



**Marion County
Board of County Commissioners**

Growth Services

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

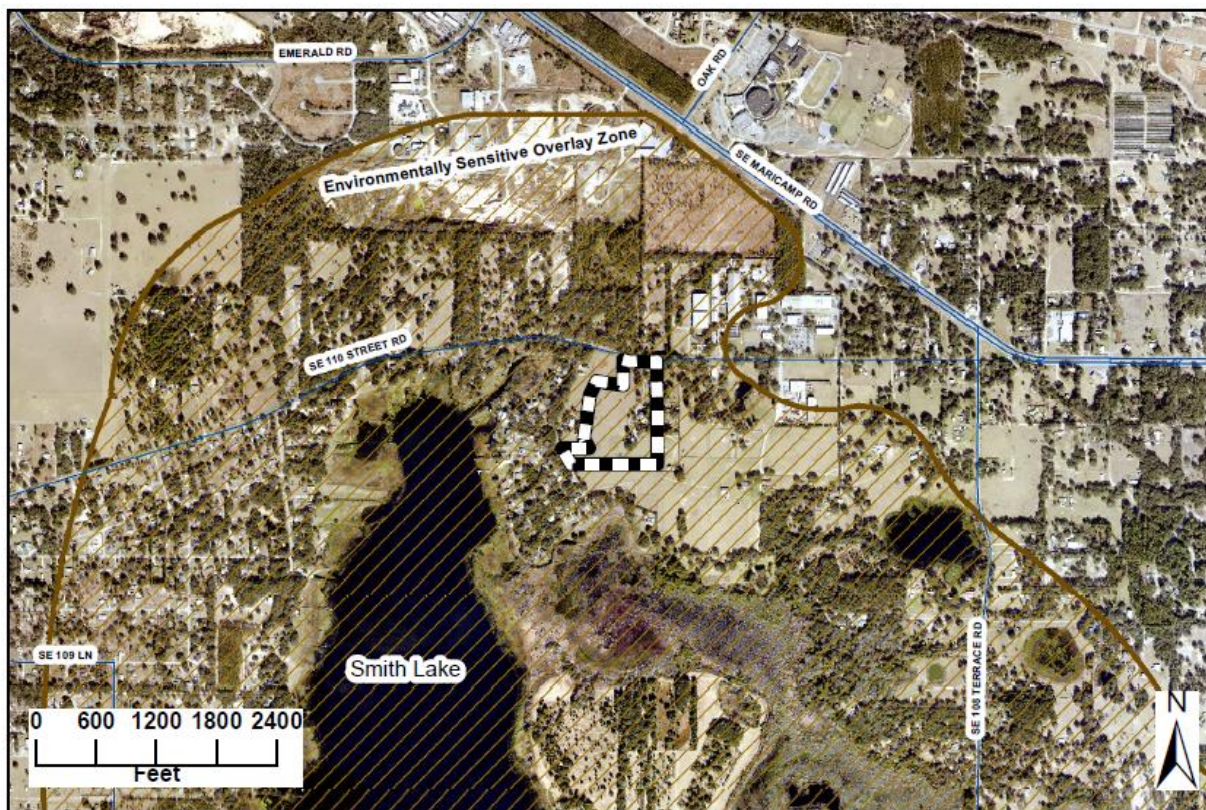
**PLANNING & ZONING SECTION
STAFF REPORT**

Commissioner District 3 Jeff Gold	P&ZC Date: 4/24/23	BCC Date: TBD
Case Number:	230502SU	
CDP-AR:	29785	
Type of Case:	Special Use Permit to allow for Bed and Breakfast Events for Weddings	
Owner/Applicant	Shaylon and Chelsie Dulle	
Street Address	10246 SE 110th Street Road	
Parcel Number	37748-000-05	
Property Size	±15.57-acres	
Future Land Use	Low Residential (LR)	
Zoning Classification	General Agriculture (A-1)	
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone	
Staff Recommendation	APPROVAL WITH CONDITIONS	
P&ZC Recommendation	TBD	
Project Planner	Ngozi Ajufu, Senior Planner	
Related Case(s)	N/A	

I. ITEM SUMMARY

Shaylon M. Dulle and Chelsie Dulle, owner-applicants, have filed an application for a Special Use Permit to allow for Bed and Breakfast Events for Weddings in General Agriculture (A-1) zone (see Attachment A). The property's Parcel Identification Number (PID) is 37748-000-05, and the legal description is displayed on the Property Appraiser's PID Card information included as part of the application (see Pages A-13-16). The subject property is outside the Urban Growth Boundary (UGB) but within the Secondary Springs Protection Overlay Zone and District 3.

