



**Marion County  
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.  
Ocala, FL 34470  
Phone: 352-438-2600  
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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;ZC Date: 07/29/2024</b>	<b>BCC Date: 08/20/2024</b>
<b>Case Number:</b>	240804SU
<b>CDP-AR:</b>	31544
<b>Type of Case:</b>	<b>Special Use Permit</b> for expansion of an existing church in RAC and MH zoning to include a new 3,000 SF church building.
<b>Owner</b>	John G Noonan, Diocese of Orlando
<b>Agent</b>	Chuck Pigeon
<b>Street Address</b>	11153 W HWY 40, Ocala FL 34482
<b>Parcel Number</b>	21108-000-00
<b>Property Size</b>	± 8.72 acres
<b>Future Land Use</b>	Rural Activity Center (RAC) and Rural Land (RL)
<b>Zoning Classification</b>	Rural Activity Center (RAC) and Manufactured Housing (MH)
<b>Overlay Zone/Scenic Area</b>	Farmland Preservation Area (FPA) and Secondary Springs Protection Overlay Zone (SSPOZ)
<b>Staff Recommendation</b>	<b>Approve with conditions</b>
<b>P&amp;ZC Recommendation</b>	<b>Approve with conditions</b>
<b>Project Planner</b>	Eryn Mertens, Planner II
<b>Related Case(s)</b>	None

## I. ITEM SUMMARY

Chuck Pigeon, P.E., agent for property owner John Noonan of the Diocese of Orlando, has filed an application for a special use permit to expand an existing church complex in a Rural Activity Center (RAC) and Manufactured Housing (MH) zoning (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 21108-000-00, the street address is 11153 W HWY 40, Ocala, FL 34482, and the legal description is displayed on the deed included as part of the application. The subject property is located within the Farmland Preservation Area (FPA) and the Silver Springs Secondary Protection Overlay Zone (SPOZ).

**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 (15) owners on July 12, 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 July 16, 2024 and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on July 15, 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.* The subject property consists of an existing church and church facilities. In 2001, a Special Use Permit was approved, allowing a catholic education center in RAC, The Gaudalupana Mission Complex. In 2008, a Special Use Permit was approved to allow for a daycare facility in RAC. Currently, the site is approved for a main church building, two daycare buildings, a medical clinic, another larger church building that has yet to be constructed, a sports field, and ancillary buildings for the water plant, carports, small storage sheds, playground equipment, and dumpster enclosure. The site is currently being developed in phases as money becomes available.

#### **Currently Approved**

Church building and accessory buildings (4,450 sf, constructed).

Two daycare buildings (3,456 sf, constructed).

Medical Clinic (1,908 sf, constructed).

Church building, up to 8,750 sf (not constructed).

