



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 08/26/2024	BCC Date: 09/17/2024
Case Number:	240901SU
CDP-AR:	31635
Type of Case:	Special Use Permit to build and operate a private Christian School in a General Agriculture (A-1) zoning classification.
Owner	Ocala Korean Baptist Church, Inc. – Pastor Jungbeom Song
Applicant	Kenny Rodrigue
Street Address	7710 SW 38 th Avenue, Ocala, FL 34476
Parcel Number	35520-000-00
Property Size	The southern ±10.00-acre portion of an overall ±20-acre parcel
Future Land Use	Low Residential (LR)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Urban Growth Boundary (UGB) and Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	Approval with Conditions
P&ZC Recommendation	TBD
Project Planner	Kathleen Brugnoli, Planner
Related Case(s)	None

I. ITEM SUMMARY

Kenny Rodrigue, on behalf of Ocala Korean Baptist Church, has filed an application for a special use permit to allow for a private Christian school within General Agriculture (A-1) zoning (see Attachment A). Figure 1 is an aerial photograph showing the location of the subject property. The Property Identification Number associated with the property is 35520-000-00, the street address is 7710 SW 38th Avenue, Ocala, FL 34476, and the legal description is displayed on the deed included as part of the application. The subject property is located within the Urban Growth Boundary (UGB) as well as the Silver Springs Secondary Protection Overlay Zone (SSSPOZ).

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** due to the request being consistent with the Marion County Comprehensive Plan, compatible with the surrounding area, and will not adversely affect the public interest 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.

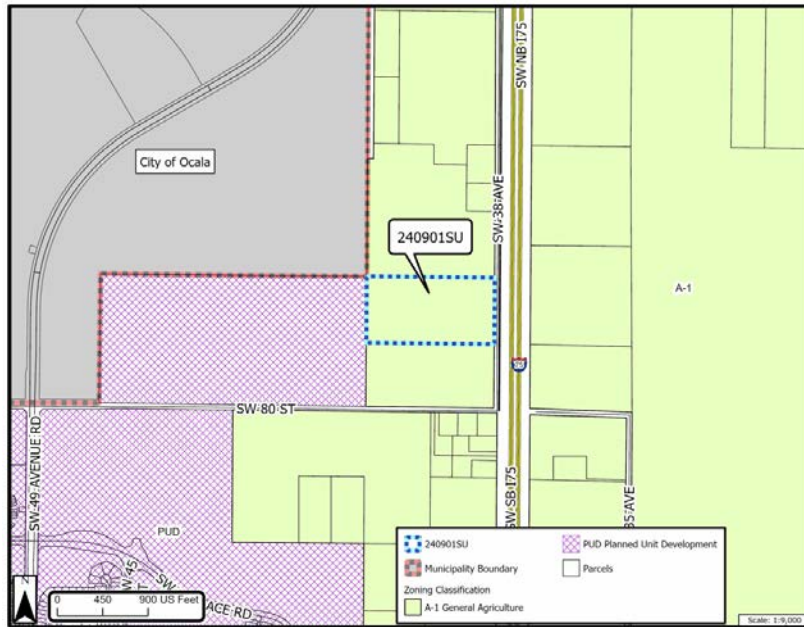
III. NOTICE OF PUBLIC HEARING

The Growth Services Director has interpreted the requirements of Land Development Code (LDC) Sections 2.7.3.C and 2.7.3.B to apply to SUP applications. LDC Section 2.7.3.C requires notice of public hearing be mailed to all property owners within 300 feet of the subject property and notice was mailed to (5) property owners on August 9, 2024. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on August 13, 2024 and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on August 12, 2024. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