**FIGURE 1
GENERAL LOCATION MAP**



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** with conditions specified in Section VI.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirement in Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C., a notice of public hearing was mailed to all property owners (26 owners) within 300 feet of the subject property on April 07, 2023. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on April 06, 2023, and consistent with LDC Section 2.7.3. E. due public notice was published in the Ocala Star-Banner on April 10, 2023. Evidence of the above-described public notice is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of the staff report, no letters of opposition or support have been received.

IV. BACKGROUND/CHARACTER OF THE AREA

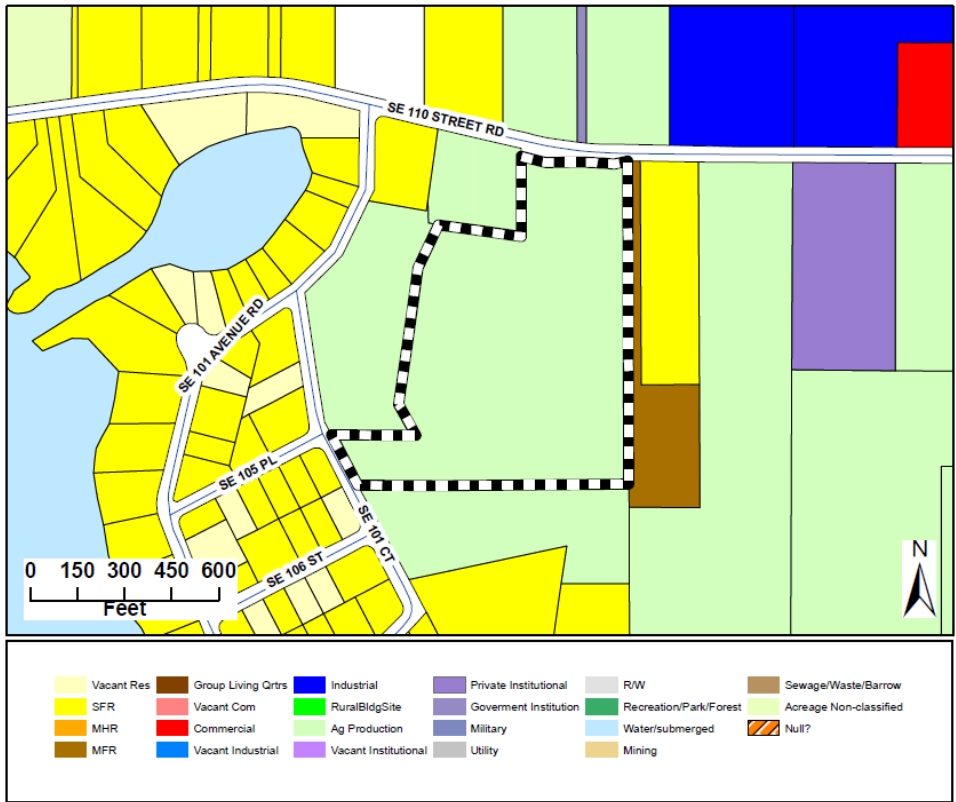
- A. *Existing site conditions.* According to the Marion County Property Appraiser's website, the subject property is ±15.57-acres in size and is located south of SE 110th Street. The property consists of 120 SF masonry fence with aluminum gated entry, 11,920 SF of paved asphalt, 5,372 SF of paved concrete, 902 SF of swimming pool, 1,777 SF Deck, 176 SF Gazebo, 2000 SF of farm building and 3,721 SF of living space. The property record card shows the property is located in Plat Book 3, Page 199 east of Smith Lake acres unit 1 lot 1 of the public record of Marion County (see Attachment A, Page A-14).

Figure 2 is an enlarged aerial photograph showing the subject property's location. Figure 3 shows the subject property's existing use as classified by the Marion County Property Appraiser. To the North of the property are two (2) Single-family residential dwellings (1960; 1,334 square-foot) on a 35.30-acre property and (1960; 1,334 square-foot) on a 35.30-acre property. To the West of the subject property is a single-family residential dwelling (1996; 1,798 square-foot) on a 4.68-acre property. To the South is a grazing land 5.25-acre in size. To the East of the property is a single-family residential dwelling (1978; 2,244 square-foot) on a 3.02-acre property and a multifamily (1998; 2,740 square-foot, & 2015; 1,436 square-foot) on a 2.66-acre property.

