



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 10/28/2024	BCC Date: 11/19/2024
Case Number:	241103SU
CDP-AR:	31913
Type of Case:	Special Use Permit: For parking of seven (7) commercial tractors and five (7) trailers.
Owner	Fernando Morales & Alina Rodriguez
Applicant	Lasaro Morales
Street Address	11530 NE 36 th Ave., Anthony, FL 32617
Parcel Number	08486-001-00
Property Size	±10 acres
Future Land Use	Rural Land (RL)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Springs Protection Zone
Staff Recommendation	Approval With Conditions
P&ZC Recommendation	Approval with Conditions (Consent)
Project Planner	Kenneth Odom
Related Case(s)	<p>Special Use Permit (SUP) 181106SU: approved parking of fourteen (14) commercial tractors and trailers. It expired in November 20 2023. There was no option for Admin Renewal.</p> <p>Code Case #: 962204: Two dump trucks, one flat bed trailer and two enclosed long-bed trailers.</p>

I. ITEM SUMMARY

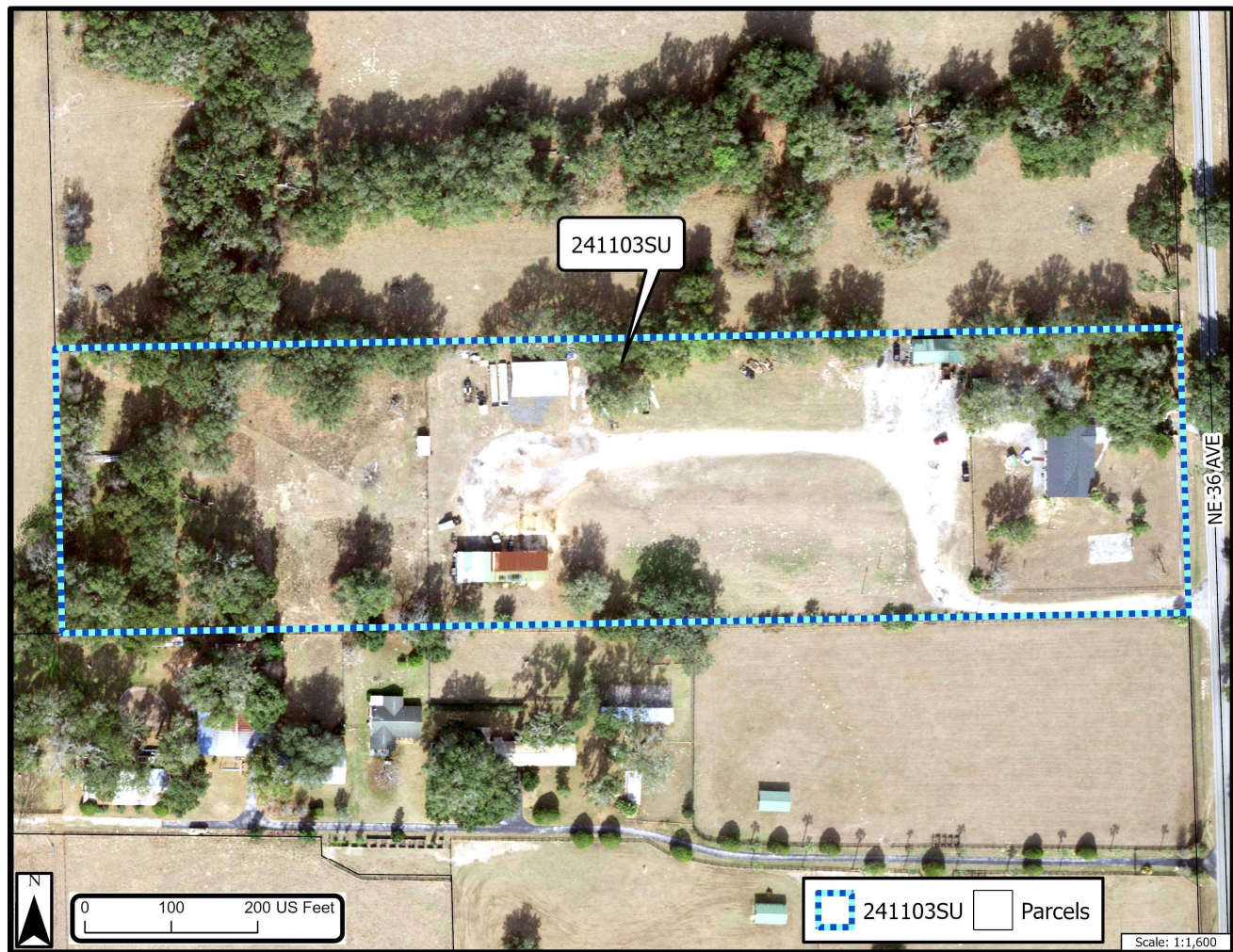
Lasaro Morales, applicant, along with the property operator and owners, Fernando Morales & Alina Rodriguez, have filed for a Special Use Permit (SUP) to allow for the parking of seven (7) commercial vehicles with a weight greater than 16,000 Pounds on property with a zoning of General Agriculture (A-1) (See attachment A). Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 08486-001-00, and the street address is 11530 NE 36th Ave, Anthony FL 32617 . The Property is located inside of the Primary Springs Protection Zone. The legal description is included as Attachment A.

