

5/14/2021 Item Number 20210603SU [AR# 26568]

Type of Application: Special Use Permit (SUP)

Proposed Use: School (Private; Pre-K to 8th Grade with no high school, up to 100 students)

Future Land Use: Rural Land

Zoning: A-1 (General Agriculture)

Parcel #/Acreage: 36778-000-00/±3.85 ac.

Location: 20 SW 87th Place; SW Corner at S. Magnolia Avenue and SW 87th Place.

Existing Use: Church (SUP 20030805SU; Resolution 03-R-231)

Owner/Applicant(s): Victory Academy of Ocala, Inc.

Applicant(s): Robert Van Fleet

Staff Recommendation: Approval with Conditions

P&Z Recommendation: TBD

Project Planner Christopher Rison, Senior Planner

Code Enforcement Action: No active cases.

MARION COUNTY GROWTH SERVICES

P&Z: 5/24/2021 BCC: 6/15/2021



Item Summary

Staff is recommending **APPROVAL WITH CONDITIONS** for a Special Use Permit (SUP) Application, submitted pursuant to Section 2.8.1 of the Marion County Land Development Code (LDC), to allow a school (Private; Pre-K through 8th Grade; no high school) at an existing ±3.85 acre church site zoned A-1 (General Agriculture). A current SUP for the church is in place (20030805; 03-R-231). The school is currently using facilities on the College of Central Florida campus and seeking this SUP Application provide for moving to this location and expected student body increases by adding a modular building to the site for the school use. The applicant provided information noting the current school enrollment is 59 students and an initial increase to 75 students is anticipated; further the applicant has verbally requested to accommodate up to 100 total students. The timing of the increase to the maximum 100 students is unknown at this time.

Public Notice

Notice of public hearing was mailed to eight (8) property owners within 300 feet of the overall subject property.

Location

The site is located at 20 SW 87^{th} Place and forms the SW corner of the S. Magnolia Avenue and SW 87^{th} Place intersection.

Background

The site is the existing Journey Church (2,600 GSF) site completed in 2004. Future Land Use Element (FLUE) Policy 2.1.8 allows community facilities including schools to be considered in the Rural Lands through the Special Use Existing Structure(s): Church (2004) – 2,600 SF

Policy 2.1.16: Rural Land (RL) This land use designation is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses. The base density shall be (1) dwelling unit per ten (10) gross acres, and the designation is a Rural Area land use. The following special provisions shall apply for new development not meeting the base density, as further defined in the LDC...

Policy 2.1.8: Community Facilities in Rural Areas Community facilities, such as schools, churches, synagogues, community centers and day-care centers may be located in Rural Areas, Hamlet developments, and Cluster Density Bonus developments by means of the Special Use Permit process, as further defined in the LDC. Permit process. The site is surrounded by various acreage tracts, typically developed with residences. An exception is the Good Shepard Presbyterian Church of Ocala's church and private school located to the north, across SE 87th Place. The surrounding future land use designations, zonings, and existing uses are listed in the following table:

TABLE 1. ADJACENT PROPERTY CHARACTERISITICS						
Direction	FLUM Designation	Zoning	Existing Use per Appraiser Property Code			
N	Rural Land	A-1 (General Agriculture)	Good Shepard Church & School			
S	Rural Land	A-1 (General Agriculture)	Residence (1981:2,342 SF)			
E	Rural Land	A-1 (General Agriculture)	MH Residence (2000:1,080 SF)			
SE	Rural Land	A-1 (General Agriculture)	Vacant Ag Tract			
w	Rural Land	A-1 (General Agriculture)	Residence (1940:1,012 SF) & Residence (1948:672 SF)			
SW	Rural Land	A-1 (General Agriculture)	Residence (2105: 1,730 SF)			

Request

The applicant proposes to establish a private school for grades Pre-K through 8th Grade with no high school grades (9-12th). The current student body is 59 students and an initial increase to 75 students is expected with the establishment of this facility, with the potential for an additional 25 students, up to 100 total students.

The applicant's SUP Application was accompanied by Findings of Fact and a Concept Plan showing the proposed school building in the southern portion of the site. The existing on-site church and its grass-parking area will remain in the northern portion of the site. The proposed school will be up to 8,250 SF anticipated to be a modular commercial structure. The applicant has verbally indicated the modular may be installed in phases depending on funding, timing, and availability, with the indicated structure as the expected maximum size.