**FIGURE 2
 EXISTING USES AERIAL**

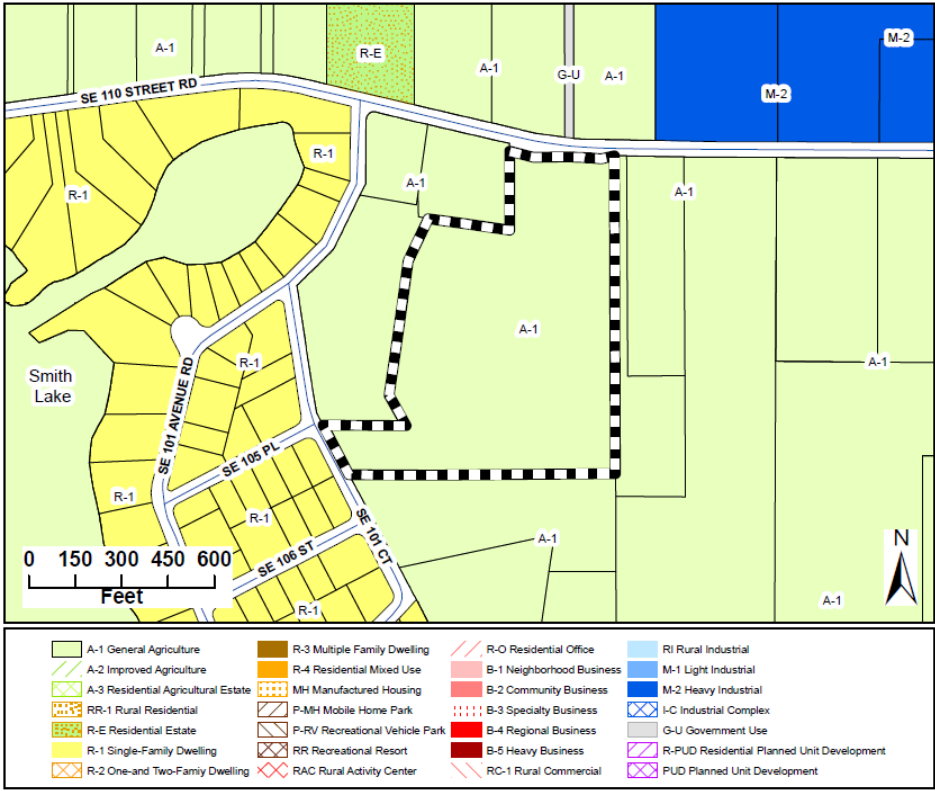


**FIGURE 3
 MARION COUNTY PROPERTY APPRAISER (MCPA) EXISTING USES**



B. *Zoning district map.* Figure 4 shows the subject property, and the properties to the North, South, East, and West are zoned General Agriculture (A-1). LDC Sec.4.2.3.A. “The General Agricultural classification provides for the preservation of agriculture as the primary use.” LDC Sec.4.2.18.C provides for bed breakfast inn through a Special Use Permit.

**FIGURE 4
 ZONING DESIGNATION**



C. *FLUMS designation.* Figure 5 is the FLUMS and it shows the subject property and abutting properties to the North, South, East, and West are designated Low Residential (LR).

