



**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**

P&ZC Date: 4/28/2025	BCC Date: 5/19/2025
Case Number:	250501SU
CDP-AR:	32476
Type of Case:	Special Use Permit: To serve wine and beer in a full-service restaurant within 1,000' feet of a religious institution.
Owner	AKBNB LLC
Applicant	The Brunch House (Vesna Palushaj)
Street Address	5855 SE 5 th Street, Ocala, FL 34472
Parcel Number	31856-006-01
Property Size	Commercial Store Front Within Peppertree Pointe
Future Land Use	Commercial (COM)
Zoning Classification	Community Business (B-2)
Overlay Zone/Scenic Area	Primary Springs Protection Zone
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	Approval (Consent)
Project Planner	Kenneth Odom
Related Case(s)	None

I. ITEM SUMMARY

The Brunch House c/o Vesna Palushaj, on behalf of the applicant AKBNNB LLC, has filed for a Special Use Permit (SUP) to allow for the sale of beer and wine, in a full-service restaurant, within 1,000' of a religious institution. In this case, there are actually three such institutions located within 1,000' of Peppertree Pointe where the proposed use is intended to begin operations. *Abiding Hope Evangelical Church* is located approximately 700' to the south, and *Mt. Canaan Community Youth Center* and the *New Covenant Worship Center* parcels are located approximately 120' to the west across SR 35 (Baseline Road). (See attachment A). Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 31856-006-01 and the street address is 5855 SE 5th Street, Ocala, FL 34472. The property is located within Primary Springs Protection Zone. The legal description is included as Attachment A. Staff is recommending **APPROVAL**

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).

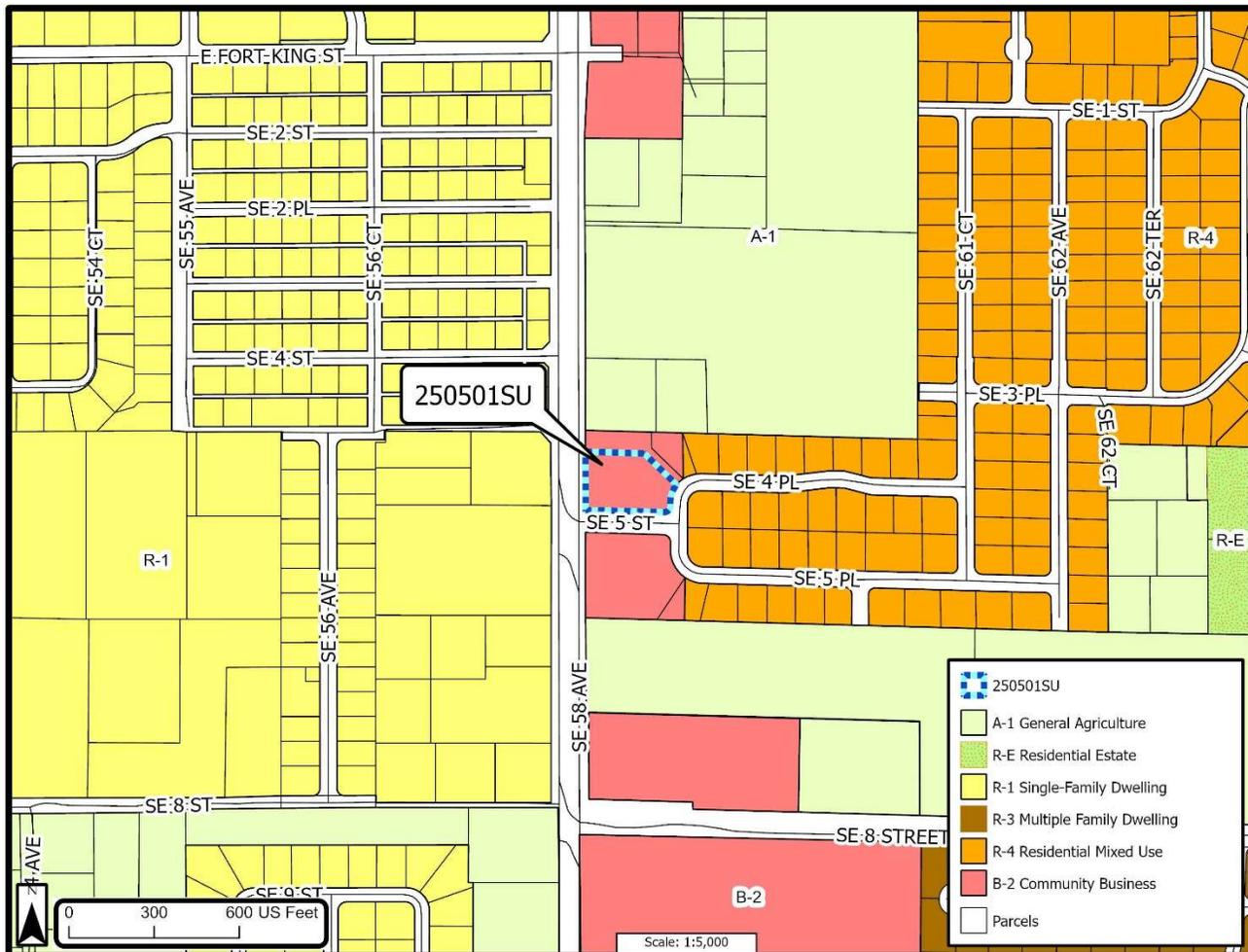
III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (96 property owners) within 300 feet of the subject property on April 11th, 2025. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on April 16th, 2025, 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 April 14th, 2025. 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 is on file with the Growth Services Department and is incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

