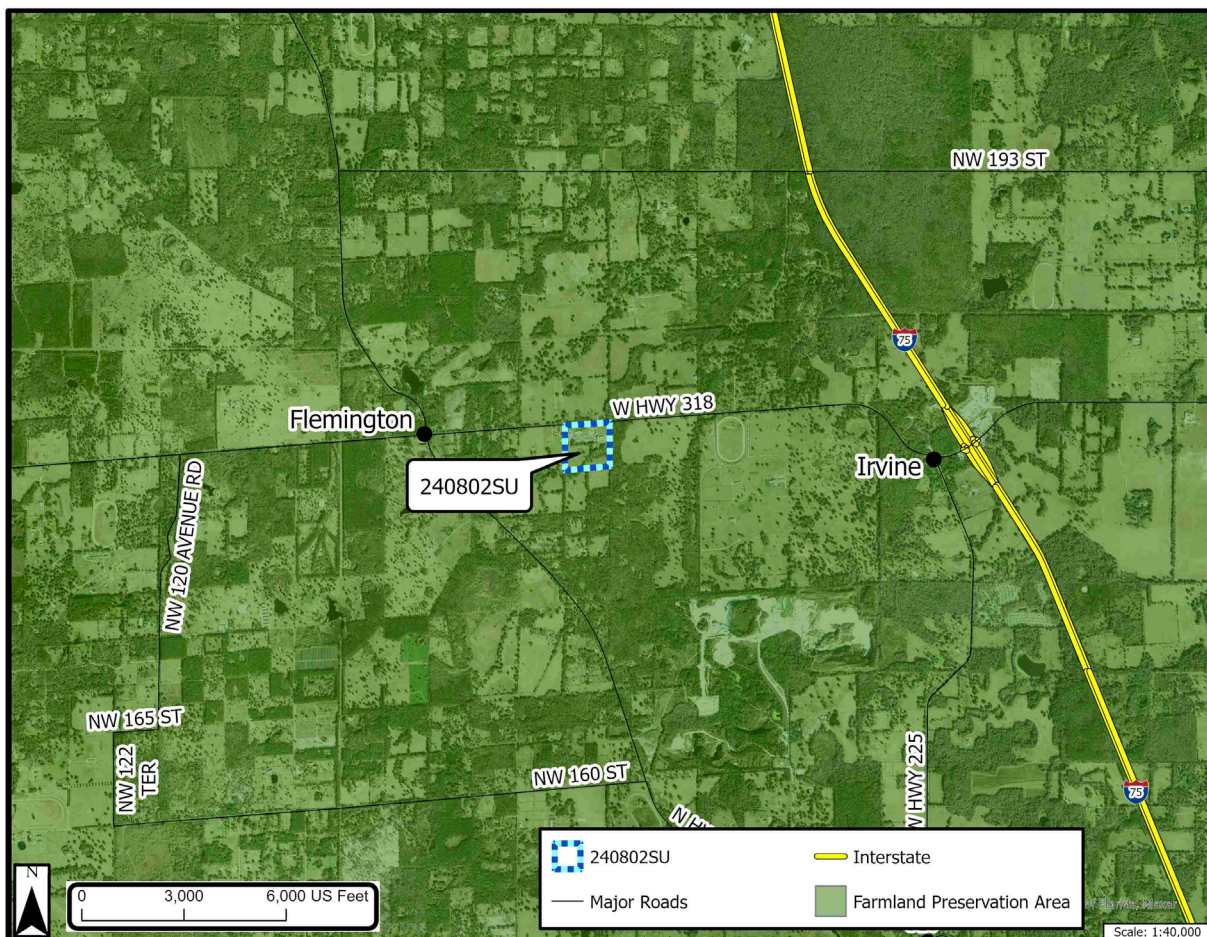
P&ZC Date: 07/29/2024	BCC Date: 08/20/2024
Case Number:	240802SU
CDP-AR:	31506
Type of Case:	Special Use Permit Modify site plan as presented in SUP 170612SU to move on-site dormitories to a different area of the subject parcel
Owner	TCVM LTD Corp.
Agent	Mastraserio, Paolo
Street Address	9700 West CR 318
Parcel Number	02039-000-00
Property Size	±39.61-acres
Future Land Use	Rural Land (RL)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	APPROVAL WITH CONDITIONS (CONSENT)
Project Planner	Kenneth Odom, Transportation Planner
Related Case(s)	N/A

