



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 7/29/2024	BCC Date: 8/20/2024
Case Number:	240806SU
CDP-AR:	31584
Type of Case:	Special Use Permit: Wine and beer sales for on premises consumption at a commercial soccer training facility within 1,000' of a public park (Marjorie Harris Carr Cross-Florida Greenway).
Owner	Jay Fratello
Applicant	Jay Fratello
Street Address	No Assigned Address
Parcel Number	3137-002-019 (2.77 Ac), 3137-002-017 (0.28 Ac), 3137-002-015 (0.28 Ac), 3137-002-013 (0.28 Ac)
Property Size	±3.61 acres
Future Land Use	Commercial (COM)
Zoning Classification	Community Business (B-2)
Overlay Zone/Scenic Area	Urban Growth Boundary (UGB), Primary Springs Protection Zone (PSPZ)
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	APPROVAL WITH CONDITIONS (CONSENT)
Project Planner	Kenneth Odom
Related Case(s)	N/A

I. ITEM SUMMARY

Applicant and owner Jay Fratello, has applied for a Special Use Permit to allow for beer and wine sales at a snack bar/cantina that is within 1,000' of public park (Marjorie Harris-Carr Cross Florida Greenway). The snack bar/cantina will be a part of an athletic venue primarily designed for soccer training but available for other sports as well. The dining facility will serve light fare, snacks, smoothies, various beverages and the proposed beer and wine. The snack bar/cantina is intended to be an amenity to the athletic venue and is not intended to be a singular destination for dining or beverage service. Alcohol sales are not intended to be the primary source of income for this location, only an additional service.

Parcel Identification Numbers for the subject site are 3137-002-019, 3137-002-017, 3137-002-015, and 3137-002-013. No street address has been assigned to the subject parcel. Figure 1 is an aerial photograph showing the general location of the subject property. Figure 2 is a concept plan provided by the applicant, depicting the area where alcohol sales will take place. The legal description is displayed in the deed included in the application (See Attachment A). The subject property is comprised of ± 3.61 acres on four parcels, inside of the Urban Growth Boundary (UGB), and inside the Primary Springs Protection Overlay Zone (SSPZ).