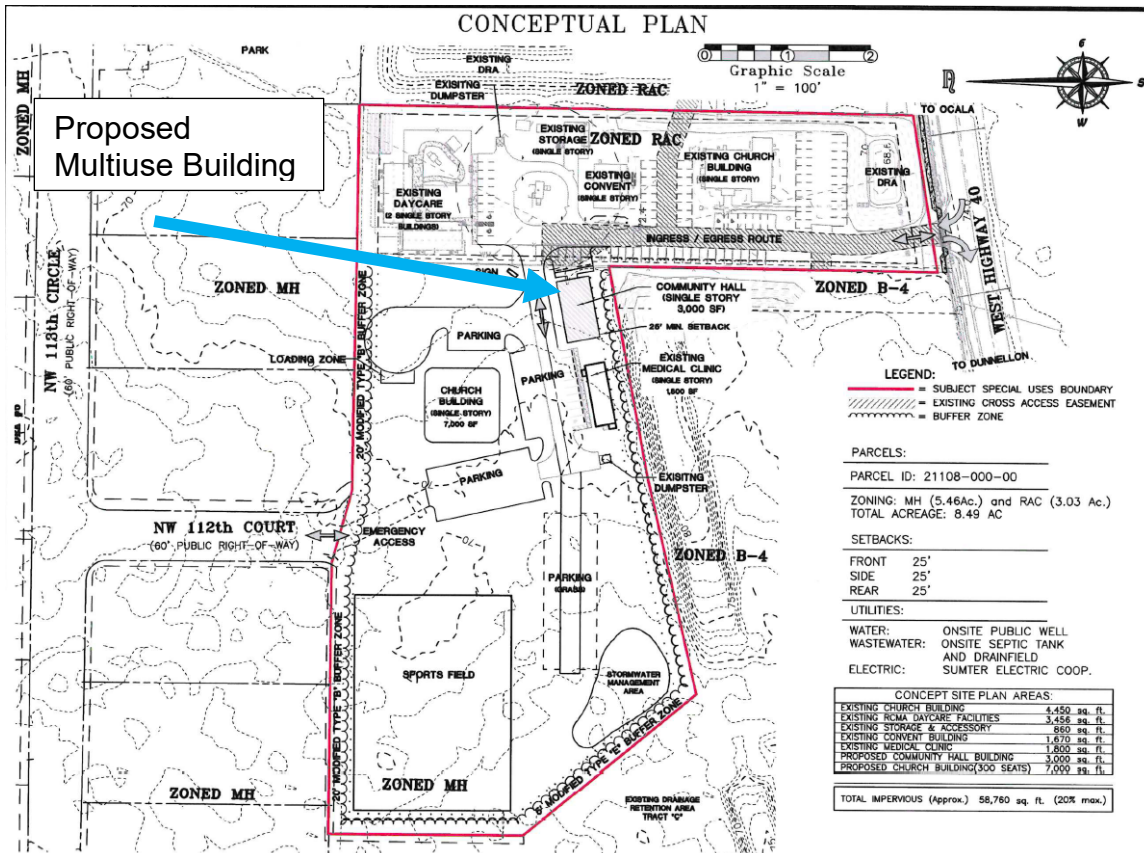
Multi-use sports field (not constructed).

Ancillary buildings for water plant, carports, small storage sheds, playground equipment, and a dumpster enclosure.

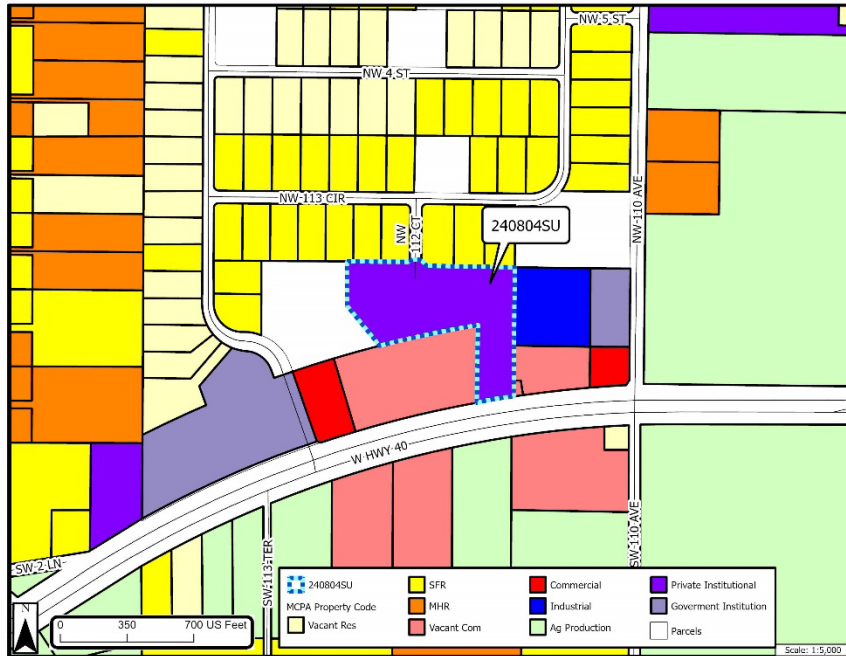
#### **Proposed**

Multi-purpose church building (3,000 sf)