I. ITEM SUMMARY

Paolo Mastraserio, agent for the applicant, TCVM LTD Corp. (The CHI Institute of Chinese Medicine), is requesting approval of an amended Special Use Permit in order to proceed with planned expansion of an educational center located on forty acres of land located on west CR 318, in northwest Marion County, in the Flemington area. The site is located within the Farm Land Preservation Area established in the Comprehensive Plan and the Secondary Springs Protection Zone. A modified conceptual site plan has been submitted with the major modification to the proposed site plan being to move the 18,000 SF student dormitories building from the northern portion of the parcel to the southwest portion of the property. Instead of one single building comprising the student dormitory facility, the relocated facility will consist of seven pre-fabricated modular dwellings that are 2,400 SF each, for a total of 16,800 SF (See Figure 5).

The subject property has been granted a series of Special Use Permits beginning in 2003, with each new Special Use Permit repealing and replacing the prior Special Use Permit. This request will modify the Special Use Permit (170612SU) most recently approved by the Board of County Commissioners on June 20, 2017, under Res. No. 17-R-193.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL with Conditions** specified in Section VI.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in LDC Sections 2.8.2.D and 2.8.3.B.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (10 owners) within 300 feet of the subject property on July 12th, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on June 25th, 2024, and consistent with LDC Section 2.7.3.E. due public notice was published in the Ocala Star-Banner on July 15th, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of initial distribution of the staff report, no letters of opposition or support have been received.

