



Staff Report

SE24-45530

Board of Adjustment: March 18, 2024

Petitioner: Creative Learning Preschool, LLC
Property Owner: Creative Learning Preschool, LLC
Agent: N/A
Project Planner: Breah Miller
Applicant Request: Special Exception to allow a daycare facility in M-1, Light Industrial zoning district

Parcel Information

Acres: ±1.20 acres
Parcel(s) #: 2318-002-107
Location: 5285 SW 1st Lane
Future Land Use: Employment Center
Zoning District: M-1, Light Industrial District
Existing Use: Daycare Facility

Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Public (County)	M-1, Light Industrial (County)	FDOT Water Retention Area
East	Employment Center	M-1, Light Industrial District	Oak & Sage Realty and SCP Distributors, LLC
South	Employment Center	M-1, Light Industrial District	Vacant & Falcon Tire Center
West	Employment Center	M-1, Light Industrial District	Penske Truck Rental

Background:

The subject property, identified by Parcel Identification Number 2318-002-107, contains an approximate ±1.20 acres, and is generally located at 5285 SW 1st Lane, southwest of the intersection at W Highway 40 and SW 52nd Avenue. The subject property is currently developed as a daycare facility, Creative Learning Preschool.

The facility was built in 1991 and has always operated as a preschool/daycare facility. The existing facility is a legal non-conforming use. Daycare and preschool facilities are only permitted within the M-1, Light Industrial district as a Special Exception.

The applicant has stated intent to develop the property further with an additional building. Section 122-173(1) of the City of Ocala Cod of Ordinances states that “no such nonconforming use shall be enlarged or increased, or extended, or occupy a greater area of land than was occupied at the effective date of the ordinance from which this chapter is derived, before the date of adoption of this chapter, or the effective date of an amendment of this chapter.” The development of an additional building will void the legal nonconforming status that the property has had since being annexed in 1991, requiring the applicant to request a Special Exception to continue the use. The applicant has submitted a conceptual plan, it is their intent to receive Special Exception approval and then hire a design professional for the building addition.

Staff Analysis

Approval of the Special Exception with conditions is recommended to allow for a daycare facility within the M-1, Light Industrial district. Pursuant to Ocala Code of Ordinances Section 122-764(4)(b), daycare facilities are permitted by Special Exception pursuant to the standards of Article IX, Division 5 of Chapter 122 in the M-1, Light Industrial district. The proposed new building will be subject to site plan review per Section 122-212.

The nonconforming use has had no code enforcement issues and no negative impact on the surrounding area since it was established in 1991.

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.

The property currently only has one ingress and egress to the property from SW 1st Lane. The property has a flag driveway which opens up to a roundabout surrounding the existing parking. The applicant proposes to keep the current circulation and does not intend to add additional ingress and egress to the site.

- 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.

The site currently has adequate parking and the applicant is proposing additional parking to the north of the existing parking. The property will be subject to meeting any additional parking requirements during the site plan process.

- 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.

There is an existing dumpster which will remain in its current location at this time.

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

This parcel is serviced by the City of Ocala Utilities. There is currently infrastructure in place along SW 1st Lane, south of the subject property.

- 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.

Per Section 122-1314, An outdoor play area must be fenced with no portion closer than 20-feet to any residential lot line, or closer than 50-feet to any public street. In addition, there shall be a ten-foot landscaped buffer between any portion of the fenced play area and any nonresidential lot line. This ten-foot buffer shall be designed in accordance with subsection 122-260(e). This will be reviewed to the site plan process.

- 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.

Signage will remain. All signage changes will be required to meet standards pursuant to Section 110-151.

- G. Required yards and open spaces.

Per Section 122-1313, the total lot area shall be no less than 15,000 square feet, and the lot width shall be no less than 100 feet. The lot is a flag lot, meaning there is only 40-feet of frontage. However, where development is proposed and existing the property is approximately 190-feet wide. The lot is 1.20 acres and meets the required 15,000 sq ft.

The site plan shows that the proposed building will be approximately 72 ft from SR40. However, the parcel just north of the subject property is approximately 50 feet wide. Due to setback and yard requirements modification to the buildings size and placement may need to take place to meet said requirements through the site plan review process.

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

M-1, Light Industrial, has a height restriction of 60-feet. The current building meets the height requirement and the proposed building will be subject to site plan review.

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

There is no economic impact proposed for the adjacent properties.

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

The is no negative visual, physical, and economic impacted proposed.

Recommended Conditions of Approval:

1. The approval of the Special Exception shall remain with the Property in perpetuity, regardless of changes in ownership.
2. The Applicant shall apply for and obtain all necessary site permits for the installation of the additional building, play area (and parking as necessary).
3. A Certificate of Occupancy for the proposed use shall be issued within 2 years of the date of approval by the Board of Adjustment or this Special Exception shall expire.

Staff Recommendation: Approval with Conditions