- A. *Existing site conditions.* Figure 2 provides zoning classification information while Figure 3 shows the FLUMS designation for the area. Table 1 outlines the existing uses of the surrounding area, while Figure 4 illustrates those uses in relation to the subject property. As illustrated, the subject property is currently listed as “Private Institutional” by the MCPA office. The surroundings area is a mix of Agriculture use and “non-classified” which is generally Agricultural or Residential in use. A site visit was conducted on August 13, 2024 to post public notice and photograph the property (Attachment B). The property is heavily vegetated and treed, making a natural opaque screen from the road and neighboring properties. The driveway in to the property is gated and lined with small trees at the entrance. Currently, the driveway and a majority of the parking area for the church is unpaved with ADA-accessible parking spaces being the exception. The parcel is open pasture-like land with the church located on the northern portion and the southern portion vacant at this time.
- B. *Zoning district map.* Figure 2 shows the subject property designated as General Agriculture (A-1), with properties to the north, south, and east also being A-1 and properties to the west being Planned Unit Development (PUD)

Figure 2
Zoning Classification



- C. *FLUMS designation.* Figure 3 is the FLUMS and shows the subject property as Low Residential (LR) (0-1 du/acre); the same land use exists to the north and south. East across I75, the land use decreases in density and intensity to Rural Land (RL), which allows 1 du/10-acres. West, there's an increase to Medium Residential (MR) which allows 4-8 du/acre.

Figure 3
Future Land Use Map Series

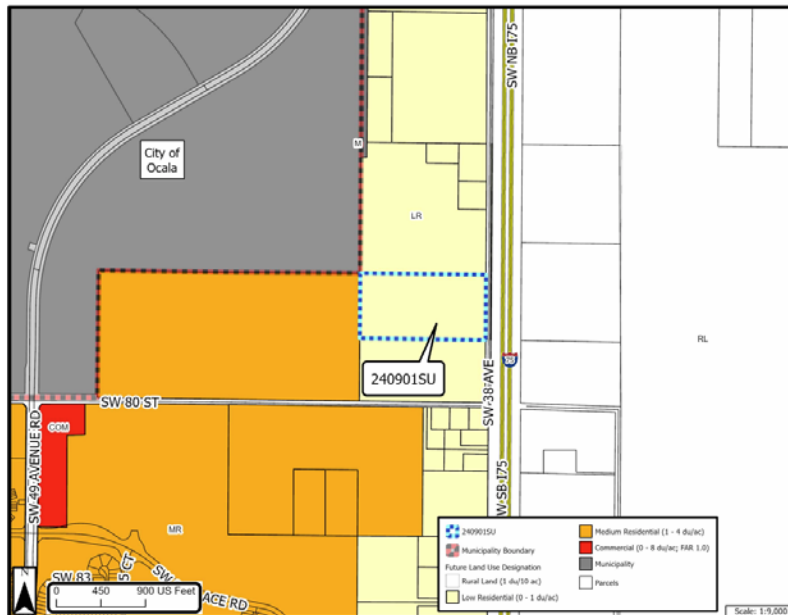


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Low Residential (LR)	General Agriculture (A-1)	Improved Church
North	Low Residential (LR)	General Agriculture (A-1)	Cropland
South	Low Residential (LR)	General Agriculture (A-1)	Timberland
East	Rural Land (RL)	General Agriculture (A-1)	Grazing Land
West	Medium Residential (MR)	Planned Unit Development (PUD)	Non-Classified