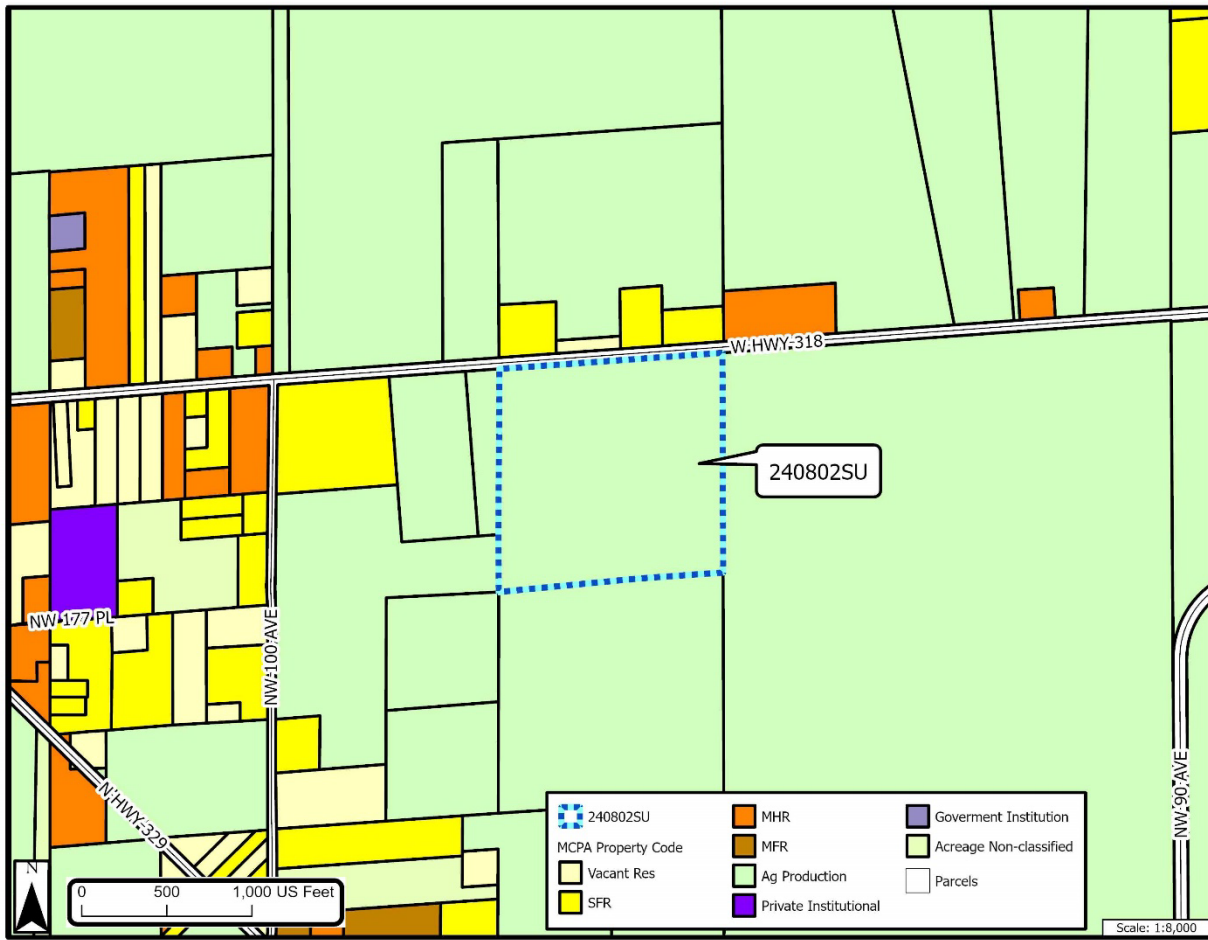
IV. BACKGROUND/CHARACTER OF THE AREA

- A. *Existing site conditions.* The existing facility is a veterinary education center which includes areas for teaching, clinical rooms, warehouse, shipping, storage, administration, and parking. A solar array area is located on the northeastern portion of the site adjacent to the proposed eastern entrance to the site. A pasture area and equine barns are also onsite. The currently approved Special Use Permit allows for a maximum of 50 employees and 200 students.

Ingress and egress to the property is from W Hwy 318, a paved collector arterial roadway. Future expansion may require a dedicated traffic turn lane on W Hwy 318 to access the site if it is warranted by trip generation. Central water and sewer service is not available in this area. If the modified Special Use Permit is approved, the future development of the site will be subject to further review by Development Review Committee for parking, fire code, buffers, traffic impacts, drainage, and other relevant standards in the Marion County Land Development Code.

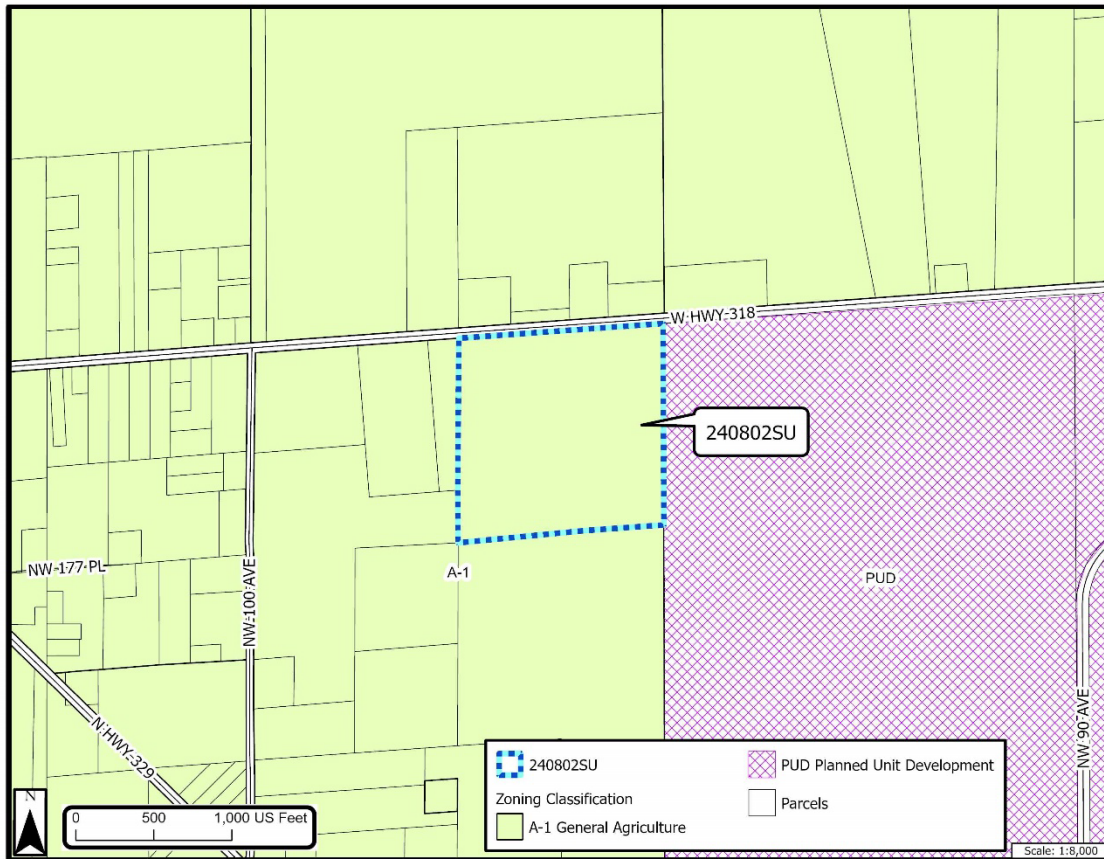
The surrounding area is designated as Rural Land on the Future Land Use map and consists of agricultural uses and large lot residential development. The zoning in this area is A-1 General Agriculture. No concurrency issues have been identified and no adverse impacts to the public have been identified. Continued expansion of the project as proposed will provide a necessary support service to the County's agriculture industry and the surrounding rural area. The proposed use is compatible with the uses in the surrounding area.

