



**Marion County
Board of County Commissioners**

Growth Services

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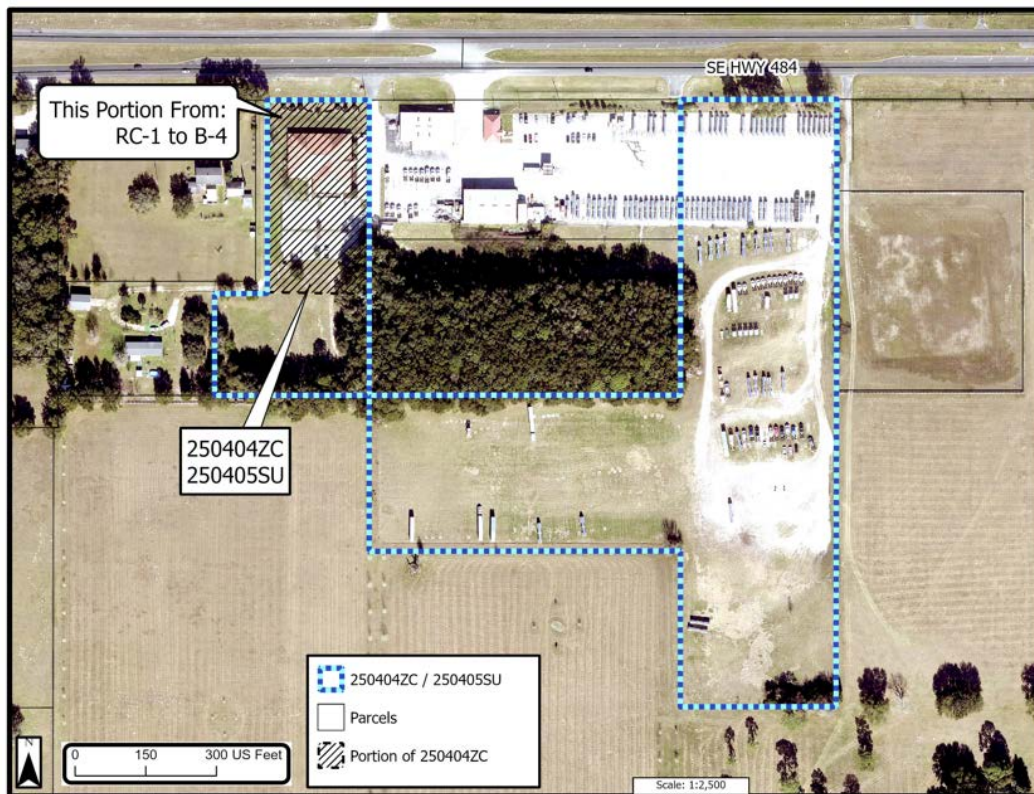
**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 03/31/2025	BCC Date: 04/14/2025
Case Number:	250405SU
CDP-AR:	32457
Type of Case:	Special Use Permit for outdoor storage of plumbing pipe in Regional Business (B-4) zoning classification.
Owner	WD Holt, LLC.
Applicant	Fred N. Roberts, Jr. Esq. with Klein & Klein LLC.
Street Address	1950 SE Hwy 484, Summerfield, FL 34491
Parcel Number	41504-000-00
Property Size	±2.05-acres
Future Land Use	Employment Center (EC) and Rural Land (RL)
Zoning Classification	Regional Business (B-4)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (S-SPOZ)
Staff Recommendation	Approval with conditions
P&ZC Recommendation	Approval with conditions (on consent)
Project Planner	Kathleen Brugnoli, Planner
Related Case(s)	930403Z: General Agriculture (A-1) to Rural Commercial (RC-1) – Approved; 960116SU: Potable water and on-site wastewater treatment & effluent land application in RC-1 – Approved; 250404ZC: Concurrent Zoning Change from RC-1 to B-4.

I. ITEM SUMMARY

Fred N. Roberts, Jr. Esq., on behalf of WD Holt LLC., has filed an application for a special use permit to allow for outdoor storage of plumbing pipe in a Regional Business (B-4) zoning classification (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 41504-000-00, the site address is 1950 SE Hwy. 484, Summerfield, and the legal description is displayed on the deed included as part of the application. The subject property is located within the Secondary Protection Overlay Zone (S-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.