Figure 4
MCPA Property Uses

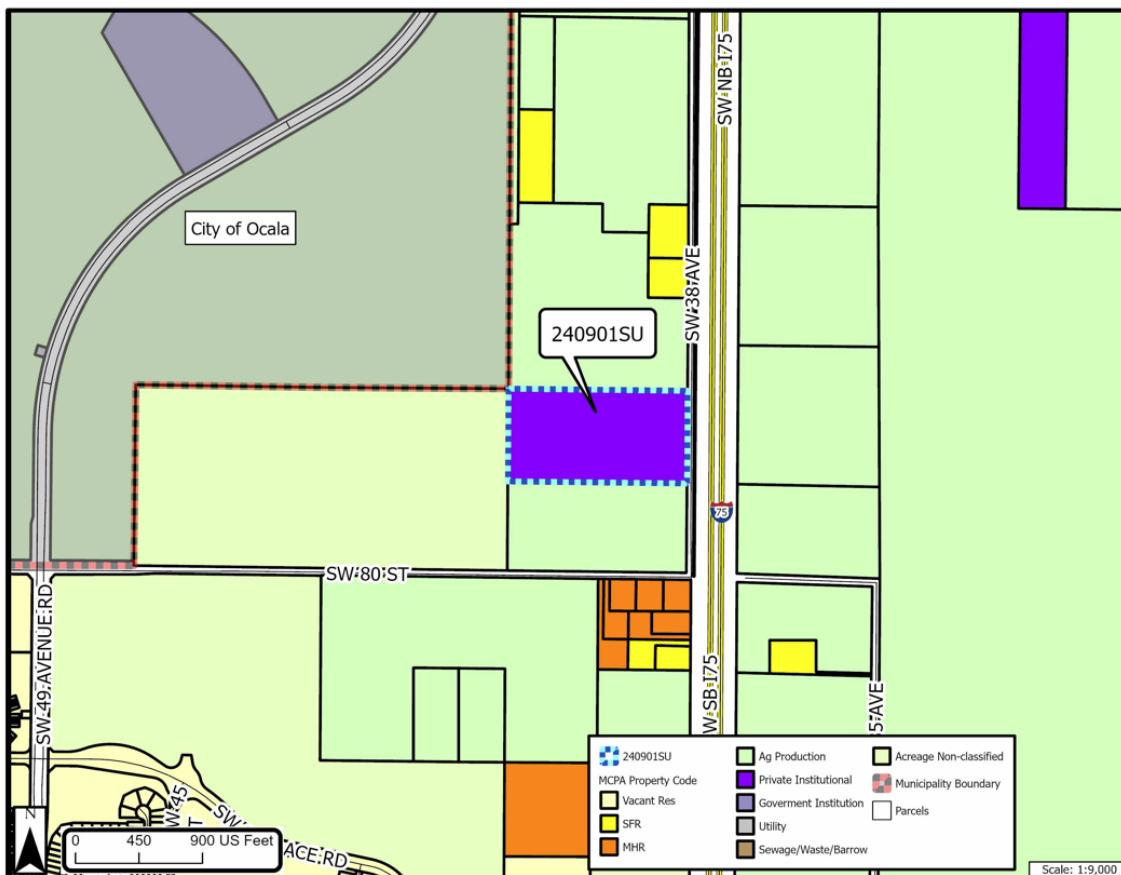


Figure 5
Conceptual Plan



V. ANALYSIS

LDC Section 2.8.2.D provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding the SUP addresses nine (9) 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.*

Analysis: The Findings of Facts state access to the site is provided by SW 38th Avenue. DRC comments provided by Traffic (Attachment C) state, "This school is estimated to generate almost 400 AM Peak Hour trips. All of this traffic will be placed on SW 38th Avenue which has a narrow right-of-way. The school and church should share a single driveway especially because they are used at different times and there is also a hill nearby that precludes the ability to place multiple driveways. A traffic study will be required. A traffic methodology must be reviewed and approved prior to conducting the study." Based on the information provided by Traffic, the following conditions are recommended by staff to be imposed. Staff concludes the application, meeting the following conditions, is **consistent** with provisions for ingress and egress.

- The school shall use the single existing driveway for ingress/egress.
- A traffic methodology and subsequent study, will need to be completed before this item can apply for a major site plan.

- Improvements, as required by OCE Traffic, will be completed before this item can apply for a major site plan.
- The apron, driveway, and parking area for the school must be paved.

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.*

Analysis: An asphalt driveway will lead to parking for teachers and visitors with an asphalt drive surrounding the school buildings in order to hold as many vehicles as possible for parent drop-off and pick-up. Pick-up and drop-off will take place on-site and must be wholly contained on the property and shall not spill out in the right-of-way. Provided the condition below is met, the application will be **consistent** with provisions for off-street parking and loading areas.

- All traffic for pick-up and drop-off must be contained within the confines of the property boundary lines. If stacking occurs in the right-of-way or the traffic study indicates there's a lack of space to accommodate the projected number of vehicles, the number of students must be reduced to a point where traffic can be contained on-site.