Figure 1
Aerial Photograph of Subject Property

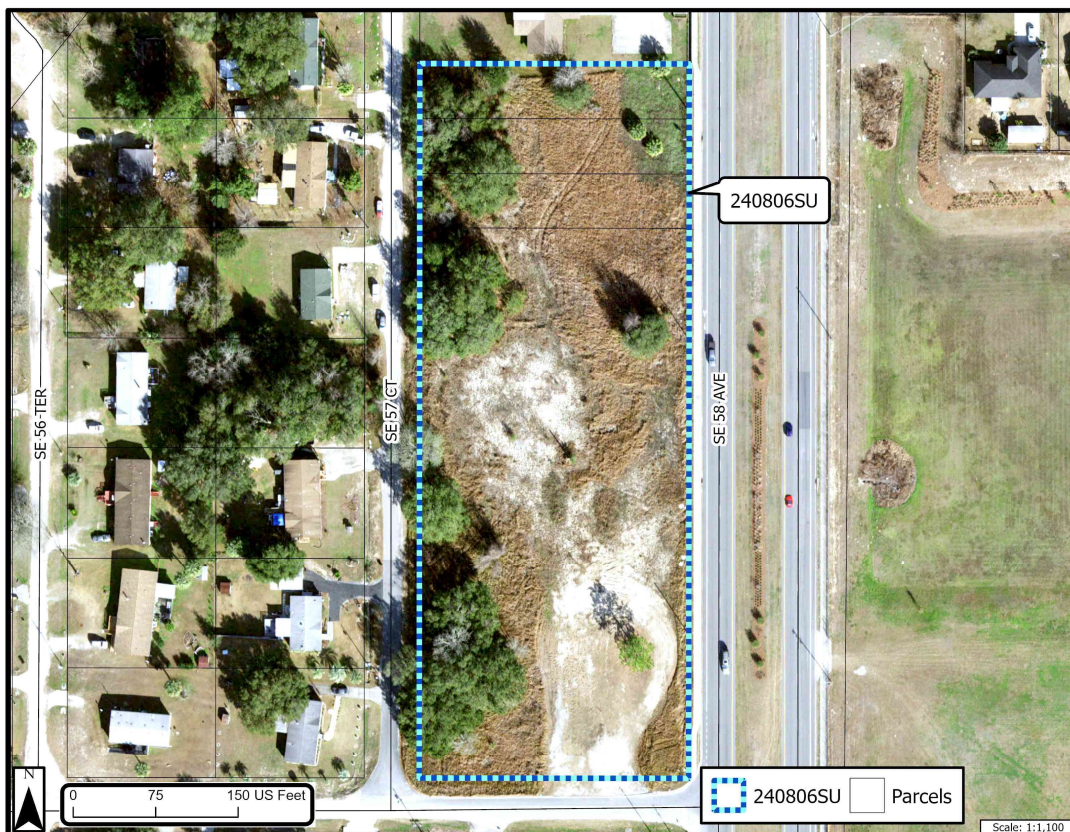