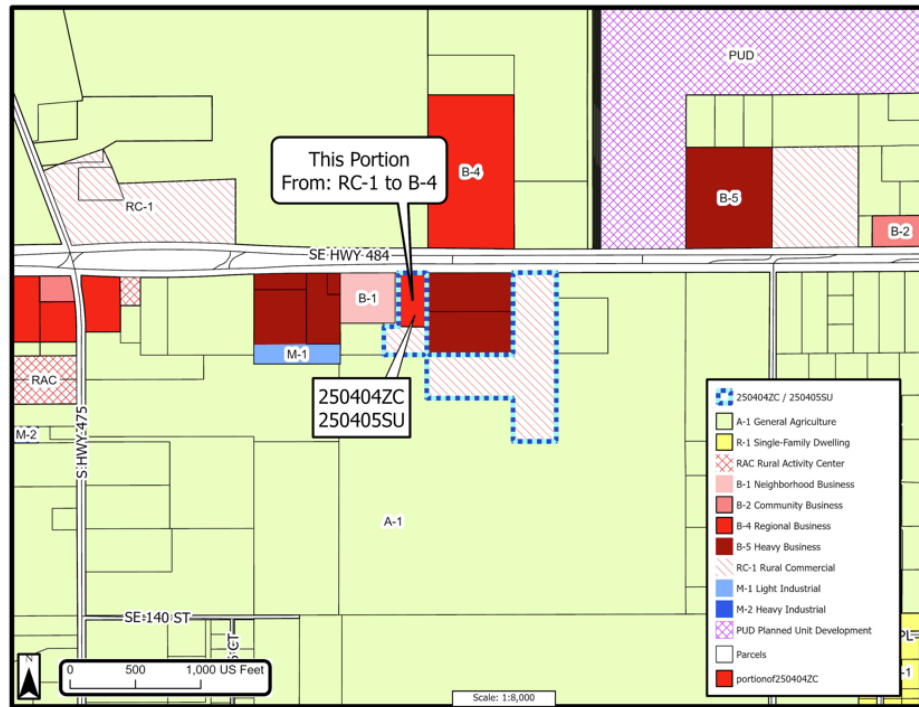
III. NOTICE OF PUBLIC HEARING

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 seven (7) property owners on March 14, 2025. 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 March 7, 2025 and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on March 17, 2025. 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.* Figure 2 provides zoning classification information while Figure 3 shows the FLUMS designation for the area. Table 1 outlines the existing uses of the surrounding area, while Figure 4 illustrates those uses in relation to the subject property. As illustrated, the subject property is currently listed as Commercial by the MCPA's office. The surrounding area includes a mix of residential and agriculture with Southeast Milk Inc. directly west of the subject site. A site visit was conducted on March 7, 2025 to post public notice and photograph the property (Attachment B). The site has an existing business on-site that is currently being used in conjunction with the Southeast Milk Inc. operation to the east. Behind the parking area to the rear of the building, there's a large open area being used primarily for retention with heavily treed boundaries along southern and southeastern property lines.
- B. *Zoning district map.* Figure 2 shows the subject property designated as Regional Business (B-4), with Heavy Business (B-5) to the west, General Agriculture (A-1) to the north and south, and Neighborhood Business (B-1) and General Agriculture (A-1) to the west.

Figure 2
Zoning Classification



- C. *FLUMS designation.* Figure 3 is the FLUMS and shows the subject property as Employment Center (EC) land use (0-16 du/acre; 2.0 FAR) with similar land use to the east, Rural Land to the north, south, and west (1 du/10 ac).

