



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

Hearing Dates	P&ZC: 05/28/2025	BCC: 06/17/2025
Case Number:	250402SU	
CDP-AR:	32510	
Type of Case:	Special Use Permit: Skilled nursing and memory care facility in a Community Business (B-2) zone	
Owner	C.L.D. Properties, LLLP	
Applicant	Architecture Concepts, Inc c/o Kenneth L. Tobin	
Street Address	No Assigned Address	
Parcel Number	35695-019-03	
Property Size	±9.47- acres	
Future Land Use	Commercial (COM)	
Zoning Classification	Community Business (B-2)	
Overlay Zone/Scenic Area	Secondary Springs Protection Zone, Urban Growth Boundary	
Staff Recommendation	Approval with Conditions, with <u>some</u> revisions proposed by the applicant.	
P&ZC Recommendation	Approval with Conditions, including the revisions proposed by the applicant.	
Project Planner	Xinyi Cindy Chen, AICP / Christopher D. Rison, AICP	
Related Case(s)	N/A	

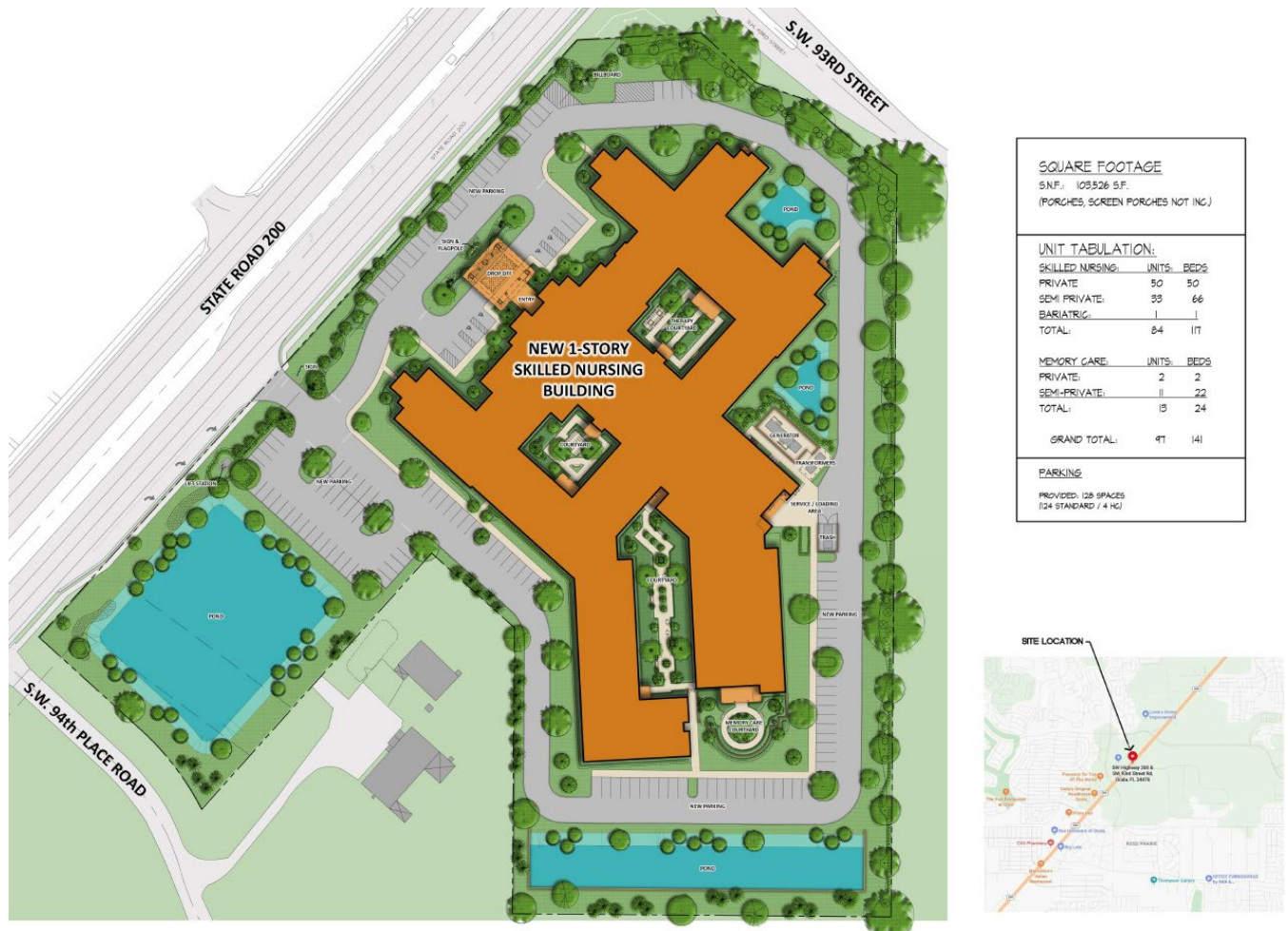
I. ITEM SUMMARY

Kenneth L. Tobin, on behalf of the owner CLD Properties, LTD, has filed an application for a Special Use Permit to request permission for a skilled nursing and memory care facility on a 9.47-acre, B-2 zoned, vacant parcel with a Commercial future land use designation. Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 35695-019-03; while no street address is currently assigned, the site is located on the south side of SW Hwy in the 7800-7900 block of SW Hwy 200. The legal description is displayed in the deed included in the application (See Attachment A). The subject property is ±9.47 acres. The parcel is located within the Urban Growth Boundary and Countywide Secondary Springs Protection Zone. The applicant's Special Use Permit (SUP) application (Attachment A) includes a Conceptual Site Plan (Attachment B) proposing a one-story skilled nursing and memory care facility to include ±141-beds, along with proposed buffers, parking and DRAs on site. Figure 2 shows the conceptual plan provided by the applicant (Attachment B). Staff is recommending **Approval with Conditions** of the Special Use Permit request.

Figure 1
Aerial Photograph of Subject Property



Figure 2
Conceptual Site Plan Submitted by Applicant, dated 05/15/2025



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Approval with Conditions** as 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, in the event of approval.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to 13 property owners within 300 feet of the subject property on May 9th, 2025. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on May 18th, 2025, where site photos were also collected and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on May 12th, 2025. As of the date of the initial distribution of this staff report, one letter of opposition and no support letter has 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 3 shows that the property is currently vacant and located within Urban Growth Boundary. Figure 4 shows the existing uses on the subject parcel and surrounding parcels. The site is surrounded by commercial (supermarket, retails, restaurants, cafe, bank, gas stations, etc.), single-family residential, church, and community services. Figure 5 shows the surrounding subdivisions. Maro PUD is adjacent to the subject property on the south side.