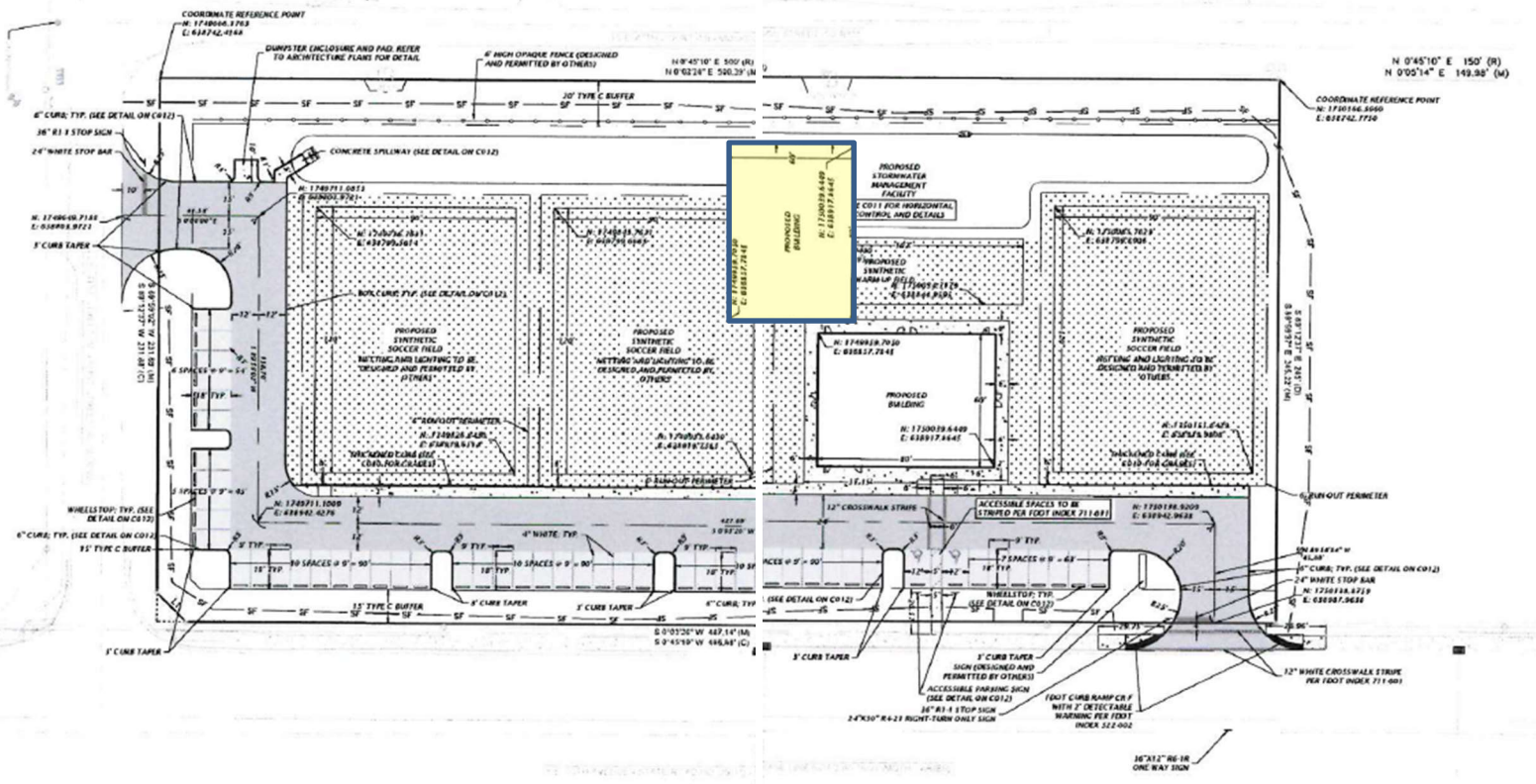
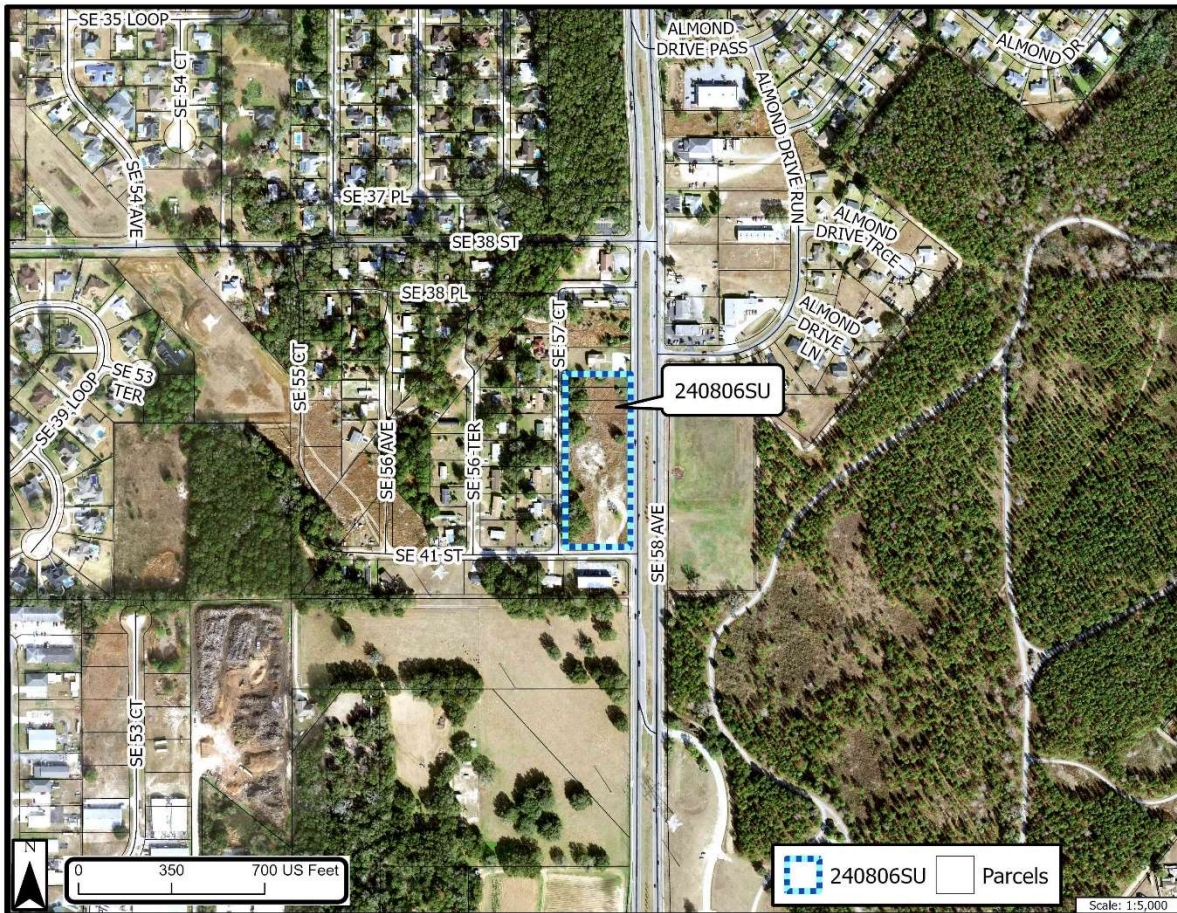