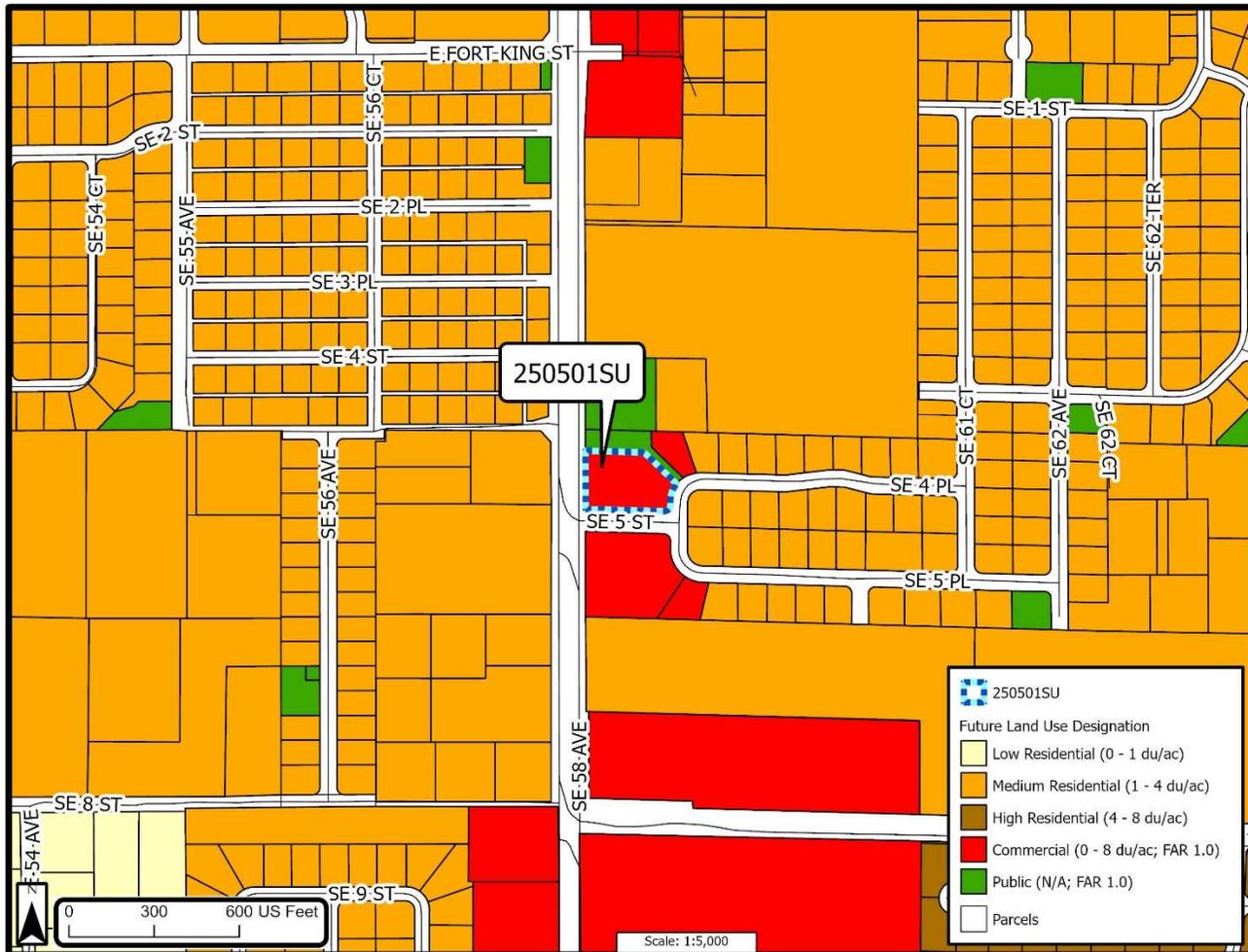
A. *Existing site conditions.* Figure 3 shows that the property is currently listed as Commercial by the Marion County Property Appraiser's Office. The site is part of a commercial plaza that is surrounded by residential and some institutional uses (primarily houses of worship).

