



Marion County
Board of County Commissioners

Growth Services

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PLANNING & ZONING SECTION STAFF REPORT

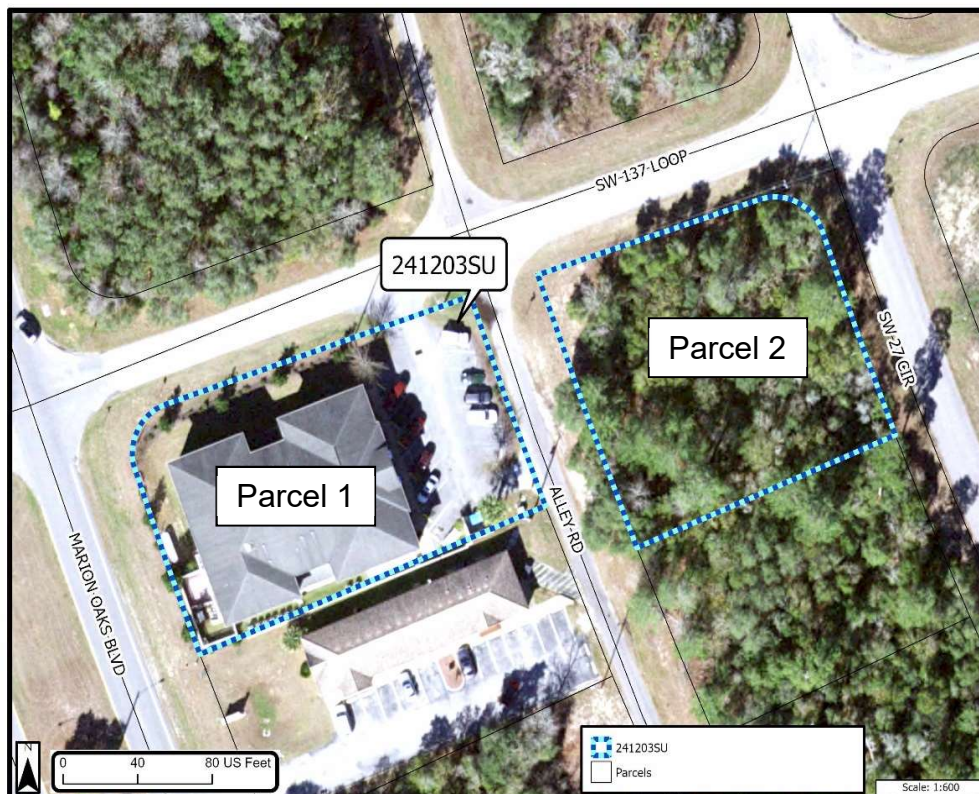
P&ZC Date: 11/25/2024	BCC Date: 12/17/2024
Case Number:	241203SU
CDP-AR:	31948
Type of Case:	Special Use Permit: Operation of a residential rehab facility and supporting satellite parking facility.
Owner	SMA Healthcare, Inc.
Applicant	Fred Roberts Jr. Esq. (Klein & Klein, LLC)
Street Address	3590 SW 137 th Loop & Unaddressed
Parcel Number	8001-0247-01 & 8001-0252-01
Property Size	±0.46 Acres & ±0.39 Acres (±0.85 Acres Total)
Future Land Use	Commercial (COM)
Zoning Classification	Community Business (B-2)
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	APPROVAL WITH CONDITIONS (CONSENT)
Project Planner	Kenneth Odom
Related Case(s)	None

I. ITEM SUMMARY

Fred Roberts Jr., Esq. (Klein & Klein), agent for the owners SMA Healthcare, Inc., has filed for a Special Use Permit (SUP), to allow for the subject parcel (Parcel 1) to be converted from an assisted living facility to a rehabilitation facility to expand the availability of Marion County comprehensive residential rehabilitation and treatment for women, women with children, or pregnant and postpartum women in a protected and structured environment, along with a supporting parking facility (Parcel 2) on properties with a zoning of Community Business (B-2) (See attachment A). The services provided at this location will be provided solely to women and to women with dependent children, with the mothers being the primary patients. A total of forty-five (45) beds (women/mothers) will be available at the facility. Male patients will not be permitted at this location and strict regulations regarding male visitors to the female patients will be strictly regulated at all times, if permitted at all. SMA Healthcare currently offers Prevention, Crisis, Residential, Outpatient, Justice, Community Outreach, 24/7 Support, and other specialty services within Marion, Citrus, Putnam, Flagler, St. Johns, and Volusia Counties.

Figure 1 is an aerial photograph showing the close aerials of the subject properties. The Parcel Identification Numbers associated with the subject properties are 8001-0247-01 (Parcel 1) & 8001-0252-01 (Parcel 2), and the street address is 3590 SW 137th Loop (Parcel 1) and unassigned (Parcel 2), within the Marion Oaks DRI. The property is located inside the Secondary Springs Protection Zone. The legal description is included as Attachment A. Staff is recommending **APPROVAL WITH CONDITIONS**.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** due to the analysis provided within this staff report. If approved, staff recommends the conditions specified in Section VII.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B, and 4.2.6(f).