Development of the school will include improving and extending the current driveway south to pass by the proposed school building then turn east to connect to S. Magnolia Avenue; thereby providing two access points to the site. Paved parking for the school (staff, teachers, etc.) will provided along with a student drop-off area. The existing church will remain and continue to be used for church purposes; however school student/faculty assemblies will also be conducted in the church building as needed. A play area is proposed in the SE portion of the site adjoining the school and "interior" to the proposed driveway; any play area will be subject to state facility requirements based on the number of students enrolled.

The plan proposes a 15-foot wide C-Type Buffer along the east side of the site along S. Magnolia Avenue corresponding to the site development area of the school, consistent with current LDC buffer requirements. However, no buffer is currently in place along the existing church's right-of-way boundaries at this time. Records indicate the existing church site was approved via a building permit as it did not exceed 9,000 SF of impervious surface. The proposed improvements will require a new Major Site Plan for the site, inclusive of the existing church improvements, and will require providing for a complete buffer along the site's roadway frontages.

A 25-foot wide "vegetative buffer" is proposed along the site's south and west sides, but the type/form is not specified as the intent is to not clear those boundaries of existing vegetation as the undeveloped portions of the site are forested, etc. As a private school with the church, B-Type Buffer that is at least 25-foot wide and includes a wall is ordinarily required by the LDC (COM to AG).

However, staff notes the adjoining property to the south is an existing 40-foot wide flag to a property to the southwest, and aerial imagery indicates belongs of the adjoining property owner to the west may be encroaching on to this site. As part of the Major Site Plan process, a full site survey will be required to verify any encroachment. Given these circumstance, staff does not object to maintaining the south and west boundaries in their current "vegetative state" as an alternative to providing a formal B-Type Buffer.

Infrastructure

The site forms the SW corner at S. Magnolia Avenue and SW 87th Place. An existing SW 87th Place driveway is in place, and a second S. Magnolia Avenue driveway is proposed. Projected traffic for the maximum of 100 students based on the ITE Trip Gen Manual 10th Edition would result in the following potential traffic impacts:

- Weekday Average Annual Daily Trips: 411 (205 enter/206 exit)
- PM Peak Hour Trips: 62 trips (29 enter/33 exit)

Final access design will require suitable analysis in conjunction with the Major Site Plan including driveway and access design review and approval by the Office of the County Engineer. Traffic and/or access improvements may be required as the adjoining intersection is currently un-signalized.

TABLE 2: ROADWAY STATUS AND CONDITIONS							
			Existing Conditions				
Road	Class	Maint.	Surface	No. Lanes	R/W Width	R/W Deficiency	
S, Magnolia Ave.	Arterial	County	Paved	2	±66'	±54'	
SW 87 th Place	Collector	County	Paved	2	±66'	±54'	

The site is not within the Urban Growth Boundary, and Marion County Utilities does not have any facilities within connection distance to the site. As such, the site receives potable water and sanitary sewer service from on-site facilities and will continue to do so.

TABLE 3: UTILITY SERVICES					
Utility	Service Area				
Water	On-site private potable water service				
Sewer	On-site private sanitary sewer services				

Analysis

In reaching its decision, the Commission must address the following:

- 1. **Granting the proposed use will not adversely affect the public interest.** The overall site is an existing church. The addition of a limited private school would increase the use of the site; however the limited scope and property size will establish maximum development levels. The site will generally remain in its current state, however with the addition of the school building the site's buffers will be improved to comply with the LDC along with the completion of a current Major Site Plan for the site. Development of the site's new improvements will be required to comply with LDC provisions. *The proposed use, as recommended, will not adversely affect the public interest.*
- 2. The proposed zoning change is consistent with the current **Comprehensive Plan.** The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates the site as Rural Land where schools may be established as community facilities per the

Comprehensive Plan. The LDC then identifies schools as SUP uses in the A-1 zoning. The existing church on this site, and the Good Shepard Church and School were established under these Comprehensive Plan and LDC provisions. *The proposed use, as recommended, is consistent with the Comprehensive Plan.*

