



**Marion County  
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.  
Ocala, FL 34470  
Phone: 352-438-2600  
Fax: 352-438-2601

**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;ZC Date: 12/30/2024</b>	<b>BCC Date: 01/13/2025</b>
<b>Case Number:</b>	250102SU
<b>CDP-AR:</b>	32155
<b>Type of Case:</b>	<b>Special Use Permit</b> to increase the maximum number of residents in an Assisted Living Facility (ALF) from six to sixteen.
<b>Owner</b>	Gavroche Fernandez
<b>Applicant</b>	Gavroche Fernandez
<b>Street Address</b>	3280 NW 16 <sup>th</sup> Ave. Ocala, FL, 34475
<b>Parcel Number</b>	21384-000-00
<b>Property Size</b>	±3.85 acres
<b>Future Land Use</b>	High Residential (HR)
<b>Zoning Classification</b>	Mixed Residential (R-4)
<b>Overlay Zone/Scenic Area</b>	Urban Growth Boundary (UGB), Primary Springs Protection Overlay Zone (PSPOZ)
<b>Staff Recommendation</b>	<b>Approval</b>
<b>P&amp;ZC Recommendation</b>	<b>Approved (on consent)</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner II
<b>Related Case(s)</b>	None

## I. ITEM SUMMARY

Gavroche Fernandez has filed an application for a special use permit to allow for an increase in the maximum number of residents in an Assisted Living Facility from six residents to 16 residents (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 21384-000-00, Address: 3280 NW 16<sup>th</sup> Ave. Ocala, FL, 34475, 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 Primary Springs Protection Overlay Zone (PSPOZ).

**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.

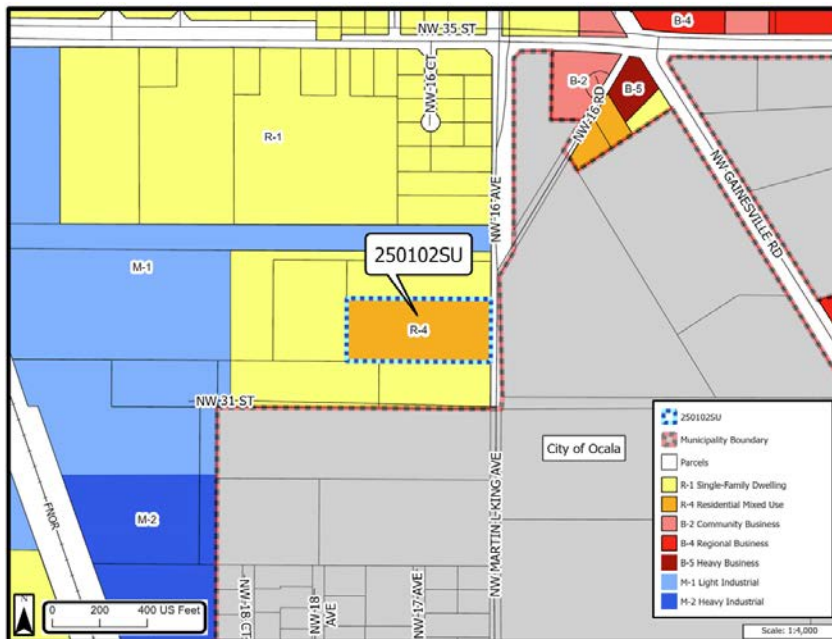
### III. NOTICE OF PUBLIC HEARING

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 (9) property owners on December 13, 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 December 3, 2024, and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on December 16, 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 developed as Commercial. A site visit was conducted on December 3, 2024. The property is fully fenced with a gate accessed by remote or residents of the ALF. The property provides a driveway all the way to the parking area and up to each individual room. The property appeared neat and orderly and displayed a banner on the existing fence advertising the name of the ALF.
- B. *Zoning district map.* Figure 2 shows the subject property designated as Mixed Residential (R-4). Surrounding properties include Single-Family Residential (R-1) Light Industrial (M-1), and parcels located within the City of Ocala's jurisdiction.

**Figure 2**  
**Zoning Classification**



C. *FLUMS designation.* Figure 3 is the FLUMS and shows the subject property as High Residential (HR) land use (4-8 du/acre) with similar land use surrounding.