Figure 2
Conceptual Plan



**Figure 3
Location Map**



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **approval with conditions** as specified in Section VI.B. of this Staff Report. The recommended conditions should be imposed to address compliance with the requirements in LDC Sections 2.8.2.D and 2.8.3.B.

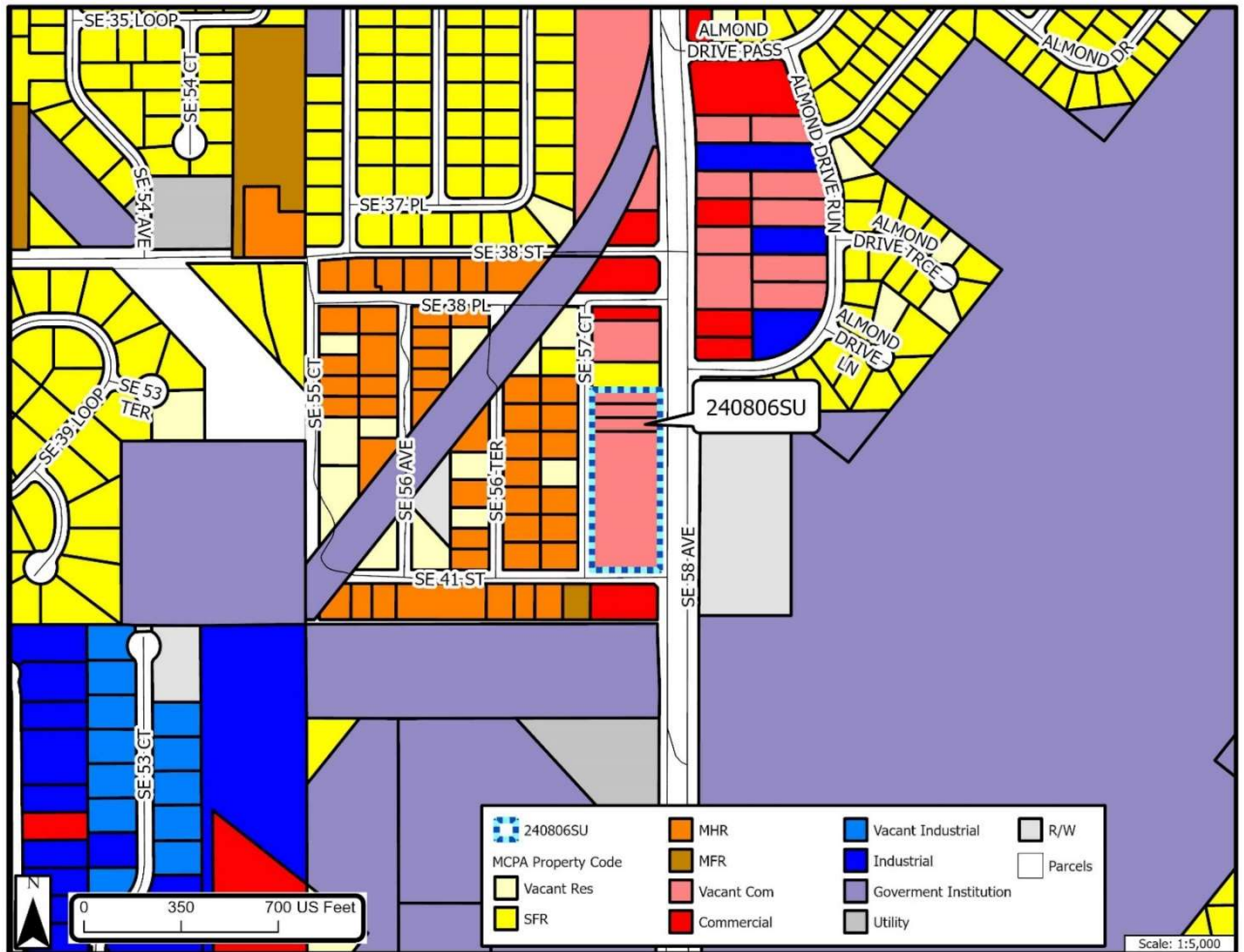
III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., a notice of public hearing was mailed to all property owners (91 property owners) within 1,000 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 July 8th, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on July 15th, 2024. As of the date of the initial distribution of this staff report, no letters of opposition or support 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

