



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 6/29/2026	BCC Date: 7/22/2026
Case Number(s)	260703SU
CDP-AR	000589-2026
Type of Case	Special Use Permit: Indoor Auto Body Shop Repair – Parking of Damaged Vehicles Outside
Owner(s)/ Applicant(s)	Applicant: Gerber Collision LLC c/o Owner Haber Kennels Inc. c/o Terry Haber
Agent(s)	ER MA Partner LLC c/o Gideon Lee
Street Address	No Assigned Address
Parcel Number(s)	47690-004-00
Property Size	±3.18 acres
Future Land Use (s)	Commercial (COM)
Zoning Classification(s)	Community Business (B-2)
Overlay Zone/Scenic Area(s)	Secondary Springs Protection Overlay
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	APPROVAL WITH CONDITIONS (6-0)
Project Planner	Kenneth Odom, Transportation Planner
Related Case(s)	NA

I. ITEM SUMMARY

The agent ER MA Partner LLC for Gerber Collision LLC, on behalf of the owner, Haber Kennels LLC, has filed a Special Use Application (SUP) in order to operate an auto/light truck body repair shop in Community (B-2). This proposed use is permitted and typically located in Regional Business (B-4) or more intense zoning designations. The proposed location is along the linear commercial corridor located adjacent to US 441, in the southern portion of Marion County. Specifically, south of SE 92nd Loop and north of CR 42. The applicants have indicated that all body work, painting, and materials storage will occur inside the building to be constructed. The only exterior storage will be for client vehicles, pre- and post-repair. Client vehicles will be stored behind the primary building, within a separated parking facility that will be surrounded by a seven-foot gated vinyl security fence and no less than fifty feet of natural foliated buffering being maintained between the closest residences to the east.

Figure 1
Aerial Photograph



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL with the conditions** specified in Section VII.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.

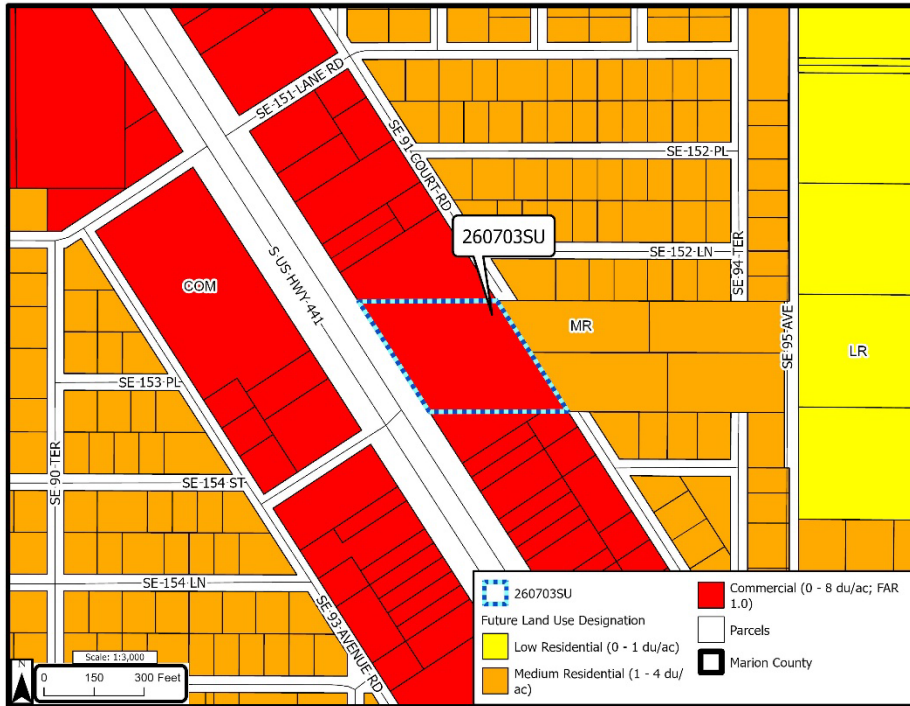
III. NOTICE OF PUBLIC HEARING

The Growth Services Director has interpreted the notice 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 to be mailed to all property owners within 300 feet of the subject property, and notice was mailed to 29 owners on June 12th, 2026. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on June 8th, 2026, and consistent with LDC Section 2.8.3.E., due public notice was published in the Ocala Star-Banner on June 15th, 2026. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