**FIGURE 5
FLUMS DESIGNATION**

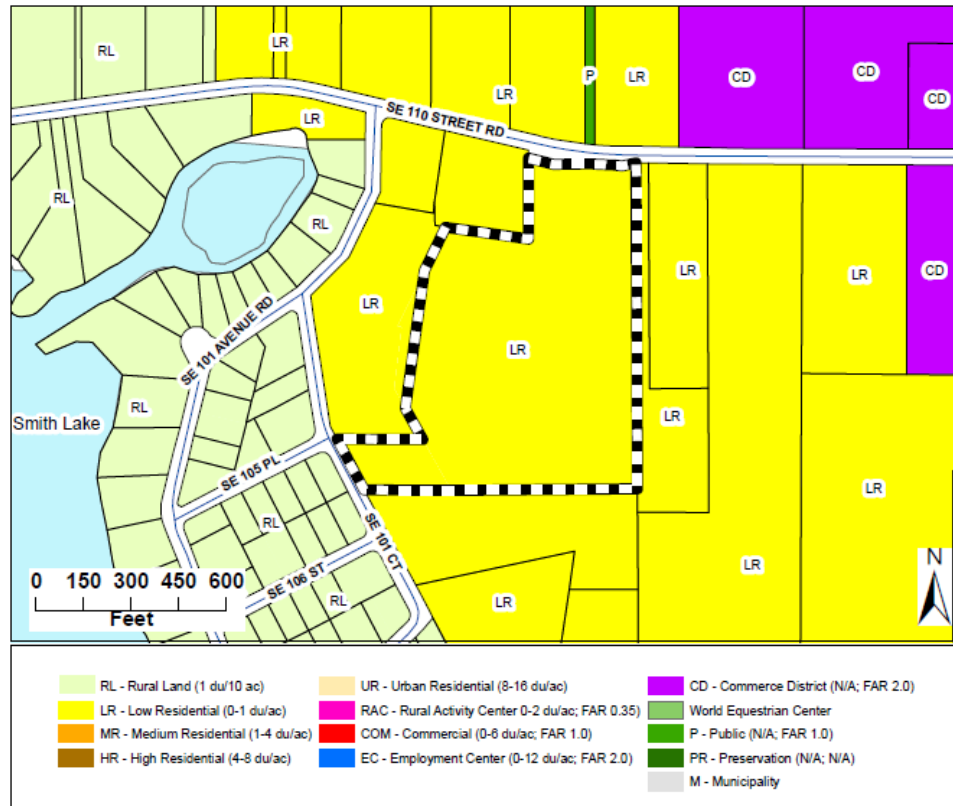


Table A below summarizes the information illustrated in Figures 2-5 for direct reference.

TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per MCPA Property Code
Site(s)	Low Residential (LR)	General Agriculture (A-1)	Grazing Land (63)
North	Low Residential (LR)	General Agriculture (A-1)	Crop Land (53)
South	Low Residential (LR)	General Agriculture (A-1)	Grazing Land (63)
East	Low Residential (LR)	General Agriculture (A-1)	Single-family (01) & Multi-family (08)
West	Low Residential (LR)	General Agriculture (A-1)	Grazing Land (63)

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 then 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 site is a historically developed property with access to SE 110th Street Road from one existing paved driveway. No sidewalks are currently in place along the site's SE 110th Street frontage or adjoining portions of the Street. According to OCE – Traffic, SE 101st Street Court is a County maintained subdivision street, and connecting to this road will create a traffic nuisance for the neighboring community, especially at a maximum proposed capacity of 25 vehicles.

- *Access through SE 101 Street shall be prohibited*

- 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 applicant indicated a gravel driveway will be constructed with field parking on both sides of the driveway will be provided to accommodate 35 vehicles with a potential number of 75 guests. The applicant is requesting the ability to hold a maximum of 40 events annually. Given the preceding, staff recommends the following condition to address the site's final parking, loading, and lighting design to comply with the review provision.

- *All parking shall take place on-site and parking in the right of way shall be prohibited.*

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

Analysis: The applicant's findings state services will be provided by Florida Express Environmental and the dumpster would be located behind the privacy fence and landscaping at the rear side of the property away from the venue of the Bed and Breakfast (see Attachment A-6). Based on the above, staff finds the application **will satisfy the requirement for the provision of refuse and service area.**

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

Analysis: The applicant's site plan and findings indicate the site uses a well and septic for utilities, and the power company is Duke Energy. The applicant noted that the existing septic will be used for the bed and breakfast portion of the estate and a separate septic will be located by the bathrooms and kitchen area of the event venue. Marion County Utility recommends approval (See Attachment B). Based on the above, staff recommends the application **will satisfy utility requirements.**

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

Analysis: The applicant's special use application is a request to allow for a Bed and Breakfast Inn in General Agriculture (A-1) zoned land. As previously noted, LDC Sec.4.2.18.C necessitate obtaining a Special Use Permit. The site is fully fenced with a 4-foot board fence along the perimeter of the property (see Attachment C). The fencing along SE 110TH Street is open and the site lacks a C-Type Buffer (minimum 15-foot wide, three shade trees, and two ornamental trees, with shrubs and ground cover for 50% of the buffer) as required by the LDC. There are trees on the east side of the property providing buffering to the abutting properties. Staff recommends that a C-Type buffer be provided along SE 110TH Street consistent with the right-of-way buffer standards and LDC Section 6.8.6 to comply with this provision as follows:

- *A C-Type Buffer shall be provided along the site's SE 110TH Street frontage consistent with LDC Sections 6.8.6.*

- 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: The applicant proposes adding two signages consistent with the LDC, one at the entrance of the event center and the second at the entrance of the bed and breakfast venue. The applicant states that the lighting design will meet LDC requirements. The structures and lighting do not appear to impact adjacent properties. Based on the preceding, staff concludes that the proposed development will be **compatible and harmonious** with the properties in the surrounding area.

