



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 12/29/2025	BCC Date: 1/20/2026
Case Number	260101SU
CDP-AR	33544
Type of Case	Special Use Permit for parking of two (2) dump trucks
Owner	Alain Alberto Gonzalez & Darianny Serrano Mulet
Applicant	N/A
Street Address/Site Location	10750 SW 105 th Street, Ocala, FL 34481
Parcel Number(s)	3499-000-007
Property Size	±4.58 AC
Future Land Use	Rural Land (RL)
Existing Zoning Classification	General Agriculture (A-1)
Overlays Zones/Special Areas	Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	DENIAL
P&Z Recommendation	DENIAL (4-1 VOTE)
Project Planner	Jared Rivera-Cayetano
Related Cases	Code Case No. 996765 – Parking of dump truck(s) on agriculturally-zoned property

I. ITEM SUMMARY

Alain Alberto Gonzalez and Darianny Serrano Mulet filed a Special Use Permit (SUP) application for a ±4.58-acre property with a zoning classification of General Agriculture (A-1). The subject property is located at 10750 SW 105th Street, Ocala, FL. The Parcel Identification Number for the subject property is 3499-000-007. Located within the Southeastern Tung Land Company subdivision, the legal descriptions are provided within the rezoning application (see Attachment A). The site is located outside the Urban Growth Boundary (UGB) and within the Secondary Springs Protection Zone (SSPZ). The intention of this Special Use Permit request is to allow parking of two (2) dump trucks. The Special Use Permit request is in response to County-initiated Code Case No. 996765.

Figure 2 provides a preliminary site plan for the requested use, including the proposed parking area on a 4.58-acre property. The applicant proposes two (2) dump trucks (VIN 2FZHAZCK95AU11879 and 1FU7FY9372B19810). The dump trucks are usually taken off-site during daylight hours, returning to the subject property in the afternoon or evening. The applicant indicates that the parking area will be paved with asphalt millings. The applicant proposes one (1) driveway for commercial vehicle access and one (1) driveway for resident access. Staff notes the dump trucks are owned *and* operated by the property owners, who also reside within the subject property.

Prior to the Planning & Zoning Commission hearing, the applicant proposed an eight-foot mesh fence along the adjacent residential property and SW 105th Street (see Attachment A). The applicant has since proposed an eight-foot privacy fence composed of wood. The dump truck is approximately twelve (12) feet in height.

Section 4.3.21 of the Marion County Land Development Code (LDC) limits the number of commercial vehicles in all agriculturally-zoned properties less than five (5) acres in size to one (1) commercial vehicle over 16,000 pounds, unless otherwise approved by the Board of County Commissioners (BCC). The applicant includes a request for two (2) dump trucks on a 4.58-acre property.

**To reflect any major changes following the initial distribution of this Staff report, sections highlighted in Green have been added.*