IV. BACKGROUND/CHARACTER OF THE AREA

- A. *Existing site conditions.* According to the property appraiser's website, the subject parcel is $\pm$ 3.18 acres in size and located on the east side of SW US 441. This somewhat rectangular-shaped site has $\pm$ 395' of frontage and is $\pm$ 410' deep at its widest point. The site is currently unimproved and heavily foliated. A site visit was conducted on June 8, 2026, and photos of the site were taken during the inspection of the property (see Attachment B). The subject parcel lies within a commercial corridor that parallels the US 441 corridor, so buffering will not be required to the north and south to adjacent parcels. However, a standard Type 'C' buffer will be required on the US 441 frontage, and a modified Type 'B' is being requested by the applicant to the east to buffer current residential uses. See below in Section V.(E) for full details of buffering request.
- B. *FLUMS designation.* Figure 2 is the FLUMS and shows the subject property is Commercial (COM), as are all nearby properties that are adjacent to the US 441 corridor. Medium Residential parcels are to the east of the subject parcel.

Figure 2
FLUMS Designations



- C. *Zoning district map.* Figure 3 shows that the subject property is located within the Community Business (B-2) zoning classification. This zoning classification is consistent with the Commercial (COM) FLUMS designation.

Figure 3
Zoning Classification

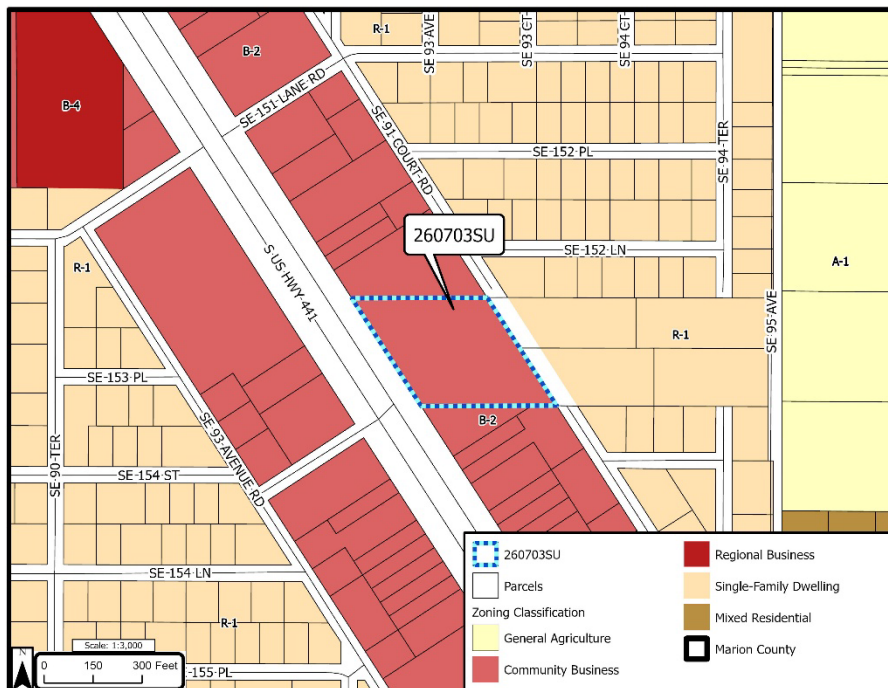
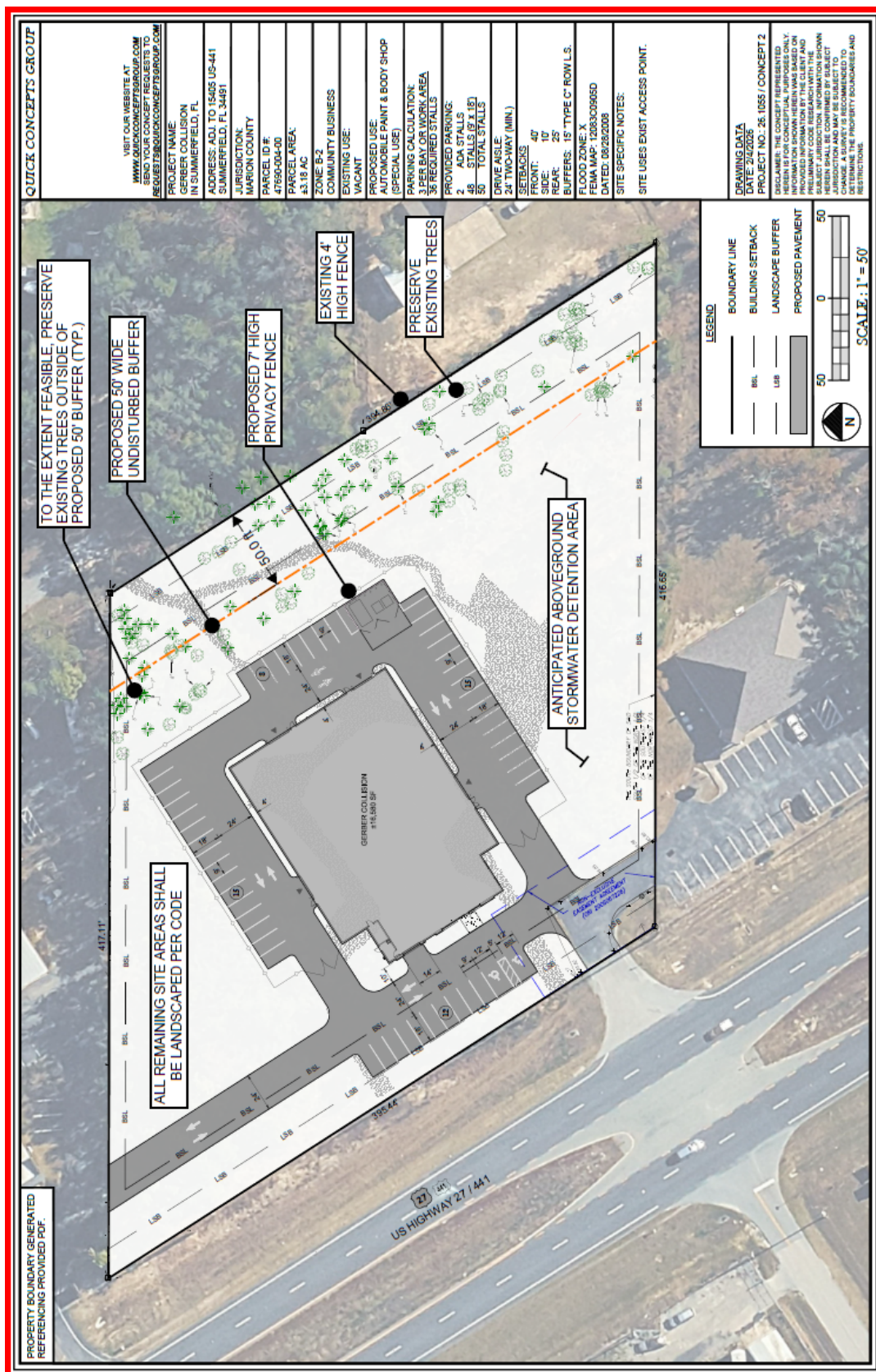


Figure 4 Site Plan



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 that 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 is 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: Access to the subject property is provided via an existing full-access curb cut along US Highway 441. No modifications to the existing access are proposed. The access point is designed to safely accommodate passenger vehicles as well as occasional service vehicles, including flatbed tow trucks used for vehicle drop-off.