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

Analysis: Garbage removal is managed by Waste Pro USA in the area and will be utilized once the school is built/in operation. The application is **consistent** with this provision.

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

Analysis: The subject property will be served by SECO Energy for electric. DRC Comments (Attachment C) from Utilities state that while the property is located within MCU service area, it is outside connection distance and will, at this time, be served by well and septic. Staff concludes the application **is consistent** with the provision of utilities.

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

Analysis: The contiguous parcels are zoned A-1 and PUD with rights-of-way to the east and south. Since the school looks to only encompass the southern 10-acres of the subject property, a northern buffer will not be required. To the west, single-family residences border the property and public use to single-family residential requires a B-Type buffer. The roadways to the east and south require a C-Type buffer per LDC. After the site visit to the property for photos and sign

posting, staff does not believe the traditional buffer requirements will be the best option given the old growth trees and natural vegetative buffer that are already in place. As such, staff recommends a no-touch buffer that, if adhered to, will be **consistent** with provisions for screening and buffering.

- Property boundary lines have a no-touch buffer where trees and vegetation must remain. Any gaps in vegetation along the property line will be filled in with shade trees.
- If fencing is intended to surround the school area, the fence must be placed interior to the buffer leaving enough room for maintenance/upkeep of any vegetation required to fill gaps.

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.*

Analysis: The school intends to have a sign on SW 38th Avenue in front of the school that will be lit at night for display. Lighting around the school was not specifically addressed but a condition is being placed in the event they choose to include lighting on the school grounds as well. Based on the conditions, it is concluded that the application is **consistent** with the signs and exterior lighting requirements of this section.

- A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
- Signs placed in the future shall be permitted through the Building Department.

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

Analysis: Open space as required by Land Development Code Section will be reviewed by DRC during formal site plan review.

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

Analysis: Compatibility is defined in Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, as “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

Figure 1 is an aerial photograph displaying existing and surrounding properties. Figure 4 displays the same properties based on their use code per Marion County Property Appraiser. The pattern of development seen in the area is mostly residential in nature with an existing church to the north. While a school in a residential area isn't considered incompatible, to assist in mitigating any sort of incompatibility, staff recommends the following conditions

- This site shall be developed consistent with the proposed conceptual plan.
- The maximum number of students allowed by this special use permit is 500.
- The Special Use Permit shall run with school, Grace Classical Academy of Ocala, Inc.
- The Special Use Permit will apply to the southern 10 acres of the parcel, If the parcel is subdivided in the future, then the applicant shall submit documentation to Growth Services with the new parcel number and deed. Additionally, the deed shall provide legally deeded access to shared ingress/egress for both church and school.

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

Analysis: Staff notes that unlike a variance, which runs with the land and is recorded in the public records, a special use permit is not recorded. As a result, a subsequent owner will not have notice of the requirements. The subject property will require a major site plan before additional development may commence as is noted in DRC comments (Attachment C). The major site plan will ensure that the development is consistent with the Land Development Code. Staff concludes that no special requirements are needed beyond the conditions provided in this report.

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.

Analysis: LDC Section 4.2.3.C allows for Special Use Permits within the A-1 zoning classification for a school. Within this section of code, schools are specifically listed as a special use that may be requested. Thus, the application is **consistent** with FLUE Policy 2.1.5.

2. Policy 2.1.11: **School Siting Criteria** – The County shall allow public schools in all future land use designations, except Commerce District and Preservation. Private schools may be permitted or require a Special Use Permit (SUP) in the same land use designations as public schools as well as in the Commerce District land use designation as established by the LDC. The County may establish design and development criteria for private schools depending on the school type, student population, and other unique characteristics of the school and the surrounding area to ensure potential impacts are addressed, as further defined in the LDC. In the planning, siting, land acquisition, and development of the schools, evaluation of factors shall include consideration of the following criteria for private schools, and the County shall consider the factors when addressing public school facilities with the Marion County School Board consistent with the Interlocal

Agreement for public school facilities with the School Board, municipalities, and County:

- I. The location of schools proximate to urban residential development and contiguous to existing school sites, which provide logical focal points for community activities and serve as the cornerstone for innovative urban design, including opportunities for shared use and collocation with other community facilities;
- II. The location of elementary schools proximate to and within walking distance of the residential neighborhoods served;
- III. The location of high schools on the periphery of residential neighborhoods, with access to major roads;
- IV. Compatibility of the school site with present and projected uses of adjacent property;
- V. Whether existing schools can be expanded or renovated to support community redevelopment and revitalization, efficient use of existing infrastructure, and the discouragement of urban sprawl;
- VI. Site acquisition and development costs;
- VII. Safe access to and from the school site by pedestrians and vehicles;
- VIII. Existing or planned availability of, or cost to provide, adequate public facilities and services to support the school, including water and sewer service and transportation facilities;
- IX. Environmental constraints that would either preclude or render cost infeasible for the development or significant renovation of a public school site;
- X. Adverse impacts on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archeological resource;
- XI. The site is well drained and the soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements;
- XII. The proposed location is not in conflict with the local government comprehensive plan, storm water management plans, or watershed management plans;
- XIII. The proposed location is not within a velocity flood zone or floodway, as delineated in the applicable comprehensive plan;
- XIV. The proposed site can accommodate the required parking, circulation and queuing of vehicles; and
- XV. The proposed location lies outside the area regulated by Section 333.03(3), F.S., regarding the construction of public educational facilities in the vicinity of an airport.

Analysis: The subject site contains neither flood-prone areas nor FEMA designated flood zone areas. The proposed school neighbors a church who,

as land owner, has signed for the agent to apply for this special use for a private school. The conceptual plan provided shows a route for ingress/egress, a queuing line for pickup, and parking for staff and visitors. LDC Section 4.2.3.C allows for Special Use Permits within the A-1 zoning classification for a school. Within this section of code, schools are specifically listed as a special use that may be requested. Thus, the application is consistent with FLUE Policy 2.1.5.

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

VI. ALTERNATIVE RECOMMENDATIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to the Commission to adopt a proposed Ordinance to **DENY** the special use permit.
- B. 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 Commission to adopt a proposed Ordinance to **APPROVE WITH AMENDED CONDITIONS** the special use permit.
- C. 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 Commission 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 Board enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to adopt a proposed Ordinance to **APPROVE AS CONDITIONED** the special use permit based on compatibility in the area, compliance with the Comprehensive Plan, and a lack of adverse impacts to the surrounding area.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed in the event that the Board chooses to agree with staff recommendation and approve the special use with conditions:
 - 1. The school shall use the single existing driveway for ingress/egress.
 - 2. A traffic methodology, and subsequent study, will need to be completed before this item can apply for a major site plan.

3. Improvements, as required by OCE Traffic, will be completed before this item can apply for a major site plan.
4. The apron, driveway, and parking area for the school must be paved.
5. All traffic for pick-up and drop-off must be contained within the confines of the property boundary lines. If stacking occurs in the right-of-way or the traffic study indicates there's a lack of space to accommodate the projected number of vehicles, the number of students must be reduced to a point where traffic can be contained on-site.
6. Property boundary lines have a no-touch buffer where trees and vegetation must remain. Any gaps in vegetation along the property line will be filled in with shade trees.
7. If fencing is intended to surround the school area, the fence must be placed interior to the buffer leaving enough room for maintenance/upkeep of any vegetation required to fill gaps.
8. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
9. Signs placed in the future shall be permitted through the Building Department.
10. This site shall be developed consistent with the proposed conceptual plan.
11. The maximum number of students allowed by this special use permit is 500.
12. The Special Use Permit shall run with school, Grace Classical Academy of Ocala, Inc.
13. The Special Use Permit will apply to the southern 10 acres of the parcel, If the parcel is subdivided in the future, then the applicant shall submit documentation to Growth Services with the new parcel number and deed. Additionally, the deed shall provide legally deeded access to shared ingress/egress for both church and school.

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

To be determined.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP Application.
- B. Site Photos.
- C. DRC Comments.
- D. Surrounding Property Owner Notification.