Figure 3
Existing Conditions Map



Figure 4
MCPA Existing Uses

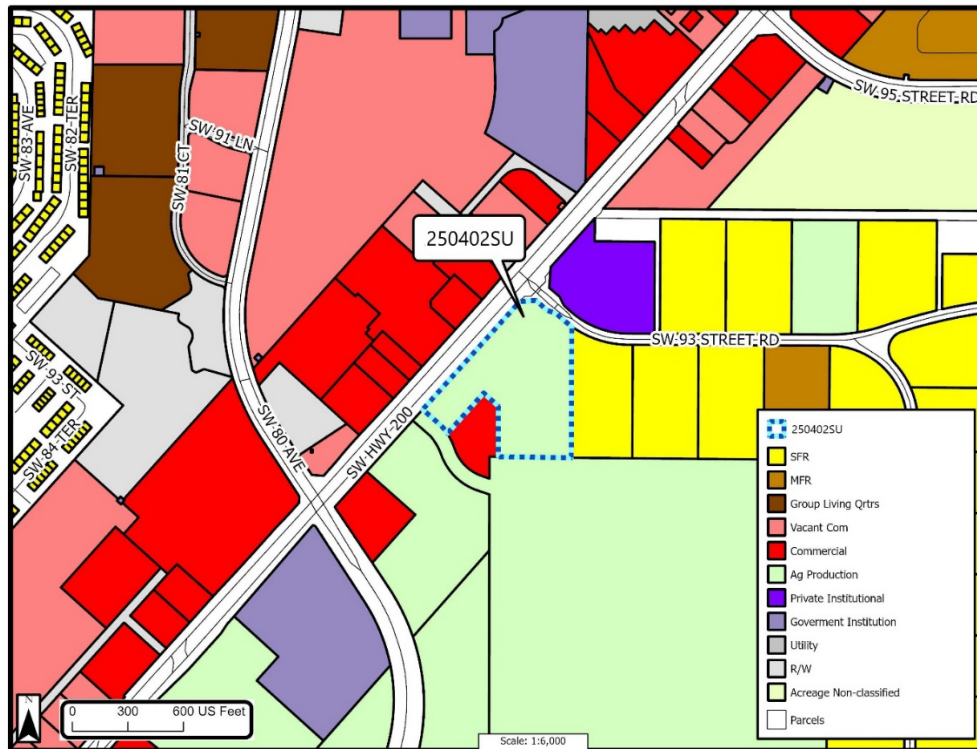
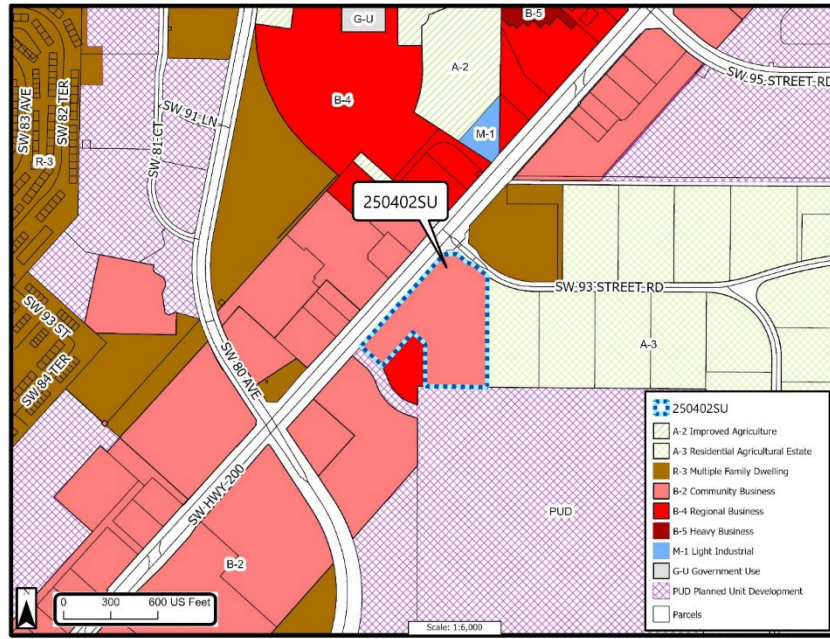