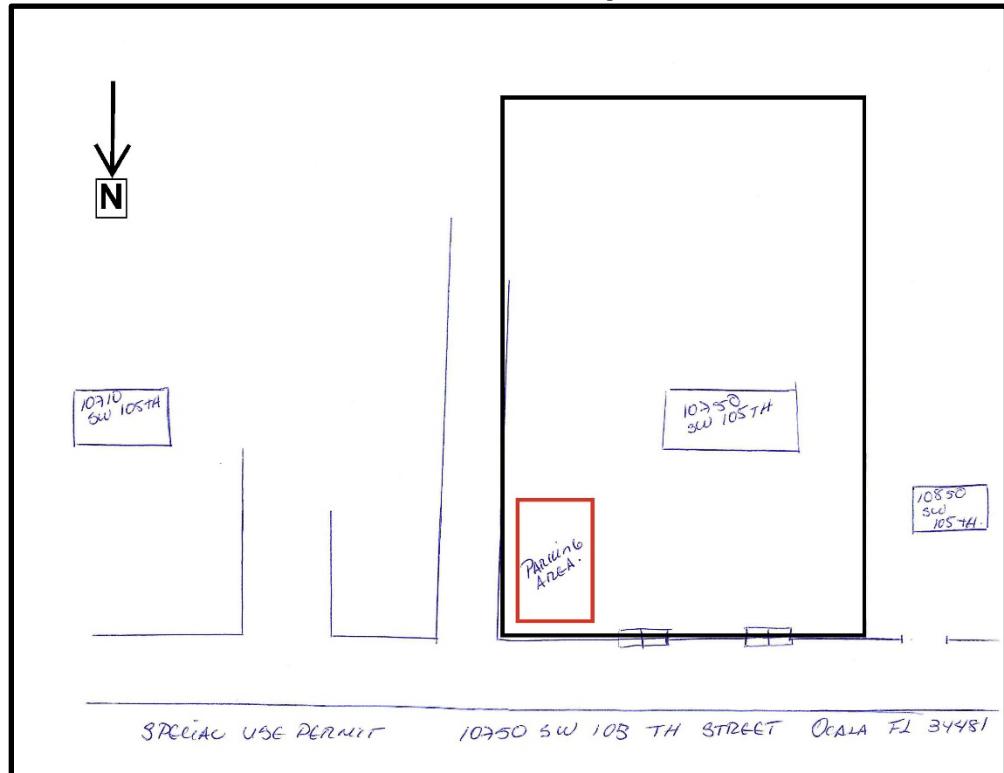
II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL**. Although the operators reside within the subject property, a request for two (2) dump trucks on a 4.58-acre property exceeds LDC provisions on commercial vehicles—which would otherwise be permitted in more intensive commercial zoning classifications. Staff therefore finds the request, unless Staff conditions are met, is not consistent with the Marion County Comprehensive Plan, not compatible with the surrounding area, and will adversely affect the public interest. In the event that the Special Use Permit request is approved, the conditions in Section VII of this report are recommended to address compliance with the requirements in the Marion County Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B.

Figure 1
General Location Map



Figure 5
Initial Concept Plan



III. NOTICE OF PUBLIC HEARING

The Growth Services Director has interpreted the requirements of Land Development Code (LDC) Sections 2.7.3.C, 2.7.3.B and 2.7.3.E to apply to SUP applications. Consistent with LDC Section 2.7.3.B., notice of public hearing was mailed to all property owners (5 owners) within 300 feet of the subject property on December 12, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on December 8, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on December 15, 2025. Evidence of the above-described public notices are 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 AREA

A. *Existing Site Conditions.*

Figure 1, above, is a general location aerial displaying existing and surrounding site conditions. Figure 3 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Staff notes select commercial uses to the east of the subject property, including an existing sand mine and kennel approved through Special Use Permit. A construction entrance to the On Top of the World (OTOW) development project is located to the west of the subject property.

In general, however, the surrounding properties are characterized predominantly by low-density residential development. The subject property and select adjacent properties are part of the pre-existing Southeastern Tung Land Company subdivision. The property characterized as Government Institution currently contains portion of the SW 105th Street Right-of-Way (ROW), with a dead end approximately 1,000 feet from subject property boundaries.

Staff conducted a site visit on December 1, 2025. An additional site visit was conducted on December 8, 2025. Staff found that the subject property contains one (1) mobile home approximately 375 feet from SW 105th Street. The subject property is fenced.

The two (2) dump trucks are parked along the northeastern corner of the subject property, in front of the existing manufactured home.

A van camper under a small cluster of shade trees is located nearby. Two (2) gates/driveways currently exist along SW 105th Street, including one along the center of the subject property frontage and one along the northeastern corner of the subject property. Staff notes that—between the two (2) gates/driveways—the

former is the only paved driveway. Signs of wear, including areas of exposed soils, were observed along both gate entrances.

B. *Zoning Classification.*

Figure 4 displays the existing zoning classifications for the subject property in relation to the existing zoning classifications of the surrounding properties. In general, properties within the pre-existing Southeastern Tung Land subdivision have a General Agriculture (A-1) zoning classification.

Both properties in the nearby Rainbow Springs Heights subdivision and within the On Top of the World (OTOW) Development of Regional Impact (DRI)—through a Planned Unit Development (PUD) classification—are zoned for residential use.

C. *FLUM Designation.*

Figure 5 displays the existing Future Land Use (FLU) designation for the subject property in relation to the existing FLU designation of the surrounding properties. In general, properties to the East, South, and West of the subject property are designated as Rural Land (RL). Properties to the North of the subject property are designated as On Top of the World (OTOW) Development of Regional Impact (DRI).

The subject property is within the Secondary Springs Protection Overlay Zone (SSPOZ) and outside the Urban Growth Boundary (UGB), as established by the Marion County Comprehensive Plan.