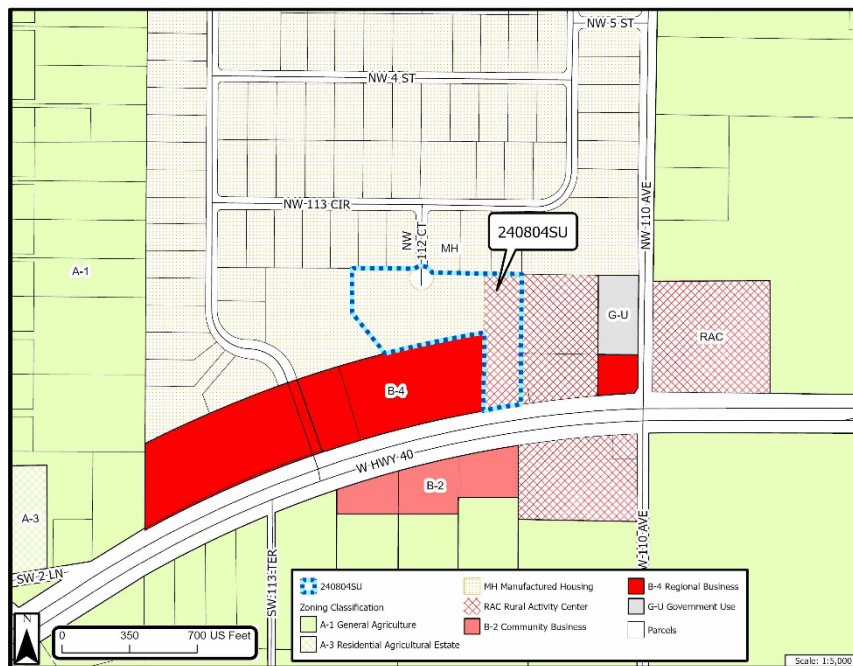
**Figure 2  
Concept Plan**



**Figure 3**  
**Existing Conditions Map**



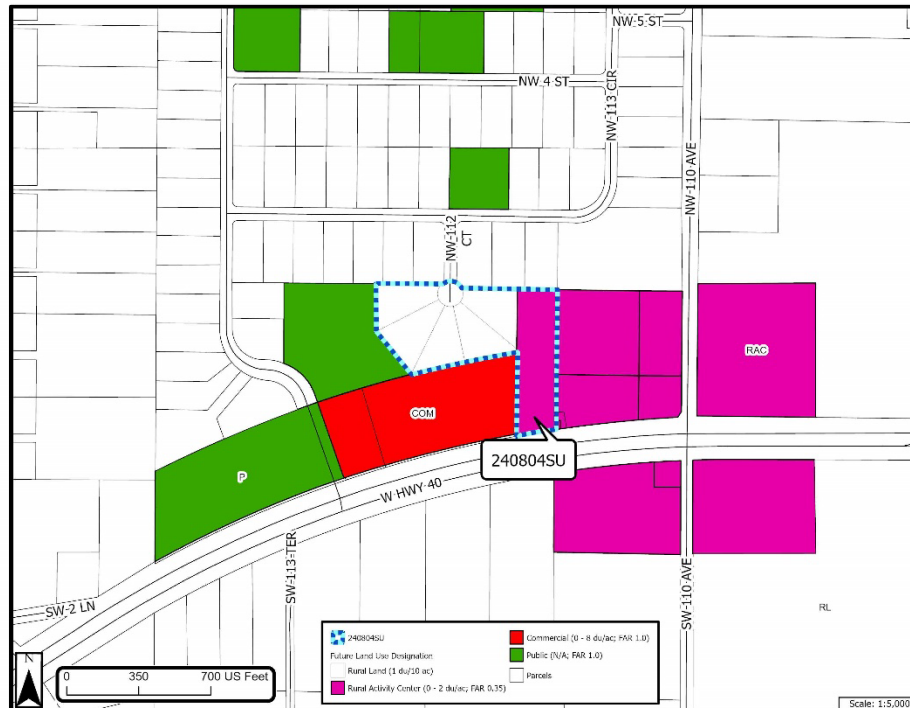
**Figure 4**  
**Zoning Classification**