Figure 3
Future Land Use Map Series

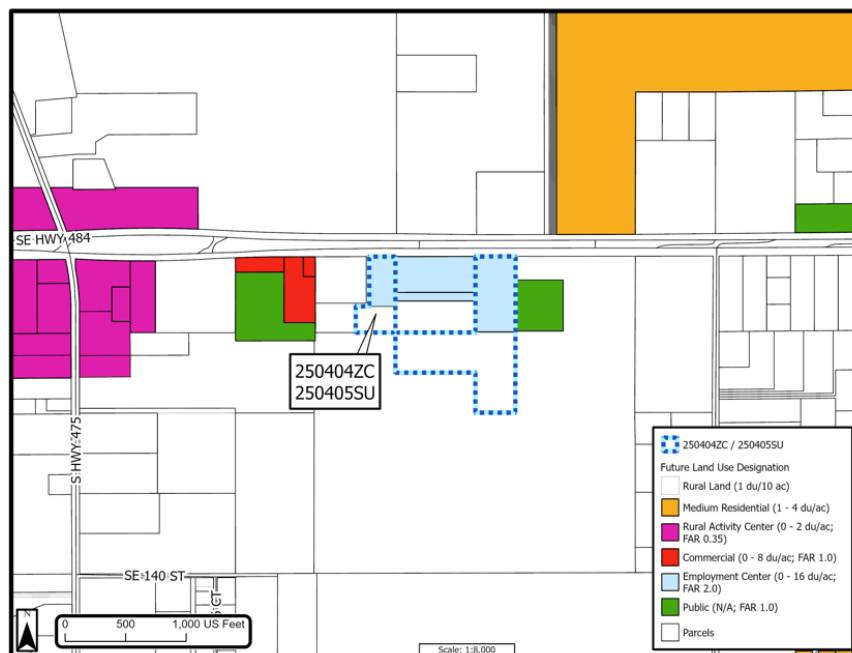


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Employment Center (EC) Rural Land (RL)	Regional Business (B-4) Rural Commercial (RC-1)	Commercial
North	Rural Land (RL)	General Agriculture (A-1)	Ornamentals Agriculture
South	Rural Land (RL)	General Agriculture (A-1)	Grazing Land
East	Rural Land (RL) Employment Center (EC)	Heavy Business (B-5)	Warehouse/ Distribution Vacant Commercial
West	Rural Land (RL)	General Agriculture (A-1) Neighborhood Business (B-1)	Improved Residential Improved Mobile Home

Figure 4
MCPA Property Uses

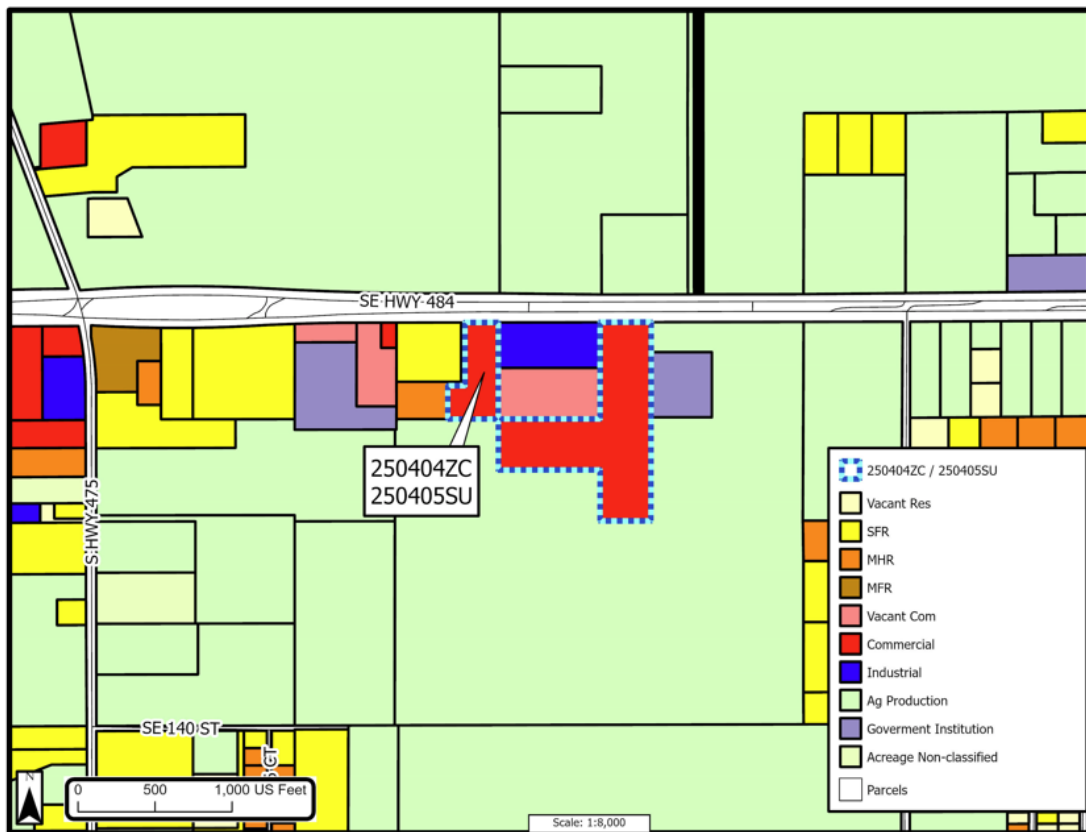


Figure 5
Conceptual Plan



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.*

Analysis: Ingress/egress is provided by an existing driveway, shared with the commonly owned parcel to the east, from SE Hwy 484. The subject property is already developed and has an existing commercial structure on site. Staff concludes that the application **is consistent** with provisions for ingress and egress.