Table 1, below, assembles the information in Figures 3, 4, and 5 in tabular form. Site photos are attached to this report (see Attachment C).

TABLE 1.
ADJACENT PROPERTY CHARACTERISTICS

ADDITIONAL PROPERTY CLASSIFICATIONS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Rural Land (RL)	General Agriculture (A-1)	Mobile Home Residential
North	Right-of-Way & On Top of the World (OTOW) Development of Regional Impact (DRI)	Right-of-Way & Planned Unit Development (PUD)	Right-of-Way, Government Institutional & Vacant Residential
South	Rural Land (RL)	General Agriculture (A-1)	Ag Production
East	Rural Land (RL)	General Agriculture (A-1)	Multi-Family Residential
West	Rural Land (RL)	General Agriculture (A-1)	Ag Production

Figure 3
Existing Use per Property Appraiser Property Code

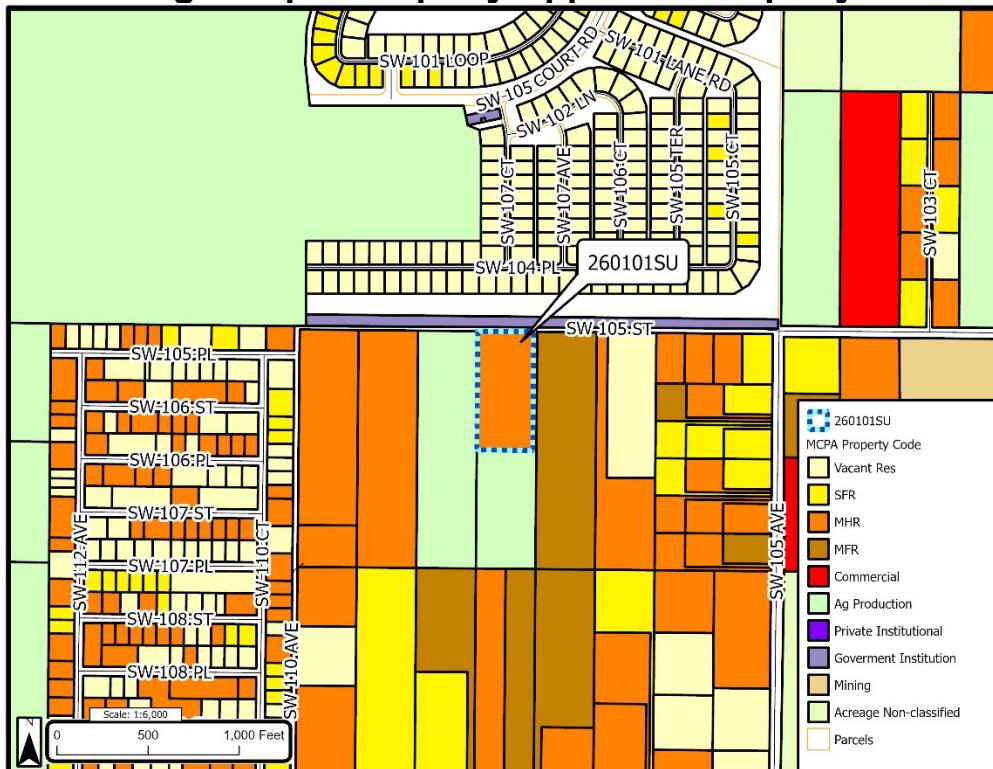


Figure 4
Zoning Classification

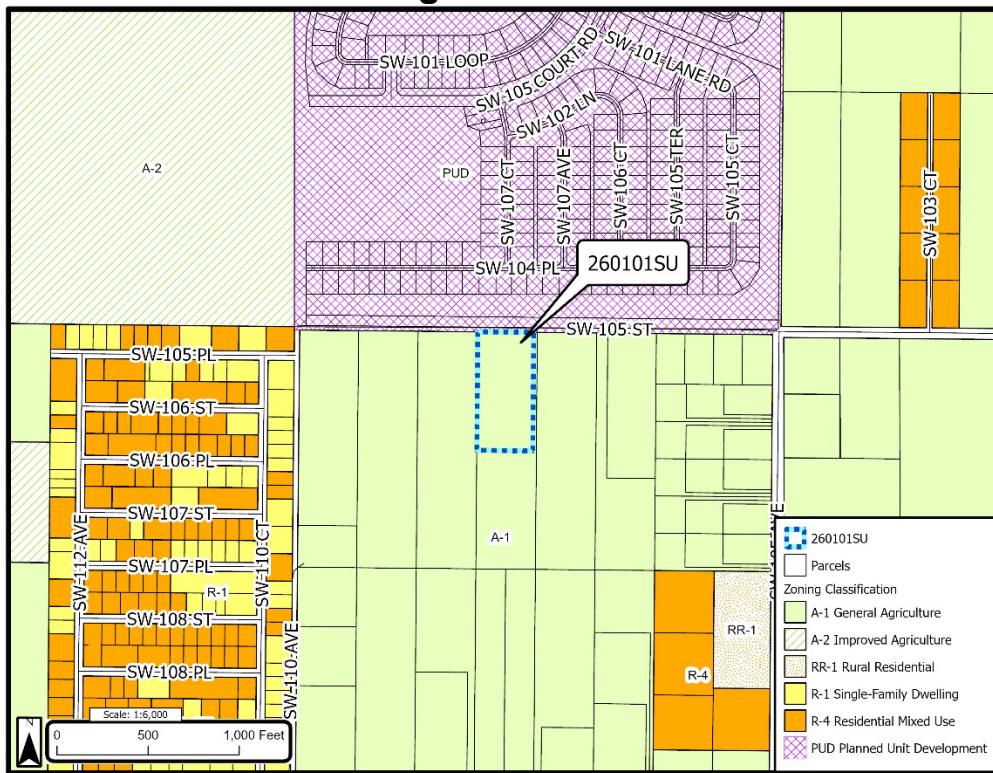
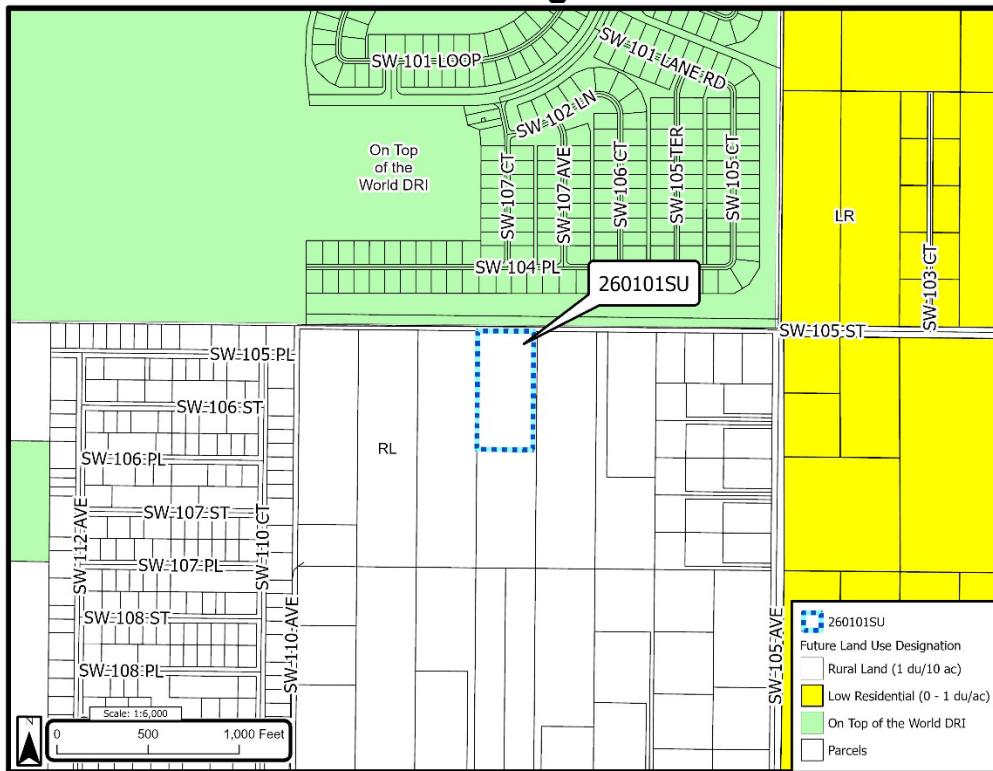


Figure 5
FLUMS Designation



V. ANALYSIS

LDC Section 2.8.2.D provides that in making a recommendation to the Board, the Commission shall make a written finding that granting the SUP will address nine 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 subject property currently has one (1) paved driveway, located along the center of the subject property frontage on SW 105th Street, a paved local subdivision road maintained by Marion County; that said, a separate gate currently exists along the northeastern corner of the subject property. This unpaved gate is ten (10) feet, more or less, from another driveway to an adjacent residential property.