- 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 proposed development provides a total of fifty parking spaces, exceeding the minimum requirement of thirty-six. Extra spaces will be utilized for the storage of damaged vehicles awaiting repair. Parking is distributed around the building to allow convenient access for employees and customers while maintaining efficient internal circulation.

Loading and service activities, including vehicle drop-off by tow trucks, will occur onsite in designated areas and will not interfere with public roadways or adjacent properties. The use is primarily conducted indoors, minimizing noise, glare, and odor impacts.

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

Analysis: LDC Section 6.8.9. addresses the screening of the utility area (or refuse and service area) and requires a planting area a minimum of three feet wide and shall form a continuous three-foot high landscaped screen or a buffer fencing with a minimum height of three feet. It also requires garbage collection areas (dumpster pads) to be screened with a wall, buffer fencing, or a landscape screen capable of reaching a minimum height of six feet within three years. Based on the large size of the parcel and the distance between lots, screening of the refuse and service area is not required.

- Refuse collection will be accommodated in a designated dumpster enclosure located at the rear of the building. The enclosure will be screened from view through fencing and/or landscaping in accordance with Marion County Land Development Code requirements. Waste removal will be

provided by a licensed commercial service provider and will occur within the normal operating hours of the service provider. The refuse area will be located at the rear of the site and appropriately screened, minimizing any potential impact on surrounding properties.

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

Analysis: Duke Energy is the electrical provider at this location. The parcel is within connection distance of water and sewer from Marion County Utilities.

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

Analysis: The site will incorporate landscaping, buffering, and screening consistent with Marion County requirements. A Type 'C' landscape buffer will be provided along the US 441 right-of-way, as indicated in the concept plan. Additionally, a 7-foot-tall PVC vinyl panel fence will be installed to screen any outdoor storage areas. Any limited outdoor vehicle storage, if necessary, will be located within fenced and screened areas and not visible from adjacent properties or public rights-of-way. Enhanced buffering is being incorporated along the northern property boundary in response to County feedback to further ensure compatibility with adjacent uses. Buffering to the residential areas to the east side of the subject parcel will be accomplished with a Custom Buffer that consists of a minimum of fifty feet of natural vegetation, augmented as necessary with added planting, and to include the seven-foot vinyl that will enclose the rear parking area of the parking area and building.

- 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: Any proposed signage will comply with Marion County Land Development Code requirements and will be designed to be compatible with surrounding commercial development. Exterior lighting will consist of LED fixtures, including wall-mounted lighting, designed to be downward-directed and shielded to minimize glare and light trespass onto adjacent properties and roadways. Lighting will be consistent with commercial corridor standards and will not adversely impact nearby properties.

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

Analysis: Greenspace and yards are not typically a requirement for commercial developments. The current parcel is heavily foliated, and the applicant proposes to only remove trees that are within the areas where the primary facility, buffers along US 441, and parking and drainage retention will be constructed.

- H. *Provision for general **compatibility** with adjacent properties and other properties in the surrounding area.*

Analysis: The subject property is located within an established commercial corridor along US Highway 441. Surrounding uses include a boat repair facility on the other side of the highway, a smoke shop to the south, and a golf cart dealer to the north, all of which are consistent with the proposed commercial use. While residential uses exist to the rear, the site design incorporates substantial buffering, setbacks, and screening to mitigate any potential impacts. The proposed automobile paint and body shop is fully enclosed and operates during standard business hours (7:30 am to 5:30 pm). Overall, the proposed use is compatible with the surrounding area and consistent with the character of existing commercial development along the corridor.

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

Analysis: The applicant's findings of fact indicate they are willing to consider any further requirements presented by the Board of County Commissioners.

Staff notes that, unlike a variance, which runs with the land and is recorded in the public records, a special use permit is conditioned based on the owner's consent.

- 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: The proposed use is normally permitted in Regional Business (B-4) or Heavy Business (B-5) because these types of business typically have outdoor storage of materials and vehicles that have been in crashes awaiting repair. However, this location will be limited to only outdoor storage of the crashed vehicles. The storage area will be limited to containment of passenger vehicles and light trucks, will be surrounded by seven-foot vinyl fencing, and will be buffered by no less than fifty feet of natural foliated area between the storage area and the closest residences to the east. Thus, the application is consistent with FLUE Policy 2.1.5.