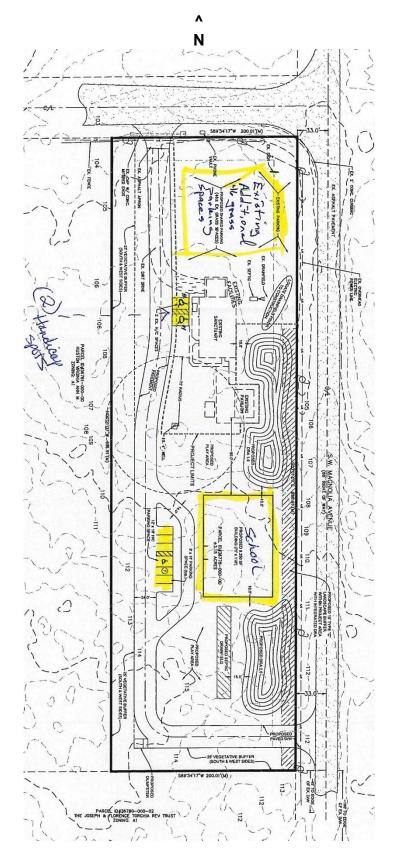
3. The proposed use is compatible with land uses in the surrounding area. The proposed use will use an existing developed site, providing for its further development that will require completing a Major Site Plan for the site's cumulative improvements. Two schools are currently located along S. Magnolia Avenue, with the Good Shepard School immediately to the north. Approving the proposed school will allow a use already familiar to area travelers rather than potentially initiating it as a "new use" in an area without such uses. Final traffic review with the Major Site Plan will determine final traffic improvements and/or access improvements needed. The provision of buffering along both S. Magnolia Avenue and SW 87th Place will bring the site into compliance with LDC buffer standards. The proposed use, as recommended, will be compatible with the surrounding area.

Staff Recommendation: APPROVAL WITH CONDITIONS:

- 1. The private school shall be operated consistent with the applicant's Special Use Permit (SUP) Application, the plans referenced herein, and the conditions as provided in this SUP.
- 2. The private school may offer school grades Pre-K through 8th Grade; no high school (Grades 9 through 12th), up to a maximum total of 100 students, in any grade combination.
- 3. The school's operations shall occur within the proposed modular commercial structure consistent with the following:
 - a. The school building shall not exceed 8,250 square feet.
 - b. The school building may be a modular commercial structure or a site-built commercial structure, subject to compliance with applicable building and land development requirements for the placement and/or construction of the school.
- 4. Student/faculty assemblies may also be conducted in the 2,600 square foot existing church building on-site as part of the overall school operation.
- 5. Development of the school and use of the church building for assemblies will be required to obtain appropriate building permits, new structure and/or change of use, for the student occupancy. The school use will be subject to impact fees per Marion County Code, along with annual fire permit, fire inspection, and enrollment disclosure.
- 6. Expansions to the area/footprint of the school or to expand existing church are prohibited; however, a new Special Use Permit application may be submitted for consideration to expand the uses/operations, subject to then review and approval considerations as provided in the Land Development Code (LDC).
- 7. Major Site Plan review and approval will be required for the site, including updating the full site to achieve compliance per existing LDC provision (e.g., stormwater design, buffers, parking, etc.). This Special Use Permit shall run with the owner (Victory Academy of Ocala, Inc.) and not the property. In the event the property is sold,

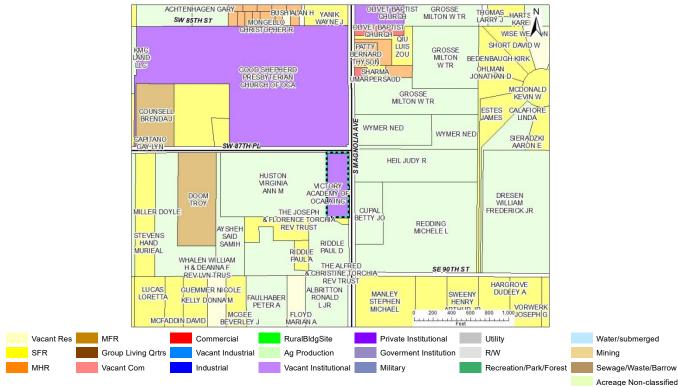
the Special Use Permit shall terminate. A Special Use Permit Application for consideration to reassign, renew/extend and/or modify this Special Use Permit may be submitted in the future, subject to then review and approval considerations as provided in
the LDC.