B. *Zoning district map.* Figure 4 shows the subject property and the surrounding properties are classified as RAC and MH. The RAC is a result of a zoning change in 2001 from Regional Business (B-4) to RAC. Before that, the property had a

zoning change from General Agriculture (A-1) to B-4 in 1985. The portion of the property that is zoned MH is the initial zoning classification of this part of the property.

**Figure 5**  
**FLUMS Designations**



- C. *FLUMS designation.* Figure 5 is the FLUMS and it shows the subject property and abutting properties are designated Rural Activity Center (RAC), which allows limited commercial use and up to two dwelling units per acre, the other portion of the property is Rural Land (RL) which allows for 0-1 dwelling units per 10 acres.

## 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.*
- 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.*

- C. *Provisions for **refuse and service area**, with particular reference to the items in (1) and (2) above.*
- D. *Provision for **utilities**, with reference to locations, availability, and compatibility.*
- E. *Provision for **screening and buffering** of dissimilar uses and of adjacent properties where necessary.*
- 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.*
- G. *Provision for **required yards and other green space**.*

**Analysis:** For items A-G above, a Major Site Plan approval is required for all development on this site. The Major Site Plan process will ensure the site meets the minimum standards of the Marion County Land Development Code, thus, ensuring all of these items are addressed properly. Planning staff makes the following recommendations to ensure clarity about the requirement of a Major Site Plan.

- The project shall be developed consistent with the conceptual plan that was submitted with this application.
- The project is limited to the previously approved structures and the proposed 3,000 sf building, as shown on the conceptual plan that was submitted with this application. Any further expansion of the site will require approval from a new Special Use Permit.
- A major site plan approval from the Development Review Committee is required for all development on the subject property.
- Cross access to adjacent properties, when required, must be paved.

- 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. The proposed SUP is requesting to expand an existing church site adjacent to commercial and residential uses. Staff finds that the buffers and other conditions

in the existing SUP will mitigate any incompatibilities. Staff recommends the following conditions:

- Along the site's north boundary, development of the site shall comply with the following:
  - For the LDC required Type "B" Buffer, the interior side buffer wall requirement may not be waived; however, a LDC Waiver(s) may be obtained to phase installation of the buffer and buffer wall to correspond with the site's development and/or to allow a "blank building wall" to function as the buffer wall in lieu of providing two parallel walls; or
  - In lieu of the regularly required Type "B" Buffer, a modified Type "A" Buffer, including a minimum 6' high continuous interior side opaque vinyl privacy/buffer fence shall be installed and maintained to run parallel to the boundary; however, a LDC Waiver(s) may be obtained to phase installation of the buffer and buffer fence to correspond with the site's development and/or to allow a "blank building wall" to function as the buffer fence in lieu of providing two parallel barriers.
  - Along the west boundary, a modified Type "E" Buffer, increasing the buffer width to a minimum 10' wide and increasing the minimum number of shade trees from four to five shade trees per 100 linear feet, shall be provided; however, a LDC Waiver may be obtained to phase installation of the buffer to correspond with the site's development.

I. *Provision for meeting any **special requirements** required by the site analysis for the particular use involved.*

**Analysis:** The applicant states they will be willing to meet and requirements set in place for the special use permit. 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. To mitigate and future issue, staff recommends conditions to carry over from previous SUPs.

