



**Marion County  
Board of County Commissioners**

**Growth Services**

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**PLANNING & ZONING SECTION  
STAFF REPORT**

	<b>P&amp;ZC</b> <b>08/25/2025</b>	<b>Date:</b>	<b>BCC</b> <b>09/15/2025</b>	<b>Date:</b>
<b>Case Number:</b>	250901SU			
<b>CDP-AR:</b>	32906			
<b>Type of Case:</b>	<b>Special Use Permit:</b> For parking of a commercial vehicle (tractor and trailer) in R-1 zoned property.			
<b>Owner</b>	Yandy and Ismary Fernandez			
<b>Applicant</b>	Same as Owner			
<b>Street Address</b>	10330 SW 139 <sup>th</sup> CT			
<b>Parcel Number</b>	3529-079-020			
<b>Property Size</b>	±0.86 Acres			
<b>Future Land Use</b>	Rural Land (RL)			
<b>Zoning Classification</b>	Single-Family Dwelling (R-1)			
<b>Overlay Zone/Scenic Area</b>	Secondary Springs Protection Zone			
<b>Staff Recommendation</b>	<b>Approval with conditions</b>			
<b>P&amp;ZC Recommendation</b>	TBD			
<b>Project Planner</b>	Sarah Wells			
<b>Related Case(s)</b>	Code Case 975493: CE Commercial Vehicle			

## I. ITEM SUMMARY

Yandy and Ismary Fernandez, owners and applicants, have filed an application for a special use permit to allow for parking of a commercial vehicle (tractor and trailer) in Single-Family Dwelling (R-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 3529-079-020, and the street address is 10330 SW 139<sup>th</sup> CT. The legal description is displayed in the deed included in the application (See Attachment A). The subject property is a 0.86-acre parcel, and is located outside the Farmland Preservation Area, outside of the Urban Growth Boundary, and inside the Secondary Springs Protection Overlay Zone. The applicants are applying for a Special Use Permit (SUP) because they would like to park their commercial vehicle (a truck and trailer) on their property for the long term. The vehicle has been parked at this location since the initial purchase of the property in 2022. The vehicle will only be parked over the weekends, as the truck is in service during the business week (Monday through Friday). Two letters of support have been submitted with this application from the two adjacent homes. Staff is recommending approval because the requested use is compatible with the surrounding area, will not adversely affect the public interest, and is consistent with the Marion County Comprehensive Plan.

**Figure 1**  
**Aerial Photograph of Subject Property**





**Figure 2**  
**Conceptual Plan Submitted by Applicant**



Above in Figure 2, is the conceptual plan provided by the applicant. This shows the applicant's property where the truck and trailer will be parked, on the southern property line. The applicant has built an asphalt driveway accommodate the truck and trailer.

## **II. STAFF SUMMARY RECOMMENDATION**

Staff recommends **approval with conditions** specified in Section VII.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B.