PROPOSED CONCEPT PLAN EXCERPT



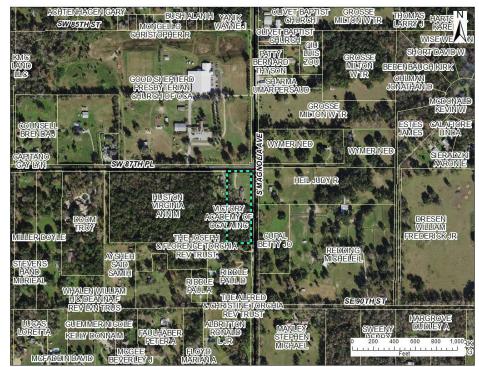
EXISTING FUTURE LAND USE DESIGNATION



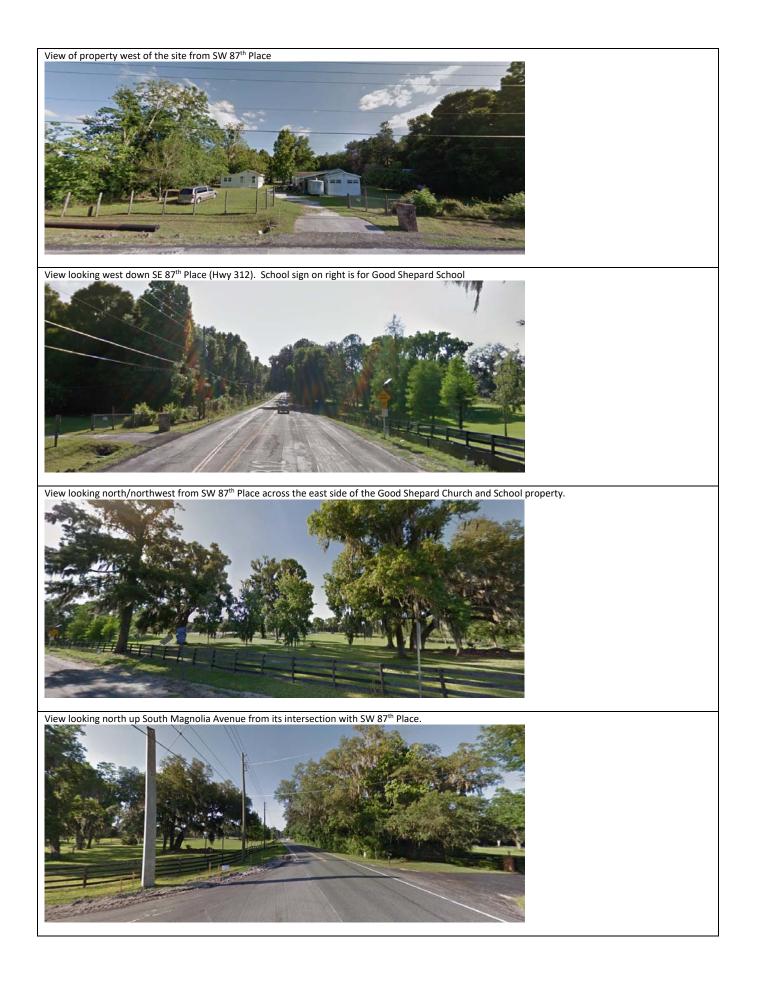


EXISTING PROPERTY USES PER MCPA PROPERTY CODE

EXPANDED AERIAL VIEW







View looking east from the South Magnolia & SW 87th Place intersection.



View looking east from South Magnolia Avenue at the site's east boundary approximately "in-line" with the new school location.



View looking south along South Magnolia Avenue from the site's southeast corner. (The equipment boxes to the right are located on the flag of the flag parcel south of the site.)



View looking southeast from South Magnolia Avenue from the site's southeast corner



View looking west from South Magnolia Avenue at the driveway entrances to the properties lying south and southeast of the site. . (The equipment boxes to the right are located on the flag of the flag parcel south of the site.)