The operator and owners have resided and operated their business from this site since 1999. Previous operations focused primarily on hauling raw timber from cut sites to processing locations as permitted under SUP 181106SU, which was approved on 11/20/2018. The SUP allowed for up to fourteen (14) commercial vehicles, including tractor trailers. The SUP expired on 11/20/2023. As a result, the operator and owners have filed for a new SUP to continue to support the operations at this site, which no longer hauls timber products; they solely transport and deliver clean wood shavings for agricultural uses to farms within Marion County. The applicants have diminished the size of the heavy vehicle fleet from fourteen (14) to seven (7) and are requesting to continue to operate with seven (7) commercial vehicles to be their maximum fleet size.

Staff recommends **Approval** of this request. LDC Sec 4.3.21(2) parking of commercial vehicles on an agricultural property of 10 acres or greater identifies several conditions that must be met. The code also allows for one additional trailer, which equates to a maximum of two trailers and one truck with an SUP. However, the operator and owners have operated this business, at this location, for approximately twenty-five years. No code violations have been recorded against the operator and owners in recent years other than parking a commercial vehicle without an SUP in 2018, which led the first SUP. The current application is the result of the prior SUP expiring. The roads used to access the property shall be adequately rated by the Marion County Office of the County Engineer, which NE 36th is able to handle the current transportation load as it has for almost twenty-five years. Improvements to the apron abutting NE 36th Avenue from the subject parcel will have to be implemented.

Upon conducting a site visit on 10/17/2024, staff found that the conditions imposed under the original SUP required the applicant to make all necessary improvements to be in compliance, which they completed. The operator and owner have agreed to upgrade the apron to NE 36th Avenue.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** due to analysis provided throughout this report. If approved, staff has provided recommended conditions to be imposed to address compliance with the requirements in Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B, and 4.2.6(f).

