Staff Report: Special Exception

SE24-45800

Board of Adjustment: October 28, 2024

Petitioner: Legacy View Church, Inc.

Property Owner: Legacy View Church, Inc.

Agent: Pastor Danny Nunn, Jr. – Legacy View Church, Inc.

Project Planner: Kristina L. Wright, CNU-A, MAURP, FRA-RA

Applicant Request: Special Exception to allow a church and off-site parking within an R-2, Two-Family Residential District

Parcel Information

Acres: ±1.05 acres

Parcel(s) #: 22714-000-00 and 22715-000-00

Location: 1734 and 1748 West Silver Springs Boulevard

Future Land Use: Neighborhood

Zoning District: R-2, Two-Family Residential

Existing Use: Undeveloped

Adjacent Property Information

Direction	Future Land Use	Zoning District	Current Use
North	Neighborhood	R-2, Two-Family Residential	Residential
East	Medium Intensity/Special District	R-2, Two-Family Residential	Residential
South	Neighborhood	R-1AA, Single-Family Residential	Residential
West	Neighborhood	R-2, Two-Family Residential	Vacant/Undeveloped

Applicant Request

The petitioner is requesting a Special Exception to allow a church and an accessory use of on-site and off-site parking within the R-2, Two-Family Residential District. The petitioner has submitted a concept plan which proposes a 5,200 s.f. church with offices and accessory uses of on-site and off-site parking.

Background

The subject properties, identified by Parcel Identification Numbers 22714-000-00 and 22715-000-00, contain approximately 1.05 acres, and are located at 1734 and 1748 West Silver Springs Boulevard. The subject properties are currently vacant and undeveloped, although city records indicate that they were both previously developed as single-family residences. It is also important to note that while parcel 22714-000-00 retains one parcel number, it is divided into two, non-contiguous lots with four single-family residential homes between them.

The subject properties are located within the West Ocala Community Redevelopment Area (CRA) as well as the West Ocala Community Vision Plan. Portions of the subject property are also located within a Special Flood Hazard Area per the City of Ocala Stormwater Management Plan Studies of 1984.

Staff Analysis

Pursuant to Ocala Code of Ordinances Section 122-333(4)(b)(1), churches are permitted by special exception within the R-2, Two-Family Residential District. The petitioner has provided a conceptual plan consistent with development standards contained under Ocala Code of Ordinances Sections 122-1010 (*Required number of spaces)*, 122-1244 (*Minimum width and setback for specific streets*), and 122-286 (*Lot requirements*). Although the property is not subject to a FEMA flood zone, the Special Flood Hazard Area identified by the City of Ocala requires the applicant to coordinate with the Stormwater Engineering Department for any future approvals and development of the property.

The conceptual plan indicates that the church will be developed on parcel 22715-000-00 and the west side of parcel 22714-000-00. As previously mentioned, this parcel is unique in that the parcel is under one parcel number, but is not contiguous. The applicant is proposing the church/office building to be located on the western portion and accessory overflow parking on the eastern most portion of the parcel.

The church site will have access from either West Silver Springs Boulevard (State Road 40) or from Southwest Fort King Street. Both the on-site and off-site parking will be accessed from Southwest Fort King Street, except for one main entrance accessing the proposed church from West Silver Springs Boulevard.

The conceptual plan indicates that there will be a total of 48 parking spaces 29 of which will be located on the western most lot, this number includes 2 handicap spaces. Eight of the 29 spaces will be paved while the remaining 21 will be grass spaces. The off-site parking will contain an additional 19 unpaved spaces, these will be delineated with railroad ties and landscaping materials. Based on the use of the property, required parking is one (1) space for every five (5) seats in the auditorium or chapel area, not including any classrooms. Parking facilities are required to be paved per the Land Development Code; however, the City Engineer has the ability to approve alternate surfaces for parking facilities on a case-by-case basis. Any alternate surface will have to be approved at the time of site plan review. At this time, the estimated number of seats for the proposed church will be between 70-80 seats in the worship center, auditorium, or chapel. Assuming a maximum of 80 seats, the required minimum number of parking spaces is 16, the

conceptual site plan is proposing 48 total spaces. While the off-site parking is not explicitly necessary, pursuant to the number of estimated seats, there will be associated uses such as office and clergy. The petitioner does not wish to become a nuisance to the adjacent residences with parishioners parking in rights-of-way to access church services. The petitioner has also indicated that they will be providing parking attendants prior to services.

Additional Planning Commission Approval Required:

The overflow parking is considered off-site parking due to the unique configuration and non-contiguous aspect of the parcel. Approval of off-site parking requires specific approval by the Planning & Zoning Commission per Section 122-1002. It is the intent the petitioner to request a Public Hearing from the Planning & Zoning Commission for approval of required off-street parking facilities provided on land within 300 feet of the plot..

Special Exception Standards for Approval (Section 122-73(5)):

The Code states that the Board of Adjustment, in reaching its conclusion and in making the required findings, shall consider and weigh the following factors and standards, among others, and shall show in its record these factors and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, that the purposes and requirements for granting the special exception have been met by the applicant. The required factors to be weighed are as follows*:*

A. Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Ingress/egress will be provided via proposed access driveways onto Fort King Street on the south side of the property and one main entrance is proposed onto West Silver Springs Boulevard, these will be addressed during the site plan review and approval process. The main entrance will be required to receive FDOT approval.