Staff notes the two (2) dump trucks—more than 16,000 pounds each—access the subject property from the unpaved gate/driveway. Signs of wear, including areas of exposed soils, were observed along both gate entrances. Although portions of SW 105th Street between the OTOW construction entrance and SW 100th Avenue to the east are currently in fair or better condition according to County data, other portions of SW 105th Street, SW 105th Avenue, and SW 110th Street are in poor condition.

Staff therefore finds the application **is not consistent** with provisions for ingress and egress. However, in the event that the Special Use Permit request is approved, Staff recommends the following condition(s) to mitigate ingress and egress concerns:

- *The unpaved gateway currently used by dump trucks shall no longer be used for vehicular access. The existing paved driveway along SW 105th Street, which serves as the primary residential entrance, shall be constructed to commercial driveway standards and shall be used for the ingress and egress of commercial vehicle(s).***

**Condition was amended following the Planning & Zoning (P&Z) Commission hearing for clarification purposes.*

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 applicant currently proposes no additional off-street parking, as the two (2) dump trucks shall be operated by the property owners residing within the subject property.

Although the applicant has indicated otherwise—given the request to allow the parking of *dump trucks* in particular—Staff notes the potential for loaded vehicles on the subject property. Staff notes the increased weight of loaded vehicles would otherwise impose additional strain on SW 105th Street.

Staff therefore finds the application **may be consistent** with provisions for off-street parking and loading, provided that the following condition(s) are met:

- *The commercial vehicle shall be parked within the designated parking area at all times.*
 - *A paved parking area shall accommodate the entire commercial vehicle.*
 - *Loaded vehicles shall not be permitted on the subject property. Commercial vehicles shall be unloaded prior to entering the subject property.*

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

Analysis: The applicant indicates all waste will be handled from a single container shared with the primary residence. Waste removal is provided by Young's Garbage Service. Staff therefore concludes that the application **is consistent** with LDC provisions for refuse and service areas.

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

Analysis: The subject property is currently served by Duke Energy for electricity. The subject property is within the Marion County Utilities service area; however, the primary residence is currently outside connection distance for central water and wastewater service. The applicant indicates the property is served by well and septic system. Staff notes that any new wells and septic systems would be required to meet County, Department of Health (DOH), and Department of Environmental Protection (DEP) standards at the time of permit review.

Staff therefore concludes that the application **is consistent** with LDC provisions for utilities.

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

Analysis: LDC Section 4.3.21(1) provides standards for commercial vehicles on residentially- or agriculturally-zoned properties less than five (5) acres in size. Said LDC section requires that the commercial vehicle be stored within an enclosed

structure, or provide screening to adjacent properties and the right-of-way serving the subject property through an opaque wall/fence.

Staff notes that the applicant currently parks the dump trucks directly adjacent to an existing chain-link fence, with limited vegetation nearby. Consistent with LDC Section 4.2.15.I on the screening of commercial activities—including commercial vehicles—in commercially-zoned properties, the applicant has proposed an eight-foot mesh fence (see Attachment A). That said, Staff has concerns with the type of fencing proposed, which is not typical in a residential/agricultural context. Such fencing is in close proximity to a residential *property* to the east and in the front yard of the property. Staff notes the front yard of the subject property contains sparse vegetation. The applicant has since agreed to an eight-foot privacy fence composed of wood similar to those in existing residential subdivisions; that said, such fencing would remain in close proximity to the residential property to the east. The dump truck is approximately twelve (12) feet in height.

Staff therefore finds the application **may or may not be consistent** with provisions for screening and buffering. However, in the event that the Special Use Permit request is approved, Staff recommends the following condition(s) to partially mitigate screening and buffering concerns:

- *The designated parking area shall be screened from SW 105th Street and along PID 3499-000-006 to the east through an opaque privacy fence up to eight (8) feet in height.*

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: No signage currently exists, nor is one proposed, within the subject property. Staff therefore concludes that the application **is consistent** with LDC provisions for signage.