Figure 2
Existing Use Per Marion County Property Appraiser Map



- B. *Zoning district map.* Figure 3 shows the subject property is General Agriculture (A-1). Properties to the west, south and north are also zoned General Agriculture (A-1) and the larger parcel to the east is PUD which is the World Equestrian Center owned "The Jockey Club".

Figure 3
Zoning District Map



C. *FLUMS designation.* Figure 4 shows the FLUMS of the subject property as Rural Land, the same classification is adjacent to the west, south and north of the subject property. A large parcel of World Equestrian Center (WEC) designated property is located to the immediate east.

Figure 4
FLUMS Designation



ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	Rural Land (RL)	General Agriculture (A-1)	Improved Residential (01) Grazing – Class 3 (62)
South	Rural Land (RL)	General Agriculture (A-1)	Grazing – Class 3 (62)
East	Rural Land (RL)	General Agriculture (A-1)	Timber – Class 2 (55)
West	Rural Land (RL)	Rural Land (RL)	Improved Residential (01) Grazing – Class 3 (62)

V. ANALYSIS

LDC Section 2.8.2.D requires that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding the SUP addresses ten (10) specific requirements. LDC Section 2.8.3.B requires consistency with the Comprehensive Plan. Staff's analysis of compliance with these ten (10) requirements are addressed below.

- A. Provision for ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

Access will continue to be from the existing entrance located on CR 318. No access changes or new lane geometries are proposed to be added.

- B. Provision for off-street parking and loading areas, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the SUP on adjoining properties and properties generally in the surrounding area.

Parking calculations have not changed with the proposed relocation of the dormitories.

- C. Provisions for refuse and service area, with particular reference to the items in (1) and (2) above.

Multiple dumpsters are located on site and are emptied weekly by leased services.

- D. Provision for utilities, with reference to locations, availability and compatibility.

Electrical services are provided by Duke Energy Inc. Water and sewer services are provided through well and septic system. Sufficient facilities currently exist for all operations.

- E. Provision for screening and buffering of dissimilar uses and of adjacent properties where necessary.

The subject parcel has been buffered according to Land Development Code and requirements under SUP 170612SU. An extension of the western Type 'D' modified buffer will be required to address the construction of the dormitories.

- F. Provision for signs, if any, and exterior lighting with consideration given to glare, traffic safety, economic effects and compatibility and harmony with properties in the surrounding area.

No new signage is requested under the Special Use Permit update.

- G. Provision for required yards and other green space.

The subject parcel already maintains a rural farm aesthetic with large expanses of open space and paddock spaces. The change of location of the dormitories will not necessitate the addition of any additional green space requirements.

- H. Provision for general compatibility with adjacent properties and other property in the surrounding area.

The CHI Institute of Chinese Medicine is an established holistic veterinary facility. All adjacent properties are large-sized agricultural/residential or agricultural/institutional parcels with buffering provided by natural foliage, landscape and open space. The new construction location of the dormitories will not significantly impact any of the adjacent properties.

- I. Provision for meeting any special requirements required by the site analysis for the particular use involved.

The applicants have indicated that they are willing to comply with special conditions in order to obtain and maintain the requested SUP. Compliance with assigned special conditions will be consistent with the Comprehensive Plan.