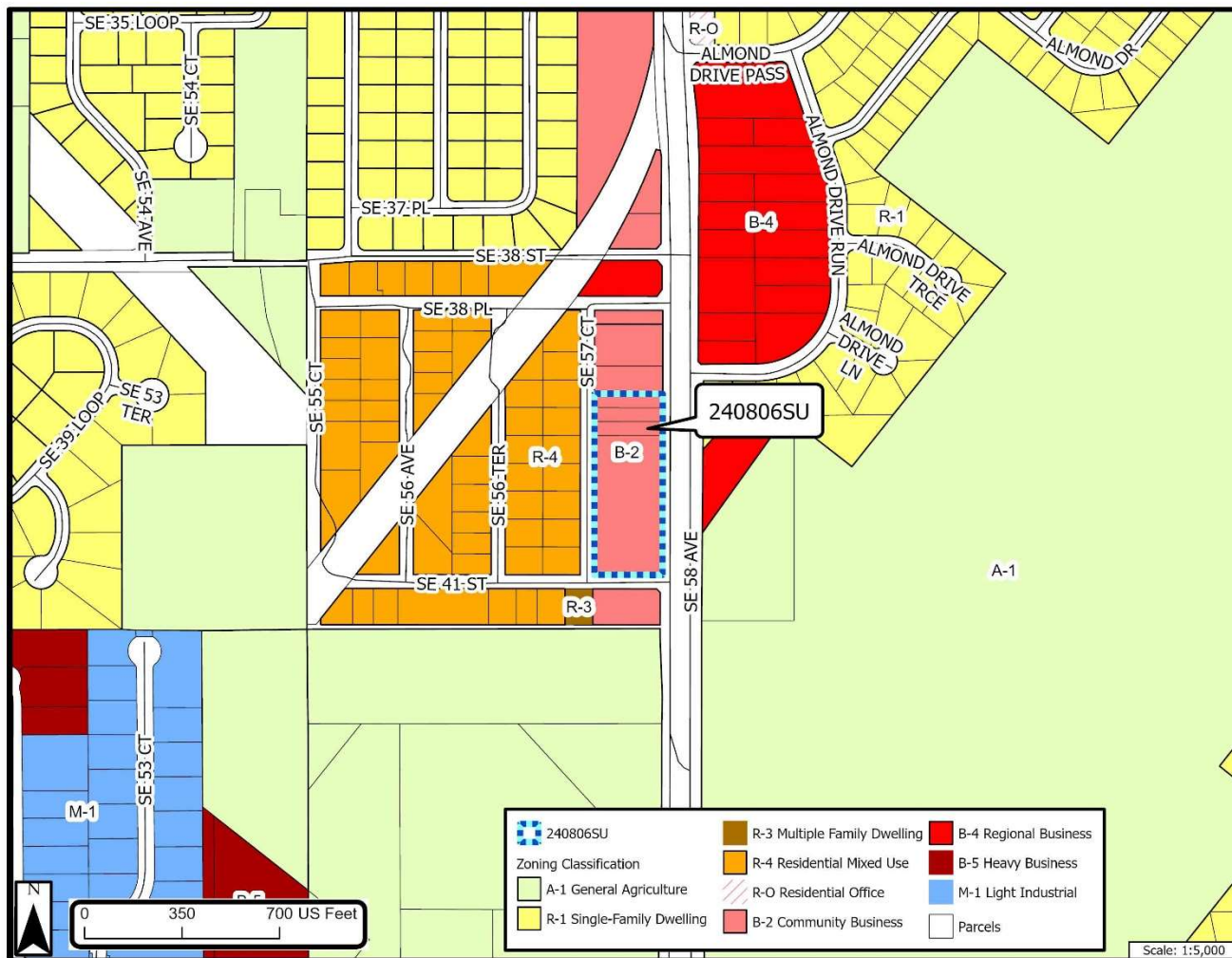
- A. *Existing site conditions.* The site is currently unimproved and open with a collection of trees along the western boundary line as shown in Figure 3. Figure 4 shows properties by use as provided by property code from the Marion County Property Appraisers office. The site is currently listed as “vacant commercial” (Figure 4).