Although the applicant had originally proposed exterior lighting within the designated parking area, as of the initial distribution of this staff report, the applicant has since indicated that no exterior lighting will be provided. In any case, if it is found that lighting needs to be added, a photometric plan will be provided in accordance with the Marion County LDC.

Staff therefore concludes that the application **is consistent** with LDC provisions for signage and exterior lighting.

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

Analysis: The subject property currently contains approximately 3,812 square feet of impervious surfaces. Staff notes small clusters of trees throughout the subject property. The applicant intends to preserve all trees within the northeastern corner of the subject property.

Staff therefore concludes that the application **is consistent** with LDC provisions for green 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 a general location aerial displaying existing and surrounding site conditions. Figure 3 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Staff notes select commercial uses to the east of the subject property, including an existing sand mine and kennel approved through a Special Use Permit. A construction entrance to OTOW is located to the west of the subject property.

In general, however, the surrounding properties are characterized predominantly by low-density residential development. The subject property and most surrounding properties are part of the pre-existing Southeastern Tung Land Company subdivision.

Staff notes, however, that the parking of multiple commercial vehicles over 16,000 pounds would typically be allowed only in more intensive commercial and industrial zoning classifications. The applicant includes a request for two (2) dump trucks on a 4.58-acre property.

Staff therefore finds the application, as currently proposed, **may not be consistent** with provisions for compatibility. However, in the event that the Special Use Permit request is approved, Staff recommends the following condition(s) to mitigate compatibility concerns:

- *The site shall be developed and operated consistent with the concept plan. Any required improvements shall be provided within ninety (90) days of approval.**
- *The Special Use Permit shall run with the property owner(s), Alain Alberto Gonzalez and Darianny Serrano Mulet.*
- *The Special Use Permit shall expire on January 20, 2029*

**Condition was amended following the publication of the initial Staff report and prior to the Planning & Zoning (P&Z) Commission hearing.*

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

Analysis: Staff notes that LDC Section 4.2.3 on the General Agriculture (A-1) Classification explicitly lists commercial vehicle parking as a Special Use, further providing that such uses are required to meet LDC Section 4.3.21. LDC Section 4.3.21.A requires that—unless otherwise approved by the Board of County Commissioners—Special Use Permits allow that the parking of commercial vehicles over 16,000 pounds provide parking at least 100 feet from the nearest residential *structure*. Staff finds that the proposed parking area is more than 100 feet from the nearest residential unit.

Furthermore, Staff notes property owner operation of commercial vehicles is also required by code to ensure that the proposed use remains incidental to existing uses and will not result in the establishment of a larger-scale commercial business on-site. Staff notes the commercial vehicles are operated by the property owners residing within the subject property.

That said, LDC Section 4.3.21.A explicitly indicates that only one (1) commercial vehicle over 16,000 pounds may be allowed in all agriculturally-zoned properties less than five (5) acres in size, unless otherwise approved by the Board of County Commissioners (BCC). The applicant includes a request for two (2) dump trucks on a 4.58-acre property. This application as submitted **is thus not consistent** with LDC provisions on the parking of commercial vehicles.

However, in the event that the Special Use Permit request is approved, Staff recommends the following condition(s), consistent with LDC Section 4.3.21:

- *This Special Use Permit shall be limited to one (1) dump truck (VIN 2FZHAZCK95AU11879 or 1FU7FY9372B19810).*
- *No mechanical repairs or maintenance of commercial vehicles shall occur within the subject property.*

J. *Consistency with the Comprehensive Plan.*

1. **FLUE Policy 2.1.5** on Permitted and Special Use provides, “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: Staff notes that LDC Section 4.2.3 on the General Agriculture (A-1) Classification explicitly lists commercial vehicle parking as a Special Use, further providing that such uses are required to meet LDC Section 4.3.21., including a maximum of one (1) commercial vehicle over 16,000 pounds in all agriculturally-zoned properties less than five (5) acres in size. The applicant includes a request for two (2) dump trucks on a 4.58-acre property.

Unless all previously-listed conditions are met, this application as submitted is not consistent with FLUE Policy 2.1.5.

2. **FLUE Policy 2.1.16** on Rural Land (RL) provides, "This land use designation is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses. The base density shall be (1) dwelling unit per ten (10) gross acres, and the designation is a Rural Area land use."