Figure 5
Surrounding Subdivisions



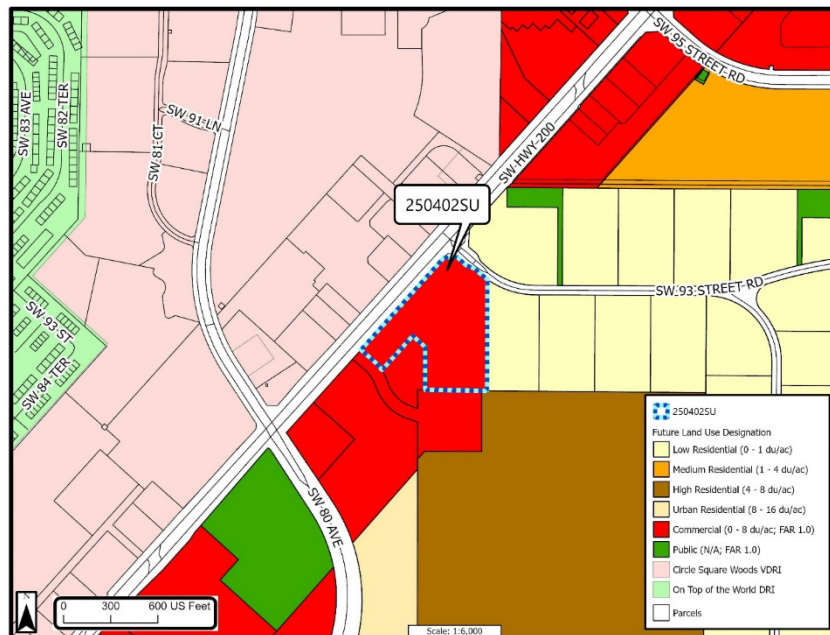
- B. *Zoning district map.* Figure 6 shows the subject property, and the surrounding properties are classified as B-2.

Figure 6
Zoning Classification



- C. *FLUMS designation.* Figure 7 is the FLUMS and it shows that the subject property and abutting properties are designated Commercial (COM).

Figure 7
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. *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 4.2.18 requires a special use permit to allow a facility for uses such as nursing homes on B-2 zone. The proposed structure will host 141 beds for skilled nursing and memory care services. The building is proposed as one-story structure with surface parking and DRAs on site. Conceptual Site Plan is provided by the applicant in Attachment A.

- The applicant shall coordinate with the all appropriate agencies with jurisdiction (including Department of Health and the Agency for Health Care Administration) to obtain required permits to provide services and related products such as food and group care account.

B. *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 applicant has proposed a single access point to the facility from SW Highway 200, designed as a right-in and right-out entrance and exit. However, according to DRC review comments, the proposed driveway does not meet the minimum spacing requirements for direct access to SW Highway 200 and this driveway may only be used for temporary access. The applicant has been coordinating with FDOT and OCE regarding the access point for this project. Based on the discussion with applicant, OCE staff comments that the applicant should utilize the cross-access provided by the recently approved Maro 111 PUD, unless otherwise approved by the Office of the County Engineer. If it is not available at the time of construction, access should secure an interim easement agreement until the Maro 111 PUD easement is officially recorded. If an easement has not been recorded and if an interim easement cannot be obtained, direct access to SW HWY 200 is authorized on a temporary basis and must be removed if there is a change in use or otherwise directed by the FDOT. Based on discussions between the applicant, FDOT and OCE, staff recommends the following condition to be adopted if the SUP is permitted:

- Access shall be provided from the west through a cross-access easement provided by Maro 111 PUD, unless otherwise approved by the Office of the

County Engineer. If the permanent easement has not been recorded at the time of construction of this development, access may be provided through an interim easement agreement until such time as the permanent easement is recorded. If the easement has not been recorded and if an interim easement cannot be obtained, direct access to SW HWY 200 is authorized on a temporary basis and must be removed if there is a change in use or otherwise directed by the Florida Department of Transportation.

- C. *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 will be provided on the ground surface on site as shown in the Conceptual Site Plan. According to the applicant's Findings of Fact, the proposed parking will meet the requirements of the Marion County Land Development Code. Residents, staff, and service vehicles will have full circulation around the facility, with no dead ends or turnarounds. Visitor parking will be located near the entrance along SW Highway 200, resident parking will be provided on the south side of the building, and staff parking will be available on the east side. Loading and service access will also be located along the east side of the building. Emergency vehicles will have full access around the facility. However, if the recommended relocation of the full-access point is implemented, the parking layout may need to be adjusted accordingly. No negative impacts to parking or loading areas are anticipated as a result of this potential access modification.

- Parking shall be provided per LDC requirement.

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

Analysis: Service to the facility will occur on the east side, including a loading and delivery area, as well as an enclosed refuse collection area designed to minimize visual impact.