Figure 3
Zoning Classification



C. *FLUMS designation.* Figure 4 is the FLUMS which shows the subject property is designated Commercial (COM). This land use designation 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.

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 that 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 is 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: Vehicular and pedestrian ingress/egress currently exist from CR 35 (Baseline Road). Peppertree Pointe is part of the Peppertree Village platted community. No new connections or modifications to existing connections will be required.

- B. *Provision for **off-street parking and loading areas**, where required, with 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 applicant will be leasing commercial space within an established retail center where all parking and loading facilities currently exist. No new facilities shall be required to be added.

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

Analysis: The applicant will be leasing commercial space within an established retail center where refuse facilities currently exist. No service area is required for the operation of the proposed use. No new facilities shall be required to be added.

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

Analysis: The property is currently connected to municipal services provided by Marion County Utilities. The requested special use will not impose a burden that would require any on municipal water/sewer services or power generation.

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

Analysis: The applicant is leasing space within an existing retail center. The applicant is not responsible for screening or buffering at this location.

- 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: Two signs will be utilized for the proposed use. One will be on the marquis fronting NE Baseline Road/58th Avenue (SR 35), and the other will be the storefront signage. Both signs will be subject to the requirements of the LDC.

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

Analysis: The special use permit will not trigger any need to increase additional greenspace.

- 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. Figure 1 is an aerial photograph displaying existing and surrounding properties. The proposed use is intended to be contained in a leased

space within a commercial retail center designed for precisely this type of commerce. The proposed use will pose little impact to the surrounding area, as has been proved by a similar SUP that was granted on 6/15/2021 to *Los Magueyes Mexican Restaurant* under 210602SU and Resolution #21-R-287. This SUP was also for licensure for on-site consumption of beer, wine, and spirits. The current applicant is not requesting any spirit sales.

- 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 condition that will void the SUP if the property changes hands. To ensure that the SUP stays in compliance and has a system of periodic reviews, Staff recommends a list of conditions provided at the end of this report to mitigate the possibility of any negative impacts from this special use.

- 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: Article 4: ZONING / Division 3.: - SPECIAL REQUIREMENTS / Sec. 4.3.4. – Alcoholic beverages

No establishment used for the sale of liquor or other intoxicating beverages for off-premises consumption shall be located within 1,000 feet of any church, school, or public park in existence on the date the alcoholic beverage permit is issued. Exempted from this subsection is the sale of beer and wine for off-premises consumption.

There are three religious institutions located in the nearby vicinity, which is why this Special Use application is being submitted. *Los Magueyes Mexican Restaurant* has been serving beer, wine, and spirits at this same plaza since 2021, under a similar request, and there have been no code violations or violations of the conditions of the SUP by that applicant. Spirits will not be permitted under this request, only beer and wine.

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. Alcohol sales shall be limited to the hours of operation of the restaurant.
 2. The Special Use Permit shall run with the applicant (Veshna Palushaj) and not the property.
 3. The Special Use shall terminate upon closure or sale of the business. Sale of the business shall constitute a requirement to reapply for a Special Permit to continue operations.
 4. The Special Use Permit shall expire May 19, 2030; however, it may be renewed administratively for up to 3 consecutive times 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.
 - Neighboring property owners within 500' 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
 - 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 (Consent)

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

TBD

X. LIST OF ATTACHMENTS

- A. SUP application filed on February 10, 2025.
- B. Site Photos
- C. DRC Comments.