2. TE Policy 2.1.4: **Determination of Impact** – "All proposed development shall be evaluated to determine impacts to adopted LOS standards".

Analysis: The subject property is located outside of the Urban Growth Boundary and within a linear Commercial District land use area that parallels the US 441 corridor. As of 2024, there were 35,000 vehicles per day recorded on this segment of US 441. The capacity of the corridor, at this location, is 38,430 vehicles per day. That indicates that approximately ninety-one percent (91%) of the corridor capacity is utilized at the time that the counts were recorded. The proposed SUP will not significantly increase traffic counts at this location, but final determination of impacts will be presented with the Traffic Assessment or Study being reviewed during the

development review stage. Thus, the application is consistent with TE Policy 2.1.4.

3. PWE Policy 1.2.2: “The County’s LDC will maintain guidelines for requiring existing water treatment plants to connect/interconnect to centralized systems when such systems are available, and connection is economically feasible”.

Analysis: The subject property currently does not have water services as it is unimproved; however, Marion County Utilities Department states the subject property is located within the Marion County Utility service area and is within mandatory connection distance. Connection to water services will be required. Thus, the application is consistent with PWE Policy 1.2.2.

4. SSE Policy 1.2.5: “Septic systems on Onsite Treatment and Disposal Systems (OSTDS) shall adhere to all applicable Sanitary Sewer Element policy and LDC requirements, including connecting to larger sanitary sewer facilities when they become available. Septic systems shall not be exempt from requirements to connect to larger sanitary facilities based on their lower cost”.

Analysis: The subject property currently does not have sanitary services as it is unimproved; however, Marion County Utilities Department states the subject property is located within the Marion County Utility service area and is within mandatory connection distance. Connection to sewer services will be required. Thus, the application is consistent with SSE Policy 1.2.5.

5. SWE Policy 1.1.5: “Permits shall be denied for development that would either increase demands on an already deficient facility or cause a facility to exceed its capacity until such time that the facility may provide service in accordance with the adopted LOS standard”.

Analysis: Refuse collection will be accommodated in a designated dumpster enclosure located at the rear of the building. The enclosure will be screened from view through fencing and/or landscaping in accordance with Marion County Land Development Code requirements. Waste removal will be provided by a licensed commercial service provider and will occur within the normal operating hours of the service provider. The refuse area will be located at the rear of the site and appropriately screened, minimizing any potential impact on surrounding properties. Based on the above, the application is consistent with SWE Policy 1.1.5

Based on the above findings, staff concludes the SUP is consistent with LDC Section 2.8.3 B, provided the recommended conditions are adhered to by the applicant.

VI. 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.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:
1. *Exterior storage of any materials or crashed vehicles is prohibited outside of the fenced-in area that encompasses a portion of the sides and rear of the primary structure.*
 2. *The storage area will be limited to containment of passenger vehicles and light trucks, will be surrounded by seven-foot vinyl fencing, and will be buffered by no less than fifty-feet of natural foliated area between the storage area and the closest residences to the east.*
 3. *The Special Use Permit shall run with the lessee Gerber Collision LLC. The Special Use Permit does not run with the land. The Special Use Permit does not run with the property owner, Haber Kennels LLC, and shall be permitted to remain active if the owner of the property changes and the active lease continues to be honored. A new or revised lease, between the current owner or a new owner and Gerber Collision LLC, will permit the Special Use Permit to remain effective. Should Gerber Kennels elect not to renew or terminate the lease with the current or different property owner, the Special Use Permit will automatically terminate.*

VII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval with conditions (6-0).

VIII. BOARD OF COUNTY COMMISSIONERS' ACTION

TBD

IX. LIST OF ATTACHMENTS

- A. SUP Application
- B. Site photographs.
- C. DRC Comments.
- D. Site Plan