- Refuse collection and loading/service areas shall be located and screened per the Conceptual Site Plan and LDC requirements to minimize visual impact and ensure compatibility with surrounding properties.

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

Analysis: As per the applicant's Findings and Facts (Attachment A), utilities for the facility have been identified and are shown on the Conceptual Site Plan. Electric service will be provided by SECO, while water and sewer services will be provided by Marion County. Irrigation is anticipated to be supplied by well water. In accordance with AHCA requirements and State Statutes, the facility will also be equipped with a mandatory emergency generator to ensure continued operation during power outages.

- Irrigation well shall require a permit through the Department of Health in Marion County or any other agencies with jurisdiction.

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

Analysis: Screening and buffering will comply with County requirements and are illustrated on the Conceptual Site Plan and Landscape Plan (See Attachment B). Applicant proposed a modified Type B buffer along eastern boundary to exclude required wall.

- Buffers around all perimeters shall be installed as shown in the conceptual plan and landscape plan (Attachment B, dated May 15th, 2025), in accordance with LDC standards.
- No trees shall be removed from the property prior to obtaining DRC site plan approval.

G. *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: According to the applicant's Findings of Facts, the facility operator anticipates installing two signs in compliance with the Land Development Code. One sign will be located at the site entrance along SW HWY 200, and the other will be placed near the main entrance, in front of the porte-cochere. Sign locations are identified on the Conceptual Site Plan.

- All on-site signage shall comply with the Marion County LDC.
- Exterior lighting shall be designed and located to minimize glare, maintain traffic safety, and ensure compatibility with adjacent uses.

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

Analysis: The Conceptual Site Plan shows four DRAs are proposed on the site. Open space also includes landscape around the building and parking area, three courtyards, and an outdoor space.

I. *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 proposed special use on B-2 zoning is compatible with adjacent and surrounding properties such as commercial, business, and residential uses as discussed in previous sections. Staff recommends the following condition to ensure the compatibility with adjacent properties:

- The Special Use Permit is limited to one (1) one-story 141-bed skilled nursing and memory care facility, including 117 beds for skilled nursing uses and 24 beds for memory care uses.

J. *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. According to the applicant, the facility will be operated by Aston Health under Marion Operations, LLC, with ownership by Marion Realty Investor Holdings, LLC. However, the property has not yet closed and currently remains under the ownership of CLD Properties, LLLP. Thus, staff recommends the following conditions that will void the SUP if the property changes hand.

- The site shall be developed and operated consistent with the proposed uses, submitted Conceptual Site Plan (Attachment B, dated 05/15/2025), and the conditions as provided with this approval.
- Any expansion of the use shall require a new Special Use Permit.
- The Special Use Permit shall not expire.
- The Special Use Permit shall run with the operator by Aston Health.
- In the event of a change in the facility operator from Aston Health and/or ownership by Marion Realty Investor Holdings, LLC, the SUP shall be rendered null and void, unless a new application is submitted and approved by the County to allow continued use under new ownership or management.

Based on the above findings, Staff concludes the SUP is consistent with LDC Sections 4.2.28 provided conditions to address the ten (10) 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 **APPROVE WITH CONDITIONS** the special use permit.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, staff recommended a series of conditions for the Special Use Permit. The applicant requested revisions to the conditions which are reflected in typical red/strike-out and green/underline text formatting.