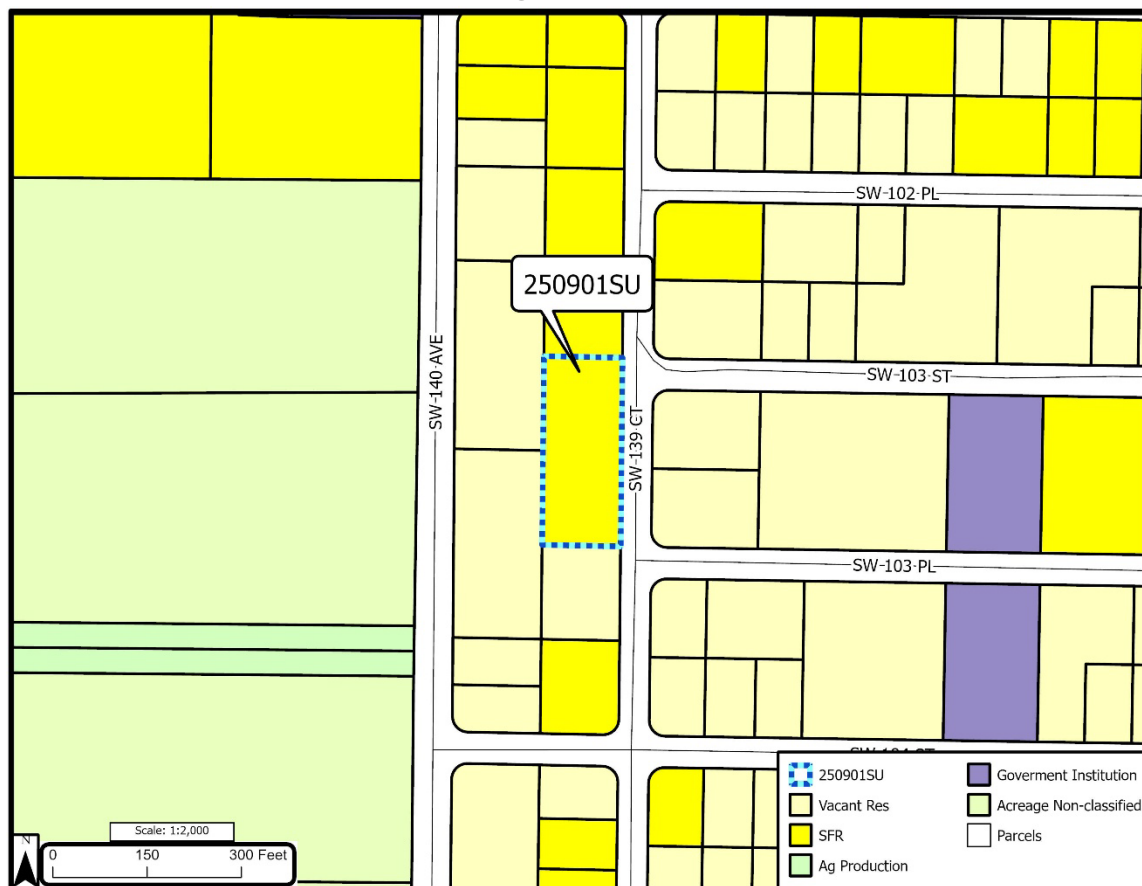
## **III. NOTICE OF PUBLIC HEARING**

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (21 property owners) within 300 feet of the subject property on August 8, 2025. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on August 14, 2025 and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on August 11, 2025. As of the date of the initial distribution of this staff report, two letters of support, and zero 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

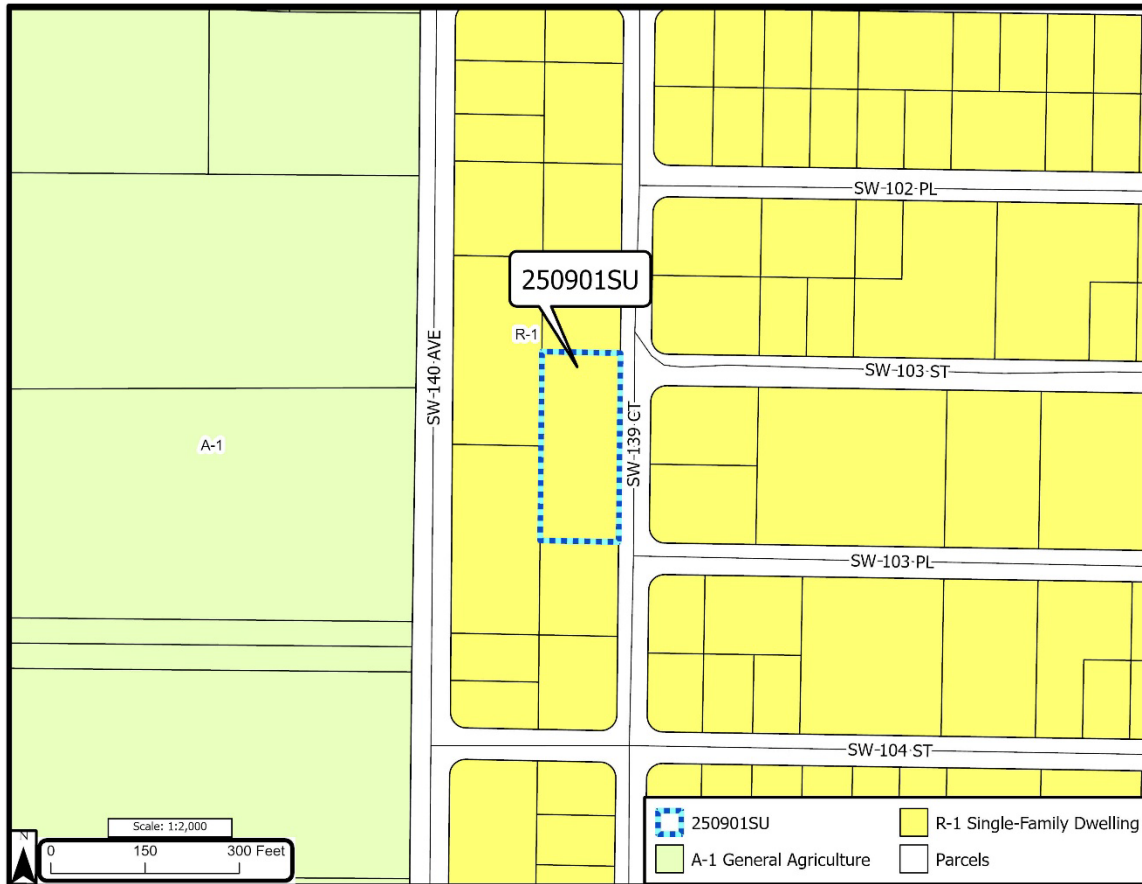
- A. *Existing site conditions.* The property card shows that the site consists single family home. Figure 3 shows that the property is currently listed as residential by the Marion County Property Appraiser's Office. The site is surrounded by other single-family residential properties and vacant residential properties. A site visit was conducted on July 29, 2025. The property is fully fenced. The road within the subdivision is not paved, however, staff notes that the road is in excellent condition with no noticeable rut marks or damage.