**Figure 3**  
**Future Land Use Map Series**

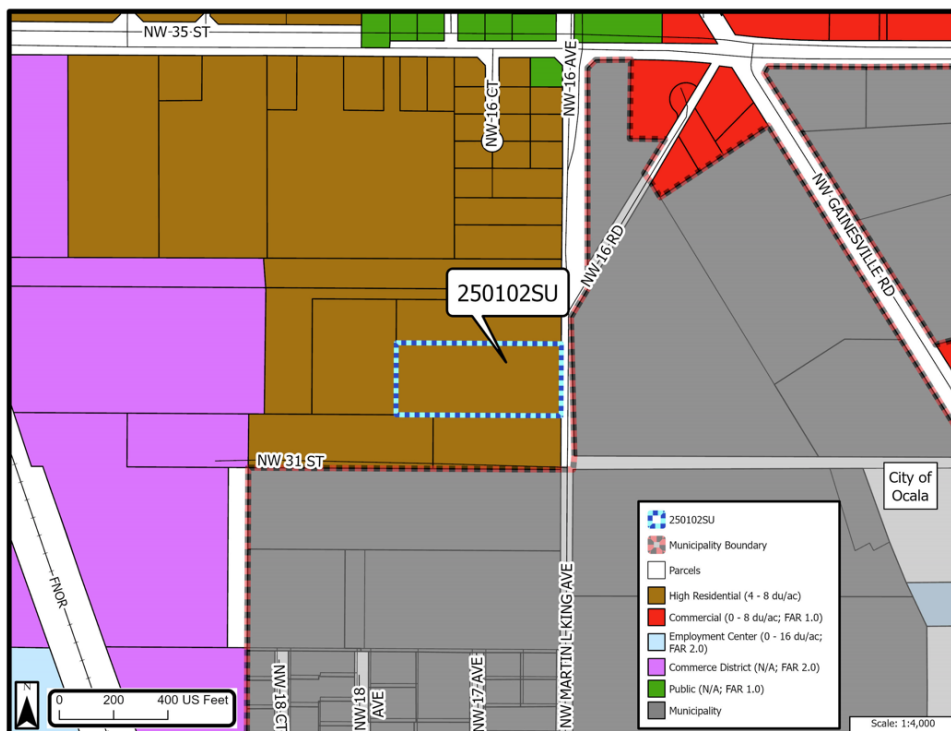
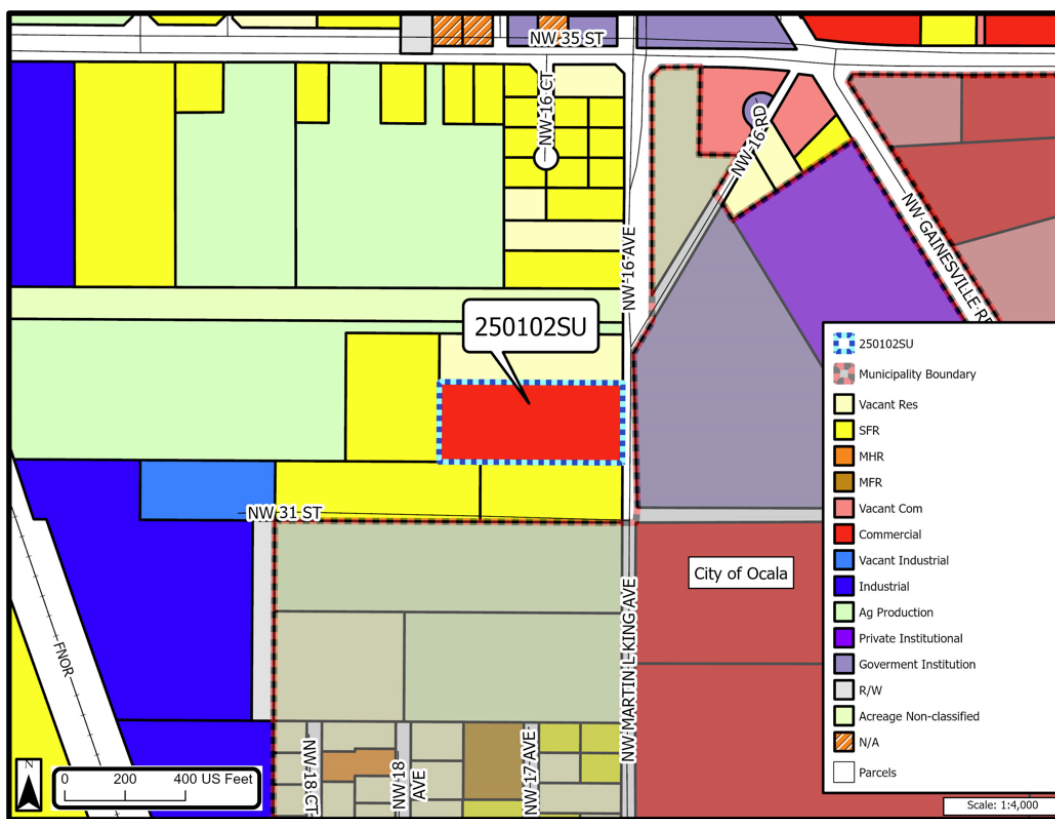


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	High Residential (HR)	Mixed Residential (R-4)	Commercial/Residential Mixed
North	High Residential (HR)	Single-Family Dwelling (R-1)	Vacant Residential
South	High Residential (HR)	Single-Family Dwelling (R-1)	Improved Residential
East	Municipality	City of Ocala	Municipal Property
West	High Residential (HR)	Single-Family Dwelling (R-1)	Improved Residential

**Figure 4**  
**MCPA Property Uses**



## 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 parcel has an existing paved driveway with access on to NW 16<sup>th</sup> Ave. Staff concludes that the application **is consistent** with provisions for ingress and egress.