J. Consistency with the Comprehensive Plan.

1. Policy 2.1.5: Permitted & Special Uses – The county shall identify permitted and special uses for each land use designation and zoning classification, as further defined in the Comprehensive Plan, Zoning, and LDC.
 - a. **Analysis:** Veterinary services are an allowable use under the A-1 zoning designation. Schools (Accredited Public, Private, Parochial) are an allowable use under the Special Uses as listed in the General Agriculture (A-1) zoning designation. The proposed use **is consistent** with the comprehensive plan.

Based on the above findings, staff concludes the SUP is **consistent** with LDC Sections 2.8.2.D and 2.8.3.B provided conditions to address the ten (10) requirements are imposed.

1. FLUE Policy 5.1.3 on Planning and Zoning Commission provides, “The County shall enable applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County’s Local Planning Agency. The purpose of the advisory board is to make recommendations on CPA, ZC, and SUP requests to the County Commissioners. The County shall implement and maintain standards to allow for a mix of representatives from the community and set standards for the operation and procedures for this advisory board.

Analysis: The proposed Public Hearing is scheduled for the July 29th, 2024 Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

2. FLUE Policy 5.1.4 on Notice of Hearing provides “The County shall provide notice consistent with Florida Statutes and as further defined in the LDC.”

Analysis: Staff finds public notice has been provided as required by the LDC and Florida Statutes and, therefore, concludes the application is being processed consistent with FLUE Policy 5.1.4.

Based on above the findings, staff concludes the SUP is **consistent** with the LDC Section 2.8.2 E conditions to address the requirements imposed.

Analysis

In reaching its decision, the Board shall find that the following exist:

1. **Granting the proposed Special Use Permit will not adversely affect the public interest.** Special Use Permits for this location and use have been active since 2003. Modification to the existing Special Use Permit in order to change the location of the construction site of student dormitories will not adversely affect the public interest.
2. **The proposed Special Use Permit request is consistent with the current**

Comprehensive Plan. The Marion County 2045 Future Land Use Map indicates that the subject property is “Rural Land”, and is zoned A-1. The proposed special use is consistent with the current Comprehensive Plan. The

3. **The proposed Special Use Permit request is compatible with land uses in the surrounding area.** The institute has been in operation since 2003. No new uses have been proposed, rather the update to the SUP is only for the site plan modification to relocate the construction location of student dormitories. The SUP request remains compatible with the other land uses in the surrounding area.

VI. ALTERNATIVE ACTION

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **DENY** the special use permit amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE AS CONDITIONED** the special use permit.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance with amended conditions, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE WITH AMENDED CONDITIONS** the special use permit.
- D. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. STAFF RECOMMENDATION

- A. Staff recommends the Planning and Zoning Commission enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE AS CONDITIONED** the special use permit.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:

- 1) The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
- 2) Access to the subject property shall be via Hwy 318.
- 3) Additional development of the Chi Institute may include up to three
(3) Phases as follows:
 - Phase 1 - Barn and Equine Arena 20,000 SF, Office 8,000 SF
 - Phase 2 - Student Dormitory 18,000 SF
 - Phase 3 - Storage Building 11,000 SF, Administration Building 3,400 SF, Zen Garden & Pavilion.
- 4) A Modified Type D Buffer (minimum 15' wide, minimum of 5 trees and 18 shrubs per 100 linear feet, and a minimum 6' high fence in lieu of a wall) shall be extended and maintained along the property's western boundary as indicated by the conceptual plan package.
- 5) The maximum number of students shall be two hundred (200).
- 6) The hours of operation shall be Monday through Saturday, 9:00 a.m. to 5:30 p.m. and Sunday, 9:00 a.m. to 1:00 p.m.
- 7) The existing vegetative buffer shall be maintained on the subject property.
- 8) The existing fencing around the subject property shall be maintained.
- 9) The applicant shall comply with all applicable health/safety codes and/or permitting requirements (e.g., site, building, fire, change of use, driveway, etc.) for the site and use modifications authorized with this Special Use Permit.
- 10) The expansion or addition of structures to the subject property, increases in non-family employees, and increases in students are not permitted; however, a new Special Use Permit Application may be submitted for consideration for such expansions or additions.
- 11) The Special Use Permit shall terminate upon the sale or transfer of the property to another person or entity not controlled by the applicant.

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval with conditions (Consent)

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application and all supporting materials. (Filed 5/3/2024)
- B. Site photographs.
- C. Development Review Committee Comments.