Analysis: LDC Section 4.2 explicitly includes the parking of one (1) commercial vehicle as a special use for A-1 zoning, which is consistent with the Rural Land designation. The subject property is designated as Rural Land and the applicant is requesting two (2) dump trucks on a 4.58-acre property. Although both dump trucks are operated by the property owners residing within the subject property, Staff notes that the parking of more than one (1) commercial vehicles over 16,000 pounds would only be allowed in more intensive commercial and industrial zoning classifications.

Therefore, unless previously-listed conditions are met, this use does not align with the intent of Rural Land use and **is thus not consistent** with Policy 2.1.16.

3. **FLUE Policy 3.1.4** on Rural Area outside the UGB provides, "The lands outside of the UGB shall generally be referred to as the Rural Area and development in this area shall be guided by the following principles and as further defined in the LDC:

- (1) Protect the existing rural and equestrian character of the area and acknowledge that a certain portion of the County's population will desire to live in a rural setting.
- (2) Promote and foster the continued operation of agricultural activities, farms, and other related uses that generate employment opportunities in the Rural Area.
- (3) Establish a framework for appropriate future opportunities and development options including standards that address the timing of future development.
- (4) Create a focused strategy for the regulation of mining and resource extraction activity.
- (5) Allow for new Rural Land and Rural Activity Center Future Land Use designations with a Comprehensive Plan Amendment (CPA), as further allowed in this Plan and as further defined in the LDC."

Analysis: LDC Section 4.2 explicitly includes the parking of one (1) commercial vehicle as a special use for A-1 zoning, which is consistent with the Rural Land designation. That said, the applicant is requesting two (2) dump trucks on a 4.58-acre property. Given the number of commercial vehicles, this use is not consistent with the site's Rural Land (RL) designation and **is thus not consistent** with FLUE Policy 3.1.4.

Based on the above findings, staff concludes the SUP **is not consistent** with LDC Sections 2.8.2.D and 2.8.3.B. However, in the event that the Special Use Permit request is approved, Staff recommends the conditions in Section VII of this report to address compliance.

VI. ALTERNATIVE ACTIONS

- 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 so as to support the approval of the Ordinance with conditions, and make a recommendation to the Commission to adopt a proposed Ordinance to **APPROVE WITH CONDITIONS** the Special Use Permit.
- B. 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, make a recommendation 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

Staff recommends the Planning & Zoning (P&Z) Commission 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 **DENY** the Special Use Permit. Staff finds the requested special use, unless previously-listed conditions are met, is not compatible with the surrounding area, is not consistent with the Comprehensive Plan, and will adversely affect the surrounding area.

To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions would be recommended in the event that the Board chooses to approve the requested special use:

1. *The site shall be developed and operated consistent with the concept plan. Any required improvements shall be provided within ninety (90) days of approval.**
2. *The Special Use Permit shall run with the property owner(s), Alain Alberto Gonzalez and Darianny Serrano Mulet.*
3. *This Special Use Permit shall be limited to one (1) dump truck (VIN 2FZHAZCK95AU11879 or 1FU7FY9372B19810).*
4. *Loaded vehicles shall not be permitted on the subject property. Commercial vehicles shall be unloaded prior to entering the subject property.*
5. *No mechanical repairs or maintenance of commercial vehicles shall occur within the subject property.*
6. *The commercial vehicle shall be parked within the designated parking area at all times.*

- a. A paved parking area shall accommodate the entire commercial vehicle.
- 7. The designated parking area shall be screened from SW 105th Street and along PID 3499-000-006 to the east through an opaque privacy fence up to eight (8) feet in height.
- 8. The unpaved gateway currently used by dump trucks shall no longer be used for vehicular access. The existing paved driveway along SW 105th Street, which serves as the primary residential entrance, shall be constructed to commercial driveway standards and shall be used for the ingress and egress of commercial vehicle(s).**
- 9. The Special Use Permit shall expire on January 20, 2029.

*Condition was amended following the publication of the initial Staff report and prior to the Planning & Zoning (P&Z) Commission hearing.

**Condition was amended following the Planning & Zoning (P&Z) Commission hearing for clarification purposes.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

DENIAL (4-1 VOTE)

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for January 20, 2026 at 2:00 PM.

X. LIST OF ATTACHMENTS

- A. Application
- B. DRC Comments Letter
- C. Site Photos
- D. Code Case No. 996765