



Marion County Board of County Commissioners

Date: 7/9/2021

P&Z: 6/28/2021 BCC: 8/17/2021

Item Number
210709SU

Type of Application
Special Use Permit

Request
Composting & Recycling
of Wood Products

Owner
Craig Berry

Applicant
David Tillman,
Tillman & Assoc.
Engineering

Address
8250 NW Gainesville
Road

Parcel #/Acreage
12875-000-00, Northern
10 acre portion of
existing parcel

Existing Zoning
A-1 General Agriculture
B-2 Community Business

Future Land Use
Commerce District

Recommendation
Approval With
Conditions

P&Z
Recommendation:
Approval with
Conditions

Staff
Mary Elizabeth Burgess,
Director



Summary

Staff is recommending **Approval with conditions** for the Special Use Permit to allow for Composting & Recycling of Wood products of the northern 10 acres of 8250 NW Gainesville Road (12875-000-00. 37.77). There is an existing similar wood recycling business adjacent to the northern property line. The use will not adversely affect the public interest and is consistent with the current Comprehensive Plan. The request is also compatible with land uses in the surrounding areas. The development of the site will be required to comply with the Land Development Code.

Public Notice

Notice of public hearing was mailed to 27 property owners within 300 feet of the subject property. This is a resubmittal for a previous rezoning request which was withdrawn. There was opposition in attendance at those meetings.

Background

The applicant previously requested rezoning of 40 acres to M-2 to allow for a wood debris processing area but withdrew the request and moved forward with the current requests.

Analysis

The subject property is located within the Urban Growth Boundary and within the Springs Primary and Secondary Protection Zone. It is outside of the Environmental Sensitive Overlay Zone.

Special Use Permit request was routed through the Development Review process, in which the Engineering Department gave conditional approval to this request as long as the wood recycling shall remain outside of the floodplain, permanent perimeter



controls shall be established to limit discharges from the site, and tracking prevention shall be devised at all points of entry to limit tracking of debris onto roads. In addition, a stormwater management plan and erosion/sediment control plan are needed. Fire Rescue commented that any site improvements shall comply with the minimum requirements of the Florida Fire Prevention Code. Engineering/Traffic staff commented that the change in land use has the potential to increase the amount of traffic coming from the site. Additionally, the change to industrial land uses likely increase the amount of truck traffic. The traffic impacts, especially truck impacts, will need to be evaluated at the time of the site plan review. Turn lanes at the driveway will likely be needed for safety purposes.

In reaching its decision, the Board of County Commissioners shall find that the following exist:

a. Granting the proposed zoning change will not adversely affect the public interest. The site is surrounded by M-2, Heavy Industrial on its north and east with B-4, B-5 and B-3 in the area. The proposed rezoning is consistent with the surrounding area and is not anticipated to adversely affect the public interest.

b. The proposed zoning change is consistent with the current Comprehensive Plan. The Marion County 2045 Future Land Use Map of the Comprehensive Plan designates the subject property as Commerce District. The subject property's request for M-2, Heavy Industrial, is consistent with the land use and consistent with the Marion County Comprehensive Plan.

c. The proposed zoning change is compatible with land uses in the surrounding area. The proposed rezoning to M-2 is consistent with land use of properties in the vicinity. Allowing the subject property to rezone to PUD with allowed uses is consistent with the surrounding area and the long term plan for the area.

Planning and Zoning Staff is recommending Approval with the following conditions:

1. The development of this parcel shall comply with the Land Development Code and all applicable regulations.
2. Due to the existence of a FEMA identified floodplain, special design consideration will need to address this.
3. No soil or debris shall be tracked onto the NW Gainesville Rd. A detailed site plan shall be submitted for approval to the Development Review Committee to address specific site plan details such as driveway placement and access improvements will be reviewed. A traffic statement and potential analysis will also be required at that time.
4. The 20-foot minimum access road will need to be of stabilized materials to support the weight of a fire apparatus and maintained at commercial standards.
5. Existing vegetation along NW Gainesville Road running along the boundary line south from the shared property line approximately 500' to the indicated entrance way, shall remain with a minimum depth of 50 feet. Any changes to this vegetation must be approved by the Development Review Committee. If under growth of existing vegetation is thinned/removed the screening must be replaced with a minimum of a 10' fence along said boundary line.
6. Efforts to shield the view heading north along NW Gainesville Road shall be made.
7. No debris pile shall be higher than 10 feet at all times.
8. The business shall run from 8 a.m. to 4 p.m., Monday through Friday with no grinding before 12 p.m.
9. The Special Use Permit shall expire on August 17, 2022 and will return to the Board of County Commission for review or if the Board of County Commission allows, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

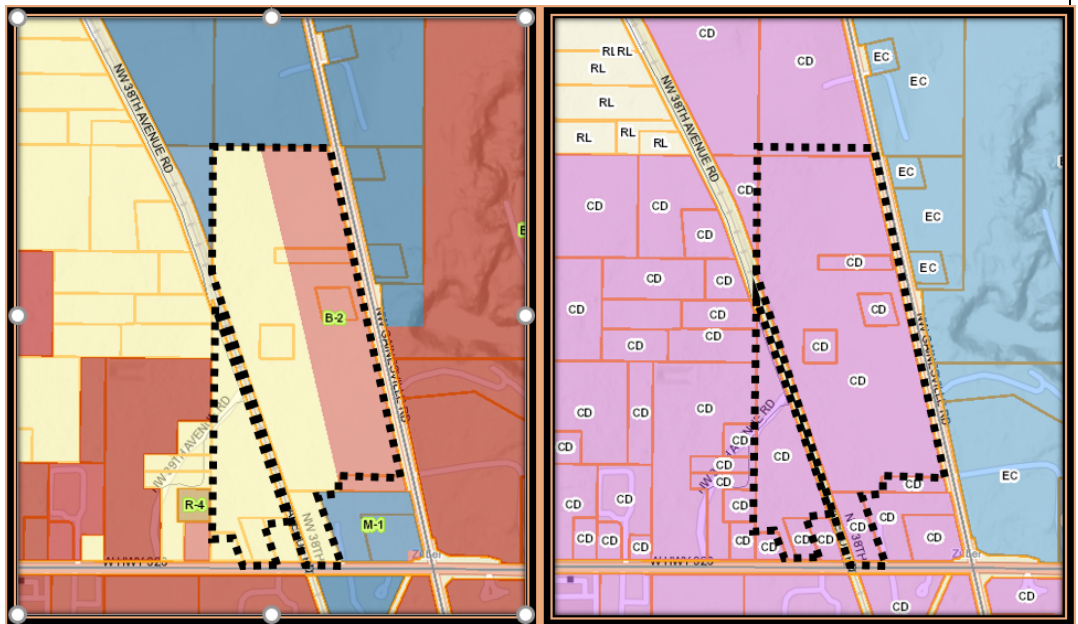
The following table summarizes adjacent future land use designation, zoning districts, and existing uses:

ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	Urban Commerce District	M-2 Heavy Industrial	(43) Lumber Yard/Sawmill
South	Urban Commerce District	M-2 Heavy Industrial	(11) One Story Store (01) Improved Residential
East	Employment Center	B-5 Heavy Business	(99) Acreage/Non Classified
West	Urban Commerce District	RAC Rural Activity Center	(40) Vacant Industrial (10) Vacant Commercial

Infrastructure

NW Gainesville Rd and NW 38th Ave Rd (railroad) divide the site:

Road	Classification	Maintenance	Existing Conditions			
			Surface	No. Lanes	R/W Min. Width	R/W Deficiency
NW Gainesville Rd	Collector	County	Paved	2	100'	20'
NW 38 th Ave Rd	Local	N/A	Railroad	N/A	N/A	N/A



Zoning and Land Use



View to the subject property



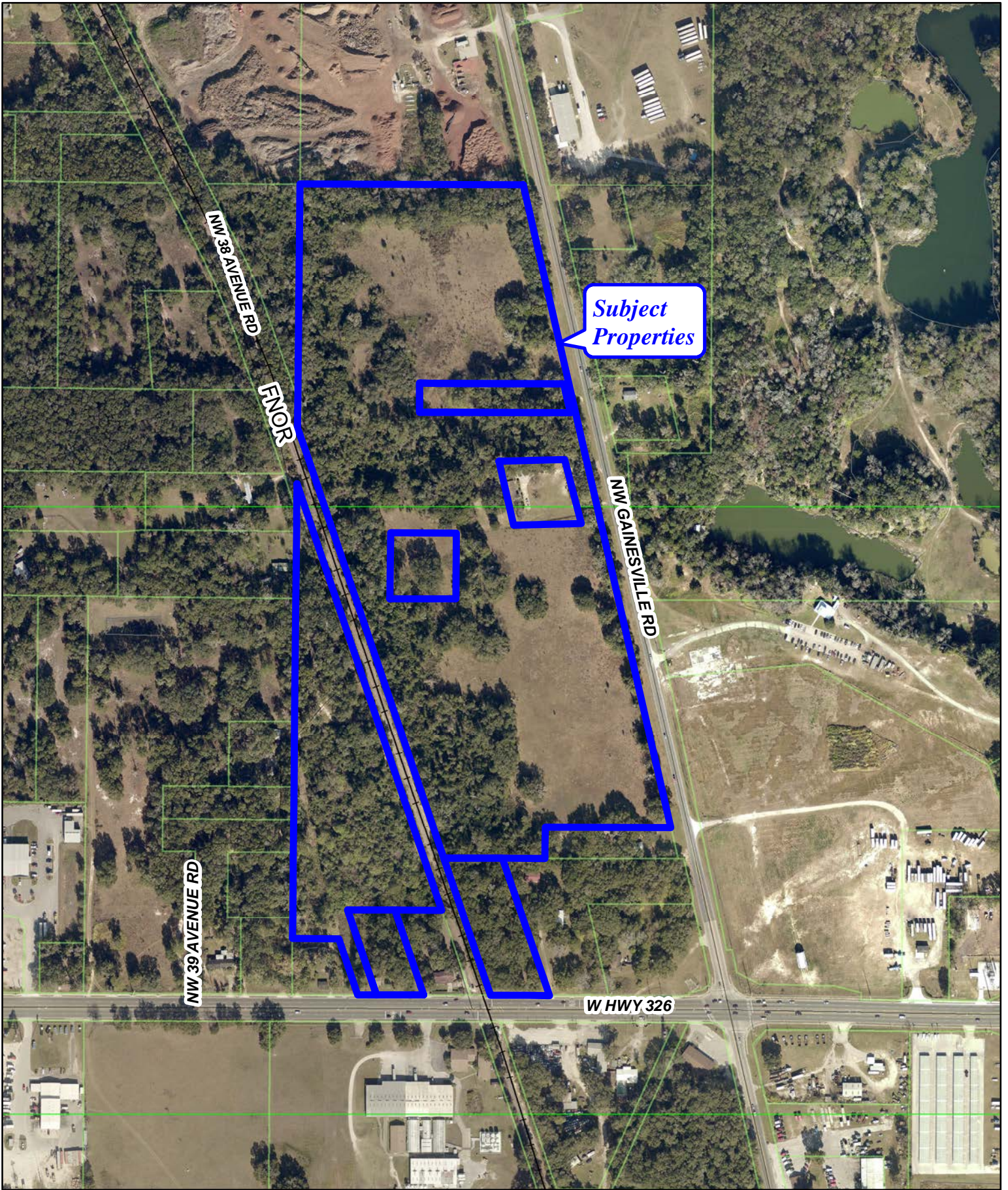
NW Gainesville Rd



NW 38th Ave Rd



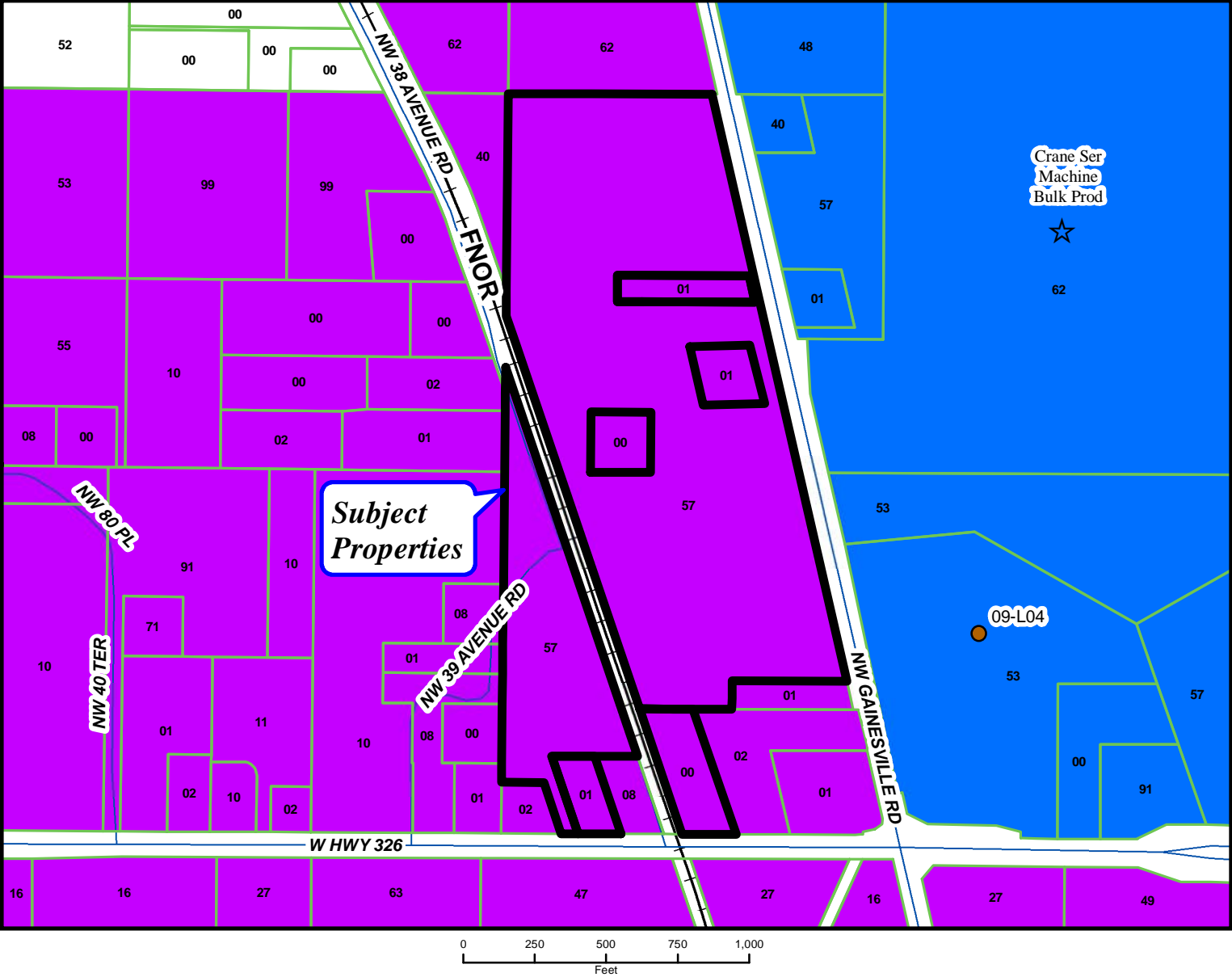
Aerial: 210709SU




0 250 500 750 1,000
Feet




Existing Land Use Designation 210709SU



Use per MC Property Appraiser		OWNER(S): Craig Berry
01	Single Family Res	
50-69/99	Agricultural	
00/10/40/70	Vacant	AGENT: Tillman and Associates Engineering, David Tillman
71	Church	
02	Mobile Home	
06-07/11-39	Commercial	PARCEL(S): 12875-000-00, 12886-000-00, 12890-000-00, 12897-000-00
41-49	Industrial	
83-98	Public	
82	Recreation	
03-05/08	Multi-Family	
77	Club/Lodge/Union Hall	




All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. 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 legal or official representation of legal boundaries.





• All Amendments


Policy 1.20


☆


 Rural Land (1 du/10 ac)


 Low Residential (0 - 1 du/ac)


 Medium Residential (1 - 4 du/ac)


 High Residential (4 - 8 du/ac)


 Farmland Preservation Area


 Urban Residential (8 - 16 du/ac)


 Rural Activity Center (0 - 2 du/ac; FAR 0.35)


 Rural Community (0 - 3 du/ac; FAR 0.70)


 Commercial (0 - 6 du/ac; FAR 1.0)


 Environmentally Sensitive Overlay Zone (ESOZ)

 Employment Center (0 - 12 du/ac; FAR 2.0)

 Commerce District (N/A; FAR 2.0)

 Public (N/A; FAR 1.0)

 Preservation (N/A; N/A)

 Municipality



**Marion County
Board of County Commissioners**

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

210709 SU

AR #26735

PID 12875-000-00

(w/ 2107083)

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

The undersigned hereby requests a Special Use Permit in accordance with Marion County Land Development Code, Articles 2 and 4, for the purpose of: Composting and recycling of wood products, including leaves.

Legal Description: (Please attach a copy of the deed and location map.) **Parcel Zoning:** PUD

Parcel account number(s): Portion of 12875-000-00

10 ac. "Portion of" 37.77 ac.

Property dimensions: _____ **Total acreage:** 10 acres more or less

Directions: Take US 441 north to CR 326, turn L; to NW Gainesville Road, turn R; to subject property on L.

Site: 8250 NW Gainesville Rd, Ocala, 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.**

Craig Berry c/o: Berry Trucking, LLC **Tillman & Associates Engineering**

Property Owner name (please print)
5431 W Hwy 329

Applicant or agent name (please print)
1720 SE 16th Avenue, Bldg 100

Mailing Address
Reddick, FL 32686

Mailing Address
Ocala, FL 34471

City, State, Zip code
352-745-2768

City, State, Zip code
352-347-4540

Phone number (include area code)
CRAIGBCRAIGER@YAHOO.COM

Phone number (include area code)
permits@tillmaneng.com

E-mail address

E-mail address

Signature

Signature

PLEASE NOTE: A representative must be present to attend the public hearings when this application will be discussed. If no representative is present, the application will be postponed or denied. Hearing notices will be mailed to the address(es) listed above. Growth Services Planning & Development

\$1,000.00 credit per BCC to return w/ SUP

to attend the public hearings when this application will be postponed or denied. Hearing notices will be mailed to the address(es) listed above. Growth Services Planning & Development

STAFF/OFFICE USE ONLY				
Project No.: <u>2021010023</u>	Code Case No.: _____		Application No.: _____	
Rcvd by: <u>Ken W</u>	Rcvd Date: <u>05/05/2021</u>	FLUM: <u>CD</u>	Zoning Map No.: <u>159</u>	Rev: 07/1/2019

Written Findings & Facts for Craig Berry SUP:

- 1) 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. - *Access will be provided by way of a permitted driveway off of NW Gainesville Road as to provide consideration to traffic flow, safety, and convenience for surrounding properties.*
- 2) 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. - *Development of proposed use will be located in a manner that will not cause any noise, glare, or odor effects to adjoining properties. Parking and storage areas will be located reasonably distant from adjacent properties.*
- 3) Provisions for refuse and service area, with particular reference to the items in (1) and (2) above. - *Any onsite garbage, or trash will be disposed of in a timely manner either by onsite dumpster which shall be emptied on a regular basis or hauled off to the local landfill by owner/operator of the property. Service area shall be limited to a minimum, and only in regards to routine maintenance of equipment.*
- 4) Provision for utilities, with reference to locations, availability and compatibility. - *This facility will be powered by Duke Energy. Water and sewer will be private, unless connectivity to a utility company becomes available as required by Code.*
- 5) Provision for screening and buffering of dissimilar uses and of adjacent properties where necessary. - *Buffers will be provided as shown on the concept plan. This may consist of existing trees and vegetation which shall be encouraged. Additional screening will be provided if necessary.*
- 6) 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. - *Any signage will be in compliance with requirement standards of the Land Development Code. Exterior lighting, for security purposes, shall be shielded or located as to not cause any hardship, or glare on adjacent properties.*
- 7) Provision for required yards and other green space. - *Ample setbacks shall be provided to meet or exceed required yards and green space.*
- 8) Provision for general compatibility with adjacent properties and other property in the surrounding area. - *This project shall be designed to be compatible with adjacent properties including the applicant's own property. There is currently M-2 to the north, RAILROAD Line to the west, and frontage on NW Gainesville Road.*
- 9) Provision for meeting any special requirements required by the site analysis for the particular use involved. - *The applicant is willing to consider any conditions the BCC may deem necessary in order to obtain approval of this special use permit. Applicant would like to request the ability to be held to the concept plan with the understanding that structures and staging area may slightly deviate provided they remain within the established boundary as shown on the proposed concept plan.*

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