B. Off-street parking and loading areas, where required, including consideration of ingress and egress to the property, and the economic, noise, glare, or odor effects of the location of such off-street parking and loading areas on adjacent and nearby properties and properties generally in the district.

Parking for the proposed church will be provided by two parking lots on both sides of the divided parcel. Ocala Code of Ordinances Section 122-1010(a)(12) requires one (1) parking spaces per each five seats in the auditorium or chapel area, not including classrooms. The conceptual plan indicates that there will be 48 spaces, including 2 handicap spaces. At this time, the estimated number of seats will be between 70-80 seats in the auditorium or chapel. Based on this number, the proposed development will require 16 spaces. As such, the provision of 48 spaces, including 2 handicap spaces meets and exceeds the minimum required number of spaces per Ocala Code of Ordinances Sections 122-1010 (a)2 and 122-1015. The addition of buffers and fencing will reduce the impact on adjacent and nearby properties, as will the inclusion of a sidewalk on SW Fort King Street within the public right-of-way to reduce the potential for any impact to the properties situated between the church and the off-site parking.

C. Refuse and service areas, and how these areas correspond with both the off-street parking area, and the ingress and egress to the site.

The applicant will be required to use standard trash carts in lieu of a dumpster, due to the residential nature of the subject property and surrounding properties.

D. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use.

Electric, Internet, Potable Water, and Sanitary Sewer utility services are available. Connections will be determined during the site plan review process.

E. Screening and buffering, including consideration of such relevant factors as type, dimensions, and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.

The exterior boundary of the site shall have a minimum 10-foot-wide landscape buffer with a 6-foot wall or fence between both the church and the adjacent residential homes, as well as between the off-site parking and the residences. All off-street parking areas shall be screened from bordering streets with a minimum 5-foot-wide landscape buffer, consistent with Ocala Code of Ordinances Section 122-260(c)(2).

F. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of signs and lighting on properties in the district and compatibility and harmony with other properties in the district.

A sign location has been indicated adjacent to West Silver Springs Boulevard on the conceptual plan, which indicates that the sign will not exceed 8 ft. in height and will be a maximum of 24 square feet. However, a condition of approval will be that, the sign must be a ground mounted sign and it must not be animated or illuminated. The applicant has indicated the placement of the proposed ground mounted sign, which will be reviewed through the site plan and permitting processes. All signage must comply with Chapter 110, Ocala Code of Ordinances.

G. Required yards and open spaces.

Pursuant to Ocala Code of Ordinances Section 122-286, a church allowed by special exception in an R-2 district is required to maintain a 20-foot front yard, 8-foot interior side yard, and a 20-foot street rear yard; additionally, Ocala Code of Ordinances Section 122-1244 requires a 20-foot street widening setback along State Road 40 from the western city limits to South Pine Avenue. The conceptual plan depicts consistency with the building setback requirements.

H. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district.

Pursuant to Ocala Code of Ordinances Section 122-286, the maximum allowable height in the R-2 district is 35 feet, which will be addressed at the site plan review and approval stage.

I. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.

The proposed church will create an improvement within the SR 40/West Silver Springs Boulevard Corridor and within the West Ocala CRA.

J. Visual, physical, and economic impact of the proposed project or use on a historically designated property and district.

This proposed development will advance the visual and physical character of the SR 40/West Silver Springs Boulevard Corridor. This site is not located within a designated historic district; however, it is located within the West Ocala CRA.

Staff Findings and Recommendation

- The request meets the standards for approval of a Special Exception pursuant to Ocala Code of Ordinances Section 122-73(5).
- The conceptual plan is consistent with development standards contained under Ocala Code of Ordinances Sections 122-1010 (*Required number of spaces)*, 122-260 (*Buffers*), 122-1244 (*Minimum width and setback for specific streets*), and 122-286 (*Lot requirements*).

Recommended Conditions of Approval:

1. This Special Exception shall be granted for and run with the subject property located at the 1734 and 1748 West Silver Springs Boulevard (Parcels: 22714-000-00 and 22715-000-00) as long as the church remains the primary use and the off-site parking remains an accessory use to the church.
2. Approval of a public hearing by the Planning & Zoning Commission to allow required off-street parking facilities provided on land within 300 feet of the plot.
3. The site plan shall be consistent with the provided conceptual plan, and site plan approval shall be issued within 18 months of the date of approval by the Board of Adjustment or this Special Exception shall expire.
4. Lots on the western half of the proposed development shall be combined through a lot reconfiguration request submitted to staff, the eastern parcel will be split to create its own parcel id and will solely be used as accessory parking only for the church.
5. The site plan must include 10-feet wide landscape buffers with 6-feet walls or fences, 3-feet high hedges to screen parking areas from each street, and a sidewalk on SW Fort King Street within the public right-of-way to connect the properties and to reduce the potential for any impact to the properties situated between the church property and the off-site parking.
6. A 30-foot separation from the driveway aprons and parking spaces are required as indicated on the concept plan.
7. Landscape areas must be defined and protected from traffic movement as indicated on the concept plan.
8. The sign must be revised to ground mounted, without any animation or illumination.
9. Architectural elevations are required demonstrating a pitched roof to retain character with the surrounding residential properties. If a steeple will be incorporated into the design of the church, the steeple shall not exceed 35 feet, in order to preserve the character of the R-2 zoning and the residential scale of the surrounding properties.

10. Off-site drainage retention is subject to the review and approval of stormwater management. If off-site drainage retention is not approved, on-site drainage must be provided.

Staff Recommendation: Approval with Conditions