Figure 4
Existing Conditions Map



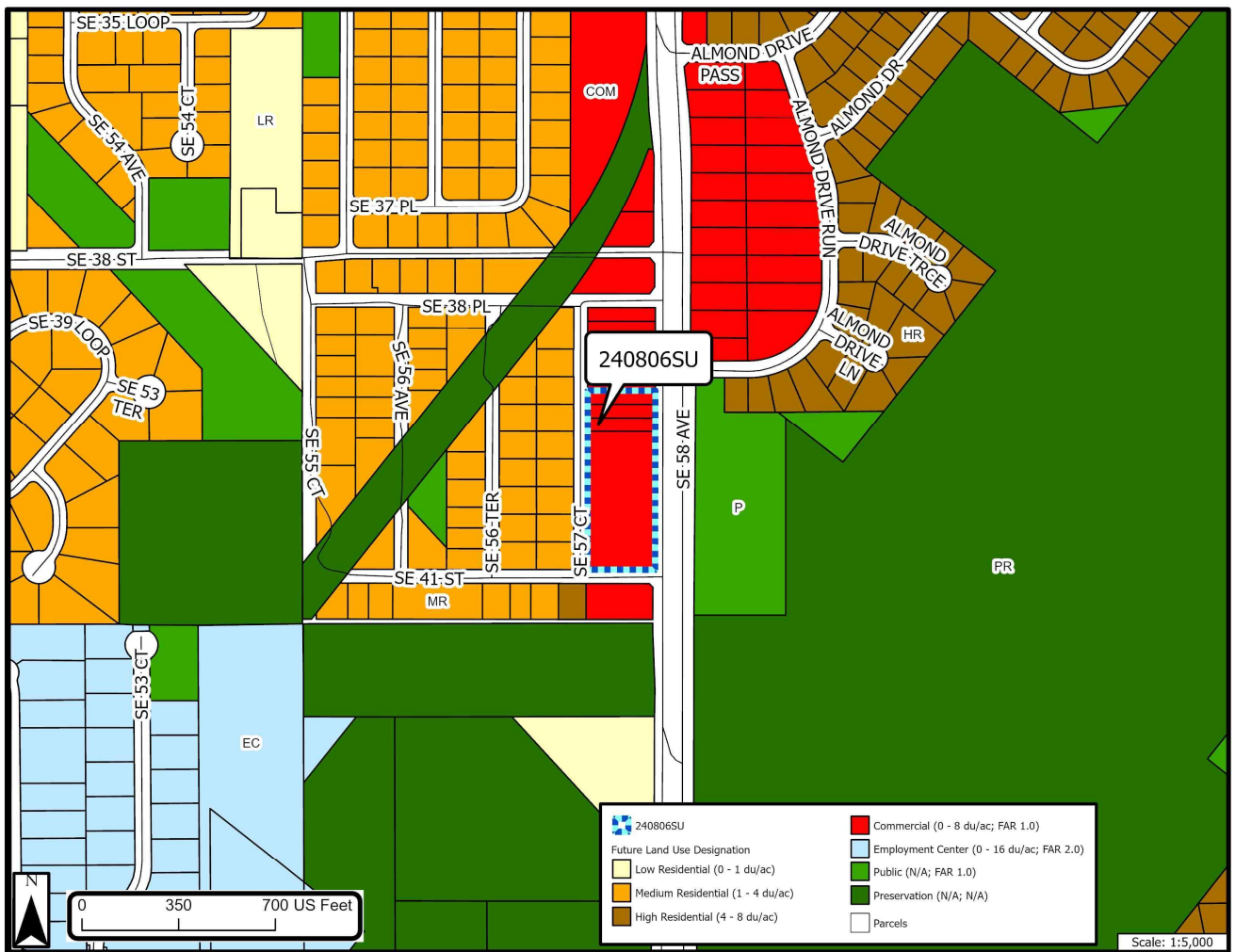
- B. *Zoning district map.* Figure 5 shows the subject property is zoned B-2. The western adjacent neighborhood is zoned R-4 with a mix of developed parcels with site-built, manufactured and modular homes. Properties to the north are commercial while properties to the south and east are a combination of A-1, B-2 and B-4

Figure 5
Zoning Classification



C. *FLUMS designation.* Figure 6 is the FLUMS and it shows the subject property and abutting properties to the north and south are designated Commercial (COM), which, according to the Marion County Comprehensive Plan, Policy 2.1.22, is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

Figure 6
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 Growth Services staff to review this application and make a recommendation on the 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 subject property will be accessible to vehicular and pedestrian traffic from SR 35 (Baseline Road) and SE 41st Street.