III. NOTICE OF PUBLIC HEARING

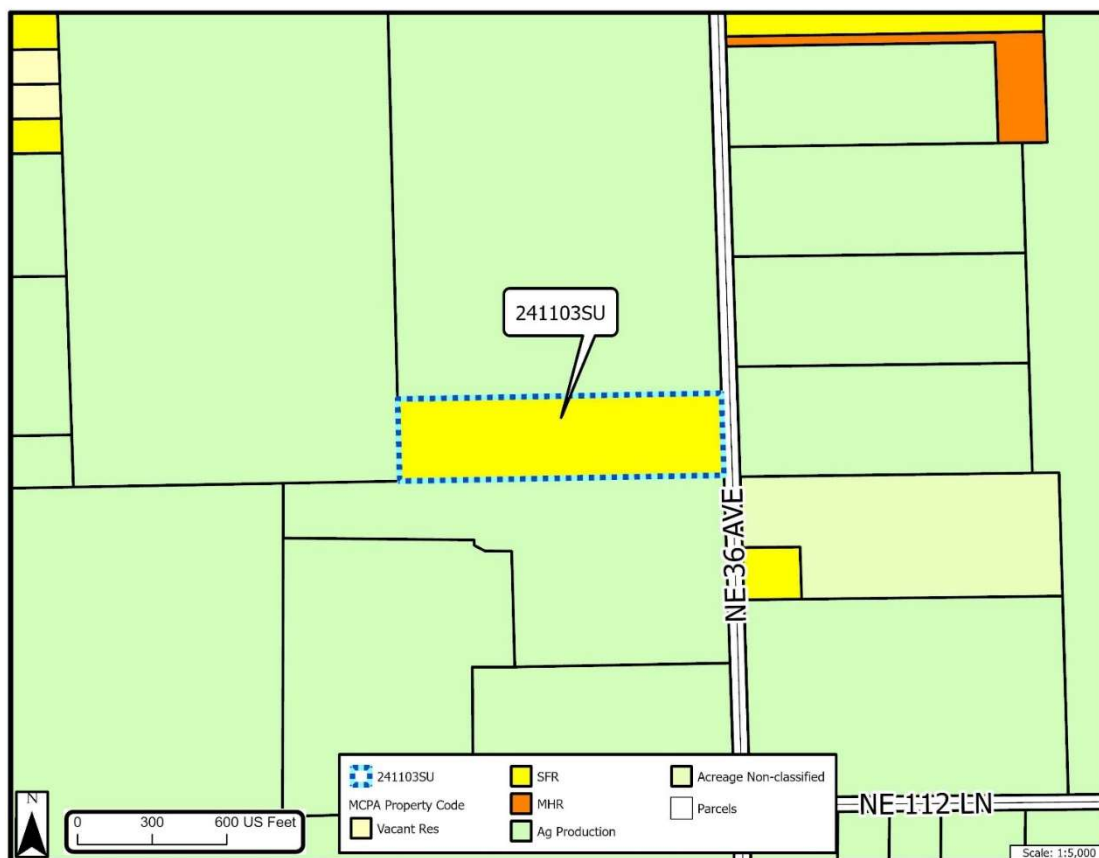
Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (7 property owners) within 300 feet of the subject property on October 11th, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on October 17th, 2024, where site photos were also collected (Attachment B) and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on October 14th, 2024. As of the date of the initial distribution of this staff report, no letters of

opposition have been received. Evidence of the above-described public notices are on file with the Growth Services Department and are incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

A. *Existing site conditions.* The property card shows that the site is classified as General Agriculture (A-1). Figure 2 shows that the property is currently listed as Single Family Residential by the Marion County Property Appraiser's Office. Larger residential and agricultural properties with similar zonings surround the site.