TABLE A: CURRENT MARION COUNTY LAND DEVELOPMENT CODE BUFFER REQUIREMENTS (PROVIDED FOR REFERENCE)								
EXISTING USE or PERMITTED USE BY ZONING								
AG SFR MF COM IND PUB ROW							ROW	
	AG	-	-	-	-	-	-	-
	SFR	E	-	С	Α	В	С	С
PROPOSED USE	MF	E	А	-	А	В	С	С
PROPOSED USE	СОМ	D	В	В	-	В	С	С
	IND	В	В	В	В	-	В	D
	PUB	E	В	С	С	С	-	С

TABLE B: CURRENT MARION COUNTY LAND DEVELOPMENT CODE BUFFER STANDARDS (PROVIDED FOR REFERENCE)

TYPE	Minimum Width (FT)	Wall (Fence)	Shade Trees*	Accent- Ornament Trees*	Shrubs Required*	Ground- cover Required	Shrubs & Ground- cover (min %)**	Turfgrass
Α	30	Ν	3	5	Y	Y	50	Y
В	20	Y	2	3	Y	Y	50	Y
С	15	Ν	2	3	Y	Y	50	Y
D	15	Y	2	3	Y	Y	25	Y
E	5	Ν	4	0	Y***	Prohibited	n/a	Prohibited

*Plantings are per 100 Linear Feet.

Buffers including walls require placing the landscaping on the "public view" or exterior side of the wall [LDC Section 6.8.6.L(1)(c)]. ** To achieve a minimum 3' in height within one year.

***Type E Buffer requires continuous double-staggered hedgerow and prohibits groundcover and turfgrass within the buffer.

Buffers including walls require placing the landscaping on the "public view" or exterior side of the wall [LDC Section 6.8.6.L(1)(c)].

Aerial: 210603SU

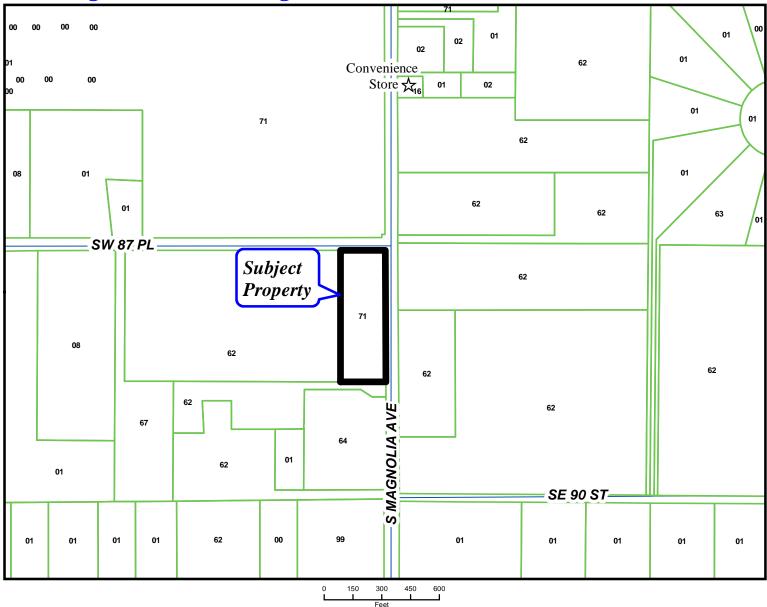


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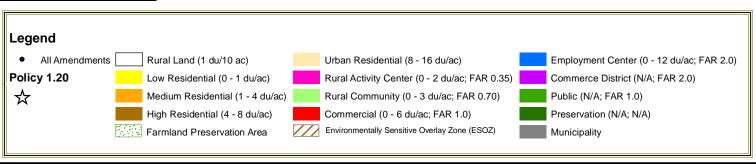
0 100 200 300 400 <u>I I I I</u> Feet



Existing Land Use Designation 210603SU



Use per MC Property Appraiser		OWNER: Victory Academy of Ocala, Inc.
01	Single Family Res	OWNER. VICtory Academy of Ocala, Inc.
50-69/99	Agricultural	AGENT: Robert Van Fleet
00/10/40/70	Vacant	AGENT: KODERT VAN FIEET
71	Church	
02	Mobile Home	PARCEL(S): 36778-000-00
06-07/11-39	Commercial	
41-49	Industrial	All provided GIS data is to be considered a generalized spatial representation, which is
83-98	Public	subject to revisions. The feature boundaries are not to be used to establish legal boundaries.
82	Recreation	For specific visual information, contact the appropriate county department or agency. The information is provided visual representation only and is not intended to be used as
03-05/08	Multi-Family	
77	Club/Lodge/Union Hall	legal or official representation of legal boundaries.
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Marion County Board of County Commissioners