- 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: Paved/lined parking is already established on site for the Southeast Dairy operation taking place here. In addition to standard spaces, there are also accessible spaces for disabled person parking. Parking faces interior towards the business in an effort to mitigate negative impacts to neighboring parcels from lights or glare. Staff concludes that the application **is consistent** with the provisions for off-street parking and loading areas.

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

Analysis: Waste removal areas are existing on site and screened from public view. Pickup is already occurring and will continue with the intended Plumbing Business. The application is **consistent** with this provision.

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

Analysis: SECO Energy provides power to this area and comments through Development Review Committee (DRC) from Marion County Utilities indicate that special use being requested will not have an impact on water and sewer. Well and septic are currently serving the business and will continue to do so. Staff finds the application to be **consistent** provided the condition below is met.

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

Analysis: The findings of facts provided with the application (Attachment A Page 3) states, "In connection with the proposed [special [use, a 6' opaque privacy fence shall be installed along the portion of the west boundary shown on the conceptual plan. This will screen the rear parking (along with proposed designated storage area) from view of the residential uses to the west." Staff finds the proposed screening to be consistent with the provision of screening and buffering and recommend the following conditions.

- *A 6' opaque fence shall be installed consistent with the conceptual plan provided and buffering the western property from view of the rear parking area as well as the pipe storage area.*

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: Signage exists on the property for the current business. In the event that signage will be replaced, a building permit through the Building department will be required. Also, additional lighting will require a photometric plan through Development Review should it be desired. It is concluded that the application is **consistent** with the signs and exterior lighting requirements of this section provided additional lighting is accompanied by a photometric plan and new signage obtains a building permit.

- *A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.*

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

Analysis: Open space, as required by Land Development Code, was reviewed during the site plan approval process for this parcel's initial development. The proposed. Additions to impervious coverage for the proposed pipe rack and infiltrator storage would trigger a site plan review which will ensure additional coverage will not put the lot below the minimum requirements for open space.

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. Figure 4 displays the same properties based on their use code per Marion County

Property Appraiser. The subject property is developed currently and the existing commercial structure is to be utilized as the office for the intended user, a plumbing business. The request being made by this special use is to allow for a designated area where plumbing related piping and infiltration will be stored for easier access for employees needing to take these items out to homes and job sites. The area will be fully paved under the racking system and enclosed with chain link fencing for security purposes. Provided the conditions below are met, staff finds the provision for compatibility to be met.

- *This site shall be developed consistent with the proposed conceptual plan.*
- *The designated area for materials storage shall not exceed 50'x25'.*
- *Additional impervious area will require a site plan review.*
- *This special use permit shall run with Natcho Properties, LLC. and not the property.*

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

Analysis: 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. The subject property will require a site plan review before additional impervious development commences. The site plan will ensure that the development is consistent with the Land Development Code. Staff concludes that no special requirements are needed beyond the conditions provided in this report.

- 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 4.2.20 provides that a construction or contractor yard is a special use that may be requested within B-4 zoning. The items to be stored are construction related as they are the components for installing or repairing plumbing for a home. Additionally, outside storage, in general, isn't a permitted use until Heavy Business (B-5) zoning. Based on the items stored, and their storage location being outside, 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, even with the provided conditions to attempt to address the ten (10) requirements imposed.

VI. ALTERNATIVE RECOMMENDATIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to the Commission to adopt a proposed Ordinance to **DENY** the special use permit.
- 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 Commission 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 Commission 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 based on compatibility in the area, compliance with the Comprehensive Plan, and a lack of adverse impacts to the surrounding area.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed in the event that the Board chooses to agree with staff recommendation and approve the special use with conditions:
 - 1. *A 6' opaque fence shall be installed consistent with the conceptual plan provided and buffering the western property from view of the rear parking area as well as the pipe storage area.*
 - 2. *A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.*
 - 3. *This site shall be developed consistent with the proposed conceptual plan.*
 - 4. *The designated area for materials storage shall not exceed 50'x25'.*
 - 5. *Additional impervious area will require a site plan review.*
 - 6. *This special use permit shall run with Natcho Properties, LLC. and not the property.*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval with conditions (on consent).

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application.
- B. Site Photos.
- C. DRC Comments.
- D. Surrounding Property Owner Map