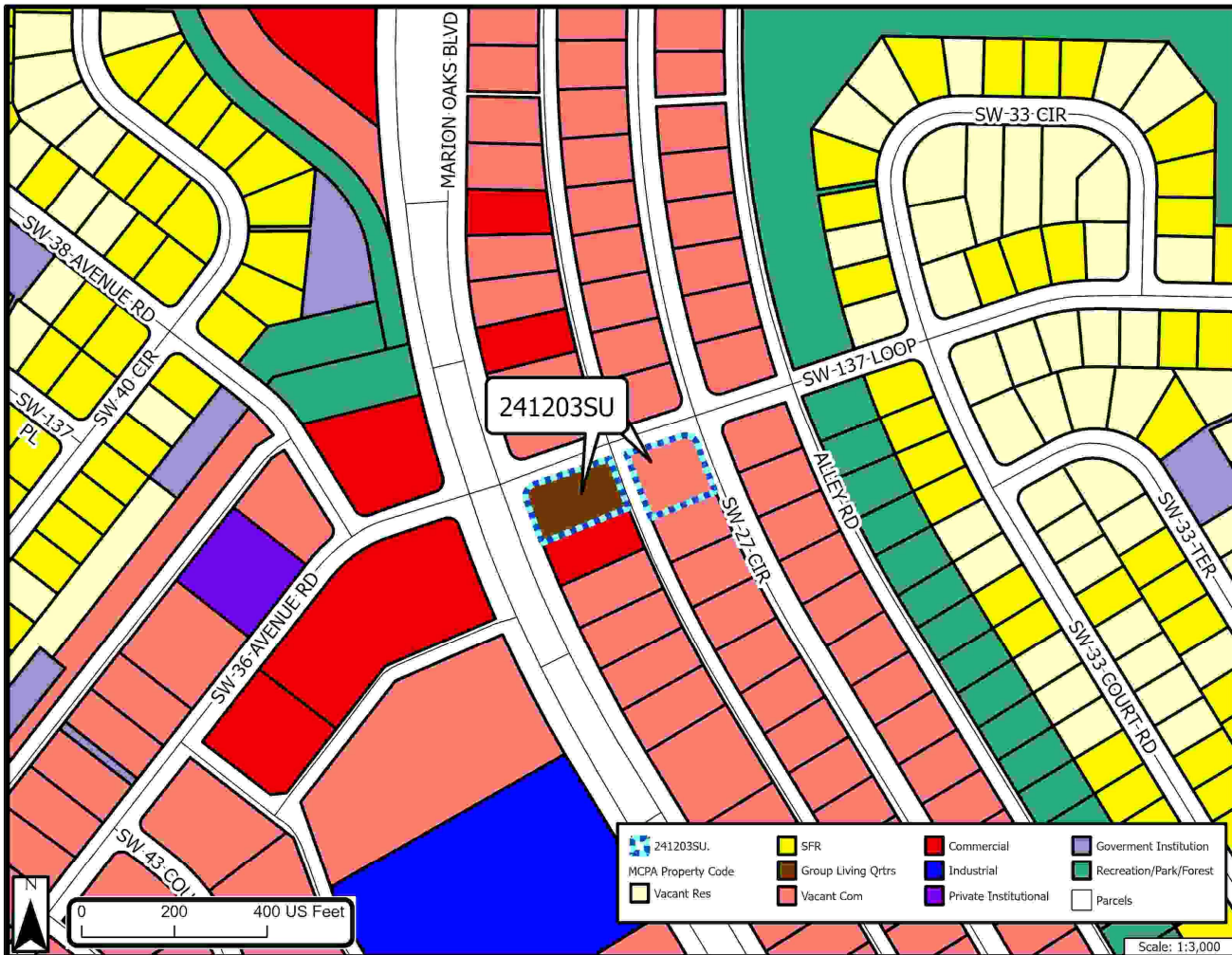
III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (8 property owners) within 300 feet of the subject property on November 18th, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on November 13th, 2024, where site photos were also collected (Attachment B) and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on November 11th, 2024. As of the date of the initial distribution of this staff report, no letters of opposition have been received. Evidence of the above-described public notices are on file with the Growth Services Department and are incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

A. *Existing site conditions.* Figure 2 shows that the properties are currently listed as Group Living Quarters and Vacant Commercial by the Marion County Property Appraiser's Office. The site is surrounded by Commercial and Vacant Commercial parcels.

Figure 2 Existing Conditions Map



- B. *Zoning district map.* Figure 3 shows the subject properties are classified as Community Business (B-2). This is the initial zoning classification.