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

Analysis: LDC Section 4.2.18.E requires within the A-1 zoning district a minimum front and rear setback of 25 feet and 25 feet, respectively, and a minimum 25-foot side setback. The applicant provided a concept plan that proposes converting 2,000 SF existing structure on the South side of the property for the Event Venue. The applicant states that the installation and remodeling of the structure will meet all the requirements of LDC (see Attachment D). The applicant states that the events will be on weekends Friday to Sundays between the hours of 9:00 am to 11:00 pm and the number of guests will be about 75. Comments from Office of County Engineer - Stormwater "There is a County Flood Prone Area (NAVD 93.7') on site. The site has 29,253 SF of impervious coverage. This site will be subject to a Major Site Plan or waiver when its existing and proposed improvements exceed 9,000 SF of impervious site coverage" (See Attachment B). Based on the above, the following conditions are imposed.

- 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. The subject property is abutted by residential use to the north and west. To the south boundary of the site is vacant land with grazing land use. To the east are two residentially used parcels. Based on the above, staff concludes the proposed use **is compatible** with the adjacent properties.

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

To address the special requirements associated with this application, staff recommends the following conditions be imposed:

- *Ingress/egress shall be via SE 110TH Street.*
- *Access through SE 101 Street shall be prohibited*
- *All parking shall take place on-site and parking in the right of way shall be prohibited.*
- *The bed and breakfast shall be limited to a beer and licensed wine only.*
- *Noise from the event shall not exceed the County's Noise Ordinance level 65 db(A) from 7 am to 10pm., and 55 db(A) from 10pm to 7 am measured at the property line for the nearest established single-family home, in accordance with Sec. 13-7(a)*
- *Permit is issued to Shaylon and Chelsie Dulle and shall automatically become null and void should the subject property be transferred to another person/entity.*
- *The Special Use Permit shall expire on April 24, 2028; however, it may be renewed administratively for up to 5 years 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,*
 - b. *Neighboring property owners within 300' 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 Service Manager 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.

1. FLUE 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 4.2.3.C specifically provides for Bed and Breakfast Inn through a special use permit. Thus, the application is **consistent** with FLUE Policy 2.1.5.

2. FLUE Policy 5.1.3 on Planning and Zoning Commission provides, “The County shall enable applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County’s Local Planning Agency. The purpose of the advisory board is to make recommendations on CPA, ZC, and SUP requests to the County Commissioners. The County shall implement and maintain standards to allow for a mix of representatives from the community and set standards for the operation and procedures for this advisory board.

Analysis: The proposed SUP Application is scheduled for the April 24th, 2022, Planning and Zoning Commission Public Hearing, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

3. FLUE Policy 5.1.4 on Notice of Hearing provides “The County shall provide notice consistent with Florida Statutes and as further defined in the LDC.”

Analysis: Staff finds public notice has been provided as required by the LDC and Florida Statutes and, therefore, concludes the application is **consistent** with FLUE Policy 5.1.4.

Based on above the findings, staff concludes the SUP is **consistent** with the LDC Section 2.8.3 B **subject to the recommended conditions** to address the (10) requirements as previously listed.

VI. ALTERNATIVE ACTION

- 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 application.
- B. 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 AS CONDITIONED**, the Special Use Permit application.
- C. 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 application.

- D. 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 AS CONDITIONED** the Special Use Permit application.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:
1. Ingress/egress shall be via SE 110TH Street.
 2. Access through SE 101 Street shall be prohibited.
 3. All parking shall take place on-site and parking in the right of way shall be prohibited.
 4. The bed and breakfast shall be limited to a beer and licensed wine only.
 5. Noise from the event shall not exceed the County's Noise Ordinance level 65 db(A) from 7 am to 10pm., and 55 db(A) from 10pm to 7 am measured at the property line for the nearest established single-family home, in accordance with Sec. 13-7(a).
 6. A C-Type Buffer shall be provided along the site's SE 110TH Street frontage consistent with LDC. Sec 6.8.6.
 7. The Special Use Permit is issued to Shaylon and Chelsie Dulle and shall automatically become null and void should the subject property be transferred to another person/entity.
 8. The Special Use Permit shall expire on April 24, 2028; however, it may be renewed administratively for up to 5 years 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,
 - b. Neighboring property owners within 300' 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 Service Manager 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

To be determined.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application filed on February 10th, 2023.
- B. Development Review Committee Comments Letter.
- C. Site Photos
- D. Concept Plan
- E. Noise Control Plan