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

SPECIAL USE PERMIT APPLICATION - REGULAR - \$1,000.00

210603SU

PA=: 36778-000-00

AR#: 26568

The undersigned hereby requests a Special Use Permit in accordance with Marion County Land Development Code, Articles 2 and 4, for the purpose of: establishing a school on said property _______ is local in

A-1 zoning, Because the existing are asking that these spaces remained	46 pauliais spaces are prograss No
Legal Description: (Please attach a copy of the deed and Parcel account number(s): 36778-000-00 ✓	location map.) Parcel Zoning: A / \checkmark
Property dimensions: 686.91 x 200.01	Total acreage: 3.85 🗸
Directions: Situs: 20 SW 87th Place, E	Dea Pa, Fl

Each property owner(s) MUST sign this application or provide written authorization naming an applicant or agent to act on his behalf. Please print all information, except for the Owner and Applicant/Agent signature.

Property Owner name (please print) Applicant or agent name (please print) Victory Academy Ocala, Inc c/o: Carey V. Jover Kohart VAN FLEST Mailing Address **Mailing Address** 5124 NE 7th Place 5124 NE 7TH PLACE City, State, Zip code, City, State, Zip code Ocala, Florida 34470 34470 DCALA FL Phone number (include area code) Phone number (include area code) 352-812-4712 352 \$04 2934 E-mail address E-mail address cbvjones114@gmail.com OBERT Q VEINS.NET arent oner Signature Signature PLEASE NOTE: A representative is strongly encouraged to attend the public dearings when this application will be discussed. If no representative is present, the request may be postponed or denied. Hearing notices will be mailed to the address(es) listed above. All information submitted must be correct and legible to process the Application. Contact

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www.marioncountyfl.org

Special Use Permit Written Findings and Facts

- Ingress to the proposed school building will be off CR 475 (S.W. Magnolia Avenue). This will be a blacktop entrance that will lead to 7 paved parking spaces, including 1 handicap space. This will also lead to a drop-off/pick-up area for the students. Egress will be onto CR 312 (S.W. 87th Place).
- 2. In addition to the 7 paved spaces additional parking spaces will be available at the adjacent church building. These spaces include 2 additional handicap parking spaces.
- 3. Waste removal will be contracted through an independent waste removal company. The dumpster will be in a fenced area located at the southwest corner of the parcel. The privacy fencing will completely enclose the dumpster area.
- 4. Power will be provided by the City of Ocala. Water and sewer will be obtained from a well and septic tank system per code.
- 5. The property in front of the proposed school building, the east side of the parcel along CR 475, will be landscaped with shrubbery and trees as proposed within the project area. The north side of the property, with frontage along CR 312 and is in front of the existing church building, will remain unchanged. The southern property boundary will have a 25-foot buffer zone with the current natural vegetation consisting of shrubs and trees. The west boundary currently has a 25-foot buffer. Approximately 200 feet of the northern portion of this buffer contains a small berm with shrubs and trees. The remainder of the western buffer will retain the existing natural plants and trees.
- 6. Signage on the property will be the existing church sign located on the northeastern corner of the property and a new sign that will be lighted and located in front of the proposed school building along CR 475 per code.
- 7. All other setback requirements, local codes and ordinances will be complied with.
- 8. The general surrounding properties are a mix of agricultural, residential, and light commercial uses. The subject property is located at the corner of CR 312 and CR 475. The south and west sides of the property are bordered by residential properties. The east side, across CR 475, is a horse farm. The north side, across CR 312, contains a church and a private school.
- 9. We are willing to meet to discuss any special requirements that may be called for by the site analysis.

Rison, Christopher

From:	robert@vfins.net
Sent:	Tuesday, April 20, 2021 10:46 AM
To:	Rison, Christopher
Subject:	Victory Academy students and staff
Follow Up Flag:	Follow up
Flag Status:	Flagged

Chris,

Current students	59
Projected students	75
Current staff/teachers	16
Projected staff/teachers	17

Please let me know if there is anything else you need.

Thank you and have a great day! Bob Van Fleet For Victory Academy