Growth Services staff supports the applicant's revisions to Conditions #1 through #4, and the County Engineer supports the revision to Condition #5. *However, in regards to Condition #1, staff further recommends reflecting the facility will be a "single-story" (blue/double-underlined text) but will include clerestory areas with increased ceilings heights consisted with the application's elevations (Attachment F).*

Originally recommended Conditions #14 and #15 are typical of many past Special Use Permit approvals. The applicant requested revision to Condition #14 and deletion of Condition #15. The applicant noted the use will be a multi-million dollar facility and that such facilities may change operation/ownership as they reflect operational/management changes, and/or corporate structures are revised (e.g., acquisitions, mergers, etc.), along sales of the land and/or facilities in general over the course of time. Staff notes the Special Use Permit is for a specific use, that is being authorized in addition to the uses ordinarily allowed by the site's existing B-2 zoning; wherein if the proposed facility was discontinued, it would be eligible for conversion/redevelopment to another B-2 permitted use subject to compliance with the LDC. Any failure to comply with Special Use Permit conditions imposed would be subject to code enforcement action and ultimately potential revocation of the Special Use Permit. As such, staff requests Board direction related to the applicant's final proposed revisions to Conditions #14 and #15.

1. The Special Use Permit is limited ~~to one (1) one-story 141-bed~~ a single-story skilled nursing and memory care facility ~~use, including 117 beds for skilled nursing uses and 24 beds for memory care uses.~~
2. The site shall be developed and operated consistent with the proposed uses, submitted Conceptual Site Plan (Attachment B, dated May 15th, 2025), and the conditions as provided with this approval.
3. Any expansion or change of the use shall require a new Special Use Permit, or an amendment to this Special Use Permit.
4. The applicant shall coordinate with the all appropriate agencies with jurisdiction (including ~~Marion County Department of Health and~~ the Agency for Health Care Administration) to obtain required permits to provide services and related products such as food ~~and group care account.~~

5. ~~Access shall be provided from the west through a cross-access easement provided by Maro 111 PUD, unless otherwise approved by the Office of the County Engineer. If the permanent easement has not been recorded at the time of construction of this development, access may be provided through an interim easement agreement until such time as the permanent easement is recorded. If the easement has not been recorded and if an interim easement cannot be obtained, direct access to SW HWY 200 is authorized on a temporary basis and must be removed if there is a change in use or otherwise directed by the Florida Department of Transportation.~~ Applicant shall construct the turn/deceleration land at its entrance to SW SR Hwy 200 as depicted on the Conceptual Site Plan. If, however: (a) SW 94th Place Road is hereafter constructed and either dedicated or conveyed to the County or burdened with an easement that permits it to be used as ingress and egress for the subject property; and (b) the property ceases to be used as a skilled nursing and memory care facility, the entrance onto SW SR Hwy 200 shall be discontinued and the property shall be required to connect to SW 94th Place Road (formerly SW 100th Street).
6. Parking shall be provided per LDC requirement.
7. Refuse collection and loading/service areas shall be located and screened per the Conceptual Site Plan and LDC requirements to minimize visual impact and ensure compatibility with surrounding properties.
8. Irrigation well shall require a permit through the Department of Health in Marion County or any other agencies with jurisdiction.
9. Buffers around all perimeters shall be installed as shown in the conceptual plan and landscape plan (Attachment B, dated 05/15/2025), in accordance with LDC standards.
10. No trees shall be removed from the property prior to obtaining DRC site plan approval.
11. All on-site signage shall comply with the Marion County LDC.
12. Exterior lighting shall be designed and located to minimize glare, maintain traffic safety, and ensure compatibility with adjacent uses.
13. The Special Use Permit shall not expire.
14. The Special Use Permit shall run with the subject property ~~operator by Aston Health.~~
15. ~~In the event of a change in the facility operator from Aston Health, the SUP shall be rendered null and void, unless a new application is submitted and approved by the County to allow continued use under new ownership or management.~~

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, on Motion from Commissioner Bonner, second by Commissioner Gaekwad, agreed with staff's findings and recommended approval with conditions including the applicant's requested revisions to the Conditions by a vote of 6-0.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application.
- B. Revised Conceptual Site Plan and Landscape Plan, dated 05/15/2025.
- C. DRC Comments (AR32510).
- D. Site Photos.
- E. Residential Fire Impact Study for Azaleas Skilled Nursing Facility.
- F. Revised Elevations.
- G. Countryside Farms of Ocala Subdivision, Plat Book T, Pages 101-102.