- 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:** The parcel has existing paved, lined parking. Parking for a hotel requires .5 space per guest room, with the existing 10 rooms requiring a minimum of five spaces. An ALF requires one space per three beds, making the requirement at least six spaces for the proposed 16 residents. Either way of analyzing the parking, the number of spaces currently provided meet minimum requirements. Based on staff's most recent aerial, it appears that there's not currently a designated accessible parking spot for individuals with a disabled parking permit. A condition is being provided to convert one of the existing parking spaces to meet the minimum accessible parking requirement for individuals with a disabled parking permit. With the addition of this condition, staff finds the application is **consistent** with provisions for off-street parking and loading areas as well as noise.

- Convert one of the existing parking spaces to be for disabled permit parking.

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

**Analysis:** Waste removal for the property takes place twice weekly as is provided in the Findings of Facts (Attachment A Page 3). Staff concludes the application is **consistent** with provisions for refuse.

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

**Analysis:** DRC comments provided by Utilities state, "**PROPOSED CONDITION:** MCU service area, but City of Ocala utility connection would be permitted since



*they have mains within distance to parcel. Water connection (if not already connected to a new water services has been installed on the property with water service being provided by the City of Ocala and an existing well for City) would be required. Increasing the residents from 6 to 16 triggers a mandatory sewer connection. Verify with the City of Ocala, but it appears there is a sewer force main available for connection at NW 35th St (approx. 1,115' to the north). Connection to a sewer force main also requires the installation of a private pump station to be costed out by applicant, and to be maintained privately, inside the property boundary. Connecting to the city also subjects the property owner to future parcel annexation by the City of Ocala, changing the rules regulating property development from the County's Land Development Code to the City's regulations. Contact 352-629-8404 for more information on annexation requirements/questions (Attachment C)."* Findings of Facts provided by the applicant indicate that a new water service has been installed in coordination with the City of Ocala Utilities and, currently, the property is served by a Commercial-grade septic tank. In order to remain in compliance, the following condition is imposed and makes the application **consistent** with the provision for utilities.

- The applicant must connect to central sewer services if required by the City of Ocala.

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

**Analysis:** The subject parcel is already developed and serves as an existing ALF. The property is entirely fenced and has an automatic gate. The western (rear) portion of the property remains treed with no disturbance to the natural vegetative buffer. The special use being requested does not look to change its existing use, it just intends to increase the number of residents. Based on the history of this structure, the lack of any new code cases since Mr. Fernandez has taken ownership, and the type of use, staff finds the application to be **consistent** with the provision of screening and buffering and does not require any additional screening or buffering.

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:** A sign is intended to be placed on the property, provided this special use permit is approved. However, for the time being, there's a banner hanging on the fence surrounding the property identifying the location. There are existing lights on the property from its previous use as a motel, these are mainly focused on areas such as the driveway and parking area. Meeting the provided conditions, the application is **consistent** with the signs and exterior lighting requirements of this section.

- Any exterior lighting added will need to be placed in a way that does not illuminate off-site onto neighboring properties.
- Construction of signage shall be permitted through the Building Department.

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

**Analysis:** The property is 3.85 acres in size with existing impervious of 14,996 square feet bringing the impervious coverage to 8.9%. Initial development of the structure took place in 1974 and its likely there was not a stormwater review to a major site plan at that time. In order to ensure compliance with open space and stormwater requirements for the present day, staff proposes the condition provided below regarding future additions to impervious. With the proposed condition, the application is **consistent** with yards and other green spaces.

- Future additions to impervious coverage shall require a major 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. While the use according to MCPA is commercial in nature, the “business” being conducted is a permanent living solution for individuals in need of assistance to live daily life. The surrounding area is a unique mix of residential, agriculture, and industrial. Given that the contiguous parcels are residential and that, after years of code cases on the subject parcel they have ceased violation, staff finds what were once issues of compatibility have been resolved and this property and use do not risk incompatibility with surrounding uses. The application is **consistent** with the provision for compatibility.

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 recommends the following policy for future development of the property.



- The special use permit shall run with Gavroche Fernandez. Should the property be sold or the ALF itself change ownership, a new special use permit shall be applied for.
- The maximum number of Assisted Living Facility residents allowed by this special use permit shall be 16.

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 4.2.12(C) allows for a Special Use Permit for a community residential home with seven or more residents. 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 as well as the Comprehensive Plan.

## 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. One of the existing paved and lined parking spaces must be converted for disabled permit parking.
  2. The applicant must connect to central sewer services if required by the City of Ocala.
  3. Any exterior lighting added will need to be placed in a way that does not illuminate off-site onto neighboring properties.
  4. Construction of signage shall be permitted through the Building Department.
  5. Future additions to impervious coverage shall require a major site plan review.
  6. The special use permit shall run with Gavroche Fernandez. Should the property be sold or the ALF itself change ownership, a new special use permit shall be applied for.
  7. The maximum number of ALF residents allowed by this special use permit shall be 16.

## **VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION**

Approved (on consent).

## **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 Map.