- The sport/ball fields shall not be lighted or used/operated after dark. However, an exception to night-time use maybe permitted as part of a Special Event Permit issued consistent with Marion County regulations.
- The general/day-to-day ingress/egress shall be from W. Hwy 40 via the existing Guadalupana Mission Complex immediately east of the site.
- A gated emergency ingress/egress connection may be provided to NW 112th Court and the Dorchester Estates Subdivision (DES); however, no general/day-to-day ingress/egress shall be provided through DES. In the event an agreement to allow general/day-to-day ingress/egress through DES is reached between the site owner and the Dorchester Estates Property Owners Association, and upon recording of said agreement, NW 112th Court may then be used for general/day-to-day ingress/egress



without requiring any amendment and/or reconsideration of this specific Special Use Permit condition.

- This Special Use Permit will repeal and replace the previous Special Use Permits on this property relating to this use.
- The Special Use Permit will terminate in the event there is a division or subdivision of the site and/or it is separated from the current Guadalupe Mission Complex property.
- The Special Use Permit shall run with the Diocese of Orlando/Guadalupe Mission and not with the property.

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 4.2.9.C allows for Special Use Permits for commercial vehicles the R-1 zoning classification. 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 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 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 to park one commercial vehicle on the property behind the existing residence.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:
1. The project shall be developed consistent with the conceptual plan that was submitted with this application.
  2. The project is limited to the previously approved structures and the proposed 3,000 sf building as shown on the conceptual plan that was submitted with this application. Any further expansion of the site will require approval from a new Special Use Permit.
  3. A major site plan approval from the Development Review Committee is required for all development on the subject property.
  4. Cross access to adjacent properties, when required, must be paved.
  5. Along the site's north boundary, development of the site shall comply with the following:
    - a. For the LDC required Type "B" Buffer, the interior side buffer wall requirement may not be waived; however, a LDC Waiver(s) may be obtained to phase installation of the buffer and buffer wall to correspond with the site's development and/or to allow a "blank building wall" to function as the buffer wall in lieu of providing two parallel walls; or
    - b. In lieu of the regularly required Type "B" Buffer, a modified Type "A" Buffer, including a minimum 6' high continuous interior side opaque vinyl privacy/buffer fence shall be installed and maintained to run parallel to the boundary; however, a LDC Waiver(s) may be obtained to phase installation of the buffer and buffer fence to correspond with the site's development and/or to allow a "blank building wall" to function as the buffer fence in lieu of providing two parallel barriers.
    - c. Along the west boundary, a modified Type "E" Buffer, increasing the buffer width to a minimum 10' wide and increasing the minimum number of shade trees from four to five shade trees per 100 linear feet, shall be provided; however, a LDC Wavier may be obtained to phase installation of the buffer to correspond with the site's development.
  6. The sport/ball fields shall not be lighted or used/operated after dark. However, an exception to night-time use maybe permitted as part of a Special Event Permit issued consistent with Marion County regulations.
  7. The general/day-to-day ingress/egress shall be from W. Hwy 40 via the existing Guadalupana Mission Complex immediately east of the site.
  8. A gated emergency ingress/egress connection may be provided to NW 112th Court and the Dorchester Estates Subdivision (DES); however, no general/day-to-day ingress/egress shall be provided through DES. In the event an agreement to allow general/day-to-day ingress/egress through DES is reached between the site owner and the Dorchester Estates Property Owners

Association, and upon recording of said agreement, NW 112th Court may then be used for general/day-to-day ingress/egress without requiring any amendment and/or reconsideration of this specific Special Use Permit condition.

9. This Special Use Permit will repeal and replace the previous Special Use Permits on this property relating to this use.
10. The Special Use Permit will terminate in the event there is a division or subdivision of the site and/or it is separated from the current Guadalupe Mission Complex property.
11. The Special Use Permit shall run with the Diocese of Orlando/Guadalupe Mission and not with the property.

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

Approve with conditions recommended by staff.

### **IX. BOARD OF COUNTY COMMISSIONERS ACTION**

To be determined.

### **X. LIST OF ATTACHMENTS**

- A. SUP application filed on May 14, 2024.
- B. Site Photos
- C. DRC Comments.