- 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 subject property is approximately 3.61 acres, unimproved with sparse foliage existing on site. Upon development, the site is subject to compliance with the Marion County Land Development Code for noise, glare or odor. Parking will on be available on the south and east sides of the property which will mitigate glare from headlights impacting residential properties to the west of the subject parcels.

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

Analysis: An on-site dumpster will be utilized for refuse on-site. Recycling will also be available on-site. Dumpsters for these services will be leased and maintained by a local provider.

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

Analysis: Water and sewer services will be provided by the City of Belleview services. Duke Energy will provide electrical services. Capacity is available from both entities.

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

Analysis: The building containing the snack bar/cantina will be oriented towards the north side of the parcel and slightly offset to the east of the centerline. It will be buffered from residential area by a modified twenty-foot Type 'C' buffer and an athletic field to the west. It will be buffered from the State park side by a parking

lot, a fifteen-foot Type 'C' buffer, SR 35 (Baseline Road) and a two-acre drainage retention area.

- 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: Due to the close proximity of the residential uses to the west and the SR 35 corridor to the east, a photometric study was required to be submitted with the site plans. All lighting will be pointed inward and downward and the light poles will only be approximately twenty-feet tall because of the small size of the on-site fields. Signage will be required to adhere to all requirements in the Land Development Code.

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

Analysis: The intended use of the property is to create an athletic venue consisting of four multi-purpose fields, a weight room, meeting room and an on-site snack bar/cantina that will serve lighter fare and snacks along with beverages and smoothies. Beer and wine will comprise a small portion of the overall sales from the snack bar/cantina as this the use will be an ancillary amenity to the primary purpose of serving as an athletic venue and training facility.

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

Analysis: Compatibility is defined 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.” The proposed SUP requests the continued parking of the applicant’s grapple truck on the subject property.

The proposed use of the property as an athletic venue and training facility is allowable under the current zoning and land use. Service of alcohol is not normally permitted within 1,000 feet of a church or public park, but service of alcohol at this location will be limited in nature as an additional amenity to limited food and beverage services on site. The service area will be contained on-site and sufficiently buffered from the park uses to the east.

- 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 that if the Board approves the SUP, a condition that will void the SUP if the property changes hand.

- The Special Use Permit shall expire on August 20, 2029, at which point, it may be renewed administratively up to three consecutive times, for up to five years each, by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit against the subject property, or
 - Neighboring property owners within six-hundred feet of the property, or from the Department of Environmental Protection, have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

J. *Consistency with the Comprehensive Plan.*

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 4.3.4(K) allows for a Special Use Permit to supersede LDC Section 4.3.4(A) after the request is analyzed and found to be of little or no impact to a church or public park within 1,000'. This is outlined in LDC Section 4.3.21. 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, because it complies with the nine (9) specific requirements of Section 2.8.2.D and it is Consistent with the Comprehensive Plan as is required under 2.8.3.B.

VI. ALTERNATIVE RECOMMENDATIONS

- A. 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 to adopt a proposed Ordinance to **APPROVE WITH AMENDED CONDITIONS** the special use permit.
- B. 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

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.

- C. 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 to **DENY** the special use permit amendment.

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 **APPROVE** the special use permit **with the following proposed conditions**:

1. The Special Use Permit shall run with the owner of this property, Jay Fratello, not the property itself. Sale of this property and/or business shall void the Special Use Permit immediately.
2. All lighting shall be shielded in order to shield the SR 35 corridor and surrounding properties.
3. The southern and eastern boundaries shall have a Type 'C' buffer installed and maintained. A modified Type 'B' Buffer shall be installed and maintained on the west side of the property. No buffer is required to the north side of the property.
4. The site shall be operated consistent with the application, the submitted conceptual plan and conditions as provided.
5. The applicant shall maintain a 2COP Beer & Wine license through the Department of Business and Professional Regulation.
6. Sale of alcohol shall only be permitted during the time of field operations and when permitted under State and local laws.
7. The Special Use Permit shall expire on August 20, 2029, at which point, it may be renewed administratively up to 3 consecutive times, for up to 3 years each, by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit against the subject property, or
 - b. Neighboring property owners within 600 feet of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

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, filed on May 24, 2024.
- B. DRC Comments Letter
- C. Site Photos