Figure 3
Zoning Classification



- C. *FLUMS designation.* Figure 4 is the FLUMS which shows the subject properties are designated Commercial (COM), allowing a maximum development of 1.0 FAR. This is the property's initial land use designation.

Figure 4
FLUMS Designations



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 reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Analysis: Ingress and egress to and from the properties will be provided from SW 137th Loop and through the existing public alley road in accordance with the

attached Conceptual Plan. The applicant will be required to upgrade the alley up to 'Subdivision' street standards from the access point to SW 137th Loop in order to provide adequate operational accessibility.

- *The Applicant shall upgrade the alley road to 'Subdivision' street standards from the property driveways to SW 137th Loop.*

- 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: Parking and loading areas will be addressed within the boundaries of the Property on those areas identified in the Conceptual Plan and which correspond to the currently existing improvements on Parcel 1 and those to be constructed on Parcel 2.

The development of the subject parcels must remain consistent with the submitted conceptual plan. The orientation of amenities and required infrastructure on Parcel 2 are interchangeable, but any deviation from the allowed uses will require modification to the SUP.

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

Analysis: Refuse and service areas shall be located within the boundaries of the Property and shall be screened from public view. Refuse and service areas are both already constructed as part of the currently existing improvements on Parcel 1.

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

Analysis: Required electrical utilities are currently available through SECO Energy and are provided along Marion Oaks Boulevard. The Property and improvements are currently serviced by Marion County for water and sanitary sewer.

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

Analysis: Buffering already exists along adjacent ROW at the westerly and northerly boundaries of Parcel 1. Buffering on Parcel 2 shall be installed pursuant to Marion County Land Development Code, subject to applicable waiver and/ or modification by the Development Review Committee. The applicant shall be required to maintain all buffers and landscaping on both properties.

- 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: Signage is currently located at northwest corner of Parcel 1 at corner of SW 137th Loop and Marion Oaks Boulevard. Any modifications to existing signage, or the addition of, shall be in accordance with the Marion County Land Development Code.

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

Analysis: Minimal green space is necessary at this location based on the proposed use and the Commercial land use allowance for a 1.0 FAR. Parcel 1 has been improved and is being re-purposed, so landscaping and some greenspace currently exists. Parcel two will be used primarily for parking and stormwater infrastructure. However, additional green space and a play area for children of the patients will be added. Yards and green space shall be provided pursuant to Marion County Code. The location and size of those green spaces can be found in the Conceptual Plan and are as currently exist on the Parcel 1.

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

Analysis: Compatibility is defined 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. The requested Special Use Permit will allow applicant to offer a comprehensive residential rehabilitation and treatment for women, women with children, or pregnant and postpartum women in a safe and structured environment. The intended use is comparable in impact and intensity to that of an assisted living facility which is the current use on Parcel 1. There are no residential properties within 300 feet of the currently constructed or proposed improvements on the Property or Property boundary.

- *The business model must be maintained as presented in that women are the primary patients and their children are permitted to live on-site with them. No male patients are to be admitted at this location.*
- *This special use permit runs with the owner and not property. Sale of the business by this applicant will necessitate the new owner to reapply through the SUP process in order to update the conditions of the use.*

- 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. Staff has recommended a previous condition that will require the SUP to be updated by the

new owners if the property/business changes hands. Additionally, the owner/operator of the proposed business type is subject to licensing requirements through the State of Florida Department of Children and Families which are required to be obtained prior to the commencement of any operations.

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: The Marion County Land Development Code does not address this specific type of proposed use because of the unique characteristics comprising its operations and self-imposed restrictions which are more complex than a typical community residential assisted living facility. However, certain zoning designations do permit Community Residential Homes (six or less residents) by right. There is also the consideration for Community Residential Homes (seven or more residents), but it is always under the requirement of the SUP process. While the proposed use is more elaborate than that of a typical community-assisted living facility, it does have many of the same base characteristics, and staff have used this model to conduct this analysis.

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 eight (8) requirements are imposed.

VI. ALTERNATIVE RECOMMENDATIONS

- 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, 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.
- 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 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 **APPROVAL WITH CONDITIONS** 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 Applicant shall upgrade the alley road to 'Subdivision' street standards, pursuant to the Marion County Land Development Code, from the property driveways to SW 137th Loop.*
 - 2. The development of the subject parcels must remain consistent with the submitted conceptual plan. The orientation of amenities and required infrastructure on Parcel 2 are interchangeable, but any deviation from the allowed uses will require modification to the SUP.*
 - 3. The business model must be maintained as presented in that women are the primary patients and their children are permitted to live on site with them. No male patients are to be admitted at this location.*
 - 4. This special use permit runs with the owner and not the property. Any sale of the property will void this special use.*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

APPROVAL WITH CONDITIONS (CONSENT)

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

TBD

X. LIST OF ATTACHMENTS

- A. SUP application filed on August 28, 2024.
- B. Site Photos
- C. DRC Comments.