**Figure 3**  
**Existing Conditions Map**



- B. *Zoning district map.* Figure 4 shows the subject property, and the surrounding properties are classified as R-1. This is the property's initial zoning classification.

**Figure 4**  
**Zoning Classification**





- C. *FLUMS designation.* Figure 5 is the FLUMS and it shows the subject property and abutting properties are designated Rural Land (RL) which allows a maximum development of 0.10 dwelling units per acre. This is the property's initial land use designation.

**Figure 5**  
**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 particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

**Analysis:** The parcel has an existing paved driveway with access on to SW 39<sup>th</sup> Court. The roadway is unpaved residential public roadway, for this reason traffic has recommended denial for this case. Yet staff notes that, upon site visit, there

has been no observable damage done by the vehicle, after three years of consecutive use. 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:** All parking is contained on the subject parcel. The parking area for the commercial vehicle will be located to the side of the property, on the south side adjacent to SW 139<sup>th</sup> CT.

- *No loading or unloading of materials shall take place on the subject property. Commercial loads shall not be allowed on site at any time.*

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

**Analysis:** No additional refuse or service area is referenced within this application. Notwithstanding, the following condition is imposed.

- *No mechanical repairs 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 Findings of Facts (Attachment A) states that the use will not require utilities in any way.

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

**Analysis:** Staff notes the area north and west of the proposed site is heavily vegetated, therefore no additional buffering is needed. However, vegetation is sparse along the south of the subject parcel and there is nothing obstructing the view of the tractor and trailer from SW 139<sup>th</sup> Ct. Therefore, staff proposes the following condition.

- *An opaque 6' tall fence for the purposes of buffering shall be instead along the southern boundary of the parcel and opaque fencing must be used along the eastern boundary of the proposed parking site.*



- 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 Findings of Facts (Attachment A) states that the use will not require any signage, and currently there is exterior lighting on the properties electric pole contracted through Duke Energy which allows the truck some visibility when entering and exiting the property. There are no lights that shine on adjacent properties.

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

**Analysis:** The parcel is an existing residential property that will continue operating as a single-family residence.

- 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. Figure 5 is an aerial photograph showing the subject property, adjacent properties, and the existing residential area.

Staff concludes that the proposed use is compatible with the surrounding area. To ensure the use is remains compatible with the surrounding area and consistent with the Land Development Code,

- The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
- The commercial vehicle must be engaged in an approved commercial use
- The Special Use Permit is limited to a maximum of one (1) commercial vehicle specifically a semi-tractor/cab (with trailer) as indicated in the submitted Findings of Fact. Semi-tractor VIN# 1XPXD49X800200079, trailer VIN# 5HAPA4826JAD4312.
- The parking/storage of a refrigerated trailer unit(s), or refer unit(s), is prohibited.
- The ingress/egress shall be from SW 139<sup>th</sup> Court using a paved/stabilized driveway apron.
- The owner/operator of the commercial vehicle shall reside onsite.
- The Special Use Permit shall run with the owner/operator and not with 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. Staff has recommended a condition that will void the SUP if the property changes hand. To ensure that the SUP stays in compliance and has a system of periodic reviews, Staff recommends the following conditions be imposed:

- The Special Use Permit shall expire on September 15, 2030; however, it may be renewed administratively up to 3 consecutive times, for up to 5 years each, by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director 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).

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 4.3.21 requires a Special Use Permit for the parking of a commercial vehicle with trailer on an R-1 zoned property that is 5 acres or less adhering to specific conditions. Thus, 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 provided conditions to address the ten (10) requirements are 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 amendment.
- B. 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.

- C. 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.
- D. 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 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. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
  - 2. The commercial vehicle must be engaged in an approved commercial use
  - 3. The Special Use Permit is limited to a maximum of one (1) commercial vehicle specifically a semi-tractor/cab (with trailer) as indicated in the submitted Findings of Fact. Semi-tractor VIN# 1XPXD49X800200079, trailer VIN# 5HAPA4826JAD4312.
  - 4. The parking/storage of a refrigerated trailer unit(s), or refer unit(s), is prohibited.
  - 5. No loading or unloading of materials shall take place on the subject property. Commercial loads shall not be allowed on site at any time.
  - 6. No mechanical repairs/maintenance on the commercial vehicle shall take place on-site.
  - 7. An opaque 6' tall fence for the purposes of buffering shall be installed along the southern boundary of the parcel and opaque fencing must be used along the eastern boundary of the proposed parking site.
  - 8. The ingress/egress shall be from SW 139<sup>th</sup> Court using a paved/stabilized driveway apron.
  - 9. The owner/operator of the commercial vehicle shall reside onsite.
  - 10. The Special Use Permit shall run with the owner/operator and not with the property.
  - 11. The Special Use Permit shall expire on September 15, 2030; however, it may be renewed administratively up to 3 consecutive times, for up to 5 years each, by a

written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director 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).

## **VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION**

To be determined.

## **IX. BOARD OF COUNTY COMMISSIONERS' ACTION**

To be determined.

## **X. LIST OF ATTACHMENTS**

- A. Application Package
- B. Site Photos
- C. DRC Review Comments