Figure 2
Existing Conditions Map



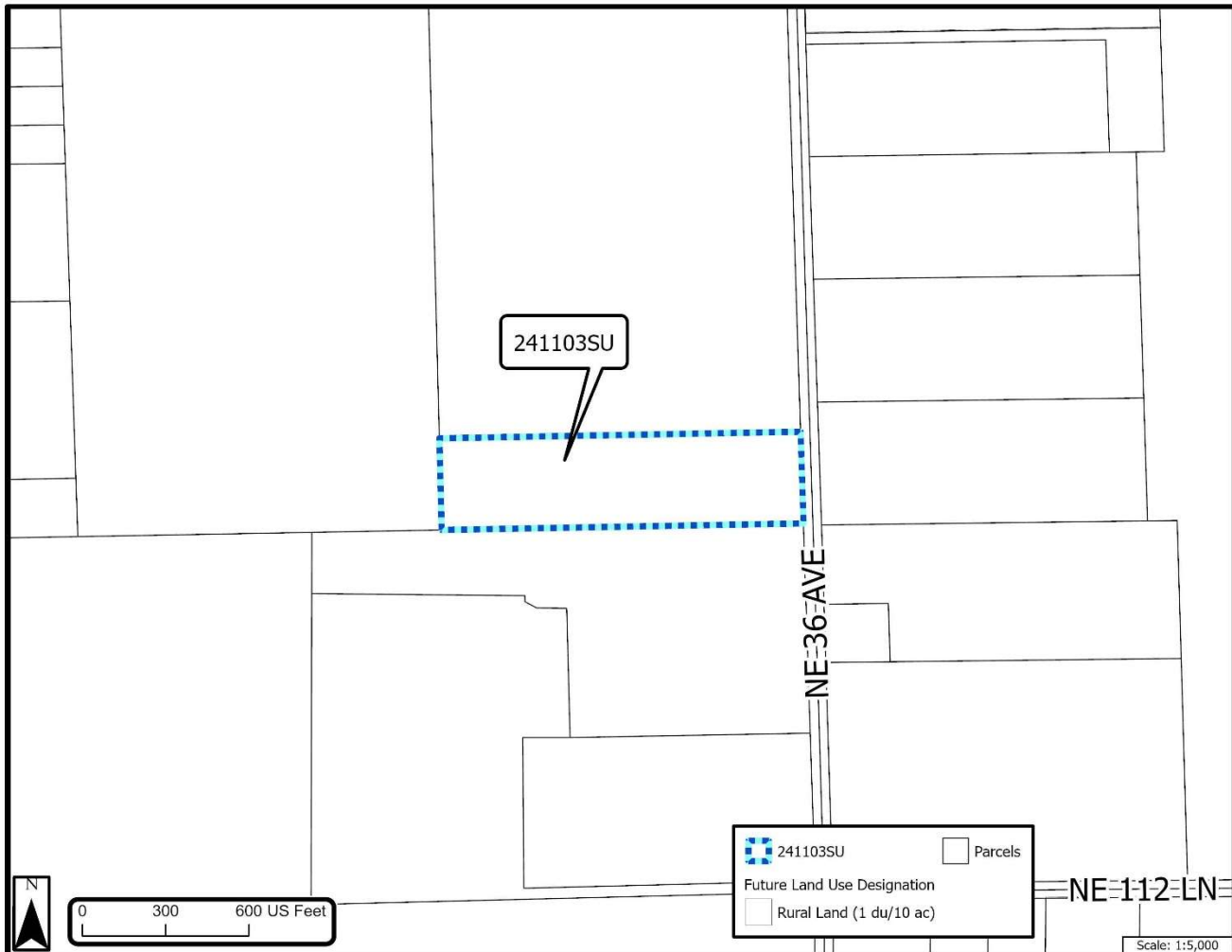
B. *Zoning district map.* Figure 3 shows the subject property is classified as General Agriculture (A-1). This is the property's initial zoning classification.

Figure 3
Zoning Classification



FLUMS designation. Figure 4 is the FLUMS and it shows that the subject property is designated Rural Land (RL), allowing a maximum development of 1 dwelling units per 10 acres. This is the property's initial land use designation.

Figure 4
FLUMS Designations



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 reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Analysis: The ingress/egress is from NE 36th Avenue which is a Rural Collector road. The physical damage that is being caused to the corridor because of the lack of maintenance of the driveway apron connection, is additional grounds for denial

of this request. If the event that this SUP request is approved, staff recommends the following conditions:

- *Ingress/Egress shall continue to come from NE 36th Avenue.*
- *The commercial vehicles shall be parked behind the home.*
- *The existing apron connecting NE 36th Avenue is degraded and shall be upgraded, with sufficient radii, to accommodate the proposed commercial usage. The physical characteristics of the commercial apron shall be dictated by the Office of the County Engineer and the Marion County Building Department. The applicant shall be required to initiate this process within ninety days of approval of this SUP.*

- 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 property owner has installed millings to stabilize the parking area as was conditioned under the previous SUP.

- *Unloading or loading wood shavings shall be permitted on site. However, no other load materials shall be permitted on site. Storage of shaving materials onsite shall be limited to the existing facilities. No new storage areas shall be permitted.*

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

Analysis: Waste removal is conducted by a private carrier. A private dumpster is located at the rear of the property. It is out of the line-of-sight from adjacent properties and SE 36th Avenue.

- *No mechanical repairs, washing, or maintenance on the commercial vehicle(s) shall take place on-site.*

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

Analysis: The property currently is connected to well and septic, and the requested special use would not conceivably impose a burden that would require any additional water or power generation. Electrical services are provided by Duke Energy Inc.

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

Analysis: The applicant has indicated that the truck parking area is located in near the rear of the property, and there is a large amount of natural vegetative screening in most of the bordering areas. All buffering requirements in the previous SUP have been met. If approved, the following condition is imposed:

- *The existing tree line buffers and fencing (where required) shall be maintained on the subject property along its western, southern, and northern boundary.*

- 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: The application makes no reference to signs being placed on the property.

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

Analysis: The special use permit will not trigger any need to increase additional greenspace at this time. However, the applicant has indicated that the property in front of parking area will be landscaped with grass, the area is fenced where required as per the previous SUP.

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

Analysis: Compatibility is defined 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. Notwithstanding, if the requested SUP is approved, the following conditions will be imposed:

- *This special use permit runs with the operator of the commercial vehicles, who resides on-site (Fernando Morales & Alina Rodriguez) and not with the property.*
- *The property owners, Fernando Morales & Alina Rodriguez, shall also reside on-site.*
- *Operating Hours shall be limited to 5:00 AM to 7:30 PM, Monday through Saturday.*

- 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. Staff has recommended a condition that will void the SUP if the property changes hands. To ensure that the SUP stays in compliance and has a system of periodic reviews, Staff recommends a list of conditions provided at the end of this report to mitigate the possibility of any negative impacts from this special use. Notwithstanding, staff imposes the following condition if approved:

- *This special use permit will allow for seven (7) commercial vehicles with a weight of 16,000 pounds or more, including tractor/trailers. If approved, the applicant shall provide the VIN numbers of the requested vehicles to be recorded in the official resolution.*

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 4.2.31 requires a Special Use Permit for parking of commercial vehicles over 16,000 pounds on A-1 zoned properties more than 5 acres. Thus, the application is consistent with FLUE Policy 2.3.21.

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 conditions 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, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners 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 Board of County Commissioners 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 Board of County Commissioners 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 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 WITH CONDITIONS** the special use permit.
- B. In the event the Board chooses to approve the application, the following conditions are the staff's recommendation:
1. *The Ingress/Egress shall continue to come from NE 36th Place.*
 2. *The commercial vehicles shall be parked near the home and barn located at the rear of the property.*
 3. *The existing apron connecting NE 36th Avenue is degrade and shall be upgraded, with sufficient radii, to accommodate the proposed commercial usage. The physical characteristics of the commercial apron shall be dictated by the Office of the County Engineer and the Marion County Building Department. The applicant shall be required to initiate this process within ninety days of approval of this SUP.*
 4. *Unloading or loading wood shavings of shall be permitted on site. Storage of shaving materials onsite shall be limited to the existing facilities. No new storage areas shall be permitted. No other load materials shall be permitted on site.*
 5. *No mechanical repairs, washing, or maintenance on the commercial vehicle(s) shall take place on-site.*
 6. *The existing tree line buffers shall be maintained on the subject property's southern, western and northern boundaries.*
 7. *This special use permit runs with the operator of the commercial vehicles, who resides on-site (Fernando Morales & Alina Rodriguez) and not with the property.*
 8. *The property owners, Fernando Morales & Alina Rodriguez, shall also reside on-site.*
 9. *Commercial vehicles permitted to operate from this site shall be limited to:*
 - 1XKAXR9X6NJ573303
 - 1XKADB9X3RR633786
 - 1FUJA6AV12LJ68979
 - 1FVACXDC36HW68267
 - 1XKADR9X1MS565580
 - 1FV3GFFC7SL542781
 - 1XP5DR9X31N527743
 - 1PLA04526CPL57170
 - 13N1482C4Y5990689
 - 13N1482C0W1583246
 - 13N1482C9Y5995497
 - 1PLE04527PPD130101
 - 1R1F94824XK990189
 - To Be Determined
 10. *Operating Hours shall be limited to 5:00 AM to 7:30 PM, Monday through Saturday.*
 11. *This special use permit will allow for one (1) commercial vehicle with a weight of 16,000 pounds or more and will allow for two flatbed trailers. If approved, the applicant shall provide the VIN numbers of the requested vehciles, which will be recorded into the official resolution.*
 12. *The Special Use Permit shall expire on November 19th, 2029; and will not be eligible for administrative renewal and a new application will need to be submitted at that time. However any violations of these conditions will be the basis for a revocation of this SUP initiated by the Growth Services Director, additionally the following items may result in the potential revocation of this SUP:*

- 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.*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval with Conditions (Consent)

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

TBD

X. LIST OF ATTACHMENTS

- A. SUP application filed on August 20, 2024.
- B. Site